

Executive Summary – Enforcement Matter – Case No. 62010

3M Company

RN100219005

Docket No. 2022-0235-AIR-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

AIR

Small Business:

No

Location(s) Where Violation(s) Occurred:

3M Brownwood, 4501 Highway 377 South, Brownwood, Brown County

Type of Operation:

Glass bead and plastic films and sheets manufacturing plant

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: July 22, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$41,625

Amount Deferred for Expedited Settlement: \$8,325

Total Paid to General Revenue: \$33,300

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - High

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 3, 2022 through February 16, 2022

Date(s) of NOE(s): February 24, 2022

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3M Company

RN100219005

Docket No. 2022-0235-AIR-E

Violation Information

1. Failed to comply with the maximum allowable emissions rate (“MAER”). Specifically, during a stack test conducted on December 2, 2021, the Respondent exceeded the nitrogen oxides (“NOx”) MAER of 1.17 pounds per hour (“lbs/hr”) by 7.69 lbs/hr for the Former No. 11 Baghouse, Emissions Point Number (“EPN”) 4-44, resulting in approximately 119.20 pounds (“lbs”) of unauthorized NOx emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review (“NSR”) Permit No. 23344, Special Conditions (“SC”) No. 1, Federal Operating Permit (“FOP”) No. O1651, General Terms and Conditions (“GTC”) and Special Terms and Conditions (“STC”) No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
2. Failed to comply with the MAER. Specifically, during a stack test conducted on November 30, 2021, the Respondent exceeded the particulate matter (“PM”) MAER of 0.44 lb/hr by 0.77 lb/hr for the Furnace No. 1 Electrostatic Precipitator (“ESP”) Unit, EPN 4-06, resulting in approximately 1,293.60 lbs of unauthorized PM emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 23344, SC No. 1, FOP No. O1651, GTC and STC No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
3. Failed to comply with the MAER. Specifically, during a stack test conducted on December 7, 2021, the Respondent exceeded the NOx MAER of 1.17 lbs/hr by 6.96 lbs/hr for the Former No. 13 2.4 million British thermal units per hour (“MMBtu/hr”) Exhausted Through a Baghouse, EPN 4-17A, resulting in approximately 20.88 lbs of unauthorized NOx emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 23344, SC No. 1, FOP No. O1651, GTC and STC No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
4. Failed to comply with the MAER. Specifically, during a stack test conducted on December 8, 2021, the Respondent exceeded the NOx MAER of 1.17 lbs/hr by 4.68 lbs/hr for the Former No. 14 2.4 MMBtu/hr Exhausted Through a Baghouse, EPN 4-17C, resulting in approximately 218.09 lbs of unauthorized NOx emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 23344, SC No. 1, FOP No. O1651, GTC and STC No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].
5. Failed to comply with the MAER. Specifically, during a stack test conducted on December 2, 2021, the Respondent exceeded the NOx MAER of 1.17 lbs/hr by 4.84 lbs/hr for the Former No. 18 Baghouse, EPN 4-19, resulting in approximately 86.64 lbs of unauthorized NOx emissions [30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 23344, SC No. 1, FOP No. O1651, GTC and STC No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b)].

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3M Company

RN100219005

Docket No. 2022-0235-AIR-E

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented corrective measures by evaluating the ESP Unit, making changes to the ESP Unit mode settings, conducting an engineering review of the operations and maintenance operations, implementing maintenance and operational controls to control air flow and temperature through the exhaust system going to the ESP Unit, and conducting a stack test demonstrating compliance with the PM hourly MAER for the Furnace No. 1 ESP Unit, EPN 4-06, by February 8, 2022.

Technical Requirements:

The Respondent shall undertake the following technical requirements:

- a. Within 30 days, submit an administratively complete amendment application for NSR Permit No. 23344 to increase the NOx hourly MAERs for the Former No. 11 Baghouse, EPN 4-44, Former No. 13 2.4 MMBtu/hr Exhausted Through a Baghouse, EPN 4-17A, Former No. 14 2.4 MMBtu/hr Exhausted Through a Baghouse, EPN 4-17C, and Former No. 18 Baghouse, EPN 4-19;
- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application by any deadline specified in writing;
- c. Within 45 days, submit written certification to demonstrate compliance with a.; and
- d. Within 180 days, submit written certification that either the amendment for NSR Permit No. 23344 has been obtained or that operations have ceased until such time that the appropriate authorization is obtained, and include detailed supporting documentation to demonstrate compliance.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Danielle Porras, Enforcement Division, Enforcement Team 2, MC R-04, (713) 767-3682; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Russ Bryan, Plant Director, 3M Company, 4501 Highway 377 South, Brownwood, Texas 76801

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	28-Feb-2022			
	PCW	28-Apr-2022	Screening	28-Feb-2022	EPA Due 22-Aug-2022

RESPONDENT/FACILITY INFORMATION	
Respondent	3M Company
Reg. Ent. Ref. No.	RN100219005
Facility/Site Region	3-Abilene
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	62010	No. of Violations	5
Docket No.	2022-0235-AIR-E	Order Type	1660
Media Program(s)	Air	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Margarita Dennis
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$52,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	-10.0% Adjustment	Subtotals 2, 3, & 7	-\$5,250
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Notes: Since the reduction for two notices of intent to conduct an audit and one disclosure of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero. Reduction for High Performer classification.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$5,625
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$445
 Estimated Cost of Compliance \$13,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$41,625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$41,625
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$41,625
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DEFERRAL	20.0% Reduction	Adjustment	-\$8,325
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$33,300
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Screening Date 28-Feb-2022

Docket No. 2022-0235-AIR-E

PCW

Respondent 3M Company

Policy Revision 5 (January 28, 2021)

Case ID No. 62010

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100219005

Media Air

Enf. Coordinator Margarita Dennis

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	2	-2%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	1	-2%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Since the reduction for two notices of intent to conduct an audit and one disclosure of violations is below zero, the Adjustment Percentage (Subtotal 2) defaults to zero. Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) -10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% -10%

Screening Date 28-Feb-2022 **Docket No.** 2022-0235-AIR-E **PCW**
Respondent 3M Company *Policy Revision 5 (January 28, 2021)*
Case ID No. 62010 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100219005
Media Air
Enf. Coordinator Margarita Dennis

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 23344, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1651, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 9, and Tex. Health & Safety Code § 382.085(b)

Violation Description Failed to comply with the maximum allowable emissions rate ("MAER"). Specifically, during a stack test conducted on December 2, 2021, the Respondent exceeded the nitrogen oxides ("NOx") MAER of 1.17 pounds per hour ("lbs/hr") by 7.69 lbs/hr for the Former No. 11 Baghouse, Emissions Point Number ("EPN") 4-44, resulting in approximately 119.20 pounds ("lbs") of unauthorized NOx emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			X	30.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 8 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended for the period of non-compliance from the date of the stack test on December 2, 2021 to the date the production activity ceased on December 10, 2021.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$368

Violation Final Penalty Total \$6,750

This violation Final Assessed Penalty (adjusted for limits) \$6,750

Economic Benefit Worksheet

Respondent 3M Company
Case ID No. 62010
Reg. Ent. Reference No. RN100219005
Media Air
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$5,000	2-Dec-2021	24-May-2023	1.47	\$368	n/a	\$368
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to obtain an amendment for NSR Permit No. 23344 to increase the NOx hourly MAERs for the Former No. 11 Baghouse, EPN 4-44, Former No. 13 2.4 million British thermal units per hour ("MMBtu/hr") Exhausted Through a Baghouse, EPN 4-17A, Former No. 14 2.4 MMBtu/hr Exhausted Through a Baghouse, EPN 4-17C, and Former No. 18 Baghouse, EPN 4-19. Date Required is the initial date of non-compliance. Final Date is the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$368

Screening Date 28-Feb-2022 **Docket No.** 2022-0235-AIR-E **PCW**
Respondent 3M Company *Policy Revision 5 (January 28, 2021)*
Case ID No. 62010 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100219005
Media Air
Enf. Coordinator Margarita Dennis

Violation Number
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 23344, SC No. 1, FOP No. O1651, GTC and STC No. 9, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to comply with the MAER. Specifically, during a stack test conducted on November 30, 2021, the Respondent exceeded the particulate matter ("PM") MAER of 0.44 lb/hr by 0.77 lb/hr for the Furnace No. 1 Electrostatic Precipitator ("ESP") Unit, EPN 4-06, resulting in approximately 1,293.60 lbs of unauthorized PM emissions.

Base Penalty

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes: Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input checked="" type="checkbox"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Three monthly events are recommended for the period of non-compliance from the date of the stack test on November 30, 2021 through the date of compliance on February 8, 2022.

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

Notes: The Respondent achieved compliance by February 8, 2022, prior to the Notice of Enforcement dated February 24, 2022.

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent 3M Company
Case ID No. 62010
Reg. Ent. Reference No. RN100219005
Media Air
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$8,000	30-Nov-2021	8-Feb-2022	0.19	\$77	n/a	\$77

Notes for DELAYED costs

Estimated cost to evaluate the ESP Unit, make changes to the ESP Unit mode settings, conduct an engineering review of the operations and maintenance operations, implement maintenance and operational controls to control air flow and temperature through the exhaust system going to the ESP Unit, and conduct a stack test demonstrating compliance with the PM hourly MAER for the Furnace No. 1 ESP Unit, EPN 4-06. Date Required is the initial date of non-compliance. Final Date is the date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$8,000

TOTAL \$77

Screening Date 28-Feb-2022 **Docket No.** 2022-0235-AIR-E **PCW**
Respondent 3M Company *Policy Revision 5 (January 28, 2021)*
Case ID No. 62010 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100219005
Media Air
Enf. Coordinator Margarita Dennis

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 23344, SC No. 1, FOP No. O1651, GTC and STC No. 9, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to comply with the MAER. Specifically, during a stack test conducted on December 7, 2021, the Respondent exceeded the NOx MAER of 1.17 lbs/hr by 6.96 lbs/hr for the Former No. 13 2.4 MMBtu/hr Exhausted Through a Baghouse, EPN 4-17A, resulting in approximately 20.88 lbs of unauthorized NOx emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	30.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 3 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended for the period of non-compliance from the date of the stack test on December 7, 2021 to the date the production activity ceased on December 10, 2021.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$0 **Violation Final Penalty Total** \$6,750

This violation Final Assessed Penalty (adjusted for limits) \$6,750

Economic Benefit Worksheet

Respondent 3M Company
Case ID No. 62010
Reg. Ent. Reference No. RN100219005
Media Air
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See the Economic Benefit in Violation No. 1.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 28-Feb-2022 **Docket No.** 2022-0235-AIR-E **PCW**
Respondent 3M Company *Policy Revision 5 (January 28, 2021)*
Case ID No. 62010 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100219005
Media Air
Enf. Coordinator Margarita Dennis

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 23344, SC No. 1, FOP No. O1651, GTC and STC No. 9, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to comply with the MAER. Specifically, during a stack test conducted on December 8, 2021, the Respondent exceeded the NOx MAER of 1.17 lbs/hr by 4.68 lbs/hr for the Former No. 14 2.4 MMBtu/hr Exhausted Through a Baghouse, EPN 4-17C, resulting in approximately 218.09 lbs of unauthorized NOx emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	30.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 2 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended for the period of non-compliance from the date of the stack test on December 8, 2021 to the date the production activity ceased on December 10, 2021.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$0 **Violation Final Penalty Total** \$6,750

This violation Final Assessed Penalty (adjusted for limits) \$6,750

Economic Benefit Worksheet

Respondent 3M Company
Case ID No. 62010
Reg. Ent. Reference No. RN100219005
Media Air
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See the Economic Benefit in Violation No. 1.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Screening Date 28-Feb-2022 **Docket No.** 2022-0235-AIR-E **PCW**
Respondent 3M Company *Policy Revision 5 (January 28, 2021)*
Case ID No. 62010 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100219005
Media Air
Enf. Coordinator Margarita Dennis

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 23344, SC No. 1, FOP No. O1651, GTC and STC No. 9, and Tex. Health & Safety Code § 382.085(b)
Violation Description Failed to comply with the MAER. Specifically, during a stack test conducted on December 2, 2021, the Respondent exceeded the NOx MAER of 1.17 lbs/hr by 4.84 lbs/hr for the Former No. 18 Baghouse, EPN 4-19, resulting in approximately 86.64 lbs of unauthorized NOx emissions.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual			x	30.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 1 8 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

One monthly event is recommended for the period of non-compliance from the date of the stack test on December 2, 2021 to the date the production activity ceased on December 10, 2021.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$0 **Violation Final Penalty Total** \$6,750

This violation Final Assessed Penalty (adjusted for limits) \$6,750

Economic Benefit Worksheet

Respondent 3M Company
Case ID No. 62010
Reg. Ent. Reference No. RN100219005
Media Air
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See the Economic Benefit in Violation No. 1.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN600291397, RN100219005, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN600291397, 3M Company **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN100219005, 3M Brownwood **Classification:** HIGH **Rating:** 0.00

Complexity Points: 15 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 4501 United States Highway 377 South, Brownwood, Brown County, Texas 76801

TCEQ Region: REGION 03 - ABILENE

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER BQ0009S
AIR NEW SOURCE PERMITS AFS NUM 4804900001
AIR NEW SOURCE PERMITS ACCOUNT NUMBER BQ0009S
AIR NEW SOURCE PERMITS REGISTRATION 53739
AIR NEW SOURCE PERMITS PERMIT 71623
AIR NEW SOURCE PERMITS REGISTRATION 53857
AIR NEW SOURCE PERMITS REGISTRATION 79761
AIR NEW SOURCE PERMITS REGISTRATION 38338
AIR NEW SOURCE PERMITS REGISTRATION 33683
AIR NEW SOURCE PERMITS REGISTRATION 26851
AIR NEW SOURCE PERMITS REGISTRATION 13298
AIR NEW SOURCE PERMITS REGISTRATION 82780
AIR NEW SOURCE PERMITS REGISTRATION 89091
AIR NEW SOURCE PERMITS REGISTRATION 105541
AIR NEW SOURCE PERMITS REGISTRATION 105539
AIR NEW SOURCE PERMITS REGISTRATION 105527
AIR NEW SOURCE PERMITS REGISTRATION 105526
AIR NEW SOURCE PERMITS REGISTRATION 105543
AIR NEW SOURCE PERMITS REGISTRATION 143694
AIR EMISSIONS INVENTORY ACCOUNT NUMBER BQ0009S
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD001806868

AIR OPERATING PERMITS PERMIT 1651
AIR NEW SOURCE PERMITS PERMIT 23344
AIR NEW SOURCE PERMITS REGISTRATION 52642
AIR NEW SOURCE PERMITS REGISTRATION 21010
AIR NEW SOURCE PERMITS REGISTRATION 52692
AIR NEW SOURCE PERMITS REGISTRATION 78210
AIR NEW SOURCE PERMITS REGISTRATION 42287
AIR NEW SOURCE PERMITS REGISTRATION 36669
AIR NEW SOURCE PERMITS REGISTRATION 31870
AIR NEW SOURCE PERMITS REGISTRATION 10757
AIR NEW SOURCE PERMITS REGISTRATION 4940
AIR NEW SOURCE PERMITS REGISTRATION 84056
AIR NEW SOURCE PERMITS REGISTRATION 95594
AIR NEW SOURCE PERMITS REGISTRATION 105545
AIR NEW SOURCE PERMITS REGISTRATION 105544
AIR NEW SOURCE PERMITS REGISTRATION 105524
AIR NEW SOURCE PERMITS REGISTRATION 105542
AIR NEW SOURCE PERMITS REGISTRATION 146609
STORMWATER PERMIT TXR05FE77
POLLUTION PREVENTION PLANNING ID NUMBER P01664
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) 30536

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: February 28, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 28, 2017 to February 28, 2022

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Margarita Dennis

Phone: (817) 588-5892

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	December 15, 2017	(1442942)
Item 2	October 26, 2018	(1523354)
Item 3	November 04, 2019	(1592550)
Item 4	November 21, 2019	(1592826)
Item 5	September 30, 2020	(1677399)
Item 6	April 23, 2021	(1709008)
Item 7	November 12, 2021	(1765412)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

Notice of Intent Date: 03/29/2021 (1707407)

Disclosure Date: 04/13/2021

Viol. Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)(2)(F)

Description: Failure to maintain hourly VOC emissions within Maximum Allowable Emissions Rates as specified in Permit No. 71623.

Notice of Intent Date: 01/27/2022 (1794475)

No DOV Associated

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
3M COMPANY
RN100219005

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0235-AIR-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding 3M Company (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a glass bead and plastic films and sheets manufacturing plant located at 4501 Highway 377 South in Brownwood, Brown County, Texas (the "Plant"). The Plant consists or consisted of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$41,625 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$33,300 of the penalty and \$8,325 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented corrective measures at the Plant by evaluating the Electrostatic Precipitator ("ESP") Unit, making changes to the ESP Unit mode settings, conducting an engineering review of the operations and maintenance operations, implementing maintenance and operational controls to control air flow and temperature through the exhaust system going to the ESP Unit, and conducting a stack test demonstrating compliance with the particulate matter ("PM") hourly maximum allowable emissions rate ("MAER") for the Furnace No. 1 ESP Unit, Emissions Point Number ("EPN") 4-06, by February 8, 2022.

II. ALLEGATIONS

During a record review conducted from February 3, 2022 through February 16, 2022, an investigator documented that the Respondent:

1. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), New Source Review ("NSR") Permit No. 23344, Special Conditions ("SC") No. 1, Federal Operating Permit ("FOP") No. O1651, General Terms and Conditions ("GTC") and Special Terms and Conditions ("STC") No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted on December 2, 2021, the Respondent exceeded the nitrogen oxides ("NOx") MAER of 1.17 pounds per hour ("lbs/hr") by 7.69 lbs/hr for the Former No. 11 Baghouse, EPN 4-44, resulting in approximately 119.20 pounds ("lbs") of unauthorized NOx emissions.
2. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 23344, SC No. 1, FOP No. O1651, GTC and STC No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted on November 30, 2021, the Respondent exceeded the PM MAER of 0.44 lb/hr by 0.77 lb/hr for the Furnace No. 1 ESP Unit, EPN 4-06, resulting in approximately 1,293.60 lbs of unauthorized PM emissions.
3. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 23344, SC No. 1, FOP No. O1651, GTC and STC No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted on December 7, 2021, the Respondent exceeded the NOx MAER of 1.17 lbs/hr by 6.96 lbs/hr for the Former No. 13 2.4 million British thermal units per hour ("MMBtu/hr") Exhausted Through a Baghouse, EPN 4-17A, resulting in approximately 20.88 lbs of unauthorized NOx emissions.

4. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 23344, SC No. 1, FOP No. O1651, GTC and STC No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted on December 8, 2021, the Respondent exceeded the NOx MAER of 1.17 lbs/hr by 4.68 lbs/hr for the Former No. 14 2.4 MMBtu/hr Exhausted Through a Baghouse, EPN 4-17C, resulting in approximately 218.09 lbs of unauthorized NOx emissions.
5. Failed to comply with the MAER, in violation of 30 TEX. ADMIN. CODE §§ 116.115(b)(2)(F) and (c) and 122.143(4), NSR Permit No. 23344, SC No. 1, FOP No. O1651, GTC and STC No. 9, and TEX. HEALTH & SAFETY CODE § 382.085(b). Specifically, during a stack test conducted on December 2, 2021, the Respondent exceeded the NOx MAER of 1.17 lbs/hr by 4.84 lbs/hr for the Former No. 18 Baghouse, EPN 4-19, resulting in approximately 86.64 lbs of unauthorized NOx emissions.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: 3M Company, Docket No. 2022-0235-AIR-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this order, submit an administratively complete amendment application for NSR Permit No. 23344 to increase the NOx hourly MAERs for the Former No. 11 Baghouse, EPN 4-44, Former No. 13 2.4 MMBtu/hr Exhausted Through a Baghouse, EPN 4-17A, Former No. 14 2.4 MMBtu/hr Exhausted Through a Baghouse, EPN 4-17C, and Former No. 18 Baghouse, EPN 4-19, in accordance with 30 TEX. ADMIN. CODE § 116.111, to:

Air Permits Division, MC 163
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit amendment application by any deadline specified in writing.

- c. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a., as described in Ordering Provision No. 2.d.
- d. Within 180 days after the effective date of this Order, submit written certification that either the amendment for NSR Permit No. 23344 has been obtained or that operations have ceased until such time that the appropriate authorization is obtained, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Air Section Manager
Abilene Regional Office
Texas Commission on Environmental Quality
1977 Industrial Blvd
Abilene, Texas 79602-7833

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Plant operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



10/24/2022

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



04/29/2022

Signature

Date

Russ Bryan

Plant Director

Name (Printed or typed)
Authorized Representative of
3M Company

Title

If mailing address has changed, please check this box and provide the new address below:

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.