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BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the matter of:

Minnesota Mining and Manufacturing Co.
900 Bush Avenue, Building 41-01-07
St. Paul, Minnesota 55133-3331

Director's Final
Findings and Orders

Pursuant to Section 3734.02(G) of the Ohio Revised Code (ORC), the Director of Environmental Protection (Director) hereby makes the following Findings and issues the following Orders.

FINDINGS

1. The Minnesota Mining and Manufacturing Co. (3M) owns property which during its operation contained four distinct historical solid waste disposal areas which operated from approximately 1920 to 1984. The property is identified as the 3M Copley Works and is located at 3154 Copley Road, Copley Township, Summit County, Ohio. The four distinct disposal areas and their dates of operation are identified as follows:
 - A. East Landfill Area: Approximately 1947 to 1984 (contiguous with West Landfill)
 - B. West Landfill Area: Approximately 1942 to 1950 (contiguous with East Landfill)
 - C. North Lagoon Annex Area: Approximately 1960 to 1984
 - D. Quarry Landfill Area: Approximately 1920 to 1947
2. 3M's "solid waste disposal facility", as defined in 3M's 1978 operational report, was comprised of the East Landfill, West Landfill, and North Lagoon Annex Landfill and was closed in 1984 by 3M in accordance with former Ohio Administrative Code (OAC) Rule 3745-27-09, effective July 29, 1976. Closure activities were observed by the Summit County Health Department. The Quarry Landfill closed in approximately 1947 under no state regulations or regulatory oversight.
3. OAC Rule 3745-27-13(A) states, in part: "No person shall, without prior authorization from the Director, engage in filling, grading, excavating, building, drilling, or mining on land where a hazardous waste facility or solid waste facility was operated."

I certify this to be a true and accurate copy of the
official comments as filed in the public file of the Ohio
Environmental Protection Agency.
Zona L. Clements 4-30-02

4. ORC Section 3734.02(H) states, in part: "No person shall engage in filling, grading, excavating] building, drilling, or mining on land where a hazardous waste facility, or a solid waste facility, was operated without prior authorization from the Director, who shall establish the procedure for granting such authorization by rules adopted in accordance with Chapter 119 of the Revised Code."
5. On August 12, 1996, 3M requested authorization under OAC 3745-27-13 to consolidate materials from the North Lagoon Annex, the Quarry Landfill, and wastes generated through demolition of various portions of the existing facility into the East Landfill/West Landfill. 3M received authorization from Ohio EPA to complete these activities in Director's Final Findings and Orders (DFFOs) dated June 26, 1998.
6. Under the June 26, 1998, DFFOs, 3M was authorized to completely remove all solid waste associated with both the Quarry Landfill and the North Lagoon Annex and voluntarily remove contaminated soils under and adjacent to both the Quarry Landfill and North Lagoon Annex. Materials removed from both areas were consolidated into the East Landfill area of the 3M Copley Landfill, which operated as a licensed industrial solid waste disposal facility until wastes from all four areas were consolidated. Once all materials were removed from both the Quarry Landfill and North Lagoon Annex, grades were re-established to promote positive drainage of each area. Activities authorized under the June 26, 1998, DFFOs include confirmation sampling of remaining soils beneath the former landfill for use in a Voluntary Action Program demonstration.
7. 3M began removal of both the Quarry Landfill and the North Lagoon Annex on September 15, 1998, and completed removal activities on December 21, 1998. A report titled *Quarry Landfill Removal Completion Report*, dated March 1999, was submitted to Ohio EPA on March 22, 1999, demonstrating and certifying that work within the Quarry Landfill had been conducted in accordance with the June 26, 1998, DFFOs. On July 6, 1999, Ohio EPA granted 3M an exemption pursuant to ORC 3734.02(G) from the requirement to apply for and obtain authorization pursuant to ORC 3734.02(H) and OAC 3745-27-13 for future activities on the Quarry Landfill.
8. On February 2, 2002, 3M submitted a report to Ohio EPA titled *North Lagoon Annex Removal Completion Report* dated January 2002, demonstrating and certifying that work within the North Lagoon Annex had been conducted in accordance with the June 26, 1998, DFFOs. An addenda to the *North Lagoon Annex Removal Completion Report* dated February 28, 2002, was received on March 8, 2002.

9. Ohio EPA has determined through review of the documents referenced in Finding No. 8, and through site inspections, that the North Lagoon Annex of the 3M Copley Landfill has been completely removed and that site restoration activities have been completed in accordance with the June 26, 1998, DFFOs.
10. On February 6, 2002, and again on March 1, 2002, 3M specifically requested authorization pursuant to ORC Section 3734.02(G) from the requirement to apply for and obtain authorization pursuant to ORC Section 3734.02(H) and OAC Rule 3745-27-13 for future activities on the former North Lagoon Annex.
11. Pursuant to ORC Section 3734.02(G), the Director may, by Order, exempt any person generating, storing, treating, disposing of, or transporting solid waste in such quantities or under such circumstances that, in the determination of the Director, are unlikely to adversely affect the public health or safety or the environment from any requirement to obtain a permit or license or comply with any other requirements of ORC Chapter 3734.
12. Based on the submittals referenced in Finding No. 8, issuance of an exemption, pursuant to ORC Section 3734.02(G), from the requirement to obtain authorization from the director under ORC Section 3734.02(H) and OAC 3745-27-13 prior to filling, grading, excavating, building, drilling, or mining within the footprint of the former North Lagoon Annex of the 3M Copley Landfill, is unlikely to adversely affect public health or safety or the environment.

ORDERS

1. 3M is hereby granted an exemption from the requirement to apply for and obtain authorization from the Director as required by ORC Section 3734.02(H) and OAC Rule 3745-27-13, to perform filling, grading, excavating, building, drilling, or mining within the footprint of the former North Lagoon Annex, provided that 3M complies with the terms and conditions of the following Orders.
2. This exemption shall apply only to those activities for which the North Lagoon Annex's status as part of a former solid waste disposal facility would have required authorization pursuant to ORC Section 3734.02(H) and OAC Rule 3745-27-13. Nothing in these Findings and Orders shall be construed to authorize a waiver from ORC Section 3734.02(H) and OAC Rule 3745-27-13 for any other solid waste disposal areas either within or outside the footprint of the former North Lagoon Annex of the 3M Copley Landfill.

3. Nothing in these Findings and Orders shall be construed to authorize any waiver from the requirements of any applicable state solid waste laws or regulations. Furthermore, this authorization shall not be interpreted to release 3M or others from responsibility under ORC Chapters 3704, 3714, 3734, or 6111; under the Federal Clean Water Act, the Resource Conservation and Recovery Act, the Toxic Substances Control Act, or the Comprehensive Environmental Response, Compensation, and Liability Act; or from other applicable requirements for remedying conditions resulting from any release of contaminants from the facility to the environment.

IT IS SO ORDERED:



Christopher Jones, Director