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From: Eric A. Reiner/ET-ET&S/3M/US  
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Subject: Draft Fluorochemical Waste Disposal Guidance

Dave, Scott, Robert,

The three of you have agreed to help me develop guidelines that could be used to select appropriate disposal procedures for fluorochemical containing process wastes. Below is a first try at developing such guidance. I would like your input on how this could be improved or expanded. Let me know if you think it would be valuable to for the four of us to meet to brainstorm on further criteria.

The objective of this Fluorochemical Waste Disposal Guidance is to reduce risks to people and the environment. Risks will be reduced by selecting disposal options that minimize human or environmental exposure to fluorochemicals, to hazardous fluorochemical transformation products, and to other hazardous components of the waste stream. We will try to make this guidance consistent with current regulatory requirements but that is not the purpose of the guidance. Those persons disposing of the waste will retain responsibility for regulatory compliance.

DRAFT Fluorochemical Waste Disposal Guidance.

In order to use these guidelines, the user must first characterize the fluorochemical waste. This is done by a thorough review of the waste generating process and its chemistries and may be supplemented by chemical analysis of the waste. If waste stream composition is likely to be variable, chemical analysis should include a sufficient number of samples to be sure that the range of possible compositions is understood. It may be necessary to sample and analyze wastes from each process contributing to the waste stream. Understanding the composition of waste streams and their variability will allow the user to select appropriate treatment or disposal options.

The criteria apply to wastes as they are finally disposed of. Thus, if a waste stream is stabilized or pretreated prior to disposal, the user should characterize the pretreated or stabilized waste, so the nature of the waste actually disposed of is known.

Disposal criteria:

First, comply with RCRA and other applicable regulatory requirements for storing, treating, classifying, and disposing of fluorochemical wastes.

Then, either perform a risk assessment, or comply with the numbered criteria listed below.

If performed, a risk assessment should determine the probability of adverse effects to health and the environment from the storage, treatment, and disposal of a fully characterized fluorochemical waste stream in specific treatment, storage, or disposal facilities. This assessment should consider both the probability of effects during storage, treatment, and disposal processes and of future effects occurring over time. The risk of future effects depends on the potential for waste stream component and degradation products to move from the

**Exhibit  
1459**

State of Minnesota v. 3M Co.,  
Court File No. 27-CV-10-28862

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