

ALABAMA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF

MONSANTO COMPANY

NPDES PERMIT NO. AL0000116

ORDER NO. 93-020-WP

FINDINGS OF FACTS

Pursuant to the provisions of the Alabama Environmental Management Act, Code of Alabama 1975, §§ 22-22A-1 through 22-22A-16 (1990 Rplc. Vol.), the Alabama Water Pollution Control Act, Code of Alabama 1975, §§ 22-22-1 through 22-22-14 (1990 Rplc. Vol.), and the National Pollutant Discharge Elimination System administered by the Alabama Department of Environmental Management (hereinafter "the Department") and approved by the Administrator of the U.S. Environmental Protection Agency pursuant to the Federal Water Pollution Control Act § 402, 33 U.S.C § 1342, the Department makes the following FINDINGS OF FACTS:

1. Monsanto Chemical Company (the Permittee) operates an organic chemical manufacturing facility in Decatur, Alabama.

2. On September 25, 1991 the Department issued NPDES Permit Number AL0000116 (the Permit) to the Permittee, which authorized the discharge of wastewaters to waters of the state subject to certain terms, conditions and limitations.

3. The Permit included limitations on the discharge of various pollutant parameters as follows:

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LIMITATIONS

PARAMETER	DAILY MINIMUM	DAILY MAXIMUM	MONTHLY AVERAGE	OUTFALL #
pH (s.u.)	6	9	n/a	004
Iron (mg/l)	n/a	7	3.5	005*
TSS (mg/l)	n/a	70	35	005*
DNB-pH(lbs/day)	n/a	1.331	0.631	004
Zinc (lbs/day)	n/a	6.3	2.50	004
methylene chloride (lbs/day)	n/a	2.078	0.934	004

4. The Permittee violated the discharge limitations of the Permit as follows:

DATE	PARAMETER	VIOLATION	OUTFALL #
September 1990	Iron, Daily Max.	17.50 mg/l	005*
October 1990	pH	5.97 s.u	004
October 1990	pH	5.96 s.u.	004
January 1991	Iron, Mo. Avg.	3.91 mg/l	005*
January 1991	TSS, Mo. Avg.	41 mg/l	005*
April 1991	Iron, Mo. Avg.	3.75 mg/l	005*
May 1991	TSS, daily max.	124 mg/l	005*
May 1991	TSS, Mo. Avg.	73 mg/l	005*
May 1991	Iron, Mo. Avg.	3.429 mg/l	005*
October 1991	B(2-EH)-pH, Mo. Avg.	2.789 ppd	004
October 1991	DNB-pH, Daily Max.	1.892 ppd	004
November 1991	Zinc, Mo. Avg.	2.93 ppd	004
January 1992	B(2-EH)-pH, Daily Max.	10.362 ppd	004
January 1992	B(2-EH)-pH, Mo. Avg.	5.288 ppd	004
March 1992	Methylene Chloride	3.355 ppd	004

5. The Permittee had greater than 10% mortality of fathead minnows and ceriodaphnia in acute toxicity tests and greater than 10% mortality on 3 out of 4 accelerated toxicity tests, in violation of Part IV.B.5. of the Permit, for October 1990.

6. The Permittee had greater than 10% mortality on fathead minnows in acute toxicity tests and greater than 10% mortality on 3 out of 4 accelerated toxicity tests, in violation of Part IV.B.5. of the Permit, for January 1992.

7. The Permittee was sent warning letters for the above violations on October 30, 1991.

8. The Permittee was sent Notices of Violation for the above violations on January 8, 1992.

9. The Permittee had greater than 10% mortality reported on fathead minnows and ceriodaphnia in acute toxicity tests for April 1994 at outfall 004. The Permittee failed 2 out of 4 accelerated toxicity tests on fathead minnows and 3 out of 4 toxicity tests on ceriodaphnia, in violation of Part IV.B.5 of the permit.

10. The Permittee had greater than 10% mortality reported on fathead minnows in 4 out of 4 acute toxicity tests for the month of July, 1992 at outfall 004 in violation of Part IV.B.5 of the permit.

11. The Permittee had greater than 10% mortality reported on fathead minnows and ceriodaphnia in 2 out of 3 accelerated acute toxicity tests for the month of October 1992 at outfall 004 in violation of Part IV.B.5. of the Permit.9.

12. Reductions in effluent ammonia are needed.

13. Previous enforcement efforts have failed to resolve the above violations of the Permit.

14. The Permittee has the ability to pay the civil penalty assessed herein.

15. The Permittee's land application site is no longer suited for that purpose.

ORDER

Based upon the foregoing FINDINGS OF FACTS and pursuant to Code of Alabama 1975, §§ 22-22A-5(10), 22-22-9(c), 22-22-9(i), and 22-22-9(k) (1990 Rplc. Vol.) and the National Pollutant Discharge Elimination System administered by the Department and approved by the Administrator of the U.S. Environmental Protection Agency pursuant to the Federal Water Pollution Control Act, § 402, 33 U.S.C. § 1342, it is hereby ORDERED:

A. That within 30 days from the date of this Order the Permittee will pay to the Department a civil penalty in the amount of Four Thousand Seven Hundred Dollars (\$4,700).

B. That within 60 days from the date of this Order the Permittee will submit for the Department's review a plan prepared by a professional engineer licensed in the State of Alabama which is intended to resolve toxicity exceedences.

C. That within 365 days from the date of this Order the Permittee will comply with the toxicity limitations of the Permit, and will maintain compliance with those limitations each and every day thereafter.

D. That the Permittee will completely cease land application at the facility within 3 years from the date of this Order.

E. That the Permittee will initiate groundwater monitoring in wells M-1, M-2, M-3, M-5, M-13 and M-13R, once per quarter so long as the present land application site remains in use.

F. That within 180 days from the date of this Order the Permittee will submit for the Department's review and will have implemented a Best Management Practices Plan intended to prevent spills and the introduction of pollutants into the Permittee's cooling water discharges.

G. That within 365 days from the date of this Order the Permittee will attain compliance with all other discharge limitations of the Permit, and will maintain compliance with those limitations each and every day thereafter.

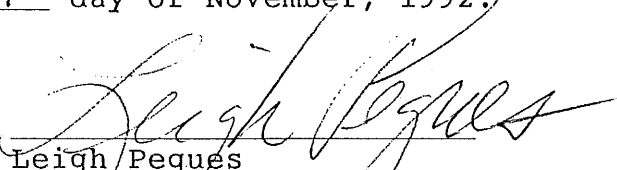
H. That within 9 months from the date of this Order the Permittee will complete diffuser modifications. During the interim the whole effluent toxicity test required by the permit shall use an instream waste concentration of 5% and no test shall result in mortality of greater than 10% for either test organism.

I. That within 6 months from the date of this Order the Permittee shall complete and submit a proposal to the Department for the reduction of effluent ammonia.

J. That failure to comply with any of the provisions of this Order shall constitute cause for the commencement of legal action for the recovery of civil penalties, criminal fines or other appropriate relief by the Department or others against the Permittee.

K. That the issuance of this Order does not preclude the Department or others from seeking civil penalties, criminal fines, or other appropriate sanctions or relief against the Permittee for violation of its permit.

ORDERED and ISSUED this 19th day of November, 1992.



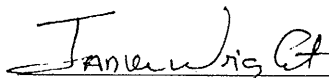
Leigh Pegues
Alabama Department of
Environmental Management
1751 Cong. W.L. Dickinson Drive
Montgomery, AL 36130
(205) 271-7700

CERTIFICATE OF SERVICE

I, James L. Wright, hereby certify that I have served Administrative Order No. 93-020-WP upon the Monsanto Company by sending the same postage paid, through the U.S. Mail, as Certified Mail No. P 055 116 345, with instructions to forward and return receipt requested to:

The Corporation Company
60 Commerce Street
Montgomery, AL 36103

DONE this 19th day of November, 1992.


James L. Wright