

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

Env. Contact File No. 376*

1200 SIXTH AVENUE

SEATTLE, WASHINGTON 98101

cc: Messrs: W.K. Condie
C.M. Davis
L.G. Duncan
M.R. Foresman - G4WA
B.J. Gilhousen - G3WB
*D.W. Haines
J.J. Nolte
P. Warner



REPLY TO
ATTN OF: Mail Stop 521

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

SEP 21 1982

* No Attachments

W. K. Condie
Environmental Engineering Supervisor
Monsanto Company
P.O. Box 816
Soda Springs, Idaho 83276

Re: Reissuance of NPDES Permit No.: ID-000119-8

Dear Mr. Condie:

The Environmental Protection Agency (EPA) has made the determination to reissue a National Pollutant Discharge Elimination System (NPDES) permit covering the discharge from your facility. This permit incorporates a thermal load limitation in lieu of a temperature and flow limitation. It also deletes the limitations and monitoring requirements for pH, phosphorus, and suspended solids.

Enclosed is your official copy of the reissued permit which demonstrates that your facility is duly authorized to discharge into Soda Creek subject to certain specified requirements.

Since there were no comments received during the public notice period, the reissuance is effective as of this date.

Sincerely,

A handwritten signature in cursive script that reads "Robert S. Burd".

Robert S. Burd, Director,
Water Division

Enclosures

cc: Idaho Operations Office, EPA
Idaho Department of Health and Welfare
Idaho Department of Health and Welfare, Pocatello Field Office

Permit No.: ID-000119-8
Application No.: ID-000119-8

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. §1251 et seq; the "Act"),

MONSANTO COMPANY

is authorized to discharge from a facility located at Soda Springs, Idaho to receiving waters named Soda Creek in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on September 21, 1982.

This permit and the authorization to discharge shall expire at midnight, September 21, 1987.

Signed this 21st day of September 1982.



Director, Water Division - Region 10
U.S. Environmental Protection Agency

TABLE OF CONTENTS

Cover Sheet--Issuance and Expiration Dates

	<u>Page</u>
I. Effluent Limitations and Monitoring Requirements	4
A. Specific Limitations and Monitoring Requirements	4
B. Definitions	4
II. Monitoring, Recording and Reporting Requirements	5
A. Representative Sampling	5
B. Monitoring Procedures	5
C. Penalties for Tampering	5
D. Reporting of Monitoring Results	5
E. Compliance Schedules	6
F. Additional Monitoring by the Permittee	6
G. Records Contents	6
H. Retention of Records	6
I. Twenty-four Hour Notice of Noncompliance Reporting	6
J. Other Noncompliance Reporting	7
K. Inspection and Entry	7
III. Compliance Responsibilities	8
A. Duty to Comply	8
B. Penalties for Violations of Permit Conditions	8
C. Need to Halt or Reduce Activity not a Defense	8
D. Duty to Mitigate	9
E. Proper Operation and Maintenance	9
F. Removed Substances	9
G. Bypass of Treatment Facilities	9

TABLE OF CONTENTS (Continued)

	<u>Page</u>
H. Upset Conditions	10
I. Toxic Pollutants	11
IV. General Requirements	11
A. Changes in Discharge of Toxic Substances	11
B. Planned Changes	12
C. Permit Actions	12
D. Duty to Reapply	12
E. Duty to Provide Information	12
F. Other Information	12
G. Signatory Requirements	12
H. Penalties for Falsification of Reports	13
I. Availability of Reports	14
J. Oil and Hazardous Substance Liability	14
K. Property Rights	14
L. Severability	14
M. Transfers	14

I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Specific Limitations and Monitoring Requirements

1. During the period beginning on the effective date of this permit and lasting through the date of expiration the permittee is authorized to discharge from outfall number 001.

a. Such discharges shall be limited and monitored by the permittee as:

	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS</u>	
	<u>kg/day Daily Avg.</u>	<u>(lbs/day) Daily Max.</u>	<u>Other Units Daily Avg.</u>	<u>Measurement Frequency</u>	<u>Sample Type</u>
Flow	-	-	-	Continuous	-
Temperature	-	-	-	Daily	Grab
Thermal Load	-	-	1.32 x109 BTU/day	-	-

b. There shall be no discharge of floating solids or visible foam in other than trace amounts.

c. Samples taken in compliance with the monitoring requirements specified above shall be taken in the effluent stream prior to discharge to the receiving waters.

d. Thermal load shall be computed based on the flow and the number of degrees by which the discharge temperature exceeds 32°F.

e. Thermal load calculation:

$$(T - 32^{\circ}\text{F}) \times [\text{flow}] \text{ gal/day} \times 8.345 \text{ lb/gal} \times 1.0 \text{ BTU/lb/}^{\circ}\text{F} = \text{_____ BTU/day.}$$

B. Definitions

a. "Daily Max" is the highest value recorded on any day during the monitoring period.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- C. Penalties for Tampering. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.
- D. Reporting of Monitoring Results. Monitoring results shall be summarized each month on Discharge Monitoring Report (DMR) form (EPA No. 3320-1). The reports shall be submitted monthly and are to be postmarked by the 10th day of the following month. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part IV. G. Signatory Requirements, and submitted to the Director, Water Division and the State agency at the following addresses:

original to: United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Attn: Water Compliance Section, Mail Stop 521

copy to:

Idaho Department of Health and Welfare
Division of Environment
Statehouse
Boise, Idaho 83720

- E. Compliance Schedules. Reports of compliance or noncompliance with, or any progress reports on interim and final requirements contained in any Compliance Schedule of this permit (Part IA) shall be submitted no later than 10 days following each schedule date.
- F. Additional Monitoring by the Permittee. If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR. Such increased frequency shall also be indicated.
- G. Records Contents. Records of monitoring information shall include:
- a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
- H. Retention of Records. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
- I. Twenty-four Hour Notice of Noncompliance Reporting.
1. The following occurrences of noncompliance shall be reported orally within 24 hours from the time the permittee becomes aware of the circumstances:
 - a. Any noncompliance which may endanger health or the environment.

- b. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See Part III. G. Bypass of Treatment Facilities.)
 - c. Any upset which exceeds any effluent limitation in the permit. (See Part III. H. Upset Conditions.)
 - d. Violation of a maximum daily discharge limitation for any of the pollutants listed in the permit to be reported within 24 hours.
2. A written submission shall also be provided within 5 days of the time that the permittee becomes aware of the circumstances. The written description shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Compliance Section in Seattle, Washington by phone, (206) 442-1213.
 4. Reports shall be submitted to the addresses in Part II. D. Reporting of Monitoring Results.
- J. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II. D. are submitted. The reports shall contain the information listed in Part II. I.2.
- K. Inspection and Entry. The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit, and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

III. COMPLIANCE RESPONSIBILITIES

- A. Duty to Comply. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- B. Penalties for Violations of Permit Conditions. The Clean Water Act provides that any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates permit conditions implementing sections 301, 302, 306, 307, or 308 of the Clean Water Act is subject to a fine of not less than \$2,500, nor more than \$25,000 per day of violation, or by imprisonment for not more than 1-year, or both. Except as provided in permit conditions on Part III. G. Bypass of Treatment Facilities and Part III. F. Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.
- C. Need to Halt or Reduce Activity not a Defense. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production or all discharges or both until the facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the primary source of power of the treatment facility fails or is reduced or

lost. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.
- G. Bypass of Treatment Facilities:
1. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 2 and 3 of this section.
 2. Notice:
 - a. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.
 - b. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under Part II. I. Twenty-Four Hour Reporting.

3. Prohibition of bypass.

- a. Bypass is prohibited and the Director may take enforcement action against a permittee for a bypass, unless:
 - (1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under paragraph 2 of this section.
- b. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph 3a of this section.

H. Upset Conditions

- 1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with technology based permit effluent limitations if the requirements of paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- 2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the specific cause(s) of the upset;

- b. The permitted facility was at the time being properly operated; and
 - c. The permittee submitted notice of the upset as required under Part II. I. Twenty-Four Hour Notice of Noncompliance Reporting.
 - d. The permittee complied with any remedial measures required under Part III. D. Duty to Mitigate.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

IV. GENERAL REQUIREMENTS

- A. Changes in Discharge of Toxic Substances. Notification shall be provided to the Director as soon as the permittee knows of, or has reason to believe:
1. That any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels":
 - a. One hundred micrograms per liter (100 ug/l);
 - b. Two hundred micrograms per liter (200 ug/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 ug/l) for 2,4-dinitrophenol and for 2-methyl-4, 6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony;
 - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application;
 2. That the permittee has begun or expects to begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.

- B. Planned Changes. The permittee shall give notice to the Director, as soon as possible, of any planned physical alterations or additions to the permitted facility. The permittee shall also give advance notice of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- D. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- E. Duty to Provide Information. The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.
- F. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.
- G. Signatory Requirements. All applications, reports or information submitted to the Director shall be signed and certified.
 - 1. All permit applications shall be signed as follows:
 - a. For a corporation: by a principal executive officer of at least the level of vice president;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, State, Federal, or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director.
 - b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to authorization. If an authorization under paragraph IV, G. 2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph IV, G. 2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section shall make the following certification:

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

- H. Penalties for Falsification of Reports. The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports

of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

- I. Availability of Reports. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State water pollution control agency and the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.
- J. Oil and Hazardous Substance Liability. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.
- K. Property Rights. The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- L. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers. This permit may be automatically transferred to a new permittee if:
 - 1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
 - 2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - 3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2. above.

