BEFORE THE FLORIDA DEPARTMENT OF AIR AND WATER POLLUTION CONTROL

In the Matter of:	)	
	)	
MONSANTO COMPANY	)	CASE NO. IW-392-71
	)	
Escambia County, Florida	)	NOTICE NO. 147
	)	
Respondent	)	ORDER NO. 200

NOTICE OF VIOLATION

TO: Mr. Walter T. Cline, Plant Manager
Monsanto Company
P. O. Box 1507
Pensacola, Florida 32502

and

The Corporation Company
Resident Agent
13th.Floor, Florida Title Bldg.
110 West Forsyth
Jacksonville, Florida 32202

Pursuant to Florida Statute 403.121 (1), the Department of Air and Water Pollution Control does hereby place the Respondent, Monsanto Company, on Notice of the following:

Upon complaint, report, and investigation, this department has reason to believe that Respondent does maintain or operate a manufacturing plant that produces nylon which is located adjacent to the Escambia River approximately 2.5 miles north of Highway 90 in Escambia County, Florida; and such constitutes a source of water pollution in that wastes, discharges, or effluents containing polychlorinated biphenyls are discharged by and through two ditches, designated as the Main Ditch and the North Ditch, into and polluting the waters of the state, to wit, Escambia River and Escambia Bay; and such water pollution is in violation of Department rules and regulations. Specifically:

Allegation: Violation of Department Rules 17-3.02 (4) and 17-3.09 (5) Florida Administrative Code

Specification: In that continually from at least April, 1969, Respondent has discharged into the waters of the state toxic substances, to wit; polychlorinated biphenyls in concentrations or [illegible] which are toxic and harmful to animal, plant, or aquatic life. Specifically:

On October 27, 1970 polychlorinated biphenyls were detected in the waters flowing from respondent's installations in concentrations of 2.6 ppb;

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ADMINISTRATION

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Such concentrations of polychlorinated biphenyls have a persistent chronic toxic effect on fish, fish food, and other aquatic or marine life in that the polychlorinated biphenyls are readily absorbed and concentrated in the tissues of said organisms, where the concentrations continue to increase to toxic and deleterious levels; and,

That residue levels of polychlorinated biphenyls in the flesh of fish taken from the Escambia Bay and Bayou Texar have exceeded the Federal Pure Food and Drug Administration "action level" of 5.0 ppm.

Further, residues of Polychlorinated biphenyls of up to sixty-four (64) ppm have been detected in the canals, channels, and outfall structures of Respondent's installations; and residues resulting from Respondent's discharges have been detected in the Escambia River bottom, e.g., on August 7, 1969 sediment samples from the Escambia River at Highway 90 contained 1.9 ppm of the polychlorinated biphenyls Aroclor 1254 and on October 28, 1970, sediment samples from the Escambia River below Monsanto's skimmer Outfall contained from .48 to 23 ppm of said Aroclor; and further such residues of polychlorinated biphenyls continually release low concentrations of the polychlorinated biphenyls which over an extended period of time are toxic and deleterious to fish, fish food, aquatic life and marine life. Therefore, it is;

ORDERED by the Department of Air and Water Pollution Control that:

ORDERS FOR CORRECTIVE ACTION

1. Respondent shall cease and prevent the discharge from its installations any effluent containing polychlorinated biphenyls and to this end, Respondent shall, within thirty (30) days from effective date hereof, submit to the Department a work plan and a schedule of specific corrective action it will take to eliminate and prevent effluent containing polychlorinated biphenyl's from entering waters of the state. Such corrective action shall include, but not

be limited to the removal from Respondent's outfall structure, ditches, etc., all sediments and residues containing polychlorinated biphenyls. The necessary corrective action shall be planned and scheduled to be completed as expeditiously as possible.

2. Respondent shall immediately commence the necessary corrective action upon notification of approval of said plan.

3. Until submission and approval of said plan and up to completion of the corrective action, Respondent shall take emergency measures to reduce and prevent the unnecessary discharges of waters containing polychlorinated biphenyls.

Failure to comply with a Department Order will result in legal action pursuant to Florida Statute 403.161, which provides a civil penalty of $5,000 per day for each day that the violation of a Department Order occurs.

Respondent shall have fifteen (15) days from date of receipt hereof within which to request a public hearing on any of the matters contained herein. The above Orders shall be effective upon expiration of the fifteen day period if no request for a public hearing is filed.

DONE and ORDERED this 25th day of January, 1971, at Tallahassee, Florida.

FOR THE DEPARTMENT OF AIR AND WATER POLLUTION CONTROL

Vincent D. Patton

VINCENT D. PATTON, Executive Director
Suite 300 - Tallahassee Bank Building
315 South Calhoun Street
Tallahassee, Florida 32301

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