Monsanto

From: Beth L. Rusert - G4WF - 4-8527

Date: November 18, 1994

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Subj: Anniston Settlement of Release Complaint

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Attached is a copy of a press release issued today by the U.S. EPA announcing a settlement of a release complaint at the Anniston, Ala., plant. Monsanto will pay a civil penalty totalling $16,600.

A preparedness statement is also attached. Please forward all press inquiries to me.

Beth L. Rusert

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DSW 133614

ATLANTA--(BUSINESS WIRE)--Nov. 18, 1994--The U.S. Environmental Protection Agency announced Friday the settlement of an administrative enforcement action against Monsanto Co. Inc. of Anniston, Ala., for alleged violations of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also known as Superfund) and the Emergency Planning and Community Right-to-Know Act (EPCRA).

According to the Administrative Complaint, the company allegedly failed to immediately notify the National Response Center (NRC), the State Emergency Response Commission (SERC), and the Local Emergency Planning Committee (LEPC) following a Dec. 24, 1992, release of benzene in an amount equal to or greater than the Reportable Quantity (RQ) from its facility.

Additionally, the Complaint alleges that the company failed to provide a written follow-up emergency notice to the SERC and LEPC as soon as practicable after the release.

Under the terms of the Consent Agreement and Consent Order, Monsanto will pay a civil penalty of $1,650 for the CERCLA violation to the EPA Hazardous Substance Superfund and a civil penalty of $14,950 for the EPCRA violations to the United States Treasury. Also, the company will undertake and complete, as a Supplemental Environmental Project (SEP), the installation of safeguards at the facility to prevent potential future releases of benzene.

The SEP includes the installation of a benzene vapor recovery system and a high speed fuel blending system. The new blending system will create a more efficient burn of the waste stream which will result in reduced emissions. The estimated cost for the SEP is $335,000.

CERCLA, in part, requires certain facilities to immediately notify the National Response Center when there has been a spill or release of a hazardous substance in an amount equal to or greater than the reportable quantity. EPCRA requires certain facilities to immediately notify the State Emergency Response Commission and the Local Emergency Planning Committee when there has been a spill or release of a hazardous substance in an amount equal to or greater than the reportable quantity.

Immediate notification enables federal, state, and local officials to determine whether they need to render emergency assistance. Failure to do so precludes these officials from being able to make a timely response if needed.

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KEYWORD: GEORGIA ALABAMA

INDUSTRY KEYWORD: ENVIRONMENT ENMED GOVERNMENT

REPEATS: New York 212-575-8822 or 800-221-2462; Boston 617-330-5311 or

-0- (BW) Nov/18/94 10:00
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-0- (BW) Nov/18/94 10:15

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Preparedness Statement/Q&A
Settlement of Release Complaint
Anniston Plant

PREPAREDNESS STATEMENT

We feel there has been no violation of the spill reporting provisions and that there was no harm to the environment. However, we have agreed to settle this matter to avoid costly litigation and to put the incidents behind us.

We have agreed to pay a civil penalty of $16,600. In addition, we have agreed to spend at least $132,800 on two environmental projects, which actually will cost about $335,000. This is a small fraction of the amounts we have already spent on improvements which are beneficial to the environment. Monsanto reported these incidents and did not profit from them. In fact, Monsanto expended considerable resources to investigate and determine if the reportable quantity of any material might have been exceeded.

Over the years, Monsanto has made a number of environmentally beneficial expenditures to the Anniston plant beyond any required by law. Solid waste disposal from the plant has been reduced by 98 percent since 1987 (over 2 million pounds), with SARA air emissions being reduced by 88 percent (over 60,000 pounds). These efforts have cost more than $3 million.

BACKGROUND

The Environmental Protection Agency alleges that Monsanto failed to properly report releases under the Comprehensive Environmental Response, Compensation and Liability Act (CERLA) and Emergency Planning and Community Right-to-Know Act (EPCRA). The complaint cites benzene releases on March 20, 1992 and Dec. 24, 1992, and failure to report immediately and to follow-up with written notification.

March 20 Incident

The March 20, 1992 incident occurred when a light layer of solid biphenyl crystals was observed on a concrete diked area. No one witnessed the release of material. No on-site or off-site personnel were affected. No odor or other evidence of a release was reported. Further inspection determined that it was safe for personnel to enter the area and that no benzene was detectable. Inspection of equipment indicated the biphenyl crystals were emitted from a pressure gauge. The volume of biphenyl was visually estimated to be about two pounds.

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Because the ratio of biphenyl to benzene at this stage of the process could vary, process files were researched to determine the approximate amounts of benzene in the material based on the refining process in use at the time. This, in turn, required calculations of the process chemistry to obtain a number for the benzene/biphenyl ratio. Once an estimated amount of benzene (220 pounds) was calculated, Monsanto immediately notified the National Response Center (NRC).

December 24, 1992 Incident

On Dec. 24, 1992, a valve on a pipe used to transfer benzene from rail tank cars to storage was found to be cracked. No on-site or off-site personnel were affected. No odor or other evidence of a release was observed.

In fact, even the amount of benzene in the pipe at the time was unknown. Nitrogen is used to transfer benzene through the pipe. The amount of benzene versus nitrogen left in the pipe on Dec. 24 was unknown.

Given the cool temperatures at the time, it was expected that any benzene released would have pooled in liquid form beneath the crack. No such release was detected, nor were any significant vapor levels detected. It was believed that no significant amount of benzene was in the pipe at the time the valve cracked.

day?

During a safety investigation, it was determined that the crack may have been caused by heating and resultant over-pressurization of benzene in the line. It was then determined that if enough benzene was present in the line during the time of over-pressurization, it could have emitted from the crack in a gaseous form. A definitive cause of the cracked valve was never determined, nor was there ever any indication that a release actually took place. Regardless, a conservative/cautionary report was made to the National Response Center.

report immediately whenever it

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Questions and Answers

1Q. What is the nature of Monsanto's violations?

1A. Monsanto feels that there has been no violation of the spill reporting provisions. The penalties imposed on Monsanto by the EPA are based solely on the company's own self-reporting.

2Q. What was allegedly spilled?

2A. Two incidents were settled in this report. The first occurred on March 20, 1992 when a light layer of solid biphenyl crystals was observed on a concrete dike area. No one witnessed the release. No on-site or off-site personnel were affected. No odor or other evidence of a release was reported.

Once our investigation determined the estimated amount of benzene released, Monsanto immediately (that same day) notified the National Response Center once a release amount was established.

The second incident occurred on Dec. 24, 1992. A valve on a pipe used to transfer benzene from rail tank cars to storage was found cracked. No on-site or off-site personnel were affected and no odor or other evidence of the release was observed.

Further investigation determined that the crack may have been caused by heating and resultant over-pressurization of benzene in the line. It was then determined that if enough benzene was in the line during the time of over-pressurization, it could have emitted from the crack in a gaseous form. A definitive cause of the cracked valve was never determined, nor was there ever any indication that a release actually took place. Regardless, a conservative and cautionary report was made to the National Response Center.

3Q. What is the settlement agreement?

3A. Monsanto has agreed to pay $1,650 to Region IV Superfund and $14,950 to Region IV general fund (total cash payment of $16,600).

In addition, Monsanto will spend at least $132,800 on two supplemental environmental improvement projects.

4Q. What are the supplemental environmental projects?

4A. One is a benzene vapor recovery project. This is an

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internal venting system which prevents benzene from leaking to the atmosphere.

The second project is a blended fuel upgrade. This is an improved method for transferring nonhazardous waste to the boiler so it can be burned as fuel.

5Q. Are these supplemental projects the first environmental projects to be put in the place at the plant?

5A. By no means. Monsanto has made a number of environmentally beneficial expenditures at the Anniston plant that go well beyond any required by law.

In the area of benzene, we have replaced all pumps with fully sealed pumps, reduced all fugitive emission sources which were not absolutely necessary, and replaced all piping with welded pipes to remove any flanges as potential release points. Additionally, we have an emission program for benzene that is a model for other facilities.

Furthermore, all storage tanks in the plant have had concrete dikes constructed to prevent environmental effects from any release from a storage tank.

Solid waste disposal from the plant has been reduced by 98 percent since 1987 (over 2 million pounds), with SARA air emissions being reduced by 88 percent (over 60,000 pounds). All of the efforts have been at a cost exceeding $3 million.