WA 2302 4c

7/25/88

Monsanto

Monsanto Chemical Company
800 N. Lindbergh Boulevard
St. Louis, Missouri 63167
Phone: (314) 694-1000

July 25, 1988

RECEIVED
JUL 26 1988
WASTE MANAGEMENT BRANCH

FILE COPY

Mr. Charles W. Rice, Chief
RCRA Compliance Section
U.S. Environmental Protection Agency
1200 Sixth Avenue, HW-112
Seattle, WA 98101

Dear Mr. Rice:

Re: Notice of Violation and Warning, and Request for Information
Environmental Protection Agency Identification #WAD009282302

Rhone-Poulenc's letter of July 19 to you (with its Letter of Credit and Hazardous Waste Facility Certification of Liability Insurance for) demonstrates their compliance with the financial responsibility requirements of 40 CFR Part 265, Subpart H. This relieves Monsanto from any obligation under WAC 173-303-805(7)(d) per Chae Pak of your staff.

An October 1, 1986 letter agreement between Rhone-Poulenc and Monsanto, required Rhone-Poulenc to "fulfill all regulatory requirements in 'closing' said RCRA tank." Monsanto was aware of Rhone-Poulenc's contact with the Washington Department of Ecology (WDOE) in October, regarding RCRA permitting and closure. Monsanto had no direct knowledge that Rhone-Poulenc had not met their RCRA financial responsibility requirements and in fact believed that they had.

The Notice of Violation to Monsanto on June 27 was unnecessary. A similar Notice of Violation had been issued to Rhone-Poulenc on June 14 requiring them as owners to file the financial responsibility papers and Rhone-Poulenc had indicated to your staff (Chae Pak) of their intent to comply. Monsanto requests that the uncalled for Notice of Violation to Monsanto be withdrawn.

Sincerely,

J. P. Hyland

J. P. Hyland
Manager, Environmental Protection

cc: Ms. Julie Sellick, WDOE
Hazardous Waste Section Supervisor

607.276/JPHG.1

RHÔNE-POULENC INC.
ORGANIC CHEMICALS DIVISION

9229 E. Marginal Way South - P.O. Box 80983 - Seattle, Washington 98108 - Telephone: (206) 764-4450

Hand delivered to Rice Pak. [illegible]

July 19, 1988

Certified Mail
Return Receipt Requested

Mr. Charles W. Rice, Chief
RCRA Compliance Section
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, HW-112
Seattle, Washington 98101

Re: Notice of Violation and Warning, and Request for Information - Environmental Protection Agency Identification Number WAD009282302

Dear Mr. Rice:

Please consider this letter as our response to the above Notice which we received on June 20, 1988.

We are very concerned that there has been a misunderstanding concerning the requirements applicable to Notice of Transfer of our Seattle facility from Monsanto to Rhone-Poulenc, and want to reassure both EPA and the Washington Department of Ecology ("WDOE") that we provided timely notice in the manner recommended to us. Nevertheless, we understand the request for revisions to permit file documents and enclose the following:

- Revised Part A Hazardous Waste Permit Application-Forms 1 and 3

- Hazardous Waste Facility Certificate of Liability Insurance

- Closure Letter of Credit

Prior to Rhone-Poulenc's purchase of the Seattle Plant from Monsanto, contacts were made with various permitting agencies concerning the specific requirements for transfer and related filings. The advice received was to the effect that Rhone-Poulenc should notify the agencies, and that an amended Part A application was optional. A revised Notification of Dangerous Waste Activities (Form 2) was sent to Messers. Saunders, Bruno, and Conroy at the WDOE on September 30, 1986; and on October 10, 1986, Rhone-Poulenc confirmed by letter its intent to close the waste storage area at its facility, in accordance with the Closure Plan previously filed on August 18, 1986.

Rhone-Poulenc understood that the storage area at the plant was covered by financial security requirements provided by Monsanto. As a request for closure in accordance with filed Closure Plan was pending with the WDOE, we were unaware and not advised in connection with transfer requirements that any special action was required by Rhone-Poulenc. In this regard, we do not have direct knowledge that the financial responsibility requirements posted by Monsanto expired or were otherwise inadequate during the transition and closure process. Additionally, the DOE regulations applicable at the time of the ownership transfer did not contain a 6-month deadline for change of ownership. Please refer to the prior version of WAC173-303-805(d).

Finally, the third claimed violation involved the numbering of one waste - - the subclassification of waste methylene chloride. In particular, the original Part A application listed spent methylene chloride as "F001" (which is correct for degreasing uses of methylene chloride) instead of "F002" (which is correct for general uses of methylene chloride). This classification was of no significant consequence, and the F002 designation has been used in the plant's annual Dangerous Waste Reports to the WDOE, as well as in a recently revised WDOE Form 2, Notification of Dangerous Waste activities.

As demonstrated above, we believe firmly that the EPA and WDOE were provided with all of the substantive information and notifications concerning transfer in a timely fashion. Under any fair view of the facts, earnest efforts were made to obtain guidance on transfer requirements and Rhone-Poulenc followed those instructions, in good faith. Additionally, we believe that the numbering issue with respect to spent methylene chloride was of no consequence and was, in fact, clarified by annual reporting designations. For these reasons, we trust that the enclosures clarify the file records, and that you will agree that neither a citation nor a penalty is justified.

Sincerely,

Sue E. Hays

Sue E. Hays
Governmental Affairs Superintendent

cc: Ms. Julie Sellick, WDOE
Hazardous Waste Section Supervisor

Enclosures

Please print or type in the unshaded areas only (fill-in areas are spaced for elite type, i.e., 12 characters/inch).

Form Approved OMB No. 158-R0175

FORM 1 GENERAL

EPA

U.S. ENVIRONMENTAL PROTECTION AGENCY

GENERAL INFORMATION

Consolidated Permits Program

(Read the "General Instructions" before starting.)

I. EPA I.D. NUMBER

F WAD009282302

LABEL ITEMS

I. EPA I.D. NUMBER

III. FACILITY NAME

V. FACILITY MAILING ADDRESS

VI. FACILITY LOCATION

PLEASE PLACE LABEL IN THIS SPACE

GENERAL INSTRUCTIONS

If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent *(the area to the left of the label space lists the information that should appear)*, please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete Items I, III, V, and VI *(except VI-B which must be completed regardless)*. Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.

II. POLLUTANT CHARACTERISTICS

INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.

SPECIFIC QUESTIONS	MARK "X" YES	NO	FORM ATTACHED
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)		X	
B. Does or will this facility *(either existing or proposed)* include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)		X	
C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C)	X		
D. Is this a proposed facility *(other than those described in A or B above)* which will result in a discharge to waters of the U.S.? (FORM 2D)		X	
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)	X		X
F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)		X	
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)		X	
H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)		X	
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X	
J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X	

III. NAME OF FACILITY

1 SKIP RHONE-POULENC INC

IV. FACILITY CONTACT

A. NAME & TITLE *(last, first, & title)*	B. PHONE *(area code & no.)*
2 SUE E HAYS GOVT AFFAIRS SUPT	206 764 4450

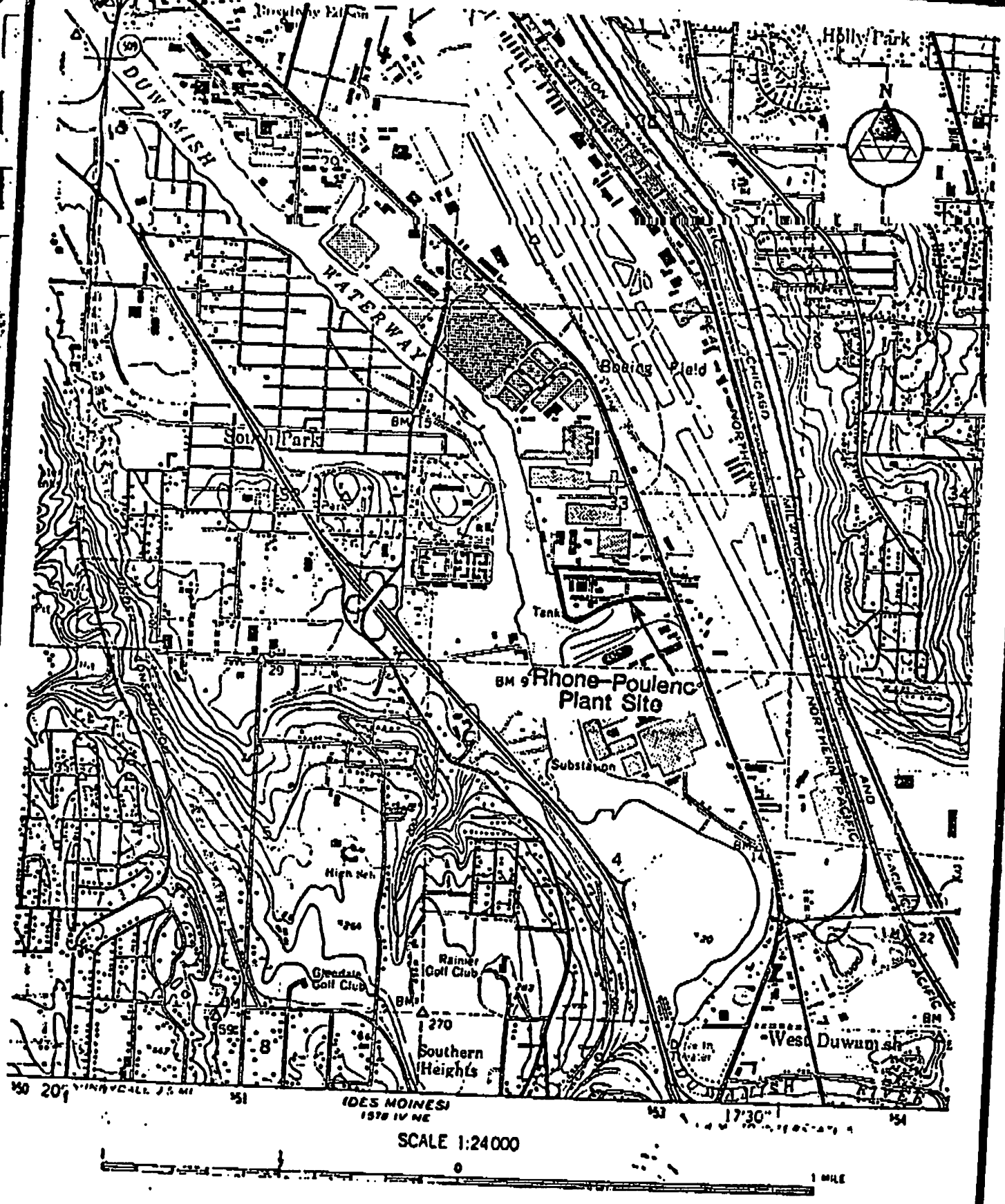
V. FACILITY MAILING ADDRESS

A. STREET OR P.O. BOX	B. CITY OR TOWN	C. STATE	D. ZIP CODE
3 PO BOX 80963	4 SEATTLE	WA	98108

VI. FACILITY LOCATION

A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER	B. COUNTY NAME
5 9229 EAST MARGINAL WAY SOUTH	KING

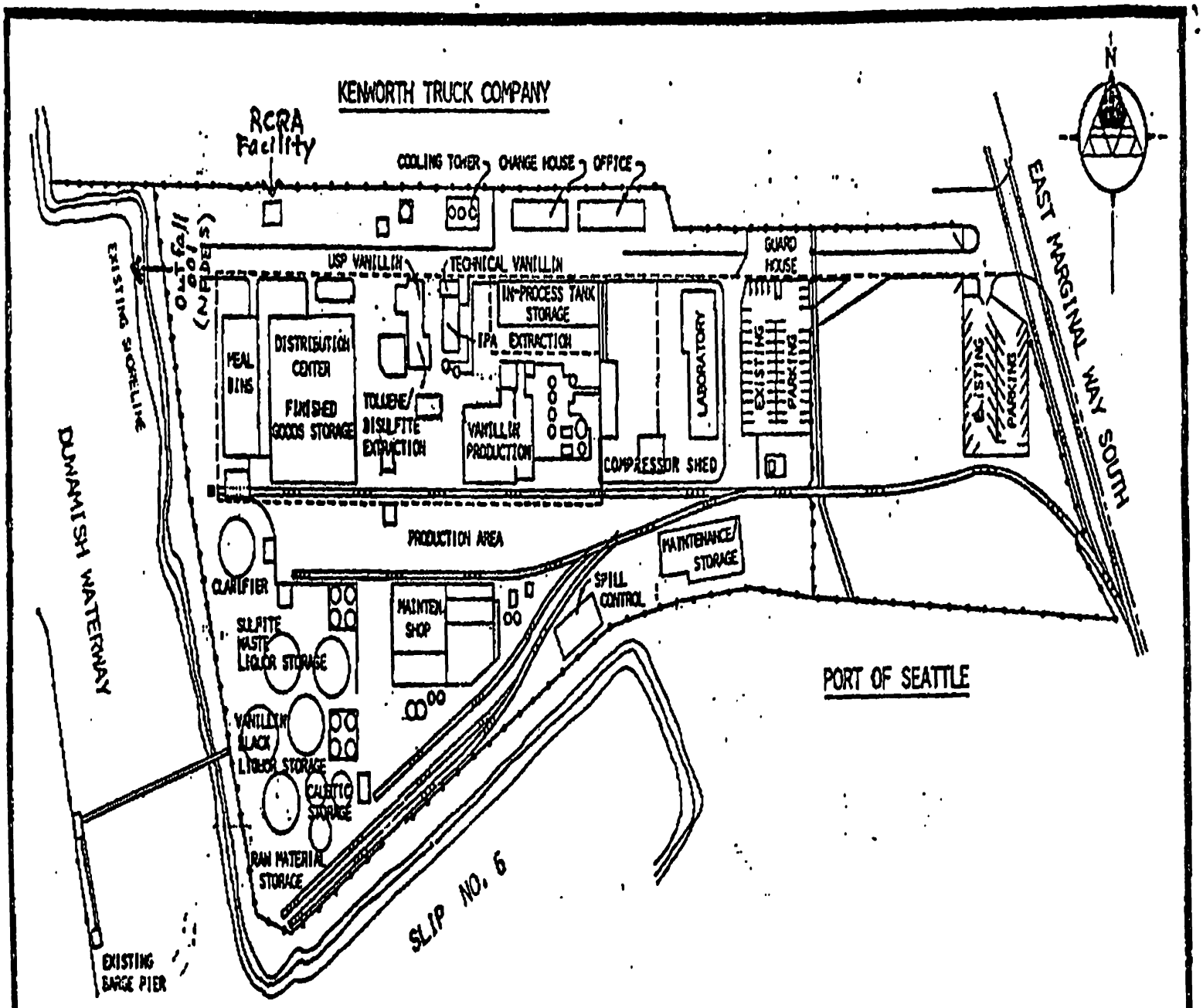
C. CITY OR TOWN	D. STATE	E. ZIP CODE	F. COUNTY CODE *(if known)*
6 SEATTLE	WA	98108	



REFERENCE: USGS 1949 SEATTLE SOUTH,
WASHINGTON TOPOGRAPHIC QUADRANGLE
PHOTOREVISED 1968

Site Location Map
Rhone-Poulenc Inc.
Seattle, Washington

Part XI



200 0 200

Rhone-Poulenc Inc.
Site Map

REFERENCE: SITE PLAN DATED

Please print or type in the unshaded areas only
(fill-in areas are spaced for elite type, i.e., 12 characters/inch).

Form Approved OMB No. 158-S80004

FORM 3 RCRA

EPA

U.S. ENVIRONMENTAL PROTECTION AGENCY
HAZARDOUS WASTE PERMIT APPLICATION
Consolidated Permits Program
(This information is required under Section 3005 of RCRA.)

I. EPA I.D. NUMBER

F W A D 0 0 9 2 8 2 3 0 2

FOR OFFICIAL USE ONLY

APPLICATION APPROVED	DATE RECEIVED (yr., mo., & day)	COMMENTS

II. FIRST OR REVISED APPLICATION

Place an "X" in the appropriate box in A or B below *(mark one box only)* to indicate whether this is the first application you are submitting for your facility or revised application. If this is your first application and you already know your facility's EPA I.D. Number, or if this is a revised application, enter your facility's EPA I.D. Number in Item I above.

A. FIRST APPLICATION *(place an "X" below and provide the appropriate date)*

☐ 1. EXISTING FACILITY *(See instructions for definition of "existing" facility. Complete item below.)*

FOR EXISTING FACILITIES, PROVIDE THE DATE (yr., mo., & day) OPERATION BEGAN OR THE DATE CONSTRUCTION COMMENCED *(use the boxes to the left)*

YR.	MO.	DAY

☐ 2. NEW FACILITY *(Complete item below.)*

FOR NEW FACILITIES PROVIDE THE DATE (yr., mo., & day) OPERATION BEGAN OR IS EXPECTED TO BEGIN

YR.	MO.	DAY

B. REVISED APPLICATION *(place an "X" below and complete Item I above)*

☒ 1. FACILITY HAS INTERIM STATUS

☐ 2. FACILITY HAS A RCRA PERMIT

III. PROCESSES – CODES AND DESIGN CAPACITIES

A. PROCESS CODE – Enter the code from the list of process codes below that best describes each process to be used at the facility. Ten lines are provided for entering codes. If more lines are needed, enter the code(s) in the space provided. If a process will be used that is not included in the list of codes below, describe the process *(including its design capacity)* in the space provided on the form *(Item III-C).*

B. PROCESS DESIGN CAPACITY – For each code entered in column A enter the capacity of the process.
1. AMOUNT – Enter the amount.
2. UNIT OF MEASURE – For each amount entered in column B(1), enter the code from the list of unit measure codes below that describes the unit of measure used. Only the units of measure that are listed below should be used.

PROCESS	PROCESS CODE	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY
Storage:		
CONTAINER *(barrel, drum, etc.)*	S01	GALLONS OR LITERS
TANK	S02	GALLONS OR LITERS
WASTE PILE	S03	CUBIC YARDS OR CUBIC METERS
SURFACE IMPOUNDMENT	S04	GALLONS OR LITERS
Disposal:		
INJECTION WELL	D79	GALLONS OR LITERS
LANDFILL	D80	ACRE-FEET *(the volume that would cover one acre to a depth of one foot)* OR HECTARE-METER
LAND APPLICATION	D81	ACRES OR HECTARES
OCEAN DISPOSAL	D82	GALLONS PER DAY OR LITERS PER DAY
SURFACE IMPOUNDMENT	D83	GALLONS OR LITERS

PROCESS	PROCESS CODE	APPROPRIATE UNITS OF MEASURE FOR PROCESS DESIGN CAPACITY
Treatment:		
TANK	T01	GALLONS PER DAY OR LITERS PER DAY
SURFACE IMPOUNDMENT	T02	GALLONS PER DAY OR LITERS PER DAY
INCINERATOR	T03	TONS PER HOUR OR METRIC TONS PER HOUR; GALLONS PER HOUR OR LITERS PER HOUR
OTHER *(Use for physical, chemical, thermal or biological treatment processes not occurring in tanks, surface impoundments or incinerators. Describe the processes in the space provided; Item III-C.)*	T04	GALLONS PER DAY OR LITERS PER DAY

UNIT OF MEASURE	UNIT OF MEASURE CODE	UNIT OF MEASURE	UNIT OF MEASURE CODE	UNIT OF MEASURE	UNIT OF MEASURE CODE
GALLONS	G	LITERS PER DAY	V	ACRE-FEET	A
LITERS	L	TONS PER HOUR	D	HECTARE-METER	F
CUBIC YARDS	Y	METRIC TONS PER HOUR	W	ACRES	B
CUBIC METERS	C	GALLONS PER HOUR	E	HECTARES	Q
GALLONS PER DAY	U	LITERS PER HOUR	H		

EXAMPLE FOR COMPLETING ITEM III *(shown in line numbers X-1 and X-2 below):* A facility has two storage tanks, one tank can hold 200 gallons and the other can hold 400 gallons. The facility also has an incinerator that can burn up to 20 gallons per hour.

C DUP 1

LINE NUMBER	A. PROCESS CODE (from list above)	B. PROCESS DESIGN CAPACITY 1. AMOUNT (specify)	B. PROCESS DESIGN CAPACITY 2. UNIT OF MEASURE (enter code)	FOR OFFICIAL USE ONLY	LINE NUMBER	A. PROCESS CODE (from list above)	B. PROCESS DESIGN CAPACITY 1. AMOUNT	B. PROCESS DESIGN CAPACITY 2. UNIT OF MEASURE (enter code)	FOR OFFICIAL USE ONLY
X-1	S02	600	G		5				
X-2	T03	20	E		6				
1					7				
2					8				
3					9				
4					10				

Continued from page 2.

NOTE: Photocopy this page before completing if you have more than 26 wastes to list.

Form Approved OMB No. 158-S80004

EPA I.D. NUMBER (enter from page 1)	FOR OFFICIAL USE ONLY
W W A D 0 0 9 2 8 2 3 0 2 — T/A 1	W DUP — T/A 2 DUP

IV. DESCRIPTION OF HAZARDOUS WASTES (continued)

LINE NO.	A. EPA HAZARD. WASTE NO. (enter code)	B. ESTIMATED ANNUAL QUANTITY OF WASTE	C. UNIT OF MEASURE (enter code)	D. PROCESSES 1. PROCESS CODES (enter)				D. PROCESSES 2. PROCESS DESCRIPTION (If a code is not entered in D(1))
1	D002	10 000	T	S02				
2	F002	250	P	S01				
3		100	T	S02				State Dangerous Waste
4		500	P	S01				
5		25	T	S02	S01			
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HAZARDOUS WASTE FACILITY CERTIFICATE OF LIABILITY INSURANCE

1. Name of Insurer, National Union Fire Insurance Company of Pittsburgh, Pa., of 70 Pine Street, New York, N.Y. 10270 hereby certifies that it has issued liability insurance covering bodily injury and property damage to Rhone-Poulenc Inc. (te "Insured"), of CN 5266 Princeton, New Jersey 08543 in connection with the insured obligation to demonstrate financial responsibility under 40 CFR 264.147 or 265.147. The coverage applies at:

Location	Liability Coverage
	Sudden
Seattle, WA 9229 E. Marginal Way South Seattle, WA 98108	1,000,000/2,000,000

The limits of liability are $3,000,000 each occurrence and $6,000,000 annual aggregate exclusive of legal defense costs. The coverage is provided under policy number PRM 7063060 issued on 8/18/87. The effective date of said policy is 8/18/87.

2. The Insurer further certifies the following with respect to the insurance described in Paragraph 1:

   a) Bankruptcy or insolvency of the insured shall not relieve the Insurer of its obligations under the policy.

   b) The Insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the Insurer. This provision does not apply with respect to that amount of any decuctible for which coverage is demonstrated as specified in 40 CFR 264.147(f) or 265.147(f).

   c) Whenever requested by a Regional Administrator of the U.S. Environmental Protection Agency (EPA), the Insurer agrees to furnish to the Regional Administrator a signed duplicate original of the policy and all endorsements.

   d) Cancellation of the insurance, whether by the Insurer or the insured, will be effective only upon written notice and only after the expiration of sixty (60) days after a copy of such written notice is received by the Regional Administrative(s) or the EPA Region(s) in which the facilities are located.

e) Any other termination of the insurance will be effective only upon notice and only after the expiration of thirty (30) days of such written notice is received by the Regional Administrator(s) of the EPA Region(s) in which the facilities are located.

I hereby certify that the wording of this instrument is identical to the wording specified in 40 CFR 264.151(j) as such regulation was constituted on the date first above written, and that the Insurer is licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer, in one or more States.

Signature of Authorized representative of Insurer

Joseph S. Muller
Assistant Secretary

BARCLAYS

BARCLAYS BANK PLC
75 Wall Street
New York, NY 10265

IRREVOCABLE LETTER OF CREDIT NO. 810766

THE DIRECTOR
Washington State Department of Ecology
Northeast Regional Office
4350 150th Avenue North East
Redmond, Washington 98052

Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit No.810766 in your favor, at the request and for the account of Rhone Poulenc, Inc., 9229 E. Marginal Way South, Seattle, Washington 98108 up to an aggregate amount of (United States Dollars Seventeen Thousand Eight Hundred) U.S.$17,800.00 available upon presentation of:

(1) your sight draft, bearing reference of this Letter of Credit No.810766 and

(2) your signed statement reading as follows " I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Resource Conservation and Recovery Act of 1976 as amended, and the Hazardous Waste Disposal Act as amended (Chapter 70.105 RCW)."

This letter of credit is effective as of July 20, 1988 and shall expire on July 20, 1989, but such expiration date shall be automatically extended for a period of 1 (one) year on July 20, 1989 and on each successive expiration date, unless, at least 120 (one hundred twenty) days before the current expiration date, we notify both you and Rhone Poulenc, Inc. by certified mail that we have decided not to extend this letter of credit beyond the current expiration date. In the event you are so notified, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both you and Rhone Poulenc, Inc. as shown on the signed return receipts.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of Rhone Poulenc, Inc. in accordance with your instructions.

We certify that the wording of this letter of credit is, with the exception of changes required by Washington State Department of Ecology to assure compliance with the financial requirements of WAC 173-303-400 and/or WAC 173-303-620(10), identical to the wordings specified in 40 CFR 264.151(d) as such regulations were constituted on the date shown immediately below..

This credit is subject to the most recent edition of the Uniform Customs and Practice for Documentary Credits published by the International Chamber of Commerce.

Very truly yours,

BARCLAYS BANK PLC

Pamela Seeley
Authorized Signature

July 19, 1988

Nelson Bernardo
Authorized Signature

July 19, 1988