UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAY 03 2000

REPLY TO THE ATTENTION OF:
DE-9J

CERTIFIED MAIL Z 164 840 008
RETURN RECEIPT REQUESTED

Ms. Robin Prokop
Plant Manager
Solutia Inc.
500 Monsanto Avenue
Sauget, Illinois 62206-1198

RE: RCRA 3008(h) Consent Order
Solutia Inc.
ILD 000 802 702

Dear Ms. Prokop:

This letter is to acknowledge receipt of the Section 3008(h) Administrative Order on Consent signed by Solutia Inc. A fully executed copy of the Consent Order is enclosed for your file.

Your cooperation in resolving this matter is appreciated.

Sincerely yours,

Joseph M. Boyle

Joseph M. Boyle, Chief
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

Enclosure

cc: Linda Tape, Esq., Thompson Coburn
Alan Faust, Solutia
Jim Moore, IEPA

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	ADMINISTRATIVE ORDER ON CONSENT
SOLUTIA INC. 500 MONSANTO AVENUE SAUGET, ILLINOIS 62206-1198	U.S. EPA Docket No: R8H-5-00-003
EPA ID#: ILD 000 802 702	Proceeding under Section 3008(h) of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. §6928(h).
RESPONDENT	

I. JURISDICTION

1. The United States Environmental Protection Agency ("U.S. EPA") is issuing this Administrative Order on Consent ("Order") pursuant to Section 3008(h) of the Solid Waste Disposal Act, commonly referred to as the Resource Conservation and Recovery Act of 1976 (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. §6928(h). The authority to issue orders under Section 3008(h) of RCRA in Region 5 has been duly delegated to the Chief, Enforcement and Compliance Assurance Branch; Waste, Pesticides and Toxics Division; U.S. EPA Region 5.

2. This Order is issued to Solutia Inc., the owner/operator of Solutia Inc., 500 Monsanto Avenue, Sauget, Illinois, 62206-1198, located in St. Clair County, Illinois, (the "Facility"). The Facility, as delineated on the map attached as Figure 1, lies just east of the Mississippi River within the incorporated boundary of Sauget, Illinois on approximately 314 acres of land. The Facility began operations in 1917 and manufactures chemical products, including industrial chemicals, chemical intermediates, agricultural intermediates, and rubber chemicals.

3. Solutia Inc. consents to and agrees not to contest U.S. EPA's jurisdiction to issue this Order or to enforce its terms. Further, Solutia Inc. must not contest U.S. EPA's jurisdiction to: compel compliance with this Order in any subsequent enforcement proceedings, either administrative or judicial; require Solutia Inc.'s full or interim compliance with the terms of this Order; or impose sanctions for violations of this Order.

4. Solutia Inc. waives any rights to request a hearing on this matter pursuant to Section 3008(b) of RCRA and 40 C.F.R. Part 24, and consents to the issuance of this Order without a hearing pursuant to Section 3008(b) of RCRA as a Consent Order issued pursuant to Section 3008(h) of RCRA.

6. U.S. EPA has determined, in its sole discretion, that Solutia Inc. is a responsible entity with sufficient technical ability and resources (to be assured pursuant to Section XVI) to proceed on an expedited basis under an Order on Consent for the work described here.

V. PROJECT MANAGER

U.S. EPA and Solutia Inc. must each designate a Project Manager and must notify each other in writing of the Project Manager it has selected within 14 days of the effective date of this Order. Each Project Manager is responsible for overseeing the implementation of this Project. The parties must provide prompt written notice whenever they change Project Managers.

VI. WORK TO BE PERFORMED

Pursuant to Section 3008(h) of RCRA, Solutia Inc. agrees to and is hereby ordered to perform the actions specified in this section, in the manner and by the dates specified here. All work undertaken pursuant to this Order must be performed in compliance with RCRA and other applicable federal and state laws and their implementing regulations, and consistent with all relevant U.S. EPA guidance documents as appropriate to the Facility. Such guidance must include, but is not limited to, the Documentation of Environmental Indicator Determination Guidance (Interim Final, February 5, 1999), and relevant portions of the RCRA Corrective Action Plan (May 1994, OSWER Directive 9902.3-2A) and U.S. EPA's risk assessment guidance.

1. Solutia Inc. must complete activities necessary to identify and define the nature and extent of releases of hazardous waste and/or hazardous constituents at or from the Facility. These activities include:

   a. Provide to U.S. EPA, within 90 days of the effective date of this Order, a Description of Current Conditions (DOCC) Report which includes any recent sampling data from the Facility, which sampling was undertaken by Solutia, a summary of the historic operations, and physical setting of the Facility. The DOCC Report must describe, at a minimum, conditions at all locations specified in the Draft RCRA Hazardous Waste Management Part B permit dated September 1996 (RCRA Log No. B-69) and any other past or present locations at the Facility for which Solutia Inc. has knowledge of past treatment, storage or disposal of hazardous waste or hazardous constituents or past product or waste spills.

   b. Perform an investigation to identify the nature and extent of any releases of hazardous waste and/or hazardous constituents at or from the Facility which may pose an unacceptable risk to human health and the environment, and provide a report to U.S. EPA. Investigations shall be conducted, at a minimum, in those areas described in the Draft RCRA Hazardous Waste Management Part B permit dated September 1996 (RCRA Log No. B-69), at dismantled manufacturing areas, at surficial fill areas, and in the area of the pipeline(s) which historically ran from the Monsanto river terminal on the Mississippi River to the former and current on-site product storage areas at the Facility. The report must also describe the nature and extent of any releases of hazardous waste and/or

e. Conduct groundwater monitoring to confirm that any contaminated groundwater remains within the original area of contamination.

f. Prepare a report, either prior to or as part of the Environmental Indicators Report, that describes and justifies any interim actions performed to meet the requirements of this section, including sampling documentation, construction completion documentation, and/or confirmatory sampling results.

5. Solutia Inc. must propose to U.S. EPA by 6/1/2004, final corrective measures necessary to protect human health and the environment from all current and future unacceptable risks due to releases of hazardous waste or hazardous constituents at or from the Facility (the "Final Corrective Measures Proposal"). The proposal must describe all corrective measures implemented at the Facility since the effective date of this Order. It must also include a description of all other final corrective measures evaluated by Solutia Inc., a detailed explanation of why Solutia Inc. preferred the proposed final corrective measures and cost estimates for the final corrective measures evaluated. The proposal must also include a detailed schedule for construction and implementation of the final corrective measures, and for submittal of a Final Remedy Construction Completion Report. This schedule must provide that Solutia Inc. will complete as much of the initial construction work as practicable within 1 year after U.S. EPA selects the final corrective measures and that Solutia Inc. must complete all final corrective measures within a reasonable period of time such that human health and the environment are protected.

a. As part of the development of its proposal, Solutia Inc. must propose appropriate risk screening criteria, cleanup objectives, and points of compliance under current and reasonably expected future land use scenarios and provide the basis and justification for these decisions.

b. U.S. EPA may request reasonable supplemental information from Solutia Inc. if U.S. EPA determines that the proposal and supporting information do not provide an adequate basis for selection of final corrective measures that must protect human health and the environment from the release of hazardous waste or hazardous constituents at or from the Facility. Solutia Inc. must provide such supplemental information in a timely manner as directed in writing by U.S. EPA.

c. U.S. EPA must provide the public with an opportunity to review and comment on its proposed final corrective measures, including a detailed description and justification for the proposal (the "Statement of Basis"). Following the public comment period, U.S. EPA must select the final corrective measures to be implemented by Solutia Inc., and provide notification of its decision and rationale in a "Final Decision and Response to Comments ("Final Decision").

d. Upon notification by U.S. EPA, Solutia Inc. must implement the final corrective measures selected in U.S. EPA's Final Decision and in accordance with the schedule therein.

must provide to U.S. EPA in writing all relevant information relating to its claim, including its proposed revised schedule.

If U.S. EPA determines that a delay or anticipated delay is attributable to a force majeure event, the time for performance of such obligation under this Order that is affected by the force majeure event must be extended in writing for such time as U.S. EPA determines is necessary to complete such obligation or obligations. U.S. EPA will not unreasonably withhold its agreement that the delay or anticipated delay is attributable to a force majeure event.

XII. MODIFICATION

This Order may only be modified by mutual agreement of U.S. EPA and Solutia Inc., except as provided for in Section VI - Work to be Performed. Any agreed modifications must be in writing, be signed by both parties, must have as their effective date the date on which they are signed by U.S. EPA, and must be incorporated into this Order.

XIII. RESERVATION OF RIGHTS

1. U.S. EPA reserves all of its statutory and regulatory powers, authorities, rights, and remedies, both legal and equitable, which may pertain to Solutia Inc.'s failure to comply with any of the requirements of this Order, including without limitation the assessment of penalties under Section 3008(h)(2) of RCRA, 42 U.S.C. §6928(h)(2), filing an action to enforce this Order, or issuing an administrative order for performance of corrective actions or other response measures. This Order must not be construed as a covenant not to sue, release, waiver, or limitation of any rights, remedies, powers, and/or authorities, civil or criminal, which U.S. EPA has under RCRA, CERCLA, or any other statutory, regulatory, or common law authority of the United States.

2. U.S. EPA reserves all of its rights to perform any portion of the work consented to here or any additional site characterization, feasibility study, and remedial work as it deems necessary to protect human health and/or the environment.

3. If U.S. EPA determines that activities in compliance or noncompliance with this Order have caused or may cause a release of hazardous waste or hazardous constituent(s), or a threat to human health and/or the environment, or that Solutia Inc. is not capable of undertaking any of the work ordered, U.S. EPA may order Solutia Inc. to stop further implementation of this Order for such period of time as U.S. EPA determines may be needed to abate any such release or threat and/or to undertake any action which U.S. EPA determines is necessary to abate such release or threat.

4. While U.S. EPA may review and comment on documents not required by this Order and prepared by Solutia Inc., U.S. EPA has no obligation to do so and such comments must not relieve Solutia Inc. of its obligation to achieve the required cleanup or performance standards or to obtain any necessary permits.

financial security, in the amount of the cost estimate, in one of the forms permitted under 40 C.F.R. § 264.145 (modified to replace the terms "post-closure" and "closure" with "corrective action" and referencing this Consent Order, as approved by EPA). Upon U.S. EPA's selection of the final corrective measures to be implemented by Solutia Inc., the amount of required financial assurance under this paragraph may be modified based on the anticipated costs for completion of the final corrective measures (including long term operation and maintenance costs).

XVII. SEVERABILITY

If any provision or authority of this Order or the application of this Order to any party or circumstances is held by any judicial or administrative authority to be invalid, the application of such provisions to other parties or circumstances and the remainder of the Order must remain in force and must not be affected thereby.

XVIII. TERMINATION AND SATISFACTION

Solutia Inc. may request that U.S. EPA issue a determination that the requirements of the Order have been met for all or a portion of the Facility. Solutia Inc. may also request that U.S. EPA issue a "No Further Interest" or "No Further Action" determination for all or a portion of the Facility.

The provisions of the Order must be satisfied upon Solutia Inc.'s and U.S. EPA's execution of an "Acknowledgment of Termination and Agreement on Record Preservation and Reservation of Rights", consistent with U.S. EPA's Model Consent Order.

Solutia Inc.'s execution of the Acknowledgment must affirm its continuing obligation to preserve all records as required by Section VIII, to maintain any necessary institutional controls or other long terms measures, and to recognize U.S. EPA's reservation of rights as required in Section XIII.

XIX. SURVIVABILITY/PERMIT INTEGRATION

Except as otherwise expressly provided in this section, this Order shall survive the issuance or denial of a RCRA permit for the Facility, and this Order shall continue in full force and effect after either the issuance or denial of such permit. Accordingly, Solutia Inc. shall continue to be liable for the performance of obligations under this Order notwithstanding the issuance or denial of such permit. If the Facility is issued a RCRA permit and that permit expressly incorporates part of the requirements of this Order, or expressly states that its requirements are intended to replace some of the requirements of this Order, Respondent may request a modification of this Order and shall, with EPA approval, be relieved of liability under this Order for those specific obligations. If the Facility is issued a RCRA permit and that permit expressly incorporates all of the requirements of this Order, or expressly states that its requirements are intended to replace all of the requirements of this Order, Respondent may request that this Order be terminated. U.S. EPA shall approve such a request if it finds that the permit incorporates all of the requirements of this Order. U.S. EPA shall not unreasonably withhold its approval to modify or terminate this Order.