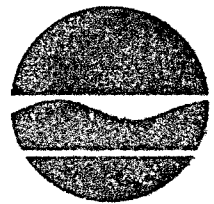


New York State Department of Environmental Conservation

7481 Henry Clay Boulevard, Liverpool, New York 13088-3595
Region VII Headquarters
Telephone: (315) 428-4497



Henry G. Williams
Commissioner

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

December 6, 1984

Cargill Salt
191 Portland Point Road
Lansing, New York 14882

ATTN: Gerald J. Thornton

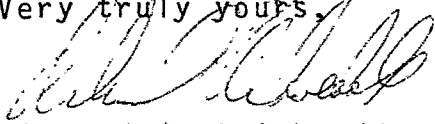
RE: DEC v. CARGILL
CONSENT ORDER NO. 7-0193

Dear Mr. Thornton:

Enclosed please find a copy of the Consent Order in the above-referenced matter which has been executed by our Regional Director.

If you have any questions, please advise.

Very truly yours,


Richard J. Brickwedde
Regional Attorney

RJB:kal

cc: Lee Flocke (Attn: Kathy DelPrete) ✓

Enclosure

17-30184
OK to sign
RSM

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

-----X

In the Matter of Alleged Violations of
Environmental Conservation Law §§17-0501, 17-0511
and 17-0801 et seq. and 6NYCRR Part 754 et seq. by

MODIFIED
CONSENT
ORDER

CARGILL, INC., CAYUGA ROCK SALT MINE
Lansing (T), Tompkins County,

CASE NO.
7-0193

Respondent.

-----X

1. The Department of Environmental Conservation ("Department") is responsible for the enforcement of Article 17 of the Environmental Conservation Law of the State of New York ("E.C.L.") and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("6NYCRR"), particularly §754 et seq., and

2. The ECL §17-0501 makes it unlawful for any person, directly or indirectly, to throw, drain, run or otherwise discharge into the waters of the State, organic or inorganic matter that shall cause or contribute to a condition in contravention of standards adopted by the Department pursuant to ECL §17-0301, and

3. ECL §17-0511 prohibits new and existing point sources from discharging industrial or other wastes into waters of the State unless the discharge is in compliance with all standards, criteria, limitations, rules and regulations promulgated or applied by the Department pursuant to Article 17 of the ECL, and

4. ECL §17-0801, et seq. sets forth the requirements and conditions of the State Pollution Discharge Elimination System (SPDES) and 17-0811

and 17-0805 specifically set forth terms and conditions to be included in all permits, and

5. 6NYCRR Part 754 et seq. sets forth those areas which shall be regulated by the SPDES permit specifically §§754.1 and 754.2 regulating effluent and §754.4(a) and (b) which provides that all discharges authorized by the SPDES permit shall be consistent with the provisions of the permit and any excursion of those limits shall constitute a violation of the provisions of the permit, and

6. Cargill, Inc. (Respondent) operates a rock salt mine in Lansing (T), Tompkins County, New York, and runoff from the site discharges into Cayuga Lake.

7. Respondent has been granted a SPDES permit, No. NY 0101290 by the Department for this operation which sets forth provisions, terms, requirements and conditions for authorized discharge.

8. The Department alleges that from July 1, 1977, when SPDES permit No. NY 0101290 was first issued, to the present, the Respondent has discharged certain pollutants, namely total dissolved solids, chlorides and cyanide, into the waters of the State from Respondent's nine (9) designated outfalls in excess of the limits established by and set forth in the Respondent's SPDES permit (see Appendix A).

9. As a result of a prior Consent Order with the Department the Respondent investigated the sources of contamination caused by the mining and stockpiling operation and submitted an Engineering Report in

July, 1980, detailing remedial steps necessary to bring the contamination runoff into compliance with SPDES effluent limits.

10. Respondent implemented the measures, but the implemented measures failed to abate the noncompliant discharges.

11. Respondent was party with the Department to a November 29, 1979, Consent Order which described certain activities the Respondent was obliged to undertake relating to the proper stockpiling and disposal of waste salt in the Besemer Quarry.

11. Respondent was party with the Department to a November 29, 1979, Consent Order which described certain activities the Respondent was obliged to undertake relating to the proper stockpiling and disposal of waste salt in the Besemer Quarry (Appendix B).

12. ECL §17-1929 states that a person who violates any of the provisions of, or fails to perform any duty imposed by titles 1 through 11 inclusive and title 19 of article 17, or the rules or regulations, orders or determinations of the Commissioner promulgated thereto or the terms of any permit issued thereunder, shall be liable to a penalty of not to exceed ten thousand dollars per day of such violation, and, in addition thereto, such person may be enjoined from continuing such violation as hereinafter provided.

13. Respondent, without any admission of law or fact, to promote the best interests of the parties, has affirmatively waived its right to a hearing on this matter as provided by law and consents to the issuing and entering of this Order, and agrees to be bound by the terms, provisions and conditions contained herein.

I. Respondent shall conduct an engineering evaluation of the remedial measures taken to date and define any additional measures needed to bring runoff from the site into compliance with SPDES permit effluent limitations, and complete these measures in accordance with the following schedule:

- A. By December 1, 1984, submit to the Department an approvable engineering report prepared by a New York State licensed professional engineer addressing the remedial measures necessary for the Respondent to achieve compliance with all SPDES permit effluent limitations and additional requirements, together with any required permit applications.
- B. By April 15, 1985, Respondent shall commence construction on the remedial measures.
- C. By September 1, 1985, Respondent shall complete all proposed remedial measures ^{assigned to} and achieve compliance with all SPDES permit effluent limitations and additional requirements. *MR 11/26/84*

II. Respondent shall notify this Department in writing of the progress of activities described in paragraph I above by the 10th of the following months: January, March, May, July and September, 1985.

III. Respondent shall continue those activities relating to the disposal of the Besemer Quarry waste salt stockpile as detailed in the November 29, 1979, Consent Order, which is now superseded by this Order.

These activities are:

- A. Respondent shall continue to market the stockpile of waste salt stored in the Besemer Quarry as expeditiously as prevailing market conditions allow. Once said stockpile has been disposed of, the stockpile shall not be again utilized, except by prior written authority of the Department.
- B. Respondent shall reclaim the area of the waste salt stockpile within two (2) years of the stockpile's disposal, as called for and as outlined in Respondent's mining permit.

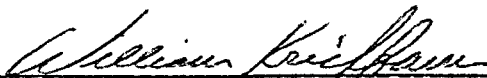
disposal, as called for and as outlined in Respondent's mining permit.

IV. No change in this Order shall be made or become effective except as specifically set forth by a further written Order of the Department, being made either upon written application to the Department by the Respondent setting forth the grounds for the relief sought or upon the Department's own findings after an opportunity for the Respondent to be heard or pursuant to the summary abatement powers of the Department.

V. The provisions, terms and conditions of this Order shall bind the Respondents, its agents, servants, employees, successors and assigns and all persons, firms and corporations acting under or for it. DATED:

Liverpool, New York
1984


HENRY G. WILLIAMS, COMMISSIONER
New York State Department of
Environmental Conservation

BY 
WILLIAM KRICHBAUM
Regional Director

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of the foregoing Order without further notice and waives its right to a hearing herein and agrees to be bound by the provisions, terms and conditions contained therein.

~~CARGILL, INC.~~ CARGILL, INCORPORATED

BY 

TITLE Assistant Vice President

DATE 11/26/84

CORPORATE ACKNOWLEDGMENT

STATE OF New York)
) ss.:
COUNTY OF Tompkins)

On the 26th day of November in the year 1984 before me personally came Joe Pinkham to me known, who, being by me duly sworn did depose and say that he resides in 104 Winthrop Drive, Ithaca, New York that he is the Assistant Vice President of the Cargill, Incorporated, the corporation described in and which executed the above instrument; and that he signed his name thereto by order of the board of directors of said corporation.

Paul K. Johnson
NOTARY PUBLIC

PAUL K. JOHNSON
Notary Public, State of New York
No. 4796350
Qualified in Tompkins County
Commission Expires March 30, 1985

