



Mine Fails to Utilize Reduced Reporting Option, Pays Significant Price

09.23.2015

P4 Productions LLC, a company wholly-owned by Monsanto Corporation, recently settled a long-standing dispute with EPA and DOJ regarding releases of hazardous substances (i.e., hydrogen cyanide, sulfur dioxide, and mercury) from its phosphate mine in Soda Springs, Idaho. According to EPA, Monsanto failed to report such releases in excess of reportable quantities (RQs) from 2006 to 2009, violating CERCLA and EPCRA.

Under CERCLA, the person in charge of a facility must immediately notify the National Response Center (NRC) when a hazardous substance is released in excess of its RQ in a 24-hour period. Likewise under EPCRA, a facility must also notify local and state authorities of such a release.

However, reduced reporting options are available under some circumstances. For example, if a facility can establish a release is continuous and stable in rate and quantity, it may take advantage of the continuous release reporting (CRR) rule which relieves it from a per-occurrence obligation. The CRR rule simply requires an initial phone call to the NRC and state and local agencies, a written follow-up report, and a one-time anniversary report to EPA.

In this case, it appears P4 Productions might have been able to avoid significant penalties if it had taken advantage of the reduced reporting option. Instead, the company was hit with multiple CERCLA and EPCRA violations over a 3-year span and paid a substantial \$600,000 civil penalty.

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