



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Office of Enforcement

1001 I Street • Sacramento, California 95814 • (916) 341-5277
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5284 • <http://www.waterboards.ca.gov>

Arnold Schwarzenegger
Governor

JULY 24, 2008

ARSENIA ABUTIN
MORTON INTERNATIONAL, INC.
7380 MORTON
NEWARK, CA 94560

VIA CERTIFIED MAIL
7003 3110 0003 0767 3924

No. SWB-2008-2-0014– OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM RELATING TO VIOLATIONS OF NPDES PERMIT MORTON SALT DIVISION - NEWARK, 7380 MORTON, NEWARK, CA 94560 (NPDES Permit No. R2-2005-0010, WDID No. 2 019112001)

Dear Facility Contact:

This letter is to notify MORTON INTERNATIONAL, INC. (hereinafter "PERMITTEE" or "you") of alleged violations of the California Water Code identified in the State Water Resources Control Board's (State Water Board) water quality data system and to allow the PERMITTEE to participate in the Water Boards' Expedited Payment Program for Effluent or Reporting Violations (Expedited Payment Program) to address liability which may be assessed pursuant to Water Code sections 13385 and 13385.1.

NOTICE OF VIOLATION:

Based on information in the California Integrated Water Quality System (CIWQS) as of June 2008, the State Water Board's Office of Enforcement alleges that the PERMITTEE has violated the effluent limitations, reporting violations, or Water Code provisions identified in the Notice of Violation (NOV) attached as Exhibit "A". The Permittee will have the opportunity to address the alleged violations as discussed below.

STATUTORY LIABILITY:

Subdivisions (h) and (i) of California Water Code section 13385 require the assessment of a MANDATORY MINIMUM PENALTY of \$3,000 for specified serious and chronic effluent limit violations. The PERMITTEE is subject to discretionary administrative civil liabilities of up to TEN THOUSAND DOLLARS (\$10,000) for each day in which the violation occurs, plus TEN DOLLARS (\$10) for each gallon discharged but not cleaned up in excess of 1,000 gallons. These mandatory minimum penalties and discretionary administrative civil liabilities may be assessed by a Regional Water Quality Control Board (Regional Water Board) or the State Water Board (collectively "the Water

Boards”), beginning with the date that the violations first occurred¹⁴. The formal enforcement action which the Water Boards use to assess such liability is an administrative civil liability complaint although the Water Boards may instead refer such matters to the Attorney General’s Office for prosecution. If referred to the Attorney General for prosecution, the Superior Court may assess up to TWENTY-FIVE THOUSAND DOLLARS (\$25,000) per violation. In addition, the Superior Court may assess up to TWENTY FIVE DOLLARS (\$25) per gallon discharged but not cleaned up in excess of 1,000 gallons.

OFFER TO PARTICIPATE IN EXPEDITED PAYMENT PROGRAM:

The PERMITTEE can avoid the issuance of a formal enforcement action and settle the alleged violations identified in the attached NOV by participating in the Water Boards’ Expedited Payment Program. Details of the proposed settlement are described below and addressed in the enclosed documents.

To promote resolution of these violations, the State Water Board makes this Conditional Offer. The PERMITTEE may accept this offer, waive the PERMITTEE’S right to a hearing, and pay the mandatory minimum penalty as indicated on Exhibit A, for the violations described in the NOV. If the PERMITTEE elects to do so, subject to the conditions below, the State Water Board will accept that payment in settlement of any enforcement action that would otherwise arise out of the violations identified in the Notice of Violation. Accordingly, the State Water Board will forego issuance of a formal administrative complaint, will not refer the violations to the Attorney General, and will waive its right to seek additional discretionary civil liabilities for the violations identified in the Notice of Violation. Resolution of these violations by the State Water Board will preclude Regional Water Board action for these same violations.

The Expedited Payment Program does not address liability for any violation that is not specifically identified in the Notice of Violation.

PERMITTEE’S OPTIONS FOR RESPONSE TO OFFER:

If you accept this offer, please complete and return the enclosed “Acceptance of Conditional Resolution and Waiver of Right to Hearing, (proposed) Order” (Acceptance and Waiver) on or before thirty (30) days from the date of this letter. The Acceptance and Waiver will be held, pending a 30-day public notice period, and then will be

¹⁴ Please note that there are no statutes of limitation that apply to administrative proceedings to assess mandatory minimum penalties. See *City of Oakland v. Public Employees’ Retirement System*, (2002) 95 Cal.App.4th 29, 48; 3 Witkin, Cal. Procedure (4th ed. 1996) Actions, §405(2), p. 510.) The Permittee has not been substantially prejudiced by the passage of time between the date(s) that Permittee reported the violations identified on Exhibit A and the date of this letter. The Permittee was aware of the violations at the time it reported them to the Regional Board. Regional Board staff’s limited enforcement resources and competing enforcement priorities provide a rational explanation for the delay. In fact, the delay has actually benefited the Permittee because it extended the time before payment of the mandatory minimum penalties is due. For these reasons, any delay is not unreasonable.

counter-signed by the Executive Director and returned to you with an invoice for payment.

If you contest some but not all of the violations identified in the attached Notice of Violation, the PERMITTEE may elect to reserve the right to address the contested matters and resolve any uncontested violations through the payment of the mandatory minimum penalty for each uncontested violation. If the PERMITTEE chooses this option, please communicate with the staff contact identified below to discuss the mechanism for memorializing that election on or before the due date.

If the PERMITTEE chooses to contest any of the violations alleged in the Notice of Violation, please identify the specific violation and the basis for the challenge (factual error, affirmative defense, etc.) on or before the due date. The State Water Board staff will evaluate the contested violation and take one of two actions:

- 1) The State Water Board staff will determine that the violation is not supported, verify that determination with the Regional Water Board, expunge the alleged violation from the CIWQS data base once the Regional Water Board verifies the determination, take no further action against the PERMITTEE for the alleged violation, and notify the PERMITTEE of that determination;
- 2) The State Water Board staff, in consultation with the Regional Water Board staff, will determine that the alleged violation is meritorious, and will notify the PERMITTEE of that determination. The PERMITTEE will be given thirty (30) days from the date of receipt of the State Water Board staff determination, to submit a supplemental Expedited Payment for those violations. If the PERMITTEE chooses not to make a payment in response to the determination, the PERMITTEE should expect to be contacted regarding formal enforcement action that will be initiated with regard to the contested violations. In a formal enforcement action, the liability amount sought and/or imposed may exceed the liability amount set forth in this Conditional Offer. Moreover, the cost of enforcement is a factor which can be considered in assessing the liability amount.

CONDITIONS FOR STATE WATER BOARD ACCEPTANCE OF RESOLUTION:

Federal regulations require the State Water Board to publish and allow the public thirty (30) days to comment on any settlement of an enforcement action addressing NDPES permit violations (40 C.F.R. section 123.27(d)(2)(iii)). Upon receipt of the PERMITTEE's Acceptance and Waiver, the State Water Board staff will publish a notice the proposed resolution of the violations.

If no comments are received within the 30-day period, and unless there are new material facts that become available to the Water Boards, the Executive Director will

execute the Acceptance and Waiver as a stipulated order assessing the uncontested mandatory minimum penalty amount pursuant to Water Code section 13385.

If, however, significant comments are received in opposition to the settlement, this Offer may be withdrawn. In that case, the PERMITTEE's waiver pursuant to the Acceptance and Waiver will also be treated as withdrawn. In that case, the unresolved violations will be addressed in a liability assessment proceeding. At the liability assessment hearing the PERMITTEE will be free to make arguments as to any of the alleged violations, and the PERMITTEE's agreement to accept this conditional offer will not in any way be binding or used as evidence against the PERMITTEE. The PERMITTEE will be provided with further information on the liability assessment proceeding.

In the event the Acceptance and Waiver is executed by the Executive Director, payment of the assessed amount shall be due and payable to the State Water Board as specified on the invoice that will accompany the PERMITTEE's receipt of the notice of the Executive Director's execution. The payment period is thirty (30) days. Failure to pay the penalty within the required time period may subject the PERMITTEE to further liability.

Should you have any questions about the Notice of Violation or the Conditional Offer, please contact Taryn Stokell at (916) 327-8039 regarding this matter.

Sincerely,

REED SATO
Director, Office of Enforcement

Encl. – Exhibit "A" - Notice of Violation
Acceptance of Conditional Resolution

Exhibit "A"
Morton International, Inc.
Morton Salt Division - Newark
NOTICE OF VIOLATIONS (1 January 2000 – 31 March 2008)
MANDATORY MINIMUM PENALTIES WITHOUT ENFORCEMENT

The following table lists this facility's alleged violations of subdivisions (h) and (i) of California Water Code section 13385, from January 1, 2000 through March 31, 2008, which have not received mandatory minimum penalty assessment by the Water Boards. Final calculation of MMP amounts owed, and descriptions of the abbreviations that appear in the table are also listed below.

Occurred Date	Type	MMP Type	Violation Description
10/05/02	CAT1	SIG	E-001 pH Eff Cont Sample Max; Max = 8.5; Reported Value = 10.2
03/10/06	CAT1	CHRON	E-001 pH Eff Cont Sample Max; Max = 9; Reported Value = 9.2
03/21/06	CAT1	CHRON	E-001 pH Eff Cont Sample Max; Max = 9; Reported Value = 9.2
07/18/07	CAT1	SIG	E-001 pH Eff Cont Sample Max; Max = 9; Reported Value = 10.8
09/30/07	CAT1	CHRON	E-001 Oil and Grease Eff Monthly Average mg/L; Max = 5; Reported Value = 5.67
10/20/07	CAT1	CHRON	E-001 pH Eff Cont Sample Max; Max = 9; Reported Value = 9.9
02/19/08	CAT2	CHRON	E-001 Cyanide Eff Daily Maximum ug/L; Max = 5; Reported Value = 10

Mandatory Minimum Penalty Amount Owed for Effluent Violations

(2 Serious Violations + 5 Chronic Violations) x \$3,000 = \$21,000 to the Cleanup & Abatement Account

Mandatory Minimum Penalty Amount Owed for Reporting Violations

(0 Late Reporting Violations + 0 Deficient Reporting Violations) x \$3,000 = \$0 to the Waste Discharge Permit Fund

Definition of Acronyms & Abbreviations

CIWQS	California Integrated Water Quality System database used by the Water Boards to manage violation and enforcement activities.
Violation ID	Identification number assigned to a violation in CIWQS.
Occurrence Date	Date that a violation actually occurred. For continuing violations, such as a monthly average, the last day of the reporting period is used. If the occurrence date is unknown, the date is entered as the day it was first discovered by staff, the Discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due.
Type	Classification of a violation. Two types of violations relate to MMPs: 1) Late Reporting Violations (LREP, DREP) 2) Effluent Violations (ATOX, CTOX, CAT1, CAT2, OEV)
LREP	Late reporting violation. Every 30 days a report is late counts as one late reporting violation.
DREP	Deficient reporting violation. This will only result in an MMP if the report is so deficient as to make determination of compliance impossible for that reporting period.
ATOX	Violation of an acute toxicity effluent limitation.
CTOX	Violation of a chronic toxicity effluent limitation.
CAT1	Violation of an effluent limitation for a Group I pollutant by more than 40%.
CAT2	Violation of an effluent limitation for a Group II pollutant by more than 20%.
OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II.
MMP Type	Classification of the type of MMP violation.
CHRON	Chronic violation as defined by California Water Code section 13385 (i). To be counted as a chronic violation, there must be 3 preceding violations within a 180 day period. The fourth non-serious violation that occurs within the 180 period is an MMP violation.
SIG	Serious violation as defined by California Water Code section 13385 (h). Waste discharge exceeds the effluent limitation for a Group I pollutant by 40% or more (CAT1), or a Group II pollutant by 20% or more (CAT2). Also defined by California Water Code section 13385.1 as a failure to file a discharge monitoring report pursuant to Section 13383 for each period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations.
Violation Description	Narrative description of the violation.
M	Effluent exceeds limit for monthly reporting period.
Q	Effluent exceeds limit for quarterly reporting period.
S	Effluent exceeds limit for semi-annual reporting period.
A	Effluent exceeds limit for annual reporting period.
M	Effluent exceeds instantaneous maximum limitation.
DM	Effluent exceeds daily maximum limitation.
AW	Effluent exceeds average weekly limitation.
AM	Effluent exceeds average monthly limitation.

ROHM AND HAAS

LAW DEPARTMENT

ROHM AND HAAS COMPANY
100 INDEPENDENCE MALL WEST, PHILADELPHIA, PA 19106-2399 USA
TELEPHONE: (215) 592-3000 FAX: (215) 592-3310Direct Dial.: (215) 592-6838
Dept. Fax #: (215) 592-3227
E-mail: JLEVIN@ROHMHAAS.COM**RECEIVED**

AUG 25 2008

Office of Enforcement

August 22, 2008

Via Federal Express, OvernightReed Sato
Director, Office of Enforcement
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814**Re: No. SWB-2008-2-0014- Offer to Participate in Expedited Payment Program Relating to
Violations of NPDES Permit
Morton Salt-Newark, 7380 Morton, Newark, CA 94560
(NPDES Permit No. R2-2005-0010, WDID No. 2 019112001)**

Dear Mr. Sato:

This is in response to the above referenced Offer to Participate in Expedited Payment and Notice of Violation dated July 24, 2008 ("Offer") addressed to Morton International, Inc. in Newark, California ("Morton Salt").

In the Offer, the State Water Resources Control Board ("Water Board") alleges seven violations for the period January 1, 2000 through March 31, 2008, as described in Exhibit "A" to the Offer, which is appended for your ready reference. While Morton Salt appreciates the opportunity to expeditiously resolve its alleged liability, it disputes the basis for the Water Board's allegation that the mandatory minimum penalty should be assessed for each of these violations. It appears instead that the proposed mandatory penalties are based upon some calculation errors.

The Water Board alleges that two of the seven violations, those occurring on 10/05/02 and 7/18/07, are serious violations which each carry a \$3,000 mandatory minimum penalty. Neither of those violations can be classified as "significant" or "serious" under the California Code. The State Water Board categorizes the October 5, 2002 pH exceedance as a Category 1, significant violation, which Section 13385(h) of the California Water Code defines as a waste discharge which exceeds the effluent limitation for a Group 1 pollutant by 40% or more. Also, the notice states that the maximum pH value for the 10/5/02 occurrence is 8.5, but the maximum value allowed under the permit in effect at that time was 9.0. See NPDES No. CA 0005185, B.2. Moreover, the value reported does not exceed the maximum reported value by 40%; rather the exceedance is 13.3%. Finally, the five year statute of limitation would bar any penalty sought under the Clean Water Act.

Reed Sato
August 22, 2008
Page 2 of 2

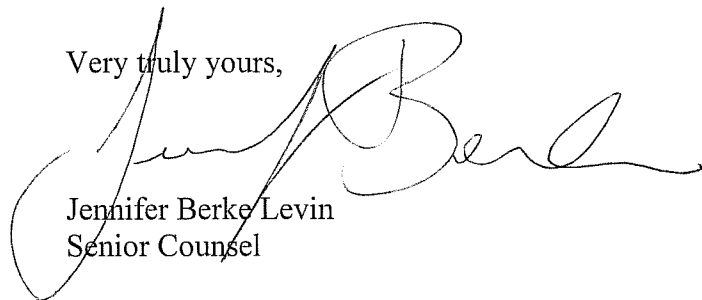
Similarly, the Water Board incorrectly classified the July 18, 2007 pH exceedance as a Category 1, Significant Violation. For that occurrence, the reported value for pH was 10.8 and the maximum value is 9. The exceedance is 20%, not 40% and therefore does not fall within the "serious" definition. In fact, none of the pH violations alleged exceed 40%.

The remaining violations are classified as "chronic." The Water Code, Section 13385(i) requires the Water Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation, not counting the first three violations, if the discharger violates a waste discharge requirement effluent limitation four or more times in any six consecutive months. The Water Board has determined that the occurred dates of 3/10/06, 9/30/07, 10/20/07 and 2/19/08 are chronic violations for which Morton Salt should be assessed a \$3,000 per violation mandatory penalty. However, none of these alleged violations, even when grouped with the violations of 10/05/02 and 7/18/07 fall within the six month time period required, and even if that were the case, only the fourth violation would qualify as "chronic."

For all the reasons set forth above, Morton Salt respectfully requests the Water Board's concurrence that the violations set forth in Exhibit "A" to the Offer do not constitute serious and/or chronic violations which require the imposition of a mandatory penalty.

We are available to speak with you regarding this matter at your convenience. Should you have any questions, please do not hesitate to contact me or Morton Salt's Environmental Manager, Susan Anders, at (312) 371-5764.

Very truly yours,



Jennifer Berke Levin
Senior Counsel

For Morton Salt, Morton International, Inc.
A wholly-owned subsidiary of Rohm and Haas Company

JBL/jbl
Enclosure

cc: Arsenia Abutin (Morton Salt)
Susan Anders (Morton Salt)
Gary Kruger (Morton Salt)
James Oswald (Morton Salt)
Taryn Stokell (Water Board)



State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Office of Enforcement
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Arnold Schwarzenegger
Governor

DECEMBER 2, 2008

ARSENIA ABUTIN
MORTON INTERNATIONAL, INC.
7380 MORTON
NEWARK, CA 94560

RESPONSE TO REQUEST FOR ALLEGED VIOLATION REVIEW – MORTON SALT DIVISION - NEWARK (NPDES Permit No. R2-2005-0010, WDID No. 2 019112001))

Thank you for your letter dated August 22, 2008, responding to Offer to Participate in Expedited Payment Program No. SWB-2008-2-0014, which assessed mandatory minimum penalties (MMPs) for violations of effluent limitations. The State Water Board, in conjunction with the San Francisco Bay Regional Board, has reviewed your request to exempt three violations from the Exhibit A – Notice of Violations and has determined that the violations are invalid.

First, the State Water Board has determined that the March 10, 2006 pH violation is the third chronic count, not the fourth chronic count, and is not subject to a mandatory minimum penalty. This determination has been verified with the San Francisco Bay Regional Water Quality Control Board and the invalid violation will be expunged from our records.

Second, the State Water Board has reviewed the pH violations occurring on 10/05/02 and 7/18/2007 and has determined that they were incorrectly classified as Category 1 violations (CAT1). The correct classification is Other Effluent Violation (OEV), and although these two violations are considered to be priority violations according to the Enforcement Policy, they are not serious violations or the fourth or more chronic violations within 180 days and therefore are not subject to MMPs. These violations will also be expunged from our records.

Since the PERMITTEE requested a review of these violations, the State Water Board has established new deadlines. If you intend to participate in the Expedited Payment Program, you must sign and return the previously sent Acceptance of Conditional Resolution and Waiver of Right to Hearing form by **JANUARY 2, 2008**. By signing the Acceptance and Waiver, the PERMITTEE agrees to pay the penalty as indicated on the amended Exhibit A – Notice of Violation and waives the right to a hearing.

If you do not elect to sign the Acceptance and Waiver, you will be contacted regarding formal enforcement action that will be initiated with regard to the contested violation.

California Environmental Protection Agency

Thank you for your assistance in this matter. Should you have any questions, please contact Taryn Stokell at (916) 327-8039.

Sincerely,



REED SATO
Director, Office of Enforcement

Encl. – Exhibit A – Notice of Violation (amended)

Cc: Susan Anders, Morton Salt

Exhibit "A"
Morton International, Inc.
Morton Salt Division - Newark
 NOTICE OF VIOLATIONS (1 January 2000 – 31 March 2008)
 MANDATORY MINIMUM PENALTIES WITHOUT ENFORCEMENT

The following table lists this facility's alleged violations of subdivisions (h) and (i) of California Water Code section 13385, from January 1, 2000 through March 31, 2008, which have not received mandatory minimum penalty assessment by the Water Boards. Final calculation of MMP amounts owed, and descriptions of the abbreviations that appear in the table are also listed below.

Occurred Date	Type	MMP Type	Violation Description
03/21/06	CAT1	CHRON	E-001 pH Eff Cont Sample Max; Max = 9; Reported Value = 9.2
09/30/07	CAT1	CHRON	E-001 Oil and Grease Eff Monthly Average mg/L; Max = 5; Reported Value = 5.67
10/20/07	CAT1	CHRON	E-001 pH Eff Cont Sample Max; Max = 9; Reported Value = 9.9
02/19/08	CAT2	CHRON	E-001 Cyanide Eff Daily Maximum ug/L; Max = 5; Reported Value = 10

Mandatory Minimum Penalty Amount Owed for Effluent Violations

(0 Serious Violations + 4 Chronic Violations) × \$3,000 = \$12,000 to the Cleanup & Abatement Account

Mandatory Minimum Penalty Amount Owed for Reporting Violations

(0 Late Reporting Violations + 0 Deficient Reporting Violations) × \$3,000 = \$0 to the Waste Discharge Permit Fund

Definition of Acronyms & Abbreviations

CIWQS	California Integrated Water Quality System database used by the Water Boards to manage violation and enforcement activities.
Violation ID	Identification number assigned to a violation in CIWQS.
Occurrence Date	Date that a violation actually occurred. For continuing violations, such as a monthly average, the last day of the reporting period is used. If the occurrence date is unknown, the date is entered as the day it was first discovered by staff, the Discharger, or a third party. For deficient or late reports, the occurrence date is the day after the report was due.
Type	Classification of a violation. Two types of violations relate to MMPs: 1) Late Reporting Violations (LREP, DREP) 2) Effluent Violations (ATOX, CTOX, CAT1, CAT2, OEV)
LREP	Late reporting violation. Every 30 days a report is late counts as one late reporting violation.
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ATOX	Violation of an acute toxicity effluent limitation.
CTOX	Violation of a chronic toxicity effluent limitation.
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CAT2	Violation of an effluent limitation for a Group II pollutant by more than 20%.
OEV	Violation of any constituent-specific effluent limitation not included in Group I or Group II.
MMP Type	Classification of the type of MMP violation.
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SIG	Serious violation as defined by California Water Code section 13385 (h). Waste discharge exceeds the effluent limitation for a Group I pollutant by 40% or more (CAT1), or a Group II pollutant by 20% or more (CAT2). Also defined by California Water Code section 13385.1 as a failure to file a discharge monitoring report pursuant to Section 13383 for each period of 30 days following the deadline for submitting the report, if the report is designed to ensure compliance with limitations contained in waste discharge requirements that contain effluent limitations.
Violation Description	Narrative description of the violation.
M	Effluent exceeds limit for monthly reporting period.
Q	Effluent exceeds limit for quarterly reporting period.
S	Effluent exceeds limit for semi-annual reporting period.
A	Effluent exceeds limit for annual reporting period.
IM	Effluent exceeds instantaneous maximum limitation.
DM	Effluent exceeds daily maximum limitation.
AW	Effluent exceeds average weekly limitation.
AM	Effluent exceeds average monthly limitation.

MORTON SALT

A Rohm and Haas Company

RECEIVED

DEC 30 2008

Office of Enforcement

December 5, 2008

Mr. Reed Sato
Expedited Payment Program
Office of Enforcement
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7004 1350 0002 4521 5799

**SUBJECT: MORTON INTERNATIONAL, INC.
SWB-2008-2-0014 – OFFER TO PARTICIPATE IN EXPEDITED
PAYMENT PROGRAM RELATING TO VIOLATIONS OF NPDES
PERMIT (NO. R2-2005-0010)**

Dear Mr. Sato:

Please find enclosed the signed Acceptance of Conditional Resolution and Waiver of Right to Hearing Order regarding SWB-2008-2-0014 dated July 24, 2008.

Also enclosed is the check in the amount of \$12,000.00 to cover the Mandatory Minimum Penalties indicated on the Exhibit A – Notice of Violation (1 January 2000 - 31 March 2008), amended December 2, 2008 by the State Water Resources Control Board.

Please advise if this submittal does not meet your requirements.

Sincerely,



Arsenia G. Abutin
Quality Control Manager

cc: James M Oswald, Plant Manager
Susan Anders, Chicago
Gary Kruger, Chicago
Jennifer Levin, Legal Counsel

Encl. (1) Acceptance of Conditional Resolution and Waiver of Right to Hearing Order
(2) Check in the amount of \$12,000.00
(3) Amended Exhibit A - December 2, 2008





State Water Resources Control Board



Linda S. Adams
Secretary for
Environmental Protection

Office of Enforcement
1001 I Street • Sacramento, California 95814 • (916) 341-5277
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
Fax (916) 341-5284 • <http://www.waterboards.ca.gov>

Arnold Schwarzenegger
Governor

SWB-2008-2-0014
NPDES Permit No. R2-2005-0010

ACCEPTANCE OF CONDITIONAL RESOLUTION AND WAIVER OF RIGHT TO HEARING; (proposed) ORDER

MORTON INTERNATIONAL, INC.
SWB-2008-2-0014
NPDES Permit No. R2-2005-0010

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Office of Enforcement of the State Water Resources Control Board (State Water Board), MORTON INTERNATIONAL, INC. (Permittee) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Water Board with jurisdiction over the facility to dispute the allegations of violations described in the Notice of Violation (NOV) which is attached hereto as Exhibit "A" and incorporated herein by reference.

The Permittee agrees that the NOV shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the State Water Board to assert jurisdiction over the alleged violations through its Executive Director. The Permittee agrees to pay the penalties authorized by California Water Code section 13385, as indicated on the attached invoice (Expedited Payment Amount) which shall be deemed payment in full of any civil liability pursuant to the Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV.

The Permittee understands that once the Acceptance and Waiver is executed by the Executive Director of the State Water Board, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. The Permittee shall pay the Expedited Payment Amount by check payable to SWRCB. The payment shall be submitted to the State Water Board as specified on the enclosed invoice.

The Permittee understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the Notice of Violation.

Upon execution by the Permittee, the Acceptance and Waiver shall be returned to:

Expedited Payment Program
Office of Enforcement
State Water Resources Control Board
P.O. Box 100
Sacramento, California 95812-0100

The Permittee understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the State Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action. Accordingly, this Acceptance and Waiver, prior to execution by the Executive Director of the State Water Board, will be published as required by law for public comment.

If no comments are received within the notice period which causes the Executive Director of the State Water Board to reconsider the Expedited Payment Amount, the Executive Director will execute the Acceptance and Waiver. Resolution of these violations by the State Water Board will preclude Regional Water Board action for these same violations.

The Permittee understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Water Board to resolve the violations set forth in the NOV may be withdrawn. In that circumstance, the Permittee will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Water Quality Control Board with jurisdiction over the violations or the State Water Board. For such a liability hearing, the Permittee understands that this Acceptance and Waiver executed by the Permittee will be treated as a settlement communication and will not be used as evidence in that hearing.

The Permittee understands that once the Acceptance and Waiver is executed by the Executive Director of the State Water Board, the full payment required by the deadline set forth below is a condition of this Acceptance and Waiver. The Permittee shall pay the Expedited Payment Amount in full. The payment shall be submitted to the State Water Board no later than the date indicated on an invoice which will accompany the Acceptance and Waiver after execution by the Executive Director.

I hereby affirm that I am duly authorized to act on behalf of and to bind the Permittee in the making and giving of this Acceptance and Waiver.

Morton Salt
(Name of Permittee)

By: James M. Oswald
(Signed Name)

12-5-08
(Date)

James M. Oswald
(Printed or typed name)

Plant Manager
(Title)

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

Date: _____

By: _____
DOROTHY R. RICE
EXECUTIVE DIRECTOR
State Water Resources Control Board



Vendor Number
60017018

Date
12/19/2008

059643

70-2322
719

Net Amount

Pay *****12000 Dollars and 00 Cents

\$*****12000.00

To the order of

STATE WATER RESOURCES CONTROL BOARD
EXPEDITED PAYMENT PROGRAM
OFFICE OF ENFORCEMENT
PO BOX 100
SACRAMENTO CA 95812-0100

JPMORGAN CHASE BANK, N.A.
CHICAGO, ILLINOIS

⑈059643⑈ ⑆071923226⑆ 58 43391⑈

MORTON SALT DIVISION OF MORTON INTERNATIONAL, INC.

CHECK NUMBER 059643

Invoice Date	Invoice Number	Order Number	Invoice Amount	Discount Amount	Net Amount
12/04/08	CKRQ120408		12,000.00	.00	12,000.00
	NOTICE OF VIOLATIONS (JANUARY 1,2000 THROUGH MARCH 31,2008)				
	Payment Totals		12,000.00	.00	12,000.00

