



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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2008 MAR 11 AM 10:10

EPA REGION VIII
HEARING CLERK

MAR 11 2008

Ref: 8ENF-W-NP

CERTIFIED MAIL #7005 0390 0000 4845 6634
RETURN RECEIPT REQUESTED

Lee R. Cunningham
Corporate Environmental Counsel
Archer Daniels Midland Company
4666 Faries Parkway
P.O. Box 1470
Decatur, IL 62526

Re: Order for Compliance;
Docket No. CWA-08-2007-0018
International Malting Company

Dear Mr. Cunningham:

This letter responds to your September 21, 2007 letter to Amy Clark of my staff. It also follows up on a December 18, 2007 conference call with the U.S. Environmental Protection Agency (EPA), in which you and various other representatives of ADM Malting LLC (formerly International Malting Company or IMC) and/or Archer Daniels Midland Company (collectively referenced as ADM) participated. In your letter and during the subsequent telephone conference, you questioned the appropriateness of certain provisions of the order and asked EPA to withdraw, stay, or substantially modify it.

As you are aware, EPA's continuing concerns with high levels of hydrogen sulfide gas in the City of Great Falls's (city's) sanitary sewer system prompted EPA to issue the order cited above (the order). Having carefully considered your input, and recognizing ADM's efforts to reduce hydrogen sulfide formation in the sewer since ADM took over IMC's operation in late 2006, EPA has concluded that certain provisions in the order should be amended and that it is essential that ADM comply in full with the amended order. Our reasons follow.

Hydrogen sulfide (H₂S) is a leading cause of sudden death in the workplace. Depending on concentrations, it may also cause serious non-fatal effects. It is especially dangerous in confined work spaces. The dangers of hydrogen sulfide were a factor in EPA's decision to promulgate 40 C.F.R. §403.5(b)(7), which protects against the formation of toxic gases, vapors, or fumes in city sewers.



The order, as you are aware, required IMC to take various steps to address the hydrogen sulfide problem, not only to ensure safety of city sewer workers but also to prevent further corrosion in the sewer manholes. Some of those steps were:

- Continuously monitoring the effluent discharge for flow and pH (§22)
- Continuously monitoring flow and conductivity of pretreatment chemicals added to IMC's effluent (§22)
- Monitoring effluent daily for biological oxygen demand (BOD or BOD₅), total suspended solids (TSS), dissolved sulfide, and hydrogen sulfide gas (§23)
- Submitting a report to EPA and city describing the cause of the H₂S in the sewer system (§26)
- Providing EPA with a description of IMC's pretreatment methods, design plans, treatment costs, and treatment efficiencies (§27)
- Upon notification from the city that H₂S concentrations in the city sewer exceed 10 parts per million ("ppm"), immediately taking all actions to bring H₂S down and, within 24 hours, emailing EPA and the city with pertinent details (§28), and
- Submitting a plan to EPA with actions taken or to be taken to prevent further part 403 violations (§29)

1. ADM's Actions to Date

ADM has stated that since it installed a temporary Bioxide® (nitrate salt) injection system in the spring of 2007, hydrogen sulfide has not been detected outside the sewer lines and that concentrations within the sewer have "generally been well below 10 ppm." (September 21, 2007 letter, page 3.) However, EPA remains concerned that hydrogen sulfide levels at the manholes closest to the malting facility have risen to levels of more than 300 ppm at least once in the majority of months since May of 2007. Each month since then has had at least one reading in excess of 100 ppm. Above manhole 4069, H₂S readings for the week ending February 1, 2008 included 5 readings above 100 ppm and 30 readings between 10 ppm and 100 ppm. These results are very serious, especially because 100 ppm is the level that the National Institute for Occupational Safety and Health (NIOSH) has established as the IDHL, or "immediately dangerous to life or health" level.

2. Monitoring Requirements

a. Continuous Flow Monitoring

ADM has objected to the requirement to monitor continuously for flow (§22), stating that the city already monitors ADM's effluent discharge flows continuously. However, we are unaware of any requirement for the city to do so. Thus, there is no assurance that the city will monitor ADM's flow continuously in the future. In fact, according to the industrial user permit ("IU permit") that the city issued to IMC, IMC was required to monitor its flow continuously well before the EPA issued the order now under discussion. (IU permit, page 2.)

According to the IU permit, sampling shall be "immediately after screening and prior to introduction of other waste streams." (IU permit, page 2.) There are to be two flow meters, one to measure the "regulated flow" and the other to measure "the total flow being discharged from the plant facilities." (IU permit, page 3, §7.) The city's meter has not been placed to measure solely the regulated flow. (There was, of course, no need for it to do so, because the city required IMC, not itself, to meet the conditions of the IU permit.) The city's flow meter does not excuse ADM from complying with the IU permit.

Continuous flow measurements are necessary to determine if ADM is in compliance with the IU permit's BOD and TSS limits, because these limits are stated by mass. The IU permit also limits the daily flow. EPA will retain the requirement in the order to monitor continuously for flow.

It is important to determine how much BOD and TSS that ADM is discharging to the city's sewer because, as you are aware, high levels of BOD are a major factor in forming hydrogen sulfide in the sewer. Similarly, with the high organic content of the solids generated by the malting process, TSS levels also contribute to hydrogen sulfide formation. However, EPA has agreed to amending paragraph 23 (now paragraph 28) to require BOD and TSS monitoring three times per week, with samples to be at least one day apart from each other. A week is considered to be Monday through Sunday. The IU permit already requires sampling for BOD and TSS at least twice a week. Samples taken to meet the permit requirement may count towards the order's requirement. Given the observed variability in BOD and TSS results, it is important to EPA that BOD and TSS be sampled at least three times per week. Again, please keep in mind that according to the IU Permit, the sample point is "immediately after screening and prior to introduction of other waste streams." (IU permit, page 2.)

b. Monitoring for pH

ADM also has questioned the order's requirement to monitor for pH. ADM states that its monitoring has shown pH to have been consistently in the range of 6.25 to 7.0 standard units since the plant began operations. Monitoring for pH is important because pH has a direct correlation to the generation of hydrogen sulfide. The lower the pH, the more hydrogen sulfide is

likely to be generated. We know of two instances during April of 2006 in which IMC discharged effluent with a pH below the permitted minimum of 5.5. Additionally, during the National Enforcement Information Center ("NEIC") inspection, ADM was unable to demonstrate that pH samples collected at the compliance sampling point were analyzed within 15 minutes of sample collection as required by 40 C.F.R. part 136. This raises questions about the reliability of the previous sample results. EPA will retain the order's requirement to monitor for pH.

c. Monitoring for Bioxide® Flow and Conductivity

ADM has also objected to the requirements in paragraph 22 to monitor the flow and conductivity of the Bioxide® it adds to its discharge.

It is unclear what flow rate ADM actually has used. ADM's September 21st letter, on page 4, indicated that ADM "sets the injection rate of the nitrogen salt into its discharge line, normally at the rate of 100 gallons per day." This is not an injection rate but rather the total amount used over a day. During the NEIC inspection, an ADM representative stated that the Bioxide® dosage was 150 gallons per day.

Based on observed variations in the effluent's flow rate and BOD concentrations, it appears that a constant application/injection rate may not be adequate. ADM has reported an average effluent flow rate from June 2006 through March 2007 of 1.37 million gallons per day (mgd); during the NEIC inspection ADM indicated that flows may be as high as 1.7 mgd. An August 23, 2006 letter from Siemens to IMC cited an average daily BOD of 600 milligrams per liter (mg/l) and effluent flow of 1.2 mgd. Data from ADM from January 2006 through March 2007 indicated an average BOD discharge of 700 mg/l, with levels as high as 1,500 mg/l.

It is important that ADM monitor and report the injection rate, in order to help evaluate the effectiveness of the nitrate salt addition. EPA will retain the requirement to monitor the injection rate continuously. Reporting only the volume of daily Bioxide® used, as ADM has reported to the city, is not sufficient to comply with the order. It will be necessary for ADM to monitor and report Bioxide® flow rate.

As requested, EPA is amending paragraph 22 of the order to eliminate the requirement to monitor continuously for conductivity of the pretreatment chemical(s) added to ADM's effluent.

d. Monitoring for Dissolved Sulfide and Hydrogen Sulfide Gas

The order also required daily monitoring of dissolved sulfide and hydrogen sulfide gas. ADM states that these requirements are not needed, because, based on one sulfide sample from August of 2006, Siemens concluded that sulfide is produced in the sewer.

EPA does not agree that one dissolved sulfide sample taken over a year ago is adequate

justification to remove all requirements to sample dissolved sulfide.¹ However, we believe it would be reasonable to change the sulfide monitoring requirement to weekly, and we are amending paragraph 23 (now paragraph 28) of the order accordingly. Please note that the sampling point is immediately after screening and prior to introduction of unregulated waste streams, as required by the IU permit.

As requested, we are eliminating the requirement for ADM to monitor for hydrogen sulfide gas at the point of discharge, because it is less likely that hydrogen sulfide would be present at the point of discharge than in the sewer.

3. Permit Requirements

EPA remains concerned about the apparent noncompliance with the IU permit limits, especially those for BOD and TSS. As you are aware, high BOD levels contribute to hydrogen sulfide formation in the sewer. Even without this connection, these violations would be of concern. We urge ADM to take immediate action to comply with this limit and, of course, all limits in the IU permit. We are also amending the order to require this.

4. Describing Cause of Hydrogen Sulfide

ADM's September 21st letter included a description of how it believes hydrogen sulfide has been forming in the sewer system, as required by paragraph 26 of the order. Therefore, EPA is removing this requirement from the amended order.

5. H₂S Concentrations

Paragraph 28 of the order required IMC to take action upon notification that the H₂S concentration in the sewer exceeds 10 ppm. The order established 10 ppm as the threshold for taking action because this level raises safety concerns. The American Conference of Government and Industrial Hygienists has adopted a recommended Threshold Limit Value (TLV) of 10 ppm. NIOSH has recommended that no employee be exposed to hydrogen sulfide at a concentration greater than 10 ppm. (NIOSH Publication No. 77-158.) Therefore, EPA will retain the action level of 10 ppm in paragraph 28 (now paragraph 32) of the order.

In view of your concern that parties other than ADM may be responsible for elevated hydrogen sulfide levels in the sewer, EPA is amending paragraph 28 (now paragraph 32) of the order so that the corrective action requirement is triggered when the city notifies ADM that H₂S has reached over 10 ppm upstream of manhole 4069. EPA is also revising the requirement to email EPA and the city within 24 hours with the details on the actions it has taken and the resulting effect on hydrogen sulfide. The amended order requires submission of this information on a weekly basis. No submittal is required for weeks in which hydrogen sulfide levels in the

¹ EPA has received information suggesting that ADM has collected and analyzed additional sulfide samples, although EPA has not received the data.

sewer do not exceed 10 ppm upstream of manhole 4069.

6. Pretreatment System / Plan to Control Hydrogen Sulfide

As of our December 18th conference call, ADM had not provided design plans for the pretreatment system as required by paragraph 27 of the order. In your September 21st letter to EPA, you provided a simplified one-page flow schematic and a general description of the pretreatment process. However, design plans include sizes, capacities, pumping rates, etc. of each major piece of equipment of the pretreatment system. Nor had ADM submitted a plan, as required by paragraph 29, for complying with 40 C.F.R. part 403 in the future.

Since that time, EPA has received a PowerPoint presentation about a superoxygenation system that ADM proposes to install at the city's lift station. If ADM intends to proceed with installing this system, EPA will need additional information, including treatment efficiencies and results from bench scale testing. For any system (including but not limited to superoxygenation or variable frequency drives on pump motors) that would be in the city's lift station or elsewhere in the city's collection system, ADM will need to obtain agreements with the city covering issues such as access to the system and maintenance, operation, control and ownership of the system. EPA will retain the requirements to submit design plans for its pretreatment system and a corrective action plan (including an implementation schedule), to provide an itemized list of implementation costs, and to provide a written notice of any non-compliance with this plan.

We have enclosed an amended order to reflect the changes described above. Please also note that this order adds Archer Daniels Midland Company as a respondent, in view of the statements in your letter that Archer Daniels Midland Company now operates the malting plant. We also substituted the name "ADM Malting, LLC" for "International Malting Company" because the Office of the Montana Secretary of State has informed our office that International Malting Company changed its name to ADM Malting, LLC in October of 2007. Additionally, please note that the paragraph numbers have changed in the amended order.

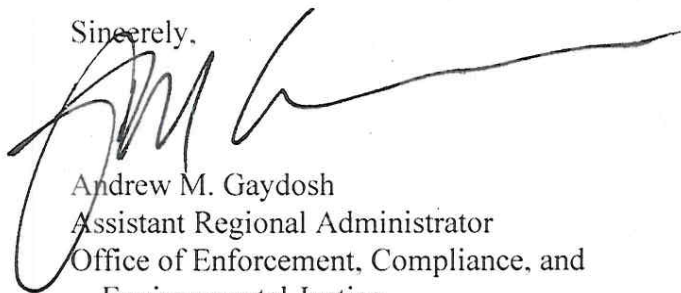
Although ADM has complied with order's requirement to report the cause of hydrogen sulfide in the sewer system, it has failed to comply with other important requirements of the order. ADM has not complied with the monitoring and reporting requirements in par. 22-25 of the order. ADM has not provided a description of its pretreatment methods, design plans, treatment costs, and treatment efficiencies, as required by par. 27. Despite having received data from the city indicating frequent exceedances of 10 ppm hydrogen sulfide in the sewer, ADM has failed to take immediate action to bring down the hydrogen sulfide and subsequently to email the EPA and the city with details on action(s) taken and the resulting effects on hydrogen sulfide levels, as required by par. 28. ADM has not submitted a plan to EPA for ensuring that hydrogen sulfide in the sewer system remains below 10 ppm, as required by par. 29. ADM has not submitted an itemized list of all costs incurred to implement the plan, as required by par. 33.

In conclusion, we would like to emphasize the importance of complying with the order

and the IU permit, especially in view of the health hazards and observed corrosion from hydrogen sulfide in the city sewer. Noncompliance with any Clean Water Act permit and/or compliance order can lead to escalated enforcement action. We urge to you give serious attention to the requirements of the order.

If you have any questions or comments, the most knowledgeable people on my staff are Amy Clark (303-312-7014) for technical issues and Peggy Livingston (303-312-6858) for legal issues.

Sincerely,

A handwritten signature in black ink, appearing to read 'AMG', with a long horizontal flourish extending to the right.

Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance, and
Environmental Justice

Enclosure

cc: Jim Rearden, City of Great Falls
John Arrigo, MDEQ
Kari Smith, MDEQ

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

IN THE MATTER OF:)	AMENDED ORDER FOR
)	COMPLIANCE
ADM Malting, LLC (formerly)	
International Malting Company),)	Issued Pursuant to Sections
and Archer Daniels Midland Company,)	309(a)(3) and 308(a) of the
Respondents.)	Clean Water Act
)	
)	
)	Docket No. CWA-08-2007-0018

STATUTORY AUTHORITY

This Order for Compliance (Order) is issued pursuant to section 309(a)(3) of the Clean Water Act (Act), 33 U.S.C. § 1319(a)(3), which authorizes the Administrator of the United States Environmental Protection Agency (EPA) to issue an order requiring compliance by a person found to be in violation of sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or in violation of any permit condition or limitation implementing any such sections of the Act. This Order is also issued pursuant to section 308(a) of the Clean Water Act, 33 U.S.C. §1318(a), which authorizes the Administrator of the United States Environmental Protection Agency (EPA) to require submission of information. These authorities have been delegated to the undersigned official.

FINDINGS OF FACT

1. Respondent ADM Malting, LLC (ADM Malting), formerly known as International Malting Company (IMC), is a Delaware corporation authorized to do business in Montana.

2. Respondent Archer Daniels Midland Company (ADM) is a Delaware corporation authorized to do business in Montana.
3. Each Respondent is a "person" within the meaning of section 502(5) of the Act, 33 U.S.C. §1362(5).
4. The Respondents own and/or operate a barley malting facility located at 415 U.S. Highway 87, Great Falls, Montana, for the purpose of malt production (Standard Industrial Classification 2083). IMC operated the facility prior to approximately October of 2006. ADM has operated the facility since that time.
5. Since at least November 2005, Respondents have consistently discharged process wastewater within the meaning of 40 C.F.R. §401.11(q) to a wastewater treatment facility owned and operated by the City of Great Falls. The process wastewater contains pollutants within the meaning of section 502(6) of the Act, 33 U.S.C. §1362(6) and process wastewater pollutants within the meaning of 40 C.F.R. §401.11(r).
6. The wastewater treatment facility owned and/or operated by the City of Great Falls is part of a Publicly-Owned Treatment Works (POTW) as defined in 40 C.F.R. §403.3(q).
7. The POTW includes not only the treatment plant itself, but also sewers, pipes, and other conveyances that convey wastewater to the treatment plant, according to 40 C.F.R. §403.3(q).
8. The pollutants that the Respondents have introduced into the POTW constitute an "Indirect Discharge" as defined by 40 C.F.R. §403.3(i).

9. As a non-domestic source of pollutants discharged to a POTW, each Respondent is subject to EPA's General Pretreatment Regulations for Existing and New Sources of Pollution, 40 C.F.R. part 403 (Pretreatment Regulations). EPA promulgated the Pretreatment Regulations to implement section 307(b) of the Act, 33 U.S.C. §1317(b).
10. Each Respondent is an "Industrial User" within the meaning of 40 C.F.R. §403.3(j), and a "Significant Industrial User" as defined at 40 C.F.R. §403.3(v).
11. IMC has been authorized by the City of Great Falls to discharge to the POTW under an Industrial User Permit (IU Permit) in effect since September 22, 2005.
12. Under 40 C.F.R. §403.5(b)(7), pollutants that result in the presence of toxic gases in the POTW in a quantity that may cause acute worker health and safety problems may not be discharged to a POTW.
13. Under 40 C.F.R. §403.5(b)(2), pollutants that will cause corrosive structural damage to a POTW (and, unless a POTW is specifically designed for such discharges, pollutants with a pH less than 5.0) may not be discharged to a POTW.
14. The National Institute for Occupational Safety and Health's (NIOSH's) recommended exposure level ceiling for hydrogen sulfide is 10 parts per million (ppm). NIOSH has established the immediate danger to life or health (IDLH) concentration as 100 ppm for hydrogen sulfide.
15. The symptoms of short-term exposure to hydrogen sulfide gas include respiratory irritation, difficulty breathing, headaches, and nausea.

16. Since at least November 2005, the Respondents have been consistently discharging process wastewater to the City of Great Falls sewer line. Since December 12, 2005, hydrogen sulfide has been detected in the sewer line through which Respondents have discharged process wastewater to the POTW's treatment plant.
17. Since December 2005, hydrogen sulfide concentrations in the sewer line downstream from the Respondents' facility have exceeded 10 ppm on a consistent basis. The highest levels of hydrogen sulfide have been found in manholes immediately down gradient of Respondents' discharge.
18. On December 12, 2005, the concentration of hydrogen sulfide in the sewer line exceeded 10 ppm at the manhole immediately downstream of the Respondents' discharge. Further testing on subsequent days continued to find elevated levels of hydrogen sulfide in the sewer line immediately downstream of the Respondents' discharge.
19. Respondents' discharge has resulted in levels of hydrogen sulfide in the sewer system that may cause acute worker health and safety problems.

VIOLATIONS

20. Respondents' discharge has resulted in levels of hydrogen sulfide of 100 or more ppm on at least 350 occasions and levels of 10 or more ppm on even more occasions in the sewer system upstream of manhole 4069 between December of 2005 and December of 2007.

21. Respondents' discharge has violated limitations for biochemical oxygen demand (BOD₅), total suspended solids (TSS), and other parameters and conditions listed in the IU permit since June 2006.
22. Each day that the Respondents' discharge resulted in hydrogen sulfide at levels that may cause acute worker health and safety problems constitutes a separate violation of 40 C.F.R. §403.5(b)(7).
23. Each day that Respondents' discharge resulted in corrosion in any part of the POTW constitutes a separate violation of 40 C.F.R. §403.5(b)(2).
24. Each day that Respondents' discharge violated limitations in its IU permit constitutes a separate violation of the IU permit.

ORDER

Based upon the foregoing Violations, and pursuant to the authority delegated to the individual below, it is hereby ORDERED THAT:

25. Within ten (10) days of receipt of this Order, Respondents shall give written notice to EPA their intent to comply with the requirements of this Order.
26. Upon receipt of this Order, Respondents shall immediately comply with all pretreatment regulations found in 40 C.F.R. part 403 and with the IU Permit.
27. Beginning immediately, Respondents shall continuously monitor their effluent discharge for flow of the regulated waste stream, for total flow from the facilities, for pH, and for flow rate or injection rate of the pretreatment chemical(s) added to the Respondents' effluent. Respondents' pH measurements shall be of the "regulated waste stream" without contribution from any other part of the plant. The "regulated waste

stream” is described in the Permit to Discharge Industrial Wastewater issued to IMC by the City of Great Falls. Respondents shall submit results from each day of monitoring to the City of Great Falls the following day via email. Respondents shall provide results for the daily monitoring from the previous Monday through Sunday to EPA each Monday via email. Respondents will continue sampling until EPA provides written notification that the sampling frequency is to be changed or that sampling can be discontinued.

28. Beginning immediately, Respondents shall monitor their effluent at least three times per week for BOD₅ and for TSS, and at least weekly for dissolved sulfide. For BOD₅ and TSS, Respondents shall take samples at least one day apart from each other. Respondents shall monitor for those pollutants at the sampling point prior to their discharge to the sewer system, indicating the levels of these pollutants in the “regulated waste stream” without contribution from any other waste stream(s) from the plant. Respondents shall sample until EPA provides written notification that the sampling frequency may be changed or that sampling can be discontinued. Respondents shall compile data from Monday through Sunday and submit the results every Monday via email to the City of Great Falls and EPA.
29. Respondents shall mail a copy of all monitoring results for paragraphs 27 and 28 for each month to EPA by the 15th day of the following month along with the certification statement in paragraph 41.
30. All samples required by this Order shall be representative of the discharge. Sampling and analysis shall be done in accordance with 40 C.F.R. part 136.

31. Within thirty (30) days of receipt of this Order, Respondents shall provide to EPA all information regarding the Respondents' pretreatment system, including but not limited to a description of all pretreatment methods used, design plans, treatment costs, and treatment efficiencies. For any portions of the system to be installed or operated within the POTW (including, but not limited to the sewer) or on any other property not owned by any Respondent, Respondents shall provide a copy of each agreement with the City of Great Falls (or, if applicable, any other landowner) allowing for sufficient access for Respondents to install, operate, and maintain the system.
32. If at any time after fourteen days of receipt of this Order either Respondent is notified by the City of Great Falls that the concentration of hydrogen sulfide gas at any location upstream of manhole 4069 in the sewer system exceeds the NIOSH recommended exposure level ceiling of 10 ppm, Respondents will immediately take all actions to bring the hydrogen sulfide levels upstream of manhole 4069 in the sewer system to less than 10 ppm and shall provide EPA with the details on the actions taken and resulting effect on hydrogen sulfide every Monday via email. No submittal is required for any week in which hydrogen sulfide levels in the sewer do not exceed 10 ppm upstream of manhole 4069.
33. Within thirty (30) days of receipt of this Order, Respondents will provide to EPA and the City of Great Falls a plan describing the actions proposed and/or taken to prevent further violations of 40 C.F.R. part 403. At a minimum, this plan shall include a description of what actions Respondents will take, short-term and long-term if different,

to ensure that hydrogen sulfide in the sewer system remains below 10 ppm. A proposed time line for implementing these actions will be included in the report.

34. EPA will review the submission described in paragraph 33 and may: (a) approve the submission; (b) approve the submission with modifications; or (c) disapprove the submission and direct Respondents to re-submit the document after incorporating EPA's comments.
35. Upon receipt of a notice of disapproval or a request for a modification as described in paragraph 34 above, Respondents shall, within fifteen (15) days, or such longer time as specified by EPA in its notice of disapproval or request for modification, correct the deficiencies and resubmit the plan(s). Respondents shall have the opportunity to object in writing to the notification of disapproval or request for modification given pursuant to paragraph 34 within fifteen (15) days of receipt of such notification. EPA and Respondents shall have an additional thirty (30) days from the receipt by EPA of the notification of objection to reach agreement. If agreement cannot be reached on any such issue within this thirty (30) day period, EPA shall provide a written statement of its decision to Respondents, which shall be final and binding upon Respondents.
36. Upon EPA approval, or approval with modification of the plan, the plan and its implementation schedule will be incorporated into this Order as enforceable terms of the Order.
37. Within fourteen (14) days of completion of the plan identified above, Respondents will submit to EPA an itemized list of all costs incurred to implement the plan.

38. In the case of non-compliance with any schedule in the plan described in paragraph 33 of this Order, Respondents shall submit to EPA a written notice of non-compliance within fourteen (14) days. The notice shall include the cause for non-compliance and specify remedial actions being taken to comply.
39. All notices and reports required by this Order to be given to EPA shall be given to:

Amy Clark (8ENF-W-NP)
U.S. EPA Region 8
1595 Wynkoop St.
Denver, Colorado 80202-1129
clark.amy@epa.gov
Phone: 303-312-7014
Fax: 303-312-7202

40. All notices and reports required by this Order to be given to the City of Great Falls shall be given to:

Mike Jacobsen
City of Great Falls
P.O. Box 5021
Great Falls, MT 59403
mjacobson@ci.great-falls.mt.us
Phone: 406-727-1325
Fax: 406-727-1327

41. All reports and information required by this Order to be submitted to EPA (other than those expressly allowed to be submitted by email) shall include the following certification statement, signed and dated by an individual meeting the definition in 40 C.F.R. §122.22(a)(1) of a responsible corporate officer for each Respondent.

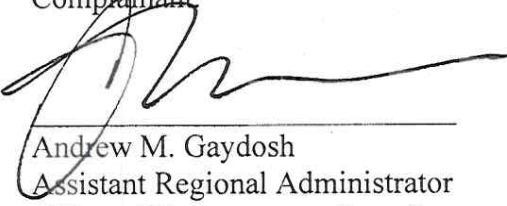
I hereby certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted.

Based on my inquiry of the person or persons responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

42. Any failure to comply with the requirements of this Order shall constitute a violation of said Order and may subject Respondents to penalties as provided under section 309 of the Act, 33 U.S.C. §1319.
43. This Order does not constitute a waiver or election by EPA to forego any civil or criminal action to seek penalties, fines or other relief as it may deem appropriate under the Act. Section 309(d) of the Act, 33 U.S.C. §1319(d), authorizes the imposition of civil penalties of up to \$32,500 per day for each violation of the Act, while section 309(c) of the Act, 33 U.S.C. §1319(c), authorizes fines and imprisonment for willful or negligent violations of the Act.
44. Nothing in this Order shall be construed to preclude further action under section 309 of the Act for those violations cited herein or relieve Respondent from responsibilities, liabilities, or penalties established pursuant to any applicable Federal and/or State law or regulation.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, REGION 8
Complainant

Date: 3/8/08



Andrew M. Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance,
and Environmental Justice

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the foregoing AMENDED ORDER FOR COMPLIANCE were hand-carried to the Regional Hearing Clerk, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, and that one true copy of the same was sent to each of the following via certified mail:

CT Corporation System, Registered Agent
17 N. Front St.
Cascade, MT 59421
(Registered agent for ADM Malting, LLC and Archer Daniels Midland Company)

Lee R. Cunningham
Corporate Environmental Counsel
Archer Daniels Midland Company
4666 Faries Parkway
P.O. Box 1470
Decatur, IL 65256

March 11, 2008
Date

Ann Howell
Signature