

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

MONSANTO COMPANY

AI # 1096

PROCEEDINGS UNDER THE LOUISIANA  
ENVIRONMENTAL QUALITY ACT  
LA. R.S. 30:2001, ET SEQ.

\* Settlement Tracking No.  
\* SA-AE-17-0017  
\*  
\* Enforcement Tracking No.  
\* AE-CN-12-00278  
\* AE-CN-12-00278A  
\*  
\* Docket No. 2014-8923-EQ  
\*

SETTLEMENT

The following Settlement is hereby agreed to between Monsanto Company (“Respondent”) and the Department of Environmental Quality (“DEQ” or “the Department”), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. (“the Act”).

I

Respondent is a corporation that owns and/or operates a manufacturing facility located in St. Charles Parish, Louisiana (“the Facility”).

II

On May 10, 2013, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **AE-CN-12-00278** (Exhibit A).

On September 11, 2015, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **AE-CN-12-00278A** (Exhibit B).

III

In response to the Consolidated Compliance Orders & Notices of Potential Penalties, Respondent made a timely request for a hearing.

IV

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

V

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00), of which One Thousand Twenty-Seven and 27/100 Dollars (\$1,027.27) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

VI

The Department agrees that Respondent's denial(s) and response(s) as to any violation alleged herein will be considered in determining Respondent's compliance history.

VII

Respondent further agrees that the Department may consider the inspection report(s)/permit record(s), the Consolidated Compliance Order & Notice of Potential Penalty and the Amended Consolidated Compliance Order & Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

## VIII

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

## IX

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

## X

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is appended to this Settlement Agreement.

## XI

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in St. Charles Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

## XII

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

## XIII

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

## XIV

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

Monsanto Company

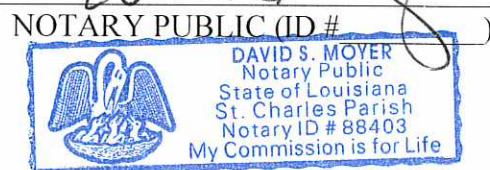
BY: [Signature]  
(Signature)

Enrique Wehlen  
(Printed)

TITLE: Plant Manager

THUS DONE AND SIGNED in duplicate original before me this 14<sup>th</sup> day of September, 20 17, at Luling, LA.

[Signature]



(stamped or printed)

**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

Chuck Carr Brown, Ph.D., Secretary

BY: [Signature]

Lourdes Iturralde, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 29<sup>th</sup> day of Nov., 20 17, at Baton Rouge, Louisiana.

[Signature]

NOTARY PUBLIC (ID # 19181)

Perry Theriot  
(stamped or printed)

Approved: [Signature]  
Lourdes Iturralde, Assistant Secretary



**BOBBY JINDAL**  
GOVERNOR

**PEGGY M. HATCH**  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

May 10, 2013

CERTIFIED MAIL (7004 1160 0000 3796 9687)  
RETURN RECEIPT REQUESTED

**MONSANTO COMPANY**  
c/o Corporation Service Company  
Agent for Service of Process  
320 Somerulos Street  
Baton Rouge, Louisiana 70802

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. AE-CN-12-00278  
AGENCY INTEREST NO. 1096**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **MONSANTO COMPANY (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Destin Hooks at (225) 219-3072.

Sincerely,

Celena J. Cage  
Administrator  
Enforcement Division

CJC/DDH/ddh  
Alt ID No. 2520-00005  
Attachment



c: Monsanto Company  
Post Office Box 174  
Luling, Louisiana 70070



STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

MONSANTO COMPANY  
ST. CHARLES PARISH  
ALT ID NO. 2520-00005

PROCEEDINGS UNDER THE LOUISIANA  
ENVIRONMENTAL QUALITY ACT,  
La. R.S. 30:2001, ET SEQ.

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ENFORCEMENT TRACKING NO.

AE-CN-12-00278

AGENCY INTEREST NO.

1096

**CONSOLIDATED**  
**COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **MONSANTO COMPANY (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

**FINDINGS OF FACT**

I.

The Respondent owns and/or operates the Luling Plant (the facility), an herbicide manufacturing facility located at 12501 River Road in Luling, St. Charles Parish, Louisiana. The Facility operates or has operated under the authority of the following Title V Air Permits:

UNIT	PERMIT	ISSUE DATE	EFFECTIVE EXPIRATION DATE
Glyphosate Plant	2517-V6	December 13, 2006	August 30, 2011
	2517-V7	August 30, 2011	January 13, 2012
	2517-V8	January 13, 2012	January 13, 2017
Cyanuric Acid (CYA) and Chlorinated CYA (ACL) Units	2533-V3	July 31, 2006	October 17, 2006
	2533-V3AA	October 17, 2006	May 20, 2008
	2533-V4	May 20, 2008	June 16, 2011
	2533-V5	June 16, 2011	March 15, 2012
Disodium Iminodiacetic Acid (DSIDA) Unit	2533-V6	March 15, 2012	June 16, 2016
	2557-V1	November 21, 2006	September 27, 2007
	2557-V2	September 27, 2007	April 22, 2008
	2557-V2AA	April 22, 2008	December 11, 2009



UNIT	PERMIT	ISSUE DATE	EFFECTIVE EXPIRATION DATE
Disodium Iminodiacetic Acid (DSIDA) Unit	2557-V3	December 11, 2009	June 20, 2011
	2557-V4	June 20, 2011	November 18, 2011
	2557-V5	November 18, 2011	November 18, 2016
Steam Plant and Supporting Units	2567-V3	July 12, 2005	October 5, 2005
	2567-V3AA	October 5, 2005	May 20, 2008
	2567-V4	May 20, 2008	October 6, 2008
Steam Plant and Supporting Units	2567-V4AA	October 6, 2008	August 27, 2009
	2567-V5	August 27, 2009	September 17, 2009
	2567-V5AA	September 17, 2009	September 27, 2010
	2567-V6	September 27, 2010	September 1, 2011
	2567-V7	September 1, 2011	September 27, 2015
Phosphorous Trichloride Unit	2596-V2	December 18, 2006	December 3, 2007
	2596-V3	December 3, 2007	November 22, 2011
	2596-V4	November 22, 2011	November 22, 2016
Glyphosate Intermediate (GI) Unit	2574-V3	November 26, 2001	January 25, 2007
	2574-V4	January 25, 2007	February 15, 2008
	2574-V5	February 15, 2008	July 14, 2008
	2574-V5AA	July 14, 2008	October 19, 2010
	2574-V6	October 19, 2010	November 23, 2010
	2574-V6AA	November 23, 2010	February 28, 2012
	2574-V7	February 28, 2012	February 28, 2017

## II.

On or about March 24 and 25, 2011, the Department conducted an inspection of the facility to determine the Respondent's degree of compliance with the Act and the Air Quality Regulations. Subsequent file reviews were conducted on or about September 22, 2011, March 20, 2012, June 5, 2012, August 3, 2012, and March 11, 2013. While the review is not complete, the Department noted the violations found in paragraphs III-VIII of the Findings of Fact portion of this enforcement action.

## III.

The Respondent reported the following unauthorized releases:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (Duration)	POLLUTANTS RELEASED	QUANTITY REPORTED	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
A.	Unauthorized Discharge Notification Report (7/7/10)	2533-V4	No Associated Emission Point Number	7/1/10 (*)	Chlorine	255 lbs	Previous paint repairs did not properly treat corrosion.	LAC 33:III.905.A
B.	2010 First Semiannual Deviation Report (7/29/10)	2574-V5	Temporary Pilot Unit	2/5/10 through 4/7/10 (*)	Formaldehyde	7.7 lbs	The pilot unit's vent line was not properly connected to the centrate receiver vent line.	LAC 33:III.905.A

Each unauthorized release of emissions is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

## IV.

The Respondent reported the following violations of permitted operating parameters:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE (Duration)	OPERATING PARAMETER	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
A.	2008 First Quarter Deviation Report (6/12/08)	2574-V4	Fume Scrubber D (EQT 0227)	1/3/08 (12 hours)	Flow Rate $\geq$ 150 gallons/min	Obstruction in pump suction piping. Alarm did not activate due to being deactivated.	LAC 33:III.905.A
B.	2008 Second Quarter Deviation Report (9/29/08)	2574-V5	GI Centrifuge Scrubber (EQT 0230)	5/10/08 through 5/11/08 (*)	Scrubber make up flow $\geq$ 6.0 gallons/min	Scrubber make up flow 1.7 gallons/min (due to not increasing the value on the compliance date).	LAC 33:III.905.A
	Miscellaneous Organic NESHAP (MON) MACT (2/19/09)						
C.	2009 Second Semiannual Deviation Report (3/18/10)	2574-V5	PM Reactor O (EQT 0424)	9/25/09 (*)	Bypassing the thermal oxidizers, aside from situations included in the Startup, Shutdown, and Malfunction Plan, is not allowed.	Manual bypass valve open prior to returning PM Reactor O to service.	Specific Requirement 11 LAC 33:III.905.A
			Thermal Oxidizer No. 5 (EQT 0299)				
			Process Scrubber M (EQT 0232)				
D.	2009 Second Semiannual Deviation Report (3/18/10)	2574-V5	PM Reactor G (EQT 0416)	11/12/09 (*)	Bypassing the thermal oxidizers, aside from situations included in the Startup, Shutdown, and Malfunction Plan, is not allowed.	Leaking bypass valve allowed reactor vent streams to bypass the thermal oxidizer.	Specific Requirement 11
			PM Reactor H (EQT 0417)				
			Thermal Oxidizer No. 3 (EQT 0297)				
			Process Scrubber G (EQT 0229)				
E.	2010 First Semiannual Deviation Report (7/29/10)	2567-V5	Nos. 3&4 Deepwell Backwash Tanks Vent Scrubber (EQT 0042)	4/26/10 (1 hour)	Flow rate $\geq$ 2.4 gallons/min as determined on an hourly basis.	Rust particles present in the water distribution system plugged the nozzles of the scrubbing device. Water flow was temporarily shut off to clean these nozzles.	Specific Requirement 80
F.	2010 Second Semiannual Deviation Report (3/30/11)	2574-V5	Fume Scrubber I (EQT 0231)	8/2/10 (1 hour)	Opacity $\leq$ 20 percent; except emissions may have an average opacity in excess of 20 percent for not more than one six-minute period in any 60 consecutive minutes.	The opacity exceeded 20 percent for between 30 and 60 minutes due to a partial pluggage of feed nozzles in an upstream process vessel.	Specific Requirement 125 LAC 33:III.1311.C LAC 33:III.905.A

Each deviation from permitted operating parameters is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

## V.

The Respondent reported the following violations of monitoring requirements:

	REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE/MONITORING PERIOD	MONITORING PARAMETER	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
A.	2009 Second Semiannual Deviation Report (3/18/10)	2567-V5	No. 6 Boiler (EQT 0007)	Third Quarter 2009	Each continuous emissions monitoring system (CEMS) must be audited at least once each calendar quarter. Successive quarterly audits shall occur no closer than 2 months.	No formal testing schedule developed in 2009.	40 CFR 60 Appendix F
			No. 7 Boiler (EQT 0008)				
			No. 8 Boiler (EQT 0600)				
		2533-V4	CYA Thermal Oxidizer No. 1 Vent (RLP 0002)				
CYA Thermal Oxidizer No. 2 Vent (RLP 0005)							
B.	2009 Second Semiannual Deviation Report (3/18/10)	2567-V5	No. 8 Boiler (EQT 0600)	December 2009	When NO <sub>x</sub> emission data is not obtained because of CEMS breakdowns, repairs, calibration checks and zero and span adjustments, emission data will be obtained by using standby monitoring systems, Method 7 of appendix A of this part, Method 7A of appendix A of this part, or other approved reference methods to provide emission data for a minimum of 75 percent of the operating hours in each steam generating unit operating day, in at least 22 out of 30 successive steam generating unit operating days.	CEMS data not obtained from 12/19/09 to 12/20/09 due to freezing weather. Calibration drift alarm activated on 12/19/09 and Calibration failure alarm activated on 12/20/09.	Specific Requirement 50 40 CFR 60.48b(f)

Each failure to monitor as required is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

## VI.

The Respondent reported the following emission exceedances:

	REPORT (date)	PERMIT NUMBER or UNIT	EMISSION POINT	INCIDENT DATE	POLLUTANTS RELEASED	QUANTITY REPORTED	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
A.	2007 Fourth Quarter Deviation Report (3/18/08)	2567-V3	No. 6 Boiler (EQT 0007)	10/5/07 (1 hour)	CO (33.75 lbs/hr)	65.78 lbs/hr	The plants other boiler failed which caused increased firing rate of the No. 6 Boiler.	
B.	2008 Fourth Quarter Deviation Report (3/12/09)	2567-V4	No. 7 Boiler (EQT 0008)	10/29/08 (1 hour)	CO (33.75 lbs/hr)	41.95 lbs/hr	Oxygen analyzer erroneously read high O <sub>2</sub> levels due to excessive vibration.	
C.	Miscellaneous Organic NESHAP (MON) MACT (2/19/09)	2574-V5	Fume Scrubber B (EQT 0225)	5/14/08 (3 hours)	Methyl Chloride (0.56 lbs/hr)	2.7 lbs/hr	Thermal oxidizer bypassed due to flame failure caused by nitrogen flow surge.	LAC 33:III.905.A
						14.3 lbs/hr		
						1.0 lbs/hr		

	REPORT (date)	PERMIT NUMBER or UNIT	EMISSION POINT	INCIDENT DATE	POLLUTANTS RELEASED	QUANTITY REPORTED	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
D.	Miscellaneous Organic NESHAP (MON) MACT (2/19/09)	2574-V5	Fume Scrubber B (EQT 0225)	5/15/08 (3 hours)	Methyl Chloride (0.56 lbs/hr)	1.1 lbs/hr	Thermal oxidizer bypassed due to flame failure caused by nitrogen flow surge.	LAC 33:III.905.A
						30.3 lbs/hr		
						5.9 lbs/hr		
E.	Miscellaneous Organic NESHAP (MON) MACT (2/19/09)	2574-V5	Fume Scrubber B (EQT 0225)	5/17/08 (2 hours)	Methyl Chloride (0.56 lbs/hr)	18.5 lbs/hr	Thermal oxidizer bypassed due to flame failure caused by slag buildup on burner grid.	LAC 33:III.905.A
						34.8 lbs/hr		
F.	Miscellaneous Organic NESHAP (MON) MACT (2/19/09)	2574-V5	Fume Scrubber B (EQT 0225)	5/19/08 (3 hours)	Methyl Chloride (0.56 lbs/hr)	24.8 lbs/hr	Thermal oxidizer bypassed due to flame failure caused by slag buildup on burner grid.	LAC 33:III.905.A
						1.9 lbs/hr		
G.	Miscellaneous Organic NESHAP (MON) MACT (2/19/09)	2574-V5	Fume Scrubber A (EQT 0224)	7/20/08 (3 hours)	Methyl Chloride (0.56 lbs/hr)	2.6 lbs/hr	Thermal oxidizer bypassed due to flame failure caused by slag buildup on burner grid.	LAC 33:III.905.A
						9.2 lbs/hr		
						4.1 lbs/hr		
H.	2010 First Semiannual Miscellaneous Organic NESHAP (MON) MACT (7/29/10)	2574-V5	Fume Scrubber B (EQT 0225)	1/4/10 through 1/5/10 (9 hours)	Methyl Chloride (0.56 lbs/hr)	1.2 lbs/hr	Thermal oxidizer bypassed due to high oxygen caused by incomplete reactor purging.	LAC 33:III.905.A
						1.3 lbs/hr		
						2.9 lbs/hr		
I.	2010 First Semiannual Miscellaneous Organic NESHAP (MON) MACT (7/29/10)	2574-V5	Fume Scrubber B (EQT 0225)	1/31/10 (14 hours)	Methyl Chloride (0.56 lbs/hr)	2.4 lbs/hr	Thermal oxidizer bypassed due to computer control system card malfunction.	
						3.4 lbs/hr		
						8.1 lbs/hr		
						7.5 lbs/hr		
						5.1 lbs/hr		
						2.6 lbs/hr		
						1.0 lbs/hr		
						3.6 lbs/hr		
5.7 lbs/hr								
J.	Miscellaneous Organic NESHAP (MON) MACT (2/19/09)	2574-V5	Fume Scrubber B (EQT 0225)	5/19/08 (3 hours)	Methyl Chloride (0.56 lbs/hr)	4.3 lbs/hr	Thermal oxidizer bypassed due to low flow to quench tank caused by flow meter signal quality.	LAC 33:III.905.A
						1.3 lbs/hr		
						9.7 lbs/hr		
						2.7 lbs/hr		
						6.1 lbs/hr		
						7.5 lbs/hr		
						4.6 lbs/hr		
						6.4 lbs/hr		
						1.3 lbs/hr		
						3.1 lbs/hr		
						4.0 lbs/hr		
9.7 lbs/hr								
24.8 lbs/hr								
1.9 lbs/hr								

	REPORT (date)	PERMIT NUMBER or UNIT	EMISSION POINT	INCIDENT DATE	POLLUTANTS RELEASED	QUANTITY REPORTED	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
K.	2010 First Semiannual Miscellaneous Organic NESHAP (MON) MACT (7/29/10)	2574-V5	Fume Scrubber B (EQT 0225)	2/2/10 (7 hours)	Methyl Chloride (0.56 lbs/hr)	2.3 lbs/hr	Thermal oxidizer bypassed due to low flow to quench tank caused by flow meter signal quality.	LAC 33:III.905.A
						4.7 lbs/hr		
						4.1 lbs/hr		
						3.7 lbs/hr		
						1.5 lbs/hr		
						3.4 lbs/hr		
L.	2010 First Semiannual Miscellaneous Organic NESHAP (MON) MACT (7/29/10)	2574-V5	Fume Scrubber B (EQT 0225)	2/3/10 (11 hours)	Methyl Chloride (0.56 lbs/hr)	2.0 lbs/hr	Thermal oxidizer bypassed due to low flow to quench tank caused by flow meter signal quality.	LAC 33:III.905.A
						7.2 lbs/hr		
						7.5 lbs/hr		
						5.3 lbs/hr		
						4.5 lbs/hr		
						2.6 lbs/hr		
						4.0 lb/hr		
						2.9 lbs/hr		
						1.3 lbs/hr		
						3.4 lbs/hr		
3.8 lbs/hr								
M.	2010 First Semiannual Miscellaneous Organic NESHAP (MON) MACT (7/29/10)	2574-V5	Fume Scrubber B (EQT 0225)	3/31/10 through 4/1/10 (5 hours)	Methyl Chloride (0.56 lbs/hr)	0.9 lbs/hr	Thermal oxidizer bypassed due to low flow to quench tank caused by flow meter signal quality.	LAC 33:III.905.A
						1.2 lbs/hr		
						9.4 lbs/hr		
						6.5 lbs/hr		
						5.2 lbs/hr		
2.9 lbs/hr								
N.	2010 First Semiannual Miscellaneous Organic NESHAP (MON) MACT (7/29/10)	2574-V5	Fume Scrubber B (EQT 0225)	5/16/10 (8 hours)	Methyl Chloride (0.56 lbs/hr)	3.6 lbs/hr	Thermal oxidizer bypassed due to flame failure caused by nitrogen flow surge.	LAC 33:III.905.A
						3.2 lbs/hr		
						2.9 lbs/hr		
						2.6 lbs/hr		
						2.3 lbs/hr		
						2.1 lbs/hr		
						1.8 lbs/hr		
1.3 lbs/hr								
O.	2010 First Semiannual Miscellaneous Organic NESHAP (MON) MACT (7/29/10)	2574-V5	Fume Scrubber B (EQT 0225)	6/17/10 (4 hours)	Methyl Chloride (0.56 lbs/hr)	4.1 lbs/hr	Thermal oxidizer bypassed due to flame failure caused by nitrogen flow surge.	LAC 33:III.905.A
						3.2 lbs/hr		
						3.7 lbs/hr		
						3.7 lbs/hr		
P.	2010 Second Semiannual Miscellaneous Organic NESHAP (MON) MACT (3/30/11)	2574-V5	Fume Scrubber A (EQT 0224)	7/14/10 (4 hours)	Methyl Chloride (0.56 lbs/hr)	5.5 lbs/hr	Thermal oxidizer bypassed due to flame failure caused by nitrogen flow surge.	LAC 33:III.905.A
						0.60 lbs/hr		
						7.7 lbs/hr		
						2.3 lbs/hr		
Q.	2010 Second Semiannual Miscellaneous Organic NESHAP (MON) MACT (3/30/11)	2574-V5	Fume Scrubber A (EQT 0224)	7/15/10 (5 hours)	Methyl Chloride (0.56 lbs/hr)	3.3 lbs/hr	Thermal oxidizer bypassed due to flame failure caused by nitrogen flow surge.	LAC 33:III.905.A
						4.1 lbs/hr		
						3.6 lbs/hr		
						3.2 lbs/hr		
R.	2010 Second Semiannual Deviation Report (3/30/11)	2574-V6	Fume Scrubber B (EQT 0225)	11/1/10 (1 hour)	Methyl Chloride (0.56 lbs/hr)	8.6 lbs/hr	Thermal oxidizer bypassed due to flame failure caused by nitrogen flow surge.	LAC 33:III.905.A
S.	2010 Second Semiannual Deviation Report (3/30/11)	2574-V6	Fume Scrubber B (EQT 0225)	11/4/10 (1 hour)	Methyl Chloride (0.56 lbs/hr)	3.9 lbs/hr	Thermal oxidizer bypassed due to high oxygen concentrations in the rich header caused by nitrogen flow surge.	LAC 33:III.905.A



	REPORT (date)	PERMIT NUMBER or UNIT	EMISSION POINT	INCIDENT DATE	POLLUTANTS RELEASED	QUANTITY REPORTED	REPORTED CAUSE	REGULATORY or PERMIT REQUIREMENTS
T.	2011 First Semiannual Miscellaneous Organic NESHAP (MON) MACT (9/19/11)	2574-V6	Fume Scrubber B (EQT 0225)	1/17/11 (7 hours)	Methyl Chloride (0.56 lbs/hr)	3.9 lbs/hr	Thermal oxidizer bypassed due to low temperature on caused by belt failure on feed blower.	
						4.5 lbs/hr		
						4.0 lbs/hr		
						3.5 lbs/hr		
						3.1 lbs/hr		
						2.7 lbs/hr		
U.	2011 First Semiannual Miscellaneous Organic NESHAP (MON) MACT (9/19/11)	2574-V6	Fume Scrubber B (EQT 0225)	3/14/11 (3 hours)	Methyl Chloride (0.56 lbs/hr)	5.3 lbs/hr	Thermal oxidizer bypassed due to low flow to quench tank caused by flow meter signal quality.	LAC 33:III.905.A
						7.8 lbs/hr		
						2.7 lbs/hr		
V.	2011 First Semiannual Miscellaneous Organic NESHAP (MON) MACT (9/19/11)	2574-V6	Fume Scrubber B (EQT 0225)	3/18/11 (5 hours)	Methyl Chloride (0.56 lbs/hr)	4.0 lbs/hr	Thermal oxidizer bypassed due to low flow to quench tank caused by flow meter signal quality.	LAC 33:III.905.A
						5.6 lbs/hr		
						2.4 lbs/hr		
						1.5 lbs/hr		
W.	2011 First Semiannual Miscellaneous Organic NESHAP (MON) MACT (9/19/11)	2574-V6	Fume Scrubber B (EQT 0225)	3/21/11 (3 hours)	Methyl Chloride (0.56 lbs/hr)	9.4 lbs/hr	Thermal oxidizer bypassed due to low flow to quench tank caused by flow meter signal quality.	LAC 33:III.905.A
						2.4 lbs/hr		
						4.2 lbs/hr		
X.	2011 Second Semiannual Miscellaneous Organic NESHAP (MON) MACT (3/23/12)	2574-V6	Fume Scrubber B (EQT 0225)	7/29/11 (3 hours)	Methyl Chloride (0.56 lbs/hr)	6.5 lbs/hr	Thermal oxidizer bypassed due to flame failure caused by nitrogen flow surge.	LAC 33:III.905.A
						1.5 lbs/hr		
						3.8 lbs/hr		
Y.	2011 Second Semiannual Miscellaneous Organic NESHAP (MON) MACT (3/23/12)	2574-V6	Fume Scrubber B (EQT 0225)	9/27/11 (3 hours)	Methyl Chloride (0.56 lbs/hr)	1.1 lbs/hr	Thermal oxidizer bypassed due to liner failure on feed blower.	
						5.5 lbs/hr		
						6.4 lbs/hr		

Each emission exceedance is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

VII.

The Respondent failed to meet the following reporting requirements:

	REPORT (date)	REPORTING REQUIREMENT	DUE DATE	SUBMITTAL DATE	REGULATORY or PERMIT REQUIREMENTS
A.	Unauthorized Discharge Notification Report	Updates of the status of the ongoing investigation of the unauthorized discharge shall be submitted every 60 days until the investigation has been completed and the results have been submitted. The Respondent submitted the unauthorized discharge notification dated July 7, 2010, indicating that an investigation of the release has been initiated.	9/5/10	7/19/12	LAC 33:1.3925.A.3

Each deviation from reporting requirements is a violation of applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

## VIII.

The Respondent failed to meet the following recordkeeping requirements:

	REPORT (Date)	PERMIT NUMBER	RECORDKEEPING REQUIREMENT	CAUSE OF DEVIATION	REGULATORY or PERMIT REQUIREMENTS
A.	2010 Second Semiannual Deviation Report (3/30/11)	2517-V6	Every commodity owner, shipper or their agent requesting an applicator to use a quantity of class I, Group VI controlled substance that was produced or imported solely for quarantine and preshipment applications under the exemptions of this subpart must maintain a record for 3 years, for each request, certifying knowledge of the requirements associated with the exemption for quarantine and preshipment applications in this subpart and citing the regulatory requirement that justifies the use of the class I, Group VI controlled substance	Facility failed to retain records certifying knowledge of the requirements associated with the exemption for quarantine and preshipment applications.	40 CFR 82.13(aa)

Each deviation from recordkeeping requirements is a violation of applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

## COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

## I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Act, the Air Quality Regulations, and all applicable permits.

## II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the duration of the operating parameter violations cited in Paragraph IV.B, IV.C, and IV.D.

## III.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:



Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312  
Attn: Destin Hooks  
Re: Enforcement Tracking No. AE-CN-12-00278  
Agency Interest No. 1096

**THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:**

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality  
Office of the Secretary  
Post Office Box 4302  
Baton Rouge, Louisiana 70821-4302  
Attn: Hearings Clerk, Legal Division  
Re: Enforcement Tracking No. AE-CN-12-00278  
Agency Interest No. 1096

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right

to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

**NOTICE OF POTENTIAL PENALTY**

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would

like to have such a meeting, please contact Destin Hooks at (225) 219-3072 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

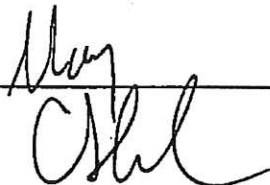
III.

The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 10 day of May, 2013.

  
\_\_\_\_\_  
Cheryl Sonnier Nolan  
Assistant Secretary  
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality  
Office of Environmental Compliance  
Enforcement Division  
P.O. Box 4312  
Baton Rouge, LA 70821-4312  
Attention: Destin Hooks

**BOBBY JINDAL**  
GOVERNOR



**PEGGY M. HATCH**  
SECRETARY

**State of Louisiana**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**OFFICE OF ENVIRONMENTAL COMPLIANCE**

September 11, 2015

CERTIFIED MAIL (7004 2510 0005 5753 7388)  
RETURN RECEIPT REQUESTED

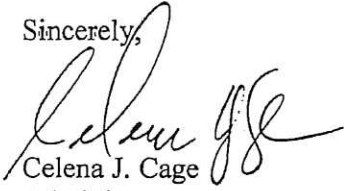
**MONSANTO COMPANY**  
c/o Corporation Service Company  
Agent for Service of Process  
320 Somerulos Street  
Baton Rouge, Louisiana 70802-6129

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &  
NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. AE-CN-12-00278A  
AGENCY INTEREST NO. 1096**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **MONSANTO COMPANY (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Afton J. Bessix at (225) 219-3760.

Sincerely,  
  
Celena J. Cage  
Administrator  
Enforcement Division

CJC/AJB/ajb  
Alt ID No. 2520-00005  
Attachment

c: Monsanto Company  
Post Office Box 174  
Luling, Louisiana 70070

STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF

MONSANTO COMPANY  
ST. CHARLES PARISH  
ALT ID NO. 2520-00005

PROCEEDINGS UNDER THE LOUISIANA  
ENVIRONMENTAL QUALITY ACT,  
La. R.S. 30:2001, ET SEQ.

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ENFORCEMENT TRACKING NO.

AE-CN-12-00278A

AGENCY INTEREST NO.

1096

AMENDED CONSOLIDATED COMPLIANCE ORDER &  
NOTICE OF POTENTIAL PENALTY

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-12-00278** issued to **MONSANTO COMPANY (RESPONDENT)** on May 10, 2013 in the above-captioned matter as follows:

I.

The Department hereby removes paragraphs V.B., VI.I., VI.T., and VI.Y. of the Findings of Fact portion of the Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-12-00278.

II.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-12-00278** and **AGENCY INTEREST NO. 1096** as if reiterated herein.



III.

This **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 11 day of September, 2015.

  
\_\_\_\_\_  
D. Chance McNeely  
Assistant Secretary  
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality  
Office of Environmental Compliance  
Enforcement Division  
Post Office Box 4312  
Baton Rouge, LA 70821-4312  
Attention: Afton J. Bessix

*[Faint blue ink stamp or handwritten mark]*