

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

MOSAIC FERTILIZER, LLC

AI # 2532

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

\* Settlement Tracking No.  
\* SA-HE-20-0056  
\*  
\* Enforcement Tracking No.  
\* HE-PP-15-01422  
\*  
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SETTLEMENT

The following Settlement is hereby agreed to between Mosaic Fertilizer, LLC (“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 limited liability company that owns and/or operates a facility located in Uncle Sam, St. James Parish, Louisiana (“the Facility”).

II

On December 21, 2016, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. HE-PP-15-01422 (Exhibit 1).

III

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

IV

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 SIX THOUSAND SIX HUNDRED TWENTY-FIVE AND NO/100 DOLLARS (\$6,625.00), of which Nine Hundred Ninety-Three and 27/100 Dollars (\$993.27) 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).

#### V

Respondent further agrees that the Department may consider the inspection report(s), the 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.

#### VI

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.

#### VII

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.

## VIII

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.

## IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in St. James 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.

## X

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).

## XI

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

XII

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.

MOSAIC FERTILIZER, LLC

BY: [Signature]  
(Signature)

Ron Yasurak  
(Printed)

TITLE: General Manager

THUS DONE AND SIGNED in duplicate original before me this 4<sup>th</sup> day of no remember, 20 20, at Convent, Louisiana

[Signature]  
NOTARY PUBLIC (ID # 28676)  
LA 15th

**Jackie M. McCreary**  
State of Louisiana - Bar No. 28676  
~~My commission is issued for life~~

**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 25<sup>th</sup> day of March, 20 21, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 92503)  
AMBER G. LITCHFIELD  
Notary Public  
State of Louisiana  
Notary ID # 92503  
East Baton Rouge Parish

(stamped or printed)

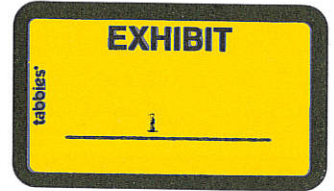
Approved: [Signature]  
Lourdes Iturralde, Assistant Secretary

JOHN BEL EDWARDS  
GOVERNOR



CHUCK CARR BROWN, PH.D.  
SECRETARY

**State of Louisiana**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE  
December 21, 2016



CERTIFIED MAIL 7014 1200 0000 7863 8126 / 8133  
RETURN RECEIPT REQUESTED

**MOSAIC FERTILIZER, L.L.C.**  
c/o C T Corporation System  
Agent for Service of Process  
3867 Plaza Tower Dr.  
Baton Rouge, LA 70816

**RE: NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. HE-PP-15-01422  
AGENCY INTEREST NO. 2532**

Dear Sir:

On or about March 18, 2015, an inspection of **UNCLE SAM PLANT**, a facility that produces phosphoric acid for fertilizer, owned and/or operated by **MOSAIC FERTILIZER, L.L.C. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Hazardous Waste Regulations. The facility is located at 7250 Highway 44, in Uncle Sam, St. James Parish, Louisiana. The facility operates as a Large Quantity Generator of hazardous waste with EPA identification number LAD059545756.

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the inspection:

- A. The Respondent failed to keep a container holding hazardous waste at or near a point of generation closed when not adding or removing waste, in accordance with LAC 33:V.2107.A, in violation of LAC 33:V.1109.E.4. Specifically, a 55-gallon drum designated for hazardous paint waste (codes D001, D005, D007, D008, F003, F005) in the satellite accumulation area had a closed funnel mounted on the bung, but the gasket of the funnel lid was cut. Therefore, the container was not closed. The Respondent repaired and closed the 55-gallon drum on March 26, 2015.
- B. The Respondent failed to label universal waste batteries with any of the following phrases: "Universal Waste – Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)," in violation of LAC 33:V.3823.A.1. Specifically, a bucket of used batteries in the Universal Waste Stores building and six (6) batteries in the Maintenance Shop were not properly

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Mosaic Fertilizer, L.L.C.  
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labeled. The Respondent properly labeled the batteries in the Universal Waste Stores building during the inspection and properly labeled the batteries in the Maintenance Shop on April 9, 2015.

- C. The Respondent failed to demonstrate the length of time that universal waste batteries have been accumulated from the date they became a waste or were received, in violation of LAC 33:V.3825.C. Specifically, a bucket of used batteries in the Universal Waste Stores building was not labeled with the accumulation date. The Respondent properly labeled the batteries in the Universal Waste Stores building on April 9, 2015.
- D. The Respondent failed to notify the Office of Environmental Services within seven (7) days if any of the information submitted in the application for the EPA identification number (form HW-1) changes, in violation of LAC 33:V.1105.B. Specifically, hazardous waste codes U151 and D011 were not on the current HW-1 at the time of the inspection but hazardous waste manifests indicate that the facility generated these wastes. The Respondent addressed the violation on April 9, 2015, updating the HW-1 form.
- E. The Respondent failed to include the following in the hazardous waste Contingency Plan:
  - 1. The Plan did not list agreements or arrangements with local emergency services (police, fire, hospitals, contractors, emergency response teams), in violation of LAC 33:V.1109.E.1.e, as specified in LAC 33:V.1513.B.3.
  - 2. The Plan did not list all emergency coordinators, in violation of LAC 33:V.1109.E.1.e, as specified in LAC 33:V.1513.B.4.
  - 3. The Plan did not list all emergency equipment and location, in violation of LAC 33:V.1109.E.1.e, as specified in LAC 33:V.1513.B.5.

The Respondent addressed the violation by submitting an updated Contingency Plan on April 9, 2015.

- F. The Respondent failed to have the Hazardous Waste Minimization Plan certified by a professional engineer as specified in LAC 33:V.2245.J, in violation of LAC 33:V.1109.E.1.e. The violation was addressed by submitting an updated Waste Minimization Plan on April 9, 2015.

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.

Prior to the issuance of any additional appropriate enforcement action, 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 Tom Cranford at (225) 219-3095 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

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 in order to determine whether a penalty will be

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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 violations 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 this statement.

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

To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Lourdes Iturralde  
Assistant Secretary

LI/tlc

DCM/TLC/tlc  
Alt ID No. LAD059545756

c: Mosaic Fertilizer, L.L.C.  
7250 Highway 44  
Uncle Sam, LA 70792