

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

BUNGE NORTH AMERICA, INC.

AI # 1738

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

* **Settlement Tracking No.**
* **SA-AE-23-0023**
*
* **Enforcement Tracking Nos.**
* **AE-PP-20-00814**
* **AE-PP-20-00814A**
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SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between Bunge North America, Inc. (“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 owned and/or operated an existing soybean oil extraction plant located in Destrehan, St. Charles Parish, Louisiana (“the Facility”).

II

On April 21, 2022, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. AE-PP-20-00814 (Exhibit 1).

On August 31, 2022, the Department issued to Respondent an Amended Notice of Potential Penalty, Enforcement Tracking No. AE-PP-20-00814A (Exhibit 2).

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 FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00), of which One Thousand One Hundred Twenty-Four and 49/100 Dollars (\$1,124.49) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement 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), permit record(s), the Notice of Potential Penalty, Amended Notice of Potential Penalty and this Settlement Agreement 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 Settlement 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 Settlement Agreement, except such review as may be required for interpretation of this Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

VII

This Settlement Agreement 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 Agreement, 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. Charles Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement 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 Agreement 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 Settlement 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 or by EFT to LDEQ in accordance with written instructions to be provided to Respondent upon request to LDEQ's Financial Services Division. Each payment shall be accompanied by a completed Settlement Payment Form attached hereto.

XI

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

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.

BUNGE NORTH AMERICA, INC.

BY: [Signature]
(Signature)

Diego Rasteletti
(Printed)

TITLE: Commercial VP-North America Crush

THUS DONE AND SIGNED in duplicate original before me this 21st day of August, 20 23, at 9:33am / ST. LOUIS, MO.

[Signature]
NOTARY PUBLIC (ID #12505255)

AMY D. FLOREZ
Notary Public - Notary Seal
State of Missouri
Commissioned for Jefferson County
My Commission Expires: March 18, 2024
Commission Number: 12505255

(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Roger W. Gingles, Secretary

BY: [Signature]
Celena J. Cage, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 30th day of October, 20 23, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID #

OFFICIAL SEAL
JAY GLORIOSO
NOTARY ID # 66881
STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE
My Commission Is for Life

(stamped or printed)

Approved: [Signature]
Celena J. Cage, Assistant Secretary

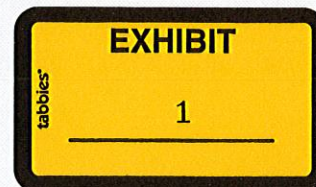


JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

APR 21 2022



CERTIFIED MAIL (7019 2280 0000 4381 3938)
RETURN RECEIPT REQUESTED

BUNGE NORTH AMERICA, INC.
c/o United States Corporation Company
Agent for Service of Process
501 Louisiana Avenue
Baton Rouge, LA 70802

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-20-00814
AGENCY INTEREST NO. 1738**

Dear Sir/Madam:

On or about July 16, 2020, an inspection of the **DESTREHAN OILSEED PROCESSING PLANT**, an existing soybean oil extraction plant, owned and/or operated by **BUNGE NORTH AMERICA, INC. (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at 12466 River Road in Destrehan, St. Charles Parish, Louisiana. The facility operates or has operated under the following Title V Air Permits:

Title V Air Permit No.	Issue Date	Expiration Date
2520-00010-V9	December 3, 2020	October 21, 2024
2520-00010-V8	October 21, 2019	October 21, 2024
2520-00010-V7	September 7, 2016	November 26, 2019

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 and subsequent file review conducted on April 18, 2022:

- A. The Respondent reported the following recordkeeping and monitoring violations for Common Requirements Group CRG0001 (BH002-175 – Baghouse REQTs), CRG0002 (CY018-175 – Dryer & Bean Cracking and

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Flaking Cyclones REQTs), CRG0003 (CTEST – Cyclone Testing Requirements), and CRG0008 (FF DC – Dust Collector Fabric Filters REQTs):

1.	2020 Second Title V Semiannual (March 2, 2021)	2520-00010-V8	CRG0001	September 7, 2020 – September 9, 2020	Filter vents: Visible emissions monitored by visual inspection/determination daily.	Records of visible observations were not documented fully and missing.	Specific Requirement Nos. 4 & 5
			CRG0008		Filter vents: Equipment/operational data recordkeeping by electronic or hard copy daily.		Specific Requirement Nos. 57 & 58
			CRG0002		Cyclone vents: Visual emissions monitored by visual inspection/determination daily.		Specific Requirement Nos. 9 & 10
			CRG0003		Cyclone vents: Visible emissions recordkeeping by electronic or hard copy daily.		Specific Requirement Nos. 14 & 15
2.	2020 Second Title V Semiannual (March 2, 2021)	2520-00010-V8	CRG0001	October 9, 2020 – October 10, 2020	Filter vents: Visible emissions monitored by visual inspection/determination daily.	Records of visible emission observations were not documented.	Specific Requirement Nos. 4 & 5
			CRG0008		Filter vents: Equipment/operational data recordkeeping by electronic or hard copy daily.		Specific Requirement Nos. 57 & 58
			CRG0002		Cyclone vents: Visual emissions monitored by visual inspection/determination daily.		Specific Requirement Nos. 9 & 10
			CRG0003		Cyclone vents: Visible emissions recordkeeping by electronic or hard copy daily.		Specific Requirement Nos. 14 & 15
3.	2020 First Title V Semiannual (August 18, 2020)	2520-00010-V8	CRG0001	March 29, 2020 – March 30, 2020	Filter vents: Visible emissions monitored by visual inspection/determination daily.	Records of visible emission observations were not documented.	Specific Requirement Nos. 4 & 5
			CRG0008		Filter vents: Equipment/operational data recordkeeping by electronic or hard copy daily.		Specific Requirement Nos. 57 & 58
			CRG0002		Cyclone vents: Visual emissions monitored by		Specific Requirement Nos. 9 & 10

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			CRG0003		visual inspection/determination daily. Cyclone vents: Visible emissions recordkeeping by electronic or hard copy daily.		Specific Requirement Nos. 14 & 15
4.	2020 First Title V Semiannual (August 18, 2020)	2520-00010-V8	CRG0001	June 4, 2020 – June 5, 2020	Filter vents: Visible emissions monitored by visual inspection/determination daily.	Records of visible emission observations were not documented correctly. Upgraded operator not properly trained on documenting emissions.	Specific Requirement Nos. 4 & 5
			CRG0008		Filter vents: Equipment/operational data recordkeeping by electronic or hard copy daily.		Specific Requirement Nos. 57 & 58
			CRG0002		Cyclone vents: Visible emissions monitored by visual inspection/determination daily.		Specific Requirement Nos. 9 & 10
			CRG0003		Cyclone vents: Visible emissions recordkeeping by electronic or hard copy daily.		Specific Requirement Nos. 14 & 15
5.	2020 First Title V Semiannual (August 18, 2020)	2520-00010-V8	CRG0001	June 15, 2020 – June 16, 2020	Filter vents: Visible emissions monitored by visual inspection/determination daily.	Records of visible emission observations were not documented. Missing from operator logs.	Specific Requirement Nos. 4 & 5
			CRG0008		Filter vents: Equipment/operational data recordkeeping by electronic or hard copy daily.		Specific Requirement Nos. 57 & 58
			CRG0002		Cyclone vents: Visible emissions monitored by visual inspection/determination daily.		Specific Requirement Nos. 9 & 10
			CRG0003		Cyclone vents: Visible emissions recordkeeping by electronic or hard copy daily.		Specific Requirement Nos. 14 & 15
6.	2019 Second Title V Semiannual (March 24, 2020)	2520-00010-V7	CRG0001	July 10, 2019 – September 21, 2019	Filter vents: Visible emissions monitored by visual inspection/determination daily.	Records of visible emission observations were not kept on 7 days in the period.	Specific Requirement No. 3
			CRG0008		Filter vents: Equipment/operational data recordkeeping by electronic or hard copy daily.		Specific Requirement No. 67
			CRG0002		Cyclone vents: Visible emissions monitored by		Specific Requirement No. 9

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			CRG0003		visual inspection/determination daily. Cyclone vents: Visible emissions recordkeeping by electronic or hard copy daily.		Specific Requirement No. 16
7	2019 Second Title V Semiannual (March 24, 2020)	2520-00010-V7	CRG0001	August 14, 2019	Filter vents: Visible emissions monitored by visual inspection/determination daily.	Visible emission observations were not performed.	Specific Requirement No. 4
			CRG0008		Cyclone vents: Visible emissions monitored by visual inspection/determination daily.		Specific Requirement No. 68
			CRG0002				Specific Requirement No. 8
			CRG0003				Specific Requirement No. 15
8	2019 Second Title V Semiannual (March 24, 2020)	2520-00010-V7	CRG0001	September 9, 2019	Filter vents: Visible emissions monitored by visual inspection/determination	Visible emission observations were not performed.	Specific Requirement No. 4
			CRG0008		Cyclone vents: Visible emissions monitored by visual inspection/determination daily.		Specific Requirement No. 68
			CRG0002				Specific Requirement No. 8
			CRG0003				Specific Requirement No. 15
9.	2019 Second Title V Semiannual (March 24, 2020)	2520-00010-V8	CRG0001	October 24, 2019 – November 22, 2019	Filter vents: Visible emissions monitored by visual inspection/determination daily.	Records of visible emission observations were not kept on 7 days in the period.	Specific Requirement Nos. 4 & 5
			CRG0008		Filter vents: Equipment/operational data recordkeeping by electronic or hard copy daily.		Specific Requirement Nos. 37 & 58
			CRG0002		Cyclone vents: Visual emissions monitored by visual inspection/determination daily.		Specific Requirement Nos. 9 & 10
			CRG0003		Cyclone vents: Visible emissions recordkeeping by electronic or hard copy daily.		Specific Requirement Nos. 14 & 15

Each failure to monitor and maintain the required records for each day is a violation of any applicable permit and associated requirement(s) listed above, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In correspondence dated January 6, 2021, the Respondent stated that refresher training to all operators was provided, which included how to perform the visible emissions inspections and associated recordkeeping.

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B. The Respondent reported the following instances of permit exceedances in tons per year (tpy) for GRP0003 (Equipment Group for HVOCnH – Hexane VOC & n-Hexane HAP Emissions CAP):

Instance	Permit ID	Month	Compound	Actual (tpy)	Limit (tpy)	Requirement
1.	2520-00010-V7	January 2019	Volatile Organic Compounds (VOC)	527.7	475.00	Specific Requirement No. 119
2.	2520-00010-V7	January 2019	n-Hexane	332.9	308.75	Specific Requirement No. 120
3.	2520-00010-V7	February 2019	VOC	538.8	475.00	Specific Requirement No. 119
4.	2520-00010-V7	February 2019	n-Hexane	340.3	308.75	Specific Requirement No. 120
5.	2520-00010-V7	March 2019	VOC	572.9	475.00	Specific Requirement No. 119
6.	2520-00010-V7	March 2019	n-Hexane	362	308.75	Specific Requirement No. 120
7.	2520-00010-V7	April 2019	VOC	594.2	475.00	Specific Requirement No. 119
8.	2520-00010-V7	April 2019	n-Hexane	375.6	308.75	Specific Requirement No. 120
9.	2520-00010-V7	May 2019	VOC	642.4	475.00	Specific Requirement No. 119
10.	2520-00010-V7	May 2019	n-Hexane	405.9	308.75	Specific Requirement No. 120
11.	2520-00010-V7	June 2019	VOC	595.9	475.00	Specific Requirement No. 119
12.	2520-00010-V7	June 2019	n-Hexane	376.3	308.75	Specific Requirement No. 120
13.	2520-00010-V7	July 2019	VOC	601.8	475.00	Specific Requirement No. 119
14.	2520-00010-V7	July 2019	n-Hexane	380.1	308.75	Specific Requirement No. 120
15.	2520-00010-V7	August 2019	VOC	606.8	475.00	Specific Requirement No. 119
16.	2520-00010-V7	August 2019	n-Hexane	383.2	308.75	Specific Requirement No. 120
17.	2520-00010-V7	September 2019	VOC	617.6	475.00	Specific Requirement No. 119
18.	2520-00010-V7	September 2019	n-Hexane	390.3	308.75	Specific Requirement No. 120
19.	2520-00010-V7	October 2019	VOC	620.7	475.00	Specific Requirement No. 119
	Specific Requirement No. 132					

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20.	2520-00010-V7	October 2019	n-Hexane	391.8	308.75	Specific Requirement No. 120
	2520-00010-V8					Specific Requirement No. 133
21.	2520-00010-V8	November 2019	VOC	622.4	475.00	Specific Requirement No. 132
22.	2520-00010-V8	November 2019	n-Hexane	392.4	308.75	Specific Requirement No. 133
23.	2520-00010-V8	December 2019	VOC	515.7	475.00	Specific Requirement No. 132
24.	2520-00010-V8	December 2019	n-Hexane	324.2	308.75	Specific Requirement No. 133
25.	2520-00010-V8	January 2020	VOC	494.9	475.00	Specific Requirement No. 132
26.	2520-00010-V8	January 2020	n-Hexane	311.4	308.75	Specific Requirement No. 133
27.	2520-00010-V8	February 2020	VOC	490.4	475.00	Specific Requirement No. 132

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). According to the 2019 Total VOC Emissions and Total n-Hexane Emissions Report dated March 24, 2020, the facility released a total of 502.5 tpy of VOCs and 316.5 tpy of n-Hexane in calendar year 2019; however, the permitted limit of VOCs and n-Hexane is 475 tpy and 308.75 tpy, respectively. In correspondence dated January 6, 2021, the Respondent stated that the permit limits for VOCs and n-Hexane were inadvertently set at the actual emissions instead of the potential to emit. On or about May 25, 2020, the Respondent submitted a permit application to increase the VOC and n-Hexane emissions at the facility. On December 3, 2020, the Department issued Title V Air Permit No. 2520-00010-V9, which increased VOC and n-Hexane emission CAPs to 726.60 tpy and 465 tpy, respectively.

- C. The Respondent failed to conduct 2019 annual tune-ups on EQT0001 (1A-91 – Cleaver Brooks Boiler East) and EQT0002 (1B-91 – Cleaver Brooks Boiler West) within thirteen (13) months of the previous tune-up. Specifically, the 2018 tune-ups for EQT0001 and EQT0002 were performed May 24, 2018; however, the 2019 tune-ups were not performed until September 19, 2019. This is a violation of 40 CFR 63.7540(a)(10) and 40 CFR 63.7495(b), which language has been adopted as a Louisiana regulation in LAC 33:III.5122, Specific Requirement No. 18 of Title V Permit No. 2520-00010-V8,

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LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). According to correspondence dated January 6, 2021, the Respondent stated that the annual tune-ups coincide with the facility's annual maintenance shutdown which occurs in June; however, in June of 2019, the boilers were undergoing maintenance and the tune-ups could not be performed. The Respondent also stated that reminders to complete the tune-ups no later than 13 months in between tune-ups has been added to the facility's compliance calendar.

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 Gabrielle Green at (225) 219-3468 or Gabrielle.Green2@la.gov 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 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. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

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.

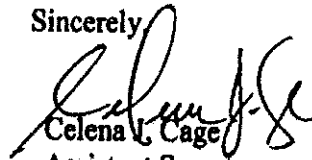
The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. The Respondent must include a justification of the offer.

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DO NOT submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

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



Celena L. Cage
Assistant Secretary
Office of Environmental Compliance

CJC/GJG/gjg
Alt ID No. 2520-00010

c: Bunge North America, Inc.
c/o William Brunk
1391 Timberlake Manor Parkway
Chesterfield, MO 63017



**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE
ENFORCEMENT DIVISION
POST OFFICE BOX 4312
BATON ROUGE, LOUISIANA 70821-4312**

**NOTICE OF POTENTIAL PENALTY
REQUEST TO SETTLE (OPTIONAL)**

Enforcement Tracking No.	AE-PP-20-00814	Contact Name	Gabrielle Green
Agency Interest (AI) No.	1738	Contact Phone No.	(225) 219-3468
Alternate ID No.	2520-00010		
Respondent:	BUNGE NORTH AMERICA, INC.	Facility Name:	Destrehan Oilseed Processing Plant
	c/o United States Corporation Company	Physical Location:	12442 River Road
	Agent for Service of Process		
	501 Louisiana Avenue Baton Rouge, LA 70802	City, State, Zip:	Destrehan, LA 70047
		Parish:	St. Charles

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

- The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.
- In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-PP-20-00814), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
- In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-PP-20-0814), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.
 - Monetary component = \$ _____
 - Beneficial Environmental Project (BEP) component (optional)= \$ _____
 - **DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.**
- The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-PP-20-00814) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

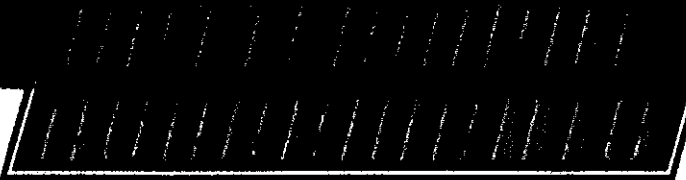
CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821
Attn: Gabrielle Green



WHAT IS A SETTLEMENT AGREEMENT?

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

NATURE AND GRAVITY OF THE VIOLATION				
	MAJOR	MODERATE	MINOR	
DEGREE OF RISK OR IMPACT TO HUMAN HEALTH OR PROPERTY	MAJOR	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
	MODERATE	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000
	MINOR	\$3,000 to \$1,500	\$1,500 to \$500	\$500 to \$100

Degree of Risk to Human Health or Property

Major: (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions

Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

Nature and Gravity of the Violation

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

Minor: Violations that result in some deviation from the intent of the requirement; however, substantial implementation is demonstrated.

The range is adjusted using the following violator specific factors:

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
5. whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.





Given the previous information, the following formula is used to obtain a penalty amount.

$$\text{Penalty Event Total} = \text{Penalty Event Minimum} + (\text{Adjustment Percentage} \times [\text{Penalty Event Maximum} - \text{Penalty Event Minimum}])$$

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

WHAT IS A BEP?

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement.

Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

WHAT HAPPENS IF MY OFFER IS REJECTED?

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?

- Settlement Offers searchable in EDMS using the following filters
Media: Air Quality, Function: Enforcement, Description: Settlement
- Settlement Agreements Enforcement Division's website
specific examples can be provided upon request
- Penalty Determination Method LAC 33:1 Chapter 7
- Beneficial Environmental Projects LAC 33:1 Chapter 25
FAQs
- Judicial Interest..... provided by the Louisiana State Bar Association



JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

AUG 31 2022



CERTIFIED MAIL (7019 2280 0000 4381 4041)
RETURN RECEIPT REQUESTED

BUNGE NORTH AMERICA, INC.
c/o United States Corporation Company
Agent for Service of Process
501 Louisiana Avenue
Baton Rouge, LA 70802

**RE: AMENDED NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-20-00814A
AGENCY INTEREST NO. 1738**

Dear Sir/Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED NOTICE OF POTENTIAL PENALTY** is hereby served on **BUNGE NORTH AMERICA, INC. (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Gabrielle Green at (225) 219-3468 or Gabrielle.Green2@la.gov.

Sincerely,

Handwritten signature of Angela Marse in black ink.
Angela Marse
Administrator
Enforcement Division

AM/GJG/gjg
Alt ID No. 2520-00010
Attachment

c: Bunge North America, Inc.
c/o William Brunk
1391 Timberlake Manor Parkway
Chesterfield, MO 63017

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF	*	
	*	
BUNGE NORTH AMERICA, INC	*	ENFORCEMENT TRACKING NO.
ST. CHARLES PARISH	*	
ALT ID NO. 2520-00010	*	AE-PP-20-00814A
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	1738
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, ET SEQ.	*	

AMENDED NOTICE OF POTENTIAL PENALTY

The Louisiana Department of Environmental Quality (the Department) hereby amends the **NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-PP-20-00814** issued to **BUNGE NORTH AMERICA, INC. (RESPONDENT)** on April 21, 2022 in the above-captioned matter as follows:

I.

The Department hereby removes Paragraph B of the Notice of Potential Penalty, Enforcement Action Tracking No. AE-PP-20-00814.

II.

The Department incorporates all of the remainder of the original **NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-PP-20-00814** and **AGENCY INTEREST NO. 1738** as if reiterated herein.

III.

This AMENDED NOTICE OF POTENTIAL PENALTY is effective upon receipt.

Baton Rouge, Louisiana, this 31st day of August, 2022.



Celena J. Cage
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: Gabrielle Green