

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CARGILL, INCORPORATED

AI # 14010

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

* **Settlement Tracking No.**

* **SA-WE-23-0041**

*

* **Enforcement Tracking Nos.**

* **WE-C-22-00320**

* **AE-PP-22-00246**

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SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between Cargill, Incorporated (“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 a grain storage and export facility located in Westwego, Jefferson Parish, Louisiana (“the Facility”).

II

On June 29, 2022, the Department issued to Respondent a Compliance Order, Enforcement Tracking No. WE-C-22-00320 (Exhibit 1).

On August 3, 2022, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. AE-PP-22-00246 (Exhibit 2).

The following violations, although not cited in the foregoing enforcement actions, are included within the scope of this settlement:

The Respondent failed to comply with LPDES permit LA0046485. Specifically, a review of

Discharge Monitoring Reports (DMRs) between April 2022 through June 2022 revealed the following permit effluent limitation exceedances:

Monitoring Period End Date	Outfall	Parameter	Limit	DMR Value	DMR Units
04/30/2022	004-A	Carbon, tot organic [TOC] --- DAILY MX	50	1300	mg/L
06/30/2022	002-S	Solids, total suspended --- MO AVG	30	38	mg/L

Each permit effluent limitation exceedance is a violation of LDPES permit LA0046485 (Effluent Limitations and Monitoring Requirements, pages 3 & 7 of 13 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.D.

III

In response to the Compliance Order, 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 EIGHTEEN THOUSAND AND NO/100 DOLLARS (\$18,000.00), of which Nine Hundred Twenty-Three and 48/100 Dollars (\$923.48) 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).

VI

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

record(s), the Compliance Order, 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.

VII

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 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.

VIII

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.

IX

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.

X

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

XI

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. Each payment shall be accompanied by a completed Settlement Payment Form attached hereto.

XII

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

XIII

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.

CARGILL, INCORPORATED

BY: [Signature]
(Signature)

John Kimmel
(Printed)

TITLE: Plant Manager

THUS DONE AND SIGNED in duplicate original before me this 28th day of NOVEMBER, 20 23, at JEFFERSON, Louisiana.



[Signature]
NOTARY PUBLIC (ID # 126048)

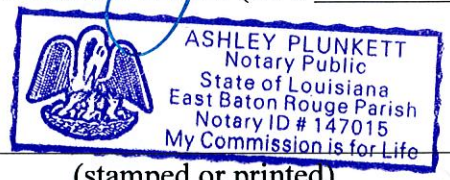
Marc Lorelli
Louisiana Notary ID# 126048
Parish of Jefferson with
Statewide Authority
(stamped or printed)
My Commission is for Life

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

BY: [Signature]
Aurelia S. Giacometto, Secretary


THUS DONE AND SIGNED in duplicate original before me this 22nd day of FEBRUARY, 20 24, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # _____)



(stamped or printed)

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

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312				COMPLIANCE ORDER			
Enforcement Tracking No.	WE-C-22-00320	Certified Mail No.	7021 2720 0002 7447 1097				
Agency Interest (AI) No.	14010	Contact Name	Kristin Shaffer				
Alternate ID No.	LA0046485	Contact Phone No.	225-219-3786				
Respondent:	Cargill, Incorporated	Facility Name:	Westwego Grain Elevator				
	c/o Haik, Minvielle & Grubbs, LLP	Physical Location:	933 River Road				
	Agent for Service of Process	City, State, Zip:	Westwego, LA 70094				
	1017 East Dale Street New Iberia, LA 70560	Parish:	Jefferson Parish				
This COMPLIANCE ORDER is issued 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) and 30:2050.2.							
FINDINGS OF FACT							
An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.							
I.	The Respondent owns and/or operates a grain elevator facility located at 933 River Road, Westwego, Jefferson Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0046485 on December 27, 2018, with an effective date of February 1, 2019. LPDES Permit LA0046485 will expire on January 31, 2024. Under the terms and conditions of LPDES Permit LA0046485 the Respondent is permitted to discharge treated sanitary wastewater, washdown water, air compressor condensate, car rinse water, and stormwater runoff into the Mississippi River (Outfalls 001, 002, and 005), and into Whiskey Bayou, thence into Bayou Segnette (Outfalls 003 and 004), all waters of the state.						
	Date of Violation	Description of Violation					
II.	File Review 4/29/2022	The Respondent failed to comply with LPDES permit LA0046485. Specifically, a review of Discharge Monitoring Reports (DMRs) between January 2019 to March 2022 revealed that the Respondent reported exceedances of permit effluent limitations for total organic carbon (TOC), biological oxygen demand (BOD), fecal coliform, oil and grease, and pH (See Table 1). (LA0046485 (Permit Requirements Pages 3 and 7 of 13, and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.D)					
ORDER							
Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:							
I.	To take, immediately upon receipt of this COMPLIANCE ORDER , any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to; correcting all of the violations described in the "Findings of Fact" portion.						
II.	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 violation(s) 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 the Department at the address specified in this document.						
RIGHT TO APPEAL							
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 left-hand corner of the first page of this document and should be directed to the address specified in this document.						
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 Division of Administrative Law's (DAL) Procedural Rules. 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 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.						
VIII.	This COMPLIANCE ORDER is effective upon receipt.						

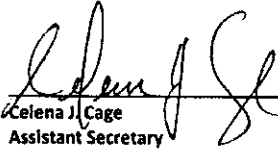


CONTACTS AND SUBMITTAL OF INFORMATION	
Enforcement Division:	Hearing Requests:
Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Kristin Shaffer	Department of Environmental Quality Office of the Secretary Post Office Box 4302 Baton Rouge, Louisiana 70821-4302 Attn: Hearings Clerk, Legal Division Re: Enforcement Tracking No. WE-C-22-00320 Agency Interest No. 14010
Water Permits Division (if necessary):	Physical Address (if hand delivered):
Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division	Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

HOW TO REQUEST CLOSURE OF THIS COMPLIANCE ORDER

- To appeal the **COMPLIANCE ORDER**, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this **COMPLIANCE ORDER**.
- To request closure of this **COMPLIANCE ORDER**, the Respondent must demonstrate compliance with the "Order" portion of this **COMPLIANCE ORDER** by completing the attached "**COMPLIANCE ORDER REQUEST TO CLOSE**" form and returning it to the address specified.
 - Before requesting closure of this **COMPLIANCE ORDER**, please contact the Financial Services Division at 225-219-3865 or email them at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.


If you have questions or need more information, you may contact Kristin Shaffer at Kristin.shaffer@la.gov or 225-219-3786.



 Celena J. Cage
 Assistant Secretary
 Office of Environmental Compliance

Date: 06/29/2022

- Attachment(s)
- Request to Close
 - Table 1

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		COMPLIANCE ORDER REQUEST TO CLOSE		
Enforcement Tracking No.	WE-C-22-00320	Contact Name	Kristin Shaffer	
Agency Interest (AI) No.	14010	Contact Phone No.	225-219-3786	
Alternate ID No.	LA0046485			
Respondent:	Cargill, Incorporated	Facility Name:	Westwego Grain Elevator	
	c/o Haik, Minvielle & Grubbs, LLP	Physical Location:	933 River Road	
	Agent for Service of Process			
	1017 East Dale Street New Iberla, LA 70560	City, State, Zip:	Westwego, LA 70094	
		Parish:	Jefferson Parish	
STATEMENT OF COMPLIANCE				
STATEMENT OF COMPLIANCE			Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER .				
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER . Final compliance was achieved as of:				
CERTIFICATION STATEMENT				
<i>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.</i>				
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 Post Office Box 4312 Baton Rouge, LA 70821 Attn: Kristin Shaffer				

If you have questions or need more information, you may contact Kristin Shaffer at Kristin.shaffer@la.gov or 225-219-3786.

Table 1 - LA0046485

MP End Date	Outfall	Parameter	Limit	DMR Value	Units
01/31/2019	004-A	Carbon, tot organic [TOC] --- DAILY MX	50	106	mg/L
02/28/2019	004-A	Carbon, tot organic [TOC] --- DAILY MX	50	89	mg/L
06/30/2020	002-S	BOD, 5-day, 20 deg. C --- MO AVG	30	36	mg/L
06/30/2020	002-S	Coliform, fecal general --- MOAV GEO	200	18400	#/100mL
06/30/2020	002-S	Coliform, fecal general --- DAILY MX	400	18400	#/100mL
07/31/2020	004-A	Carbon, tot organic [TOC] --- DAILY MX	50	140	mg/L
08/31/2020	004-A	Carbon, tot organic [TOC] --- DAILY MX	50	240	mg/L
10/31/2020	004-A	Carbon, tot organic [TOC] --- DAILY MX	50	330	mg/L
11/30/2020	004-A	Carbon, tot organic [TOC] --- DAILY MX	50	200	mg/L
12/31/2020	004-A	pH --- INST MAX	9	9.07	SU
12/31/2020	004-A	Carbon, tot organic [TOC] --- DAILY MX	50	120	mg/L
01/31/2021	004-A	Carbon, tot organic [TOC] --- DAILY MX	50	280	mg/L
02/28/2021	004-A	Carbon, tot organic [TOC] --- DAILY MX	50	400	mg/L
03/31/2021	004-A	Carbon, tot organic [TOC] --- DAILY MX	50	340	mg/L
04/30/2021	004-A	Carbon, tot organic [TOC] --- DAILY MX	50	400	mg/L
05/31/2021	004-A	Carbon, tot organic [TOC] --- DAILY MX	50	330	mg/L
06/30/2021	004-A	Carbon, tot organic [TOC] --- DAILY MX	50	500	mg/L
07/31/2021	004-A	Carbon, tot organic [TOC] --- DAILY MX	50	120	mg/L
08/30/2021	004-A	Carbon, tot organic [TOC] --- DAILY MX	50	54	mg/L
10/31/2021	004-A	Oil & Grease --- DAILY MX	15	19	mg/L
10/31/2021	004-A	Carbon, tot organic [TOC] --- DAILY MX	50	110	mg/L
01/31/2022	004-A	Oil & Grease --- DAILY MX	15	16	mg/L
01/31/2022	004-A	Carbon, tot organic [TOC] --- DAILY MX	50	110	mg/L
02/28/2022	004-A	Carbon, tot organic [TOC] --- DAILY MX	50	180	mg/L

JOHN BEL EDWARDS
GOVERNOR

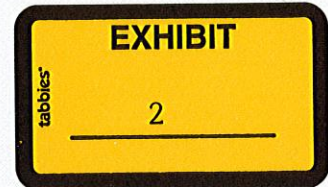


CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

AUG 03 2022

CERTIFIED MAIL (7021 2720 0002 7447 1899)
RETURN RECEIPT REQUESTED



CARGILL, INCORPORATED
c/o Haik, Minvielle & Grubbs LLP
Agent for Service of Process
1017 East Dale Street
New Iberia, LA 70560

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-22-00246
AGENCY INTEREST NO. 14010**

Dear Sir/Madam:

On or about November 18, 2021, an inspection of **WESTWEGO MARINE TERMINAL**, a grain storage and export facility, owned and/or operated by **CARGILL, INCORPORATED (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Regulations. The facility is located at 933 River Road in Westwego, Jefferson Parish, Louisiana. The facility currently operates under Minor Source Air Permit No. 1340-00030-11, which was issued on September 17, 2019, and expires on September 17, 2029.

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:

During the November 18, 2021 inspection, dust storage tanks 1 and 2 (EQT 0042 and EQT 0043) were releasing visible dust emissions to the atmosphere. The Respondent's representative stated that when EQT0042 and EQT 0042 reached their respective fill levels, an alarm was triggered indicating the tanks were full, and no action was taken in response to the alarm. At the time of the release, this alarm was set to activate when the tank was 100 percent full. As a result, the operator overfilled the dust tanks, which caused the pressure relief valves (PRVs) on the tanks to release dust to the atmosphere. The failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of Specific Requirement 17 of Minor Source Air Permit No. 1340-00030-11, LAC 33:III.1305.A, LAC 33:III.501.C.4, La. R.S. 2057(A)(1), and La. R.S. 2057(A)(2). The failure to follow standard operating procedures to

CARGILL, INCORPORATED

AE-PP-22-00246

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ensure the proper operation of control equipment is a violation of LAC 33:III.905.A, La. R.S. 2057(A)(1), and La. R.S. 2057(A)(2). Correspondence dated May 6, 2022, states that the Respondent has adjusted the dust storage tank level indicators, added an alarm to the dust tank to alert operations prior to reaching volumes that trigger the PRVs, and consulted with the trucking service who picks up and transports the dust from the tanks to ensure the dust is picked up daily.

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 Paige Green at 225-219-3782 or paige.green@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.

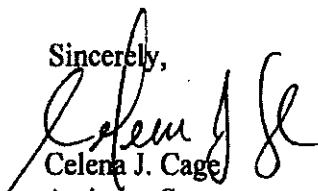
For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

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. **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.

CARGILL, INCORPORATED
AE-PP-22-00246
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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 J. Cage
Assistant Secretary
Office of Environmental Compliance

CJC/POG/pog
Alt ID No. 1340-00030

c: Alex P. Prochaska
Jones Walker, LLP
600 Jefferson Street, Suite 1600
Lafayette, LA 70501

**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-22-00246	Contact Name	Paige Green
Agency Interest (AI) No.	14010	Contact Phone No.	225-219-3782
Alternate ID No.	1340-00030		
Respondent:	Cargill, Incorporated	Facility Name:	Westwego Marine Terminal
	c/o Halk, Mlnvielle & Grubbs LLP	Physical Location:	933 River Road
	Agent for Service of Process		
	1017 East Dale Street	City, State, Zip:	Westwego, LA 70094
	New Iberia, LA 70560	Parish:	Jefferson

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-22-00246, the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.

The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this NOTICE OF POTENTIAL PENALTY AE-PP-22-00246.

In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY AE-PP-22-00246, 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-22-00246 and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

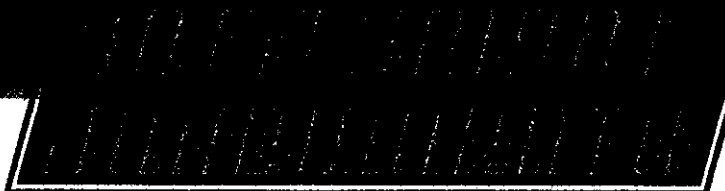
CERTIFICATION STATEMENT

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: Paige 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 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 .

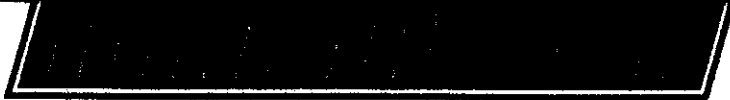
Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

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:I Chapter 7
- Beneficial Environmental Projects LAC 33:I Chapter 25
FAQs
- Judicial Interest..... provided by the Louisiana State Bar Association

