STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-HE-13-0042**
SYNGENTA CROP PROTECTION, LLC	*	
	*	**Enforcement Tracking No.**
AI # 2367	*	**HE-PP-12-00121**
	*	
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT LA. R.S. 30:2001, ET SEQ.	* * *	

SETTLEMENT

The following Settlement is hereby agreed to between Syngenta Crop Protection, 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 St. Gabriel, Iberville Parish, Louisiana ("the Facility").

II

On May 14, 2012, the Department issued to Respondent a Notice of Potential Penalty (NOPP), Enforcement No. HE-PP-12-00121, which was based upon the following findings of fact:

On or about August 23-25, 2011, an inspection of **SYNGENTA CROP PROTECTION**, owned and/or operated by **SYNGENTA CROP PROTECTION, LLC (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 3905 Louisiana

Highway 75 in St. Gabriel, Iberville Parish, Louisiana. The Respondent is registered as a Large Quantity Generator of hazardous waste and a Treatment, Storage, and Disposal Facility. The facility operates under Operating Permit LAD053783445-OP-RN-1-MO-1, effective July 4, 2009. Additionally, the Respondent is registered as a Large Quantity Handler of Universal Waste batteries, lamps, and pesticides.

The following violations were noted during the course of the inspection:

A. The Respondent failed to adequately document the cracks and gaps on the inspection forms for the permitted Container Storage Warehouse and the EO Waste Tanker Loading/Unloading Areas in violation of Permit Condition V.B.5, LAC 33:V.2109.C, and LAC 33:V.1509.D. The facility modified RCRA inspection forms to include more detail in identification and description of deficient areas and retrained the employees on the procedures for completing and documenting inspections on November 10, 2011, thus, correcting the violation.

B. The Respondent failed to maintain the secondary containment system for the permitted Hazardous Waste Tanks within the Environmental Operations Tank Farm in a manner free of cracks or gaps, in violation of Permit Condition V.A.2.c(5) and LAC 33:V.1907.E.1.c. The facility repaired the cracks and gaps and submitted photos and corrective action information indicating that the repairs were completed by November 22, 2011, thus correcting the violation.

C. The Respondent failed to maintain the secondary containment systems for the permitted Container Storage Warehouse and the permitted Truck Loading and Unloading Area in a manner free of cracks or gaps, in violation of Permit Condition V.B.6, Permit Condition V.B.14, and LAC 33:V.2111.B. The facility repaired the cracks and gaps and submitted photos and corrective action information indicating that the repairs were completed by November 17, 2011, thus correcting the violation.

D. The Respondent failed to determine if a solid waste is a hazard, in violation of LAC 33:V.1103. Specifically, a pile of "scales" of unknown origin was noted underneath Tank 4402-F, a permitted hazardous waste tank. The facility performed an analysis of the scales and determined it to be non-hazardous and arranged disposal with chemical Waste Management on September 28, 2011. The facility also conducted training with employees on performing waste determinations on November 10, 2011, thus correcting the violation.

E. The Respondent failed to provide a container free of defect for containing hazardous waste in accordance with LAC 33:V.2103.A, in violation of LAC 33:V.1109.E.4. Specifically, a 30-gallon container of filters and absorbent cloths contaminated with hazardous waste located in the Guard Dryer satellite accumulation area was observed

to have a large crack on one side of the container. The facility replaced the container during the inspection, thus correcting the violation.

F. The Respondent failed to receive a copy of hazardous waste manifest #001296768 with the hand-written signature of the owner or operator of the designated facility within thirty-five (35) days of the date the waste was accepted by the initial transporter, and failed to contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste, in violation of LAC 33:V.1111.C.1. The Respondent notified the designated facility and received the signed manifest during the inspection, thus correcting the violation.

G. The Respondent failed to submit an Exception Report for hazardous waste manifest #001296768 to the Office of Environmental Services within forty-five (45) days of the date the hazardous waste was accepted by the initial transporter, and has not received a copy of the manifest, in violation of LAC 33:V.1111.C.2. The facility immediately implemented more thorough reviewing of returned manifests and added a monthly audit performed by two (2) different reviewers. In addition, the facility initiated development of a computer tracking system to include a verification that the manifests are returned signed and completed which is estimated to be completed by March 30, 2012, thus correcting the violation.

H. The Respondent failed to conduct weekly inspections for three (3) weeks during the month of July 2011 of the Maintenance Waste Oil Storage Area, a less than ninety day storage area, in accordance with LAC 33:V.2109.A, in violation of LAC 33:V.1109.E.1.a.i. On October 7, 2011, the facility submitted an e-mail indicating that they believe that the inspections were performed but have been unable to locate the forms. The facility also stated that they have retrained the employees on the procedures for completing and documenting inspections, thus correcting the violation.

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 TWO HUNDRED AND NO/100 DOLLARS ($6,200.00), of which Three Thousand Thirty-Two and 72/100 Dollars ($3,032.72) 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

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

form, wording, and size 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.

IX

Payment is to be made within thirty (30) 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).

X

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

XI

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.

SYNGENTA CROP PROTECTION, LLC

BY: _____
(Signature)

_____
(Printed)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20 _____, at _____.

_____
NOTARY PUBLIC (ID #_____)

_____
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Peggy M. Hatch, Secretary

BY: _____
Cheryl Sonnier Nolan, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20_____, at Baton Rouge, Louisiana.

_____
NOTARY PUBLIC (ID # _____)

_____
(stamped or printed)

Approved: _____
Cheryl Sonnier Nolan, Assistant Secretary