STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No. SA-AE-20-0013**
CARGILL, INCORPORATED	*	
AI # 51744	*	**Enforcement Tracking No. AE-PP-11-00703**
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement 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 facility located in Iberia Parish, Louisiana ("the Facility").

II

On March 11, 2013, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-11-00703 (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 THREE THOUSAND EIGHT HUNDRED AND NO/100 DOLLARS ($3,800.00), of which Seven Hundred Thirty-One and 50/100 Dollars ($731.50) 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 permit record(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 Iberia 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.

CARGILL, INCORPORATED

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
Chuck Carr Brown, Ph.D., Secretary

BY: _____
Lourdes Iturralde, 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: _____
Lourdes Iturralde, Assistant Secretary

BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana

DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

March 11, 2013

EXHIBIT
tabbies'
1

CERTIFIED MAIL (7004 2510 0005 5763 9617)
RETURN RECEIPT REQUESTED

CARGILL, INCORPORATED
c/o C T Corporation System
Agent for Service of Process
5615 Corporate Blvd., Ste 400B
Baton Rouge, LA 70808

RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-11-00703
AGENCY INTEREST NO. 51744

Dear Sir:

On or about December 1, 2012, a file review of **CARGILL DEICING TECHNOLOGY** (the 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 Quality Regulations. The facility is located on Louisiana Highway 329 South in Avery Island, Iberia Parish, Louisiana. The facility operates, or has previously operated, under the permits shown in Table A:

TABLE A

Permit	Issue Date
1260-00034-05	6/16/09
1260-00034-05AA	11/19/10
1260-00034-06	4/15/11
1260-00034-07	12/6/11

While the Louisiana Department of Environmental Quality's (the Department) investigation is not yet complete, the following violations were noted during the course of the file review:

A. In correspondence dated February 2, 2011, and June 6, 2011, the Respondent reported the results of emission tests conducted on the dates shown for Wet Scrubber 4-96-SU-V (EQT 004) for Particulate Matter (PM_{10}) in maximum pounds per hour (lb/hr), as shown in Table B:

TABLE B

Stack Test Date	PM_{10} limit, lb/hr maximum	PM_{10}, test result, avg lb/hr
8/31/10	0.390	**0.483**
12/10/10		**2.028**
4/18/11		0.183

In correspondence dated June 1, 2011, the Respondent reported that repairs to Wet Scrubber 4-96-SU-V were completed on or about February 23, 2011, and that emission testing conducted on or about April 18, 2011, showed the scrubber was in compliance with the permitted limits. Wet Scrubber 4-96-SU-V operated outside of permit limits from the date it was put in service, on or about June 29, 2010, until repairs were completed on or about February 23, 2011, as shown by the test results of April 18, 2011. Each failure to demonstrate compliance with the limits of the permit for emission of PM_{10} is a violation of Air Permit No. 1260-00034-05, Air Permit No. 1260-00034-05AA, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

B. In correspondence dated February 2, 2011, Respondent reported to the Department, the results of emission tests conducted for Wet Scrubber 4-96-SU-V (EQT 004) as shown in Table C:

TABLE C

Stack Test Date	Stack Test Report Date	Days to Report
8/31/10	2/2/11	156

The failure to report results within sixty (60) days of conducting stack testing is a violation of General Condition VII of Air Permit No. 1260-00034-05, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

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 violations described herein. Written comments may be filed regarding the violations 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 violations. If you would like to have such a meeting, please contact Mark E. Brown at 225) 219-3782 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.

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,

Cheryl Sonnier Nolan
Assistant Secretary

CSN/MEB/meb
Alt ID No. 1260-00034

c: Cargill Incorporated
Paul Johnson
Project Engineer
P. O. Box 106
Avery Island, LA 70513-0106