

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

SYNGENTA CROP PROTECTION, LLC

AI # 2367

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

* Settlement Tracking No.
* SA-HE-21-0053
*
* Enforcement Tracking No.
* HE-PP-20-00114
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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 owned and/or operated a facility located in St. Gabriel, Iberville Parish, Louisiana (“the Facility”).

II

On May 12, 2020, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. HE-PP-20-00114 (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 FOUR THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$4,500.00), of which One Thousand Five Hundred Eighty-Seven and 76/100 Dollars (\$1,587.76) 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), 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 Iberville 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.

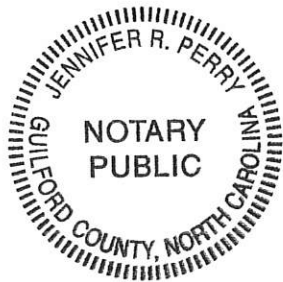
SYNGENTA CROP PROTECTION, LLC

BY: Kevin Duke
(Signature)

Kevin Duke
(Printed)

TITLE: Head of Supply M.A.

THUS DONE AND SIGNED in duplicate original before me this 29th day of October, 20 21, at Greensboro, NC.



Jennifer R. Perry
NOTARY PUBLIC (ID # _____)

201431600110
Guilford County
EXP 11-12-2024

Jennifer R. Perry
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Chuck Carr Brown, Ph.D., Secretary

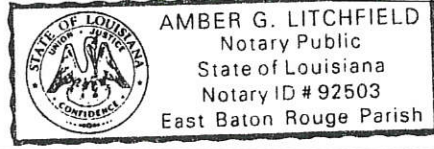
BY: [Signature]

Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 30th day of December, 20 21, at Baton Rouge, Louisiana.

[Signature]

NOTARY PUBLIC (ID # 92503)



(stamped or printed)

Approved: [Signature]

Lourdes Iturralde, Assistant Secretary

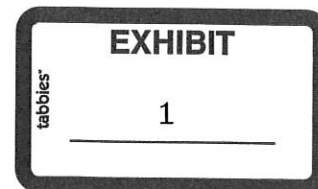
JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

MAY 12 2020



CERTIFIED MAIL (7018 0360 0001 5039 1956)
RETURN RECEIPT REQUESTED

SYNGENTA CROP PROTECTION, LLC
c/o CT Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge, LA 70816

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. HE-PP-20-00114
AGENCY INTEREST NO. 2367**

Dear Sir/Madam:

On or about September 25, 2019, September 26, 2019, September 30, 2019, October 1, 2019, October 2, 2019, October 3, 2019, and October 16, 2019, an inspection of **SYNGENTA CROP PROTECTION – ST. GABRIEL PLANT**, a manufacturer of agricultural and industrial pesticides and other specialty chemicals, 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 Highway 75 in St. Gabriel, Iberville Parish, Louisiana.

The facility notified the Department as a Large Quantity Generator of hazardous waste and operates under EPA identification number LAD053783445. The facility operates under hazardous waste permit LA053783445-OP-RN-3, which became effective on April 8, 2016 and expires on April 8, 2026.

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 inspections:

- A. The Respondent failed to provide a coating or lining on the concrete secondary containment system that meets the requirements of LAC 33:V.1907.E.1.e, as specified in LAC 33:V.1907.E.1.f.i.a, in violation of LAC 33:V.1109.E.1.a.ii and LAC 33:V.1901.E. Specifically, during the September 25, 2019 inspection small cracks and/or gaps were observed in the coating on the floor of the secondary containment systems for Tank 3127-FB and Tank 3233-F, thereby leaving the concrete beneath exposed. A representative of the Respondent

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- repaired the coating in the compromised areas of the secondary containment system for Tank 3127-FB and recoated the entire secondary containment system for Tank 3233-F. These repairs were observed during the October 2, 2019 inspection.
- B. The Respondent failed to provide a coating or lining on the concrete secondary containment system that meets the requirements of LAC 33:V.1907.E.1.e, as specified in LAC 33:V.1907.E.1.f.i.a, in violation of Permit Condition V.A.1.b of Hazardous Waste Permit LAD053783445-OP-RN-3 and LAC 33:V.309.A. Specifically, during the September 26, 2019 inspection, cracks and/or gaps were observed in the coating where the floor meets the side walls of the secondary containment system for Tank 4402-F, a permitted hazardous waste tank. A representative of the Respondent amended the September 26, 2019 daily inspection record to reflect the cracks and/or gaps. On or about October 21, 2019, the Respondent provided photographs showing the coating of the secondary containment has been repaired. A March 18, 2020 response from the Respondent states training documents regarding daily inspections have been updated, and facility personnel conducting daily inspections have been retrained.
- C. The Respondent failed to document deterioration relating to the hazardous waste tank secondary containment system in the daily inspection records, as specified in LAC 33:V.1911.C.2 and LAC 33:V.1911.G, in violation of LAC 33:V.1109.E.1.a.ii. Specifically, the September 25, 2019 inspection noted deterioration in the form of small cracks and/or gaps in the lining of the secondary containment system for Tank 3127-FB. Exposed concrete was observed in the lining of the secondary containment system for Tank 3127-FB. However, daily inspection records dated September 25, 2019, for Tank 3127-FB did not document these deteriorations. A representative of the Respondent repaired the coating in the compromised areas of the secondary containment system for Tank 3127-FB. These repairs were observed during the October 2, 2019 inspection. A March 18, 2020, response from the Respondent states training documents regarding daily inspections have been updated, and facility personnel conducting daily inspections have been retrained.
- D. The Respondent failed to clearly mark each container of hazardous waste with an accumulation start date, in violation of LAC 33:V.1109.E.1.c. Specifically, at the time of the September 25, 2019 inspection, a tank trailer, storing approximately twenty thousand (20,000) pounds of spent sulfuric acid (D002) and labeled with the words "Hazardous Waste," was not marked with an accumulation start date. During the course of the inspection, a representative of the Respondent added an accumulation start date.
- E. The Respondent failed to store hazardous waste in containers, in violation of Permit Condition IV.B of Hazardous Waste Permit LA053783445-OP-RN-3 and LAC 33:V.309.A. Specifically, in the Covered Warehouse, hazardous waste solids (F005) were observed on the outside of several twenty (20) gallon hazardous waste containers as well as on the pallets on which the containers were stored. Additionally, in the Outside Waste Container Storage/Staging Area, hazardous waste solids (F005) were observed on the top and sides of a

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- hazardous waste roll off container and on the secondary containment floor surrounding the hazardous waste roll off container. A representative of the Respondent cleaned the aforementioned hazardous wastes as observed by a representative of the Department during the inspection. A March 18, 2020 response from the Respondent states facility personnel were retrained on container management requirements.
- F. The Respondent failed to inspect concrete secondary containment systems daily as required by the General Inspection Plan, in violation of Permit Conditions II.E.33 and V.A.2.c.1 of Hazardous Waste Permit LA053783445-OP-RN-3 and LAC 33:V.309.A. Specifically, the Respondent was not able to conduct a proper inspection on the coated secondary containment system for Tank 4402-F due to the accumulation of solids on a portion of the secondary containment system. The inspection revealed the solids were removed from the secondary containment system, and a proper inspection was conducted. A March 18, 2020 response from the Respondent states training documents regarding daily inspections have been updated, and facility personnel conducting daily inspections have been retrained.
- G. The Respondent failed to document deteriorations relating to the hazardous waste tank secondary containment system in the daily tank inspection record, as specified in LAC 33:V.1911.C.2, in violation of Permit Condition V.A.2.c.1 of Hazardous Waste Permit LA053783445-OP-RN-3 and LAC 33:V.309.A. Specifically, RCRA Daily Inspection Sheet for Tank 4402-F, dated September 25, 2019, and September 26, 2019, indicated that there were no cracks or defects in the secondary containment system. However, the September 26, 2019 inspection revealed cracks and/or missing coating in the coated concrete secondary containment system for Tank 4402-F. A March 18, 2020 response from the Respondent states training documents regarding daily inspections have been updated, and facility personnel conducting daily inspections have been retrained.
- H. The Respondent failed to mark containers of hazardous waste with an accumulation start date and the words "Hazardous Waste," or other words that identify the contents of the container, in violation of LAC 33:V.1109.E.1.c and LAC 33:V.1109.E.1.d. Specifically, noted during the inspection was a box containing unpunctured spent aerosol cans located in the Paint Yard which was not marked with an accumulation start date or labeled with the words "Hazardous Waste." On or about October 3, 2019, a representative of the Respondent removed the aerosol cans from this area and placed them in an appropriate hazardous waste container.
- I. The Respondent failed to keep hazardous waste containers closed during storage, except when necessary to add or remove hazardous waste, as specified in LAC 33:V.2107.A, in violation of LAC 33:V.1109.E.1.a.i. Specifically, during the inspection, the box described in Paragraph H of this Notice of Potential Penalty was observed to be open. On or about October 3, 2019, a representative of the Respondent removed the aerosol cans from this area and placed them in an appropriate hazardous waste container.

SYNGENTA CROP PROTECTION, LLC
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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 Adrienne Landry at (225) 219-3805 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

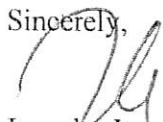
The Department is required by La. R.S. 30:2025(E)(3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance in order to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue 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 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.

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
Office of Environmental Compliance

SYNGENTA CROP PROTECTION, LLC

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LI/ARL

Alt ID No. LAD053783445

c: Syngenta Crop Protection, LLC
c/o Richard Boudreau
3905 Highway 75
St. Gabriel, LA 70776

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.	HE-PP -20-00114	Contact Name	Adrienne Landry
Agency Interest (AI) No.	2367	Contact Phone No.	225-219-3805
Alternate ID No.	LA053783445-OP-RN-3		
Respondent:	SYNGENTA CROP PROTECTION, LLC	Facility Name:	Syngenta Crop Protection LLC – St. Gabriel Plant
	c/o CT Corporation System	Physical Location:	3905 Highway 75
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	St. Gabriel, LA 70776
	Baton Rouge, LA 70816	Parish:	Iberville

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** HE-PP-20-00114, 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** HE-PP-20-00114, 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** HE-PP-20-00114 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: Adrienne Landry