

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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|---|---------------------------------------|
| IN THE MATTER OF: | * Settlement Tracking No. |
| | * SA-AE-14-0073 |
| ADM GRAIN RIVER SYSTEM, INC. | * |
| | * Enforcement Tracking Nos. |
| AI # 12806, 18298, 77432, 2212 and 13821 | * AE-CN-09-0069 |
| | * AE-CN-11-00550 |
| PROCEEDINGS UNDER THE LOUISIANA | * AE-CN-11-01213 |
| ENVIRONMENTAL QUALITY ACT | * AE-PP-11-01529 |
| LA. R.S. 30:2001, <u>ET SEQ.</u> | * AE-PP-12-00749 |
| | * |
| | * Docket No. 2011-11034-EQ |
| | Consolidated with 2013-9271-EQ |

SETTLEMENT

The following Settlement is hereby agreed to between ADM Grain River System, 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 business corporation that owns and/or operates grain elevator operating facilities located in St. James Parish, St. Charles Parish and St. John the Baptist Parish, Louisiana (“the Facilities”).

II

On May 3, 2012, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **AE-CN-09-0069**, AI# 12806 and 18298, which was based upon the following findings of fact:

“The Respondent owns and/or operates the Saint Elmo Facility, a dry bulk commodities transfer facility (the Facility), AI# 12806, located at 3338 Louisiana Highway 44 in Paulina, St. James

Parish, Louisiana. At the time the violations occurred, the facility operated under Air Permit No. 2560-00018-03 issued on or about April 25, 1995, and Administratively Amended on or about November 12, 2002. The facility currently operates under Air Permit No. 2560-00018-04, issued on or about September 10, 2010.

On or about February 10, 2009, an inspection of the Respondent's facility was conducted to determine the degree of compliance with the Act and the Air Quality Regulations in response to citizen complaints received on January 20, 2009, February 9, 2009, and on February 10, 2009.

On or about February 14, 2012, a file review of the facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violations were noted during the course of the inspection and file review:

- A. Prior to arrival at the facility, the inspectors photographed and collected samples of unknown material coating automobiles, structures and plants in the neighboring residential area. From the perimeter of the facility, the inspectors noted that particulate emissions from the loading process could be seen floating in the air. The particulate emissions landed on the inspectors' clothes as well as the inspectors' vehicle. During the investigation of the facility, the emissions were documented by photographs of the transfer equipment and of the loading process. Transfer of Yellow Corn was underway from the facility's silos to a marine vessel. Samples of Yellow Corn, Soy Beans, Soy Bean Meal, and Long Grain Rough Rice were collected to compare to the offsite samples taken from the neighboring residential area. Results of the testing were consistent with corn and/or corn starch. The failure to take steps to prevent particulate matter from becoming airborne during facility operations is a violation of Specific Requirement No. 4 of Air Permit No. 2560-00018-03 as amended on or about

November 12, 2002, LAC 33:III.1305.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

B. During the course of the inspection, the inspectors observed and documented emissions coming from a broken seal on the loading arm while transferring Yellow Corn. The failure to diligently maintain the controls in proper working order when any emissions were being made which could be controlled by the facility is a violation Specific Requirement No. 4 of Air Permit No. 2560-00018-03, LAC 33:III.905, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

C. During the course of the file review, it was determined that the Respondent changed the Respondent name on or about March 18, 2008, as indicated by documentation on the Louisiana Secretary of State home web page. The name changed from “ADM/Growmark River System, Inc.” to “ADM Grain River System, Inc”. The Department has no record that the Respondent has submitted a Notice of Change of Ownership/Operator or Name Change (NOC-1) Form. The failure to submit notification within forty-five (45) days after the date of change is a violation of LAC 33:III.517.G, LAC 33:I.1905.A, and La. R. S. 30:2057(A)(2).

The Respondent owns and/or operates the Gemini Facility, a mobile, floating, dry bulk commodities transfer loader (the Facility), AI# 18298, located at 3338 Louisiana Highway 44 in Paulina, St. James Parish, Louisiana. The facility currently operates under Air Permit No. 7777-00198-03, issued on or about November 26, 2008, and administratively amended on or about October 25, 2011.

On or about February 10, 2009, an inspection of the Respondent’s facility was conducted to determine the degree of compliance with the Act and the Air Quality Regulations in response to

citizen complaints received on January 20, 2009, on February 9, 2009, and on February 10, 2009. On or about March 11, 2012, a file review of the facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete, the following violation was noted during the course of the inspection and file review:

A. During the investigation of the facility, emissions were documented by photographs of the transfer equipment and of the loading process. Transfer of Soy Bean Meal was underway by the Gemini Loader from the facility's silos to a marine vessel. The inspectors observed and documented emissions coming from the transfer bucket of the Gemini Loader. The failure to take steps to prevent particulate matter from becoming airborne during facility operations is a violation of Specific Requirement No. 23 of Air Permit No. 7777-000193-03, LAC 33:III.1305.A, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

B. During the course of the file review, it was determined that the Respondent changed the Respondent name on or about March 18, 2008, as indicated by documentation on the Louisiana Secretary of State home web page. The name changed from "ADM/Growmark River System, Inc." to "ADM Grain River System, Inc". The Department has no record that the Respondent has submitted a Notice of Change of Ownership/Operator or Name Change (NOC-1) Form. The failure to submit notification within forty-five (45) days after the date of change is a violation of LAC 33:III.517.G, LAC 33:I.1905.A, and La. R. S. 30:2057(A)(2)."

On May 11, 2011, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **AE-CN-11-00550**, AI #77432, which was based upon the following findings of fact:

“The Respondent owns and/or operates ADM-Reserve Facility, (the facility), a grain elevator operating site located at mile 139.2 of the Mississippi River on the east descending bank near Reserve, St. John the Baptist Parish, Louisiana. The facility operated under Air Permit No. 2580-00004-11 issued on June 29, 2006, and modified on November 16, 2006. The facility currently operates under an Administrative Amendment to Air Permit No. 2580-00004-11 issued on June 17, 2009.

During the period encompassing January 2011 and February 2011, the Department conducted observation and documentation activities at the Respondent’s facility as a result of citizens’ complaints of dust originating from the facility and impacting neighboring residential areas. On or about February 17, 2011, the Department met with the Respondent and discussed the findings of the referenced activities conducted by the Department.

While the Department’s investigation is not yet complete, the following violations were noted during the course of the inspections conducted during January 2011 and February 2011:

- A. During observations conducted on January 6, 2011, the inspector noted dust escaping from the clean-out doors at the base of the silos during cleaning operations. The inspector noted that the emissions originating from the silos were observed going offsite onto Louisiana Highway 44. The Respondent’s failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of LAC 33:III.1305.A, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). This is also a violation of 40 CFR 60.302(c)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.3003.
- B. According to the Respondent, it is the facility’s standard operating procedure to utilize dust control shrouds while performing silo cleaning operations. During observations conducted on

January 6, 2011, the inspector noted that dust control shrouds were not in place during silo cleaning operations. This is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(2).

C. During observations conducted on January 7, 2011, the inspector noted that the facility was utilizing only two (2) of three (3) mist blowers during the barge unloading operations. This is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(2).

D. During observations conducted on January 4, 2011, the inspector noted that panels were missing on the facility's enclosed conveyor system. At the time of observations conducted on January 11, 2011, the inspector noted dust escaping from the missing panels on the enclosed grain conveyor system. The Respondent's failure to take all reasonable precautions to prevent particulate matter from becoming air borne is a violation of LAC 33:III.1305.A, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). This is also a violation of 40 CFR 60.302(c)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.3003.

On or about March 15, 2011, an inspection of the Respondent's facility was performed as a result of citizens' complaints of dust originating from the facility, and to determine the degree of compliance with the Act and the Air Quality Regulations. At the time of the inspection, the facility was conducting cleaning and barge unloading activity. The inspector noted that the Respondent was not utilizing three (3) of three (3) mist blowers during unloading activity and dust was blowing offsite. The inspector noted that dust generated by facility cleaning activity was not being adequately controlled by tarps, and dust was blowing offsite. The inspector noted as an area of concern, the Respondent's failure to control particulate emissions with regard to LAC 33:III.1305, and issued a Notice of Deficiency (NOD) to the Respondent on March 15, 2011. As of May 11, 2011, the Respondent has failed to comply with the NOD issued on March 15, 2011. Specifically, the Respondent has failed to submit to the Department a thirty (30) day response to the NOD issued on

March 15, 2011.

While the Department's investigation is not yet complete, the following violations were noted during the course of the inspection:

- A. At the time of the inspection, the inspector noted that the facility was not utilizing three (3) of three (3) mist blowers during the barge unloading operations, and dust was observed blowing offsite. This is a violation of LAC 33:III.905.A and La. R.S. 30:2057(A)(2).
- B. At the time of the inspection, the inspector noted that dust generated by facility cleaning activity was not being adequately controlled by tarps, and dust was observed blowing offsite. The Respondent's failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of LAC 33:III.1305.A, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

On or about April 1, 2011, an inspection of the Respondent's facility was performed as a result of citizens' complaints of dust originating from the facility and impacting neighboring residential areas, and to determine the degree of compliance with the Act and the Air Quality Regulations. At the time of the inspection, the inspector noted that the facility was conducting grain barge offloading activity with dust control units in place and operating. Specifically, the Respondent was operating three (3) of three (3) mist blowers during the unloading operations. The inspector noted that a small amount of dust was observed near the head pulley of the conveyor which crosses the levee, Conveyor No. 14. Based on the inspector's observations of stacks and flags in the area, it was noted that the prevailing wind was from the southwest, toward a residential area. Specific Condition No. 470 of Air Permit No. 2580-00004-11 states that, "Permittee shall cease loading/unloading operations whenever the prevailing winds have the potential for fugitive dust emissions to impact residential and/or public property." At the time of the inspection, the inspector

noted that no visible dust was observed drifting into the community.

On or about April 4, 2011, a file review of the Respondent's facility was conducted to determine the degree of compliance with the Act and the Air Quality Regulations.

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

- A. On or about April 25, 2006, the Department received a Name/Ownership/Operator Change Form (NOC-1 Form) from the Respondent. According to the NOC-1 Form, facility operatorship was transferred to ADM Grain Company on September 1, 2005. The Respondent's failure to submit a complete NOC-1 Form prior to or no later than 45 days after the change is a violation of LAC 33:I.1905 and La. R.S. 30:2057(A)(2).
- B. On or about March 18, 2008, the Respondent underwent a name change. As of April 5, 2011, the Respondent has not submitted a complete Name/Ownership/Operator Change Form (NOC-1 Form) to the Department. The Respondent's failure to submit a complete NOC-1 Form prior to or no later than 45 days after the change is a violation of LAC 33:I.1905 and La. R.S. 30:2057(A)(2).
- C. Emission Point Nos. (EPN) EQT0006 through EQT0050, and EQT0052 (the sources), are subject to 40 CFR 60 Subpart DD. As of April 6, 2011, the Department has not received notification from the Respondent as required by 40 CFR 60.8(d) stating that a performance test has been scheduled for each of the sources. Each event of the Respondent's failure to determine compliance with the particulate matter standards in 40 CFR 60.302 using the test methods and procedures as specified in 40 CFR 60.303(b)(1) through (b)(3) for each of the sources is a violation of Air Permit No. 2580-00004-11, LAC 33:III.501.C.4, and La. R.S.

30:2057(A)(2). This is also a violation of 40 CFR 60.303, which language has been adopted as a Louisiana regulation in LAC 33:III.3003.

- D. Emission Point Nos. (EPN) EQT0006 through EQT0050, and EQT0052 (the sources), are subject to 40 CFR 60 Subpart DD. As of April 6, 2011, the Department has not received notification from the Respondent as required by 40 CFR 60.8(d) stating that a performance test has been scheduled for each of the sources. Each event of the Respondent's failure to conduct a performance test for each of the sources and furnish a written report of the results of such performance test(s) to the Department within sixty (60) days after achieving the maximum production rate which the facility will be operated, but not later than 180 days after initial startup of the facility as stated in 40 CFR 60.8(a) is a violation of 40 CFR 60.8(a), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, and La. R.S. 30:2057(A)(2).

According to Specific Requirement No. 471 of the facility's current Air Permit No. 2580-00004-11, "Permittee shall develop Standard Operating Procedures (SOPs) designed to control particulate emissions. Permittee shall maintain records onsite and make them available to the Office of Environmental Compliance, Surveillance Division." The Respondent submitted an electronic copy of the facility's SOP to the Department on April 5, 2011."

On September 9, 2012, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **AE-CN-11-01213**, AI# 2212, which was based upon the following findings of fact:

"The Respondent owns and/or operates ADM Grain Company- Destrehan Facility (Facility) located at 12710 River Road in Destrehan, St. Charles Parish, Louisiana. The Facility currently operates under Air Permit No. 2520-00011-09 issued on July 7, 2009.

On or about February 16, 2012, and July 31, 2012, the Department conducted file reviews of the Respondent's facility to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's review is not complete, the following violations were noted during the course of the file reviews:

- A. According to correspondence from the Respondent dated March 7, 2012, the Respondent installed the following unpermitted emission sources at the facility in July 2009:

| Emission Point No. | Description | Installation Date |
|---------------------------|---|--------------------------|
| DS-212 | Dust Collector for Dist RB3 Head Section | July 2009 |
| DS-255 | Dust Collector for Front of Discharge from RB3 on Conveyor 19 | July 2009 |
| DS-257 | Dust Collector for Front of Discharge from RB3 on Conveyor 20 | July 2009 |
| DS-307 | Dust Collector for Rail Receiving Pit | July 2009 |

Each event of the Respondent's failure to submit a timely and complete permit application to the Department prior to construction, reconstruction, or modification is a violation of LAC 33:III.501.C.1 and La. R.S. 30:2057(A)(2). On or about May 31, 2011, the Department received the Respondent's Permit Modification Application dated May 25, 2011, which proposed to add the aforementioned emission sources to the facility's emissions inventory.

- B. According to correspondence from the Respondent dated March 7, 2012, the facility commenced operation of the following unpermitted emission sources at the facility:

| Emission Point No. | Description | Operation Commencement Date |
|---------------------------|-----------------------------|------------------------------------|
| DS-212 | Dust Collector for Dist RB3 | September 24, 2009 |

| Emission Point No. | Description | Operation Commencement Date |
|--------------------|---|-----------------------------|
| | Head Section | |
| DS-255 | Dust Collector for Front of Discharge from RB3 on Conveyor 19 | September 24, 2009 |
| DS-257 | Dust Collector for Front of Discharge from RB3 on Conveyor 20 | September 24, 2009 |
| DS-307 | Dust Collector for Rail Receiving Pit | September 24, 2009 |
| DS-1078 | Dust Collector for DS-1011 and DS-1006 Return | November 11, 2011 |

Each event of the Respondent's failure to obtain the Department's approval prior to operation of each of the aforementioned emission sources is a violation of LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- C. On or about July 6, 2012, the Department received a Name/Ownership/Operator Change Form (NOC-1 Form) from the Respondent. According to the NOC-1 Form, the Respondent underwent a name change on March 18, 2008. The Respondent's failure to submit a complete NOC-1 Form prior to or no later than 45 days after the change is a violation of LAC 33:I.1905.A and La. R.S. 30:2057(A)(2)."

On May 15, 2012, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. **AE-PP-11-01529**, AI# 77432, which was based upon the following findings of fact:

"On or about October 12, 2011, an inspection of ADM – Reserve Facility, (the Facility), a grain elevator operating site owned and/or operated by ADM Grain River System, Inc. (Respondent), was performed as a result of citizens' complaints of grain dust originating from the Respondent's facility and blowing onto the complainants' properties. A file review of the Respondent's facility was conducted on May 9, 2012, to determine the degree of compliance with the Louisiana Environmental

Quality Act (the Act) and the Air Quality Regulations. The facility is located at mile 139.2 of the Mississippi River on the east descending bank near Reserve, St. John the Baptist Parish, Louisiana. The facility operated under Air Permit No. 2580-00004-11 issued on June 29, 2006, and modified on November 16, 2006. The facility currently operates under an Administrative Amendment to Air Permit No. 2580-00004-11 issued on June 17, 2009.

During the period encompassing October 12, 2011, through October 13, 2011, the Louisiana Department of Environmental Quality (the Department) conducted observation and documentation activities of the Respondent's facility as a result of the October 12, 2011, citizens' complaints. On or about October 12, 2011, one of the complainants provided two (2) photographs to the Department depicting grain dust blowing offsite. On or about October 13, 2011, the Department met with the Respondent and discussed the findings of the referenced activities conducted by the Department.

While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspections conducted during October 12, 2011, and October 13, 2011, and the file review conducted on May 9, 2012.

- A. During observations conducted on October 12, 2011, the inspector noted that facility unloading operations were ongoing. Grain dust was detected leaving the facility's barge unloading dock, and traveling offsite towards the adjacent neighborhood. This is a violation of LAC 33:III.1305, Specific Requirement No. 470 of Air Permit No. 2580-00004-11, LAC 33:III.501.C.4, La. R.S. 30:2057 (A)(1) and 30:2057(A)(2).
- B. During observations conducted on October 12, 2011, the inspector noted that the facility's mist blowers were turned off while facility unloading operations were ongoing. This is a violation of LAC 33:III.905 and La. R.S. 30:2057(A)(2).

- C. During observations conducted on October 13, 2011, the inspector noted that large puffs of grain dust were being released from the belt transfer leg on the batture side of the levee on two (2) occasions. This is a violation of LAC 33:III.1305, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- D. During the May 9, 2012, file review, it was discovered that the Respondent installed emission sources at the facility prior to submitting a timely and complete permit application to the Department. Specifically, on or about August 15, 2011, the Department received the Respondent's permit modification application dated August 8, 2011, proposing to add emission point nos. (EPN) DF-BC7, DF-BC8, and RF-5 (emission sources) to the facility's emissions inventory. According to correspondence from the Respondent dated February 28, 2012, the emission sources were installed at the facility on the following dates:

| EPN | Description | Installation Date |
|--------|--|-------------------|
| DF-BC7 | Tail Section of Belt Conveyor 7 & From Discharge of Belt Conveyors 5 & 6 | May 2010 |
| DF-BC8 | Tail Section of Belt Conveyor 8 & From Discharge of Belt Conveyors 5 & 6 | May 2010 |
| RF-5 | Dust Return from DS5 to Lower Garner of Scale 6 | August 2011 |

Each event of the Respondent's failure to submit a timely and complete permit application to the Department prior to modification is a violation of LAC 33:III.501.C.1 and La. R.S. 30:2057(A)(2).

- E. During the course of the May 9, 2012, file review, it was discovered that the Respondent operated emission sources at the facility prior to obtaining the Department's approval. Specifically, on or about August 15, 2011, the Department received the Respondent's permit modification application dated August 8, 2011, proposing to add EPN DF-BC7, DF-BC8,

and RF-5 (emission sources) to the facility's emissions inventory. According to correspondence from the Respondent dated February 28, 2012, operation of each of the emission sources commenced on the following dates:

| EPN | Description | Installation Date |
|--------|--|-------------------|
| DF-BC7 | Tail Section of Belt Conveyor 7 & From Discharge of Belt Conveyors 5 & 6 | May 2010 |
| DF-BC8 | Tail Section of Belt Conveyor 8 & From Discharge of Belt Conveyors 5 & 6 | May 2010 |
| RF-5 | Dust Return from DS5 to Lower Garner of Scale 6 | August 2011 |

Each event of the Respondent's failure to obtain approval from the Department prior to operating each of the emission sources is a violation of LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1) and 30:2057(A)(2)."

On January 14, 2013, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. **AE-PP-12-00749**, AI#13821, which was based upon the following findings of fact:

"On or about August 28, 2009, an inspection of AMA Grain Elevator (Facility), a grain elevator facility owned and/or operated by ADM Grain River System, Inc. (Respondent), was performed as a result of citizens' complaints regarding to particulate emissions originating from the facility. On September 4, 2012, a file review of the Respondent's facility 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 11709 River Road on the west bank of the Mississippi River approximately one half mile west of Ama in St. Charles Parish, Louisiana. The facility operated and/or currently operates under the following Air Permits:

| Air Permit No. | Issue Date | Expiration Date |
|----------------|------------|-----------------|
| 2520-00023-05 | 6/23/2005 | 3/19/2008 |
| 2520-00023-06 | 3/19/2008 | 7/9/2009 |
| 2520-00023-07 | 7/9/2009 | 12/20/2010 |
| 2520-00023-08 | 12/20/2010 | 6/7/2012 |
| 2520-00023-09 | 6/7/2012 | 6/7/2022 |

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:

- A. At the time of the August 28, 2009, inspection, the inspector noted that the facility was conducting belt sweeping activities and dust emissions were observed going offsite. Specifically, the inspector noted that particulate emissions appeared to have been originating from a hole located on the underside of the highest conveyor belt of the elevator located above River Road. The Respondent's failure to diligently maintain control facilities in proper working order is a violation of LAC 33:III.905.A. The Respondent's failure to take all reasonable precautions to prevent particulate matter from becoming airborne is a violation of LAC 33:III.1305, Specific Requirement 44 of Air Permit No. 2520-00023-07, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- B. On or about October 1, 2010, the Department received a permit modification application (the application) from the Respondent dated September 26, 2010. According to the application, the Respondent proposed to add the following emissions sources to the facility's emissions inventory:

| EPN | Source Description |
|------|--------------------|
| DS9 | Head Section DC23 |
| DS10 | Dryer Conveyor 20 |

In correspondence dated September 17, 2012, the Respondent stated that DS9 and DS10 were installed at the facility in October 2009. Each event of the Respondent's failure to submit a timely and complete permit application to the Department prior to construction, reconstruction, or modification is a violation of LAC 33:III.501.C.1, and La. R.S. 30:2057(A)(1).

- C. On or about October 1, 2010, the Department received a permit modification application (the application) from the Respondent dated September 26, 2010. According to the application, the Respondent proposed to add the following emissions sources to the facility's emissions inventory:

| EPN | Source Description |
|------------|---------------------------|
| DS9 | Head Section DC23 |
| DS10 | Dryer Conveyor 20 |

In correspondence dated September 17, 2012, the Respondent stated that DS9 and DS10 commenced operation at the facility in November 2009. On December 20, 2010, the Department issued Air Permit No. 2520-00023-08, which incorporated DS9 and DS10 into the facility's emissions inventory. Each event of the Respondent's failure to obtain approval from the Department prior to operation of the DS9 and DS10 is a violation of LAC 33:III.501.C.2, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- D. On or about May 18, 2012, the Department received a Notification of Change (NOC-1) Form dated May 16, 2012, from the Respondent. According to the NOC-1 Form, the Respondent underwent a name change on March 18, 2008. The Respondent's failure to submit a complete NOC-1 prior to or no later than 45 days after the change is a violation of LAC 33:I.1905.A and La. R.S. 30:2057(A)(2)."

III.

In response to the Consolidated Compliance Orders & Notices of Potential Penalty and the Notices of Potential Penalty, 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 SIXTY THOUSAND AND NO/100 DOLLARS (\$60,000.00), of which Two Thousand Nine Hundred Thirty-Seven and 70/100 (\$2,937.70) 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).

VI

Respondent further agrees that the Department may consider the inspection report(s)/permit record(s), the Consolidated Compliance Orders & Notices of Potential Penalty, the Notices 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.

VII

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.

VIII

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.

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 St. Charles Parish, St. James Parish and St. John the Baptist 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.

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 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).

XII

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

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.

ADM GRAIN RIVER SYSTEM, INC.

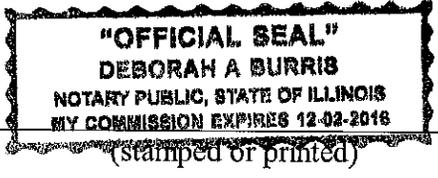
BY: *Christopher L Boerm* Sm
(Signature) _{EMK}

CHRISTOPHER L BOERM
(Printed)

TITLE: PRESIDENT GRAIN

THUS DONE AND SIGNED in duplicate original before me this 9 day of JUNE, 20 15, at DECATUR IL.

Deborah A Burris
NOTARY PUBLIC (ID # _____)



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Peggy M. Hatch Secretary

BY: *John Walsh*

THUS DONE AND SIGNED in duplicate original before me this 28th day of August, 20 15, at Baton Rouge, Louisiana.

Roger K Ward
NOTARY PUBLIC (ID # 55881)

Approved: *Peggy M. Hatch*

Roger K. Ward
(stamped or printed)