

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

MOSAIC FERTILIZER, LLC

AI # 2425, 2532

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

* **Settlement Tracking No.**
* **SA-AE-22-0091**
*
* **Enforcement Tracking Nos.**
* **AE-CN-15-00037**
* **AE-CN-15-00037A**
* **AE-CN-14-00695**
* **AE-CN-14-00695A**
*
* **Docket No. 2019-5215-DEQ**
*

SETTLEMENT

The following Settlement is hereby agreed to between Mosaic Fertilizer, 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 facilities located in St. James Parish, Louisiana (“the Facilities”).

II

On April 17, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-15-00037 (Exhibit 1).

On June 22, 2015, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-15-00037A (Exhibit 2).

On January 19, 2018, the Department issued to Respondent a Consolidated Compliance

Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-14-00695 (Exhibit 3).

On March 8, 2019, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-14-00695 (Exhibit 4).

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

The Respondent failed to submit updates of the status of the ongoing investigation of unauthorized discharge (T-173258) that occurred on September 26, 2016. Specifically, an update is required to be submitted every 60 days until the investigation has been completed and the results of the investigation have been submitted to the Department. This is a violation of LAC 33:I.3925.A La. R.S. 30:2057(A)(1), and 30:2057(A)(2).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty (AE-CN-14-00695), 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 TWENTY-FOUR THOUSAND SIX HUNDRED FIFTY AND NO/100 DOLLARS (\$24,650.00), of which Three Thousand Six Hundred Thirty-Three and 90/100 Dollars (\$3,633.90) 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, Amended Consolidated Compliance Orders & 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. James 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.

XI

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).

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.

MOSAIC FERTILIZER, LLC

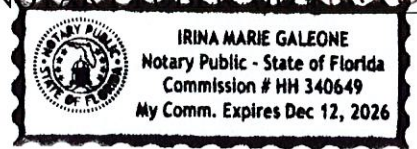
BY: 
(Signature)

PATRICK KANE
(Printed)

TITLE: VP ENTERPRISE OPERATIONS LEAD

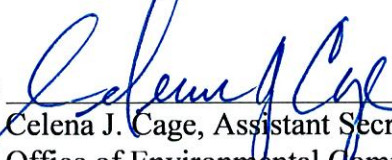
THIS DONE AND SIGNED in duplicate original before me this 3rd day of October, 20 23, at Lithia, Florida.


NOTARY PUBLIC (ID # HH340649)

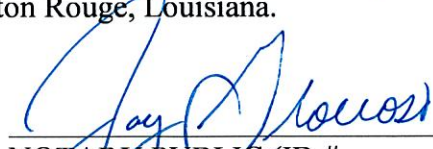


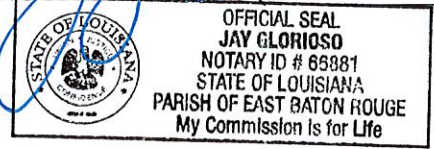
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Roger W. Gingles, Secretary

BY: 
Celena J. Cage, Assistant Secretary
Office of Environmental Compliance

THIS DONE AND SIGNED in duplicate original before me this 15th day of December, 20 23, at Baton Rouge, Louisiana.


NOTARY PUBLIC (ID # _____)



(stamped or printed)

Approved: 
Celena J. Cage, Assistant Secretary

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

April 17, 2015

CERTIFIED MAIL (7004 2510 0006 3853 8846)
RETURN RECEIPT REQUESTED

MOSAIC FERTILIZER, LLC
c/o C T Corporation
Agent for Service of Process
5615 Corporate Blvd., Suite 400B
Baton Rouge, LA 70808

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-15-00037
AGENCY INTEREST NO. 2425**

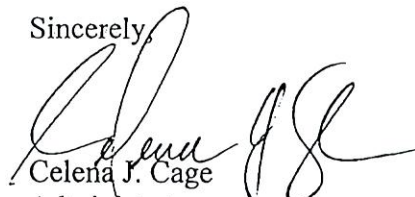
Dear Sir/Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **MOSAIC FERTILIZER, LLC (RESPONDENT)** for the violation described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violation cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to David Seymour at 225-219-3138.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/DGS/dgs
Alt ID No. 2560-00021
Attachment



c: Mosaic Fertilizer, LLC
c/o Steve Susick, Plant Manager
7520 Hwy 44
Uncle Sam, LA 70792

STATE OF LOUISIANA
 DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF MOSAIC FERTILIZER, LLC ST. JAMES PARISH ALT ID NO. 2560-00021 PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT, La. R.S. 30:2001, ET SEQ.	* * * ENFORCEMENT TRACKING NO. * * AE-CN-15-00037 * * AGENCY INTEREST NO. * * 2425 *
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CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **MOSAIC FERTILIZER, LLC (RESPONDENT)** 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), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates the Faustina Plant (the Facility), an ammonia and granular ammonium phosphate fertilizer producing plant, located at 9959 Louisiana Highway 18, St. James, St. James Parish, Louisiana (the Site). The Facility operates or has operated under the following Minor Source, Title V and PSD Permits:

State Air Permit No.	Effective Date
2560-00021-01	July 31, 1996
2560-00021-02	October 16, 1996

Title V Permit No.	Effective Date
2560-00021-V5	June 21, 2013
2560-00021-V4	December 17, 2010
2560-00021-V3	January 22, 2010
2560-00021-V2	December 01, 2008
2560-00021-V1	October 06, 2008
2560-00021-V0	June 28, 2006

PSD Permit No.	Effective Date
PSD-LA-602(M-2)	January 22, 2010
PSD-LA-602(M-1)	October 6, 2008

II.

On September 24, 2013, an Administrative Order, Enforcement Tracking No. AE-AO-13-00737, was issued to the Respondent. The Administrative Order required measures be taken at the Facility's Primary Ammonia Reformer (EQT0004) and to perform stack tests for carbon monoxide (CO) and nitrogen oxides (NO_x). In correspondence dated May 22, 2014, the Respondent submitted the results of the stack test to the Department showing that the Primary Ammonia Reformer exceeded the pound per hour (lb/hr) permit limits for NO_x and CO. On January 5, 2015, the Respondent submitted a request for interim limits for CO and NO_x emissions from the Primary Ammonia Reformer. The Respondent's request states, "It is believed that the requested interim limits are reflective of actual Reformer operation."

III.

In the Facility's revised Title V permit application dated December 15, 2014, the Respondent submitted for authorization by the Department two (2) projects, the Ammonia Plant Debottleneck Project and the Ammonia Plant Reformer Emissions Reduction Project, both of which are designed to reduce CO and NO_x emissions. Construction activities associated with the Ammonia Plant Debottleneck Project would be scheduled to begin as early as the third quarter of 2015 and operation of new and modified project-related equipment is scheduled to commence by the first quarter of 2017. Construction activities associated with the Ammonia Plant Reformer Emissions Reduction Project would be scheduled to begin as early as the second quarter of 2016 and operation of new and modified

project-related equipment is scheduled to commence by the first quarter of 2017. Both projects were submitted for the Department's approval as the Respondent has not yet decided which of the two (2) projects to implement.

IV.

On or about January 20, 2015, 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 review is not yet complete, the following violation was discovered during the course of the file review:

In correspondence dated May 22, 2014, the Respondent reported the results of the stack test conducted on March 24, 2014, for the Primary Ammonia Reformer (EQT0004). These results are summarized in the table below:

	Permit Limit CO Max lb/hr	Permit Limit NOx Max lb/hr	Permit Limit CO Average lb/hr	Permit Limit NOx Average lb/hr
	86.77	214.48	81.81	178.74
Run	CO lb/hr	NOx lb/hr	CO Average lb/hr	NOx Average lb/hr
Stack Test - Normal (Runs 1-3)	187.1, 187.5, 200.9	219.7, 233.9, 219.8	191.8	224.5
Stack Test - Alternative (Runs 4-6)	184.8, 192.4, 184.2	218.2, 220.8, 219.7	187.1	219.5

Each exceedance of a permitted emissions limit is a violation of Air Permit Nos. 2560-00021-01, 2560-00021-02, Title V Permit Nos. 2560-00021-V0, 2560-00021-V1, 2560-00021-V2, 2560-00021-V3, 2560-00021-V4, 2560-00021-V5, LAC33:III.501.C.4, La.R.S30:2057(A)(1) and 30:2057(A)(2).

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Air Quality Regulations.

II.

To address the violation identified in Findings of Fact paragraph IV. regarding the Primary Ammonia Reformer (EQT0004), the Respondent shall comply with the following:

A. The Respondent shall comply with the following interim limitations:

Emission Source	Emission Point No.	Pollutant	Average Hourly Emission Rate pounds per hour (lb/hr)	Maximum Hourly Emission Rate (lb/hr)	Annual Emission Rate tons per year (tpy)
Primary Ammonia Reformer	A-1 (EQT 0004)	Carbon Monoxide (CO)	191.80	241.08	840.08
Primary Ammonia Reformer	A-1 (EQT 0004)	Nitrogen Oxides (NOx)	224.50	280.68	983.31

All emission limitations, monitoring requirements, and permit conditions of Title V Permit No. 2560-00021-V5 shall remain in full force and effect and shall remain enforceable. The interim limitations shall remain in effect until either of the two projects described in the Respondent's Interim Limits Request letter, dated January 5, 2015, is completed and commenced operation and Title V Permit 2560-00021-V6 is issued or until the end of the first quarter of 2017, whichever comes first.

- B. The Respondent shall at all times properly operate and maintain all facilities and systems of control (and related appurtenances) which are installed or used by the Respondent to achieve compliance with the conditions of the interim limitations.
- C. The Respondent shall report the permit limit exceedances of CO and NOx, as set forth in Title V Permit No. 2560-00021-V5, for the Primary Ammonia Reformer in the appropriate reports including, but not limited to, the Annual Compliance Certification and Title V Deviation Reports.
- D. To submit to the Department, within ninety (90) days after receipt of this **COMPLIANCE ORDER**, updated emission inventories that accurately reflect CO and NOx emissions from the

Facility's Primary Ammonia Reformer (EQT0004) for all previous reporting years during which it is believed these emissions were not accurately reported.

III.

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 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:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: David Seymour
Re: Enforcement Tracking No. AE-CN-15-00037
Agency Interest No. 2425

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

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 right-hand corner of the first page of this document and should be directed to the following:

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. AE-CN-15-00037
Agency Interest No. 2425

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 Department's Rules of Procedure. 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, 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 twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, 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.

NOTICE OF POTENTIAL PENALTY

I.

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 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.

II.

Prior to the issuance of additional appropriate enforcement action, you may request a meeting with the Department to present any mitigating circumstances concerning the violation. If you would like to have such a meeting, please contact David Seymour at 225-219-3138 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

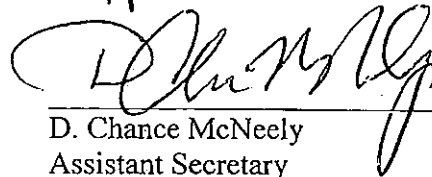
III.

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 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 violation 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 that statement.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 17 day of April, 2015.



D. Chance McNeely
Assistant Secretary

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: David Seymour

BOBBY JINDAL
GOVERNOR



PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

June 22, 2015

CERTIFIED MAIL (7004 2510 0006 3853 8945)
RETURN RECEIPT REQUESTED

MOSAIC FERTILIZER, LLC
c/o C T Corporation
Agent for Service of Process
5615 Corporate Blvd., Suite 400B
Baton Rouge, LA 70808


**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-15-00037A
AGENCY INTEREST NO. 2425**

Dear Sir/Madame:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **MOSAIC FERTILIZER, LLC (RESPONDENT)** for the violation described therein.

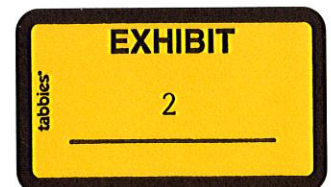
Any questions concerning this action should be directed to David Seymour at 225-219-3138.

Sincerely,



Celena J. Cage
Administrator
Enforcement Division

CJC/DGS/dgs
Alt ID No. 2560-00021
Attachment



c: Mosaic Fertilizer, LLC
c/o Steve Susick, Plant Manager
7520 Hwy 44
Uncle Sam, LA 70792

STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
MOSAIC FERTILIZER, LLC	*	ENFORCEMENT TRACKING NO.
ST. JAMES PARISH	*	
ALT ID NO. 2560-00021	*	AE-CN-15-00037A
	*	
	*	AGENCY INTEREST NO.
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	2425
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, ET SEQ.	*	

**AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY**

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-15-00037** issued to **MOSAIC FERTILIZER, LLC (RESPONDENT)** on April 17, 2015 in the above-captioned matter as follows:

I.

The Department hereby amends paragraph IV of the Findings of Fact portion of Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-15-00037, to read as follows:

“IV.

On or about January 20, 2015, 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 review is not yet complete, the following violation was discovered during the course of the file review:

In correspondence dated May 22, 2014, the Respondent reported the results of the stack test conducted on March 24, 2014, for the Primary Ammonia Reformer (EQT0004). These results are summarized in the table below:

	Permit CO Max	Limit lb/hr	Permit NOx Max	Limit lb/hr	Permit CO lb/hr	Limit Average	Permit NOx lb/hr	Limit Average
	86.77		214.48		81.81		178.74	
Run	CO lb/hr		NOx lb/hr		CO lb/hr	Average	NOx lb/hr	Average
Stack Test – Normal (Runs 1-3)	187.1, 200.9	187.5,	219.7, 219.8	233.9,	191.8		224.5	
Stack Test – Alternative (Runs 4-6)	184.8, 184.2	192.4,	218.2, 219.7	220.8,	187.1		219.5	

Each exceedance of a permitted emission limit is a violation of Title V Air Permit No.2560-00021-V5, LAC33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).”

II.

The Department hereby amends paragraph I of the Compliance Order portion of Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-15-00037, to read as follows:

“I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Air Quality Regulations and Title V Air Permit No. 2560-00021-V5.”

III.

The Department hereby amends paragraph II.D of the Compliance Order portion of Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-15-00037 to read as follows:

“II.D.

To submit to the Department, within ninety (90) days after receipt of this **COMPLIANCE ORDER**, updated emission inventories that accurately reflect CO and NOx emissions from the Facility’s Primary Ammonia Reformer (EQT0004) for the past five (5) reporting years.”


IV.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-15-00037** and **AGENCY INTEREST NO. 2425** as if reiterated herein.

IV.

This AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY is effective upon receipt.

Baton Rouge, Louisiana, this 22 day of June, 2015.



D. Chance McNeely
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
Post Office Box 4312
Baton Rouge, LA 70821-4312
Attention: David Seymour



JOHN BEL EDWARDS
GOVERNOR

CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

January 19, 2018

CERTIFIED MAIL (7004 2510 0005 5763 0911)
RETURN RECEIPT REQUESTED

MOSAIC FERTILIZER, LLC
c/o C T Corporation
Agent for Service of Process
3867 Plaza Tower Dr.
Baton Rouge, LA 70816

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-14-00695
AGENCY INTEREST NO. 2425, 2532**

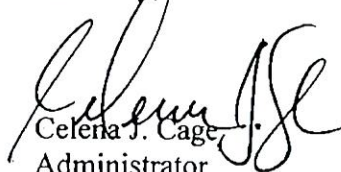
Dear Sir/Madam:

Pursuant to the Louisiana Environmental Quality Act (L.E. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **MOSAIC FERTILIZER, LLC (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Pascal Ojong at 225-219-4468.

Sincerely,


Celena J. Cage
Administrator
Enforcement Division

CJC/PON/pon
Alt ID No. 2560-00021, 2560-00004
Attachment



c: Mosaic Fertilizer, LLC
c/o Steve Susick, Plant Manager
7520 Hwy 44
Uncle Sam, LA 70792

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF	*	
	*	
MOSAIC FERTILIZER	*	ENFORCEMENT TRACKING NO.
ST. JAMES PARISH	*	
ALT ID NO. 2560-00021, 2560-00002	*	AE-CN-14-00695
	*	
	*	AGENCY INTEREST NO.
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT,	*	2425, 2532
La. R.S. 30:2001, ET SEQ.	*	

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **MOSAIC FERTILIZER (RESPONDENT)** 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), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owns and/or operates the Faustina Plant, Agency Interest No. 2425 (the Facility), an ammonia and granular ammonium phosphate fertilizer producing plant, located at 9959 Louisiana Hwy 18 in St. James, St. James Parish, Louisiana. The Facility currently operates under Title V Air Permit No. 2560-00021-V6, issued March 22, 2016. The Facility previously operated under Title V Air Permit No. 2560-00021-V5, issued June 21, 2013, Title V Air Permit No. 2560-00021-V4, issued December 17, 2010, Title V Air Permit No. 2560-00021-V3, issued on January 22, 2010, and Title V Air Permit No. 2560-00021-V2, issued on December 1, 2008. The Facility also operates under Prevention of Significant Deterioration (PSD) Permit No. PSD-LA-602 (M-2), issued on January 22, 2010.

II.

On or about August 14, 2017, a file review of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality regulations.

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

- A. In the Facility's 2009 Title V Annual Compliance Certification Form, submitted by the Respondent in correspondence dated March 30, 2010, it was reported that permitted emission limits were violated for Emission Source No. EQT125 UT-12 (Emergency Fire Pump). Emission exceedances are as follows:

Pollutant	Permitted Limit Per Year (PPY)	Actual (2009)
CO	0.04	0.06
NOx	0.17	0.26
PM10	0.01	0.02
SO2	0.01	0.02
VOC	0.01	0.02

Each exceedance of a permitted emissions limit is a violation of Air Permit No. 2560-00021-V3, LAC 33:III.501.C.4, LA. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- B. The Respondent failed to submit a report for the fourth quarter of 2011 as required by 40 CFR 63 Subpart BB. 40 CFR 63 Subpart BB requires that four (4) quarterly reports be submitted for each calendar year, covering Excess Emissions and Startup, Shutdown, Malfunction (SSM) events for that period. The Department has no record that the Respondent submitted this report for the fourth quarter of 2011. Failure to submit this report is a violation of specific requirement 433 of Air Permit No. 2560-00021-V4, 40 CFR 63.627(a), LAC 33:III.501.C.4 and La R.S. 30:2057(A)(2).
- C. In the Facility's 2013 Title V Annual Compliance Certification, submitted by the Respondent in correspondence dated March 28, 2014, it was reported that EQT0142 G-CDUST Granulation C Dust Scrubber experienced a pressure drop outside of its permitted range, the permitted range being ≥ 11.02 and ≤ 16.52 inches w.c. differential. This event occurred following a plant shutdown and went unrecognized from July 12, 2013 until September 27, 2013 lasting for a total of 1858.50 hours. The Respondent's failure to ensure that EQT0142 was operating within permitted range is a violation of 40 CFR 63.624, Specific Requirement 465 of Title V Air Permit No. 2560-00021-V5, LAC 33:III.501.C.4, La R.S. 30:2057(A)(2). According to the Respondent, no excess emissions were associated with this violation and corrective action was taken, facility wide, to ensure that no similar violations will occur.
- D. The Respondent is required to submit annual Non-MACT Scrubber Out-of-Range Hours reports. These reports indicate the number of hours, if any, that each scrubber operated outside of its permitted flow rate. For the reporting years of 2009, 2010,

2011, 2012, 2013, and 2014, it was reported that multiple scrubbers operated outside of their permitted flow rate. These operations are listed below:

Equipment (EQT)	Permitted Flow Rate	Out of Range Hours	Out of Range Hours	Out of Range Hours	Out of Range Hours	Out of Range Hours	Out of Range Hours
EQT108 Granulation A 1 st Stage Scrubber	Flow rate > 2310.0 gallons/min	2164.75 (SR** 192 of 2560-00021- V2***)	2149.75 (SR 189 of 2560-00021- V3)	2830.75 (SR 189 of 2560-00021- V4)	2741.00 (SR 189 of 2560-00021-V4)	2206.75 (SR 262 of 2560-00021-V5)	1429.25 (SR 262 of 2560-00021-V5)
EQT111 Granulation A Dryer Scrubber	Flow rate > 641.0 gallons/min	2080.25 (SR 199 of 2560-00021-V2)	2028.50 (SR 199 of 2560-00021- V3)	2523.00 (SR 200 of 2560-00021- V4)	2997.25 (SR 200 of 2560-00021-V4)	1785.75 (SR 268 of 2560-00021-V5)	1196.25 (SR 268 of 2560-00021-V5)
EQT112 Granulation A Dust Scrubber	Flow rate > 240.0 gallons/min	1902.75 (SR 202 of 2560-00021-V2)	1812.75 (SR 203 of 2560-00021- V3)	2343.00 (SR 206 of 2560-00021- V4)	None	None	None
EQT113 Granulation B 1 st Stage Scrubber	Flow rate > 2004.0 gallons/min	3591.50 (SR 208 of 2560-00021-V2)	1453.00 (SR 208 of 2560-00021- V3)	5097.50 (SR 212 of 2560-00021- V4)	2490.25 (SR 212 of 2560-00021-V4)	1788.25 (SR 291 of 2560-00021-V5)	2073.00 (SR 291 of 2560-00021-V5)
EQT114 Granulation B Dryer Scrubber	Flow rate > 650.0 gallons/min	3414.25 (SR 213 of 2560-00021-V2)	1327.50 (SR 213 of 2560-00021- V3)	4974.75 (SR 215 of 2560-00021- V4)	2160.00 (SR 215 of 2560-00021-V4)	1401.75 (SR 296 of 2560-00021-V5)	1341.75 (SR 296 of 2560-00021-V5)
EQT115 Granulation B Dust Scrubber	Flow rate > 246.0 gallons/min	3294.75 (SR 219 of 2560-00021-V2)	1222.00 (SR 219 of 2560-00021- V3)	4548.50 (SR 220 of 2560-00021- V4)	None	None	None
EQT116 Granulation C Cooler Scrubber	Flow rate > 1023.0 gallons/min	3192.50 (SR 224 of 2560-00021-V2)	1726.00 (SR 225 of 2560-00021- V3)	3098.50 (SR 227 of 2560-00021- V4)	None	None	None
EQT117 Granulation C Dryer Scrubber	Flow rate > 891.8 gallons/min	3208.75 (SR 232 of 2560-00021-V2)	1776.00 (SR 232 of 2560-00021- V3)	3040.50 (SR 231 of 2560-00021- V4)	2845.25 (SR 231 of 2560-00021-V4)	1451.75 (SR 336 of 2560-00021-V5)	1646.50 (SR 336 of 2560-00021-V5)
EQT119 Granulation C Reaction Scrubber	Flow rate > 368.5 gallons/min	3225.25 (SR 235 of 2560-00021-V2)	1722.25 (SR 239 of 2560-00021- V3)	2672.25 (SR 236 of 2560-00021- V4)	3020.75 (SR 236 of 2560-00021-V4)	1550.25 (SR 343 of 2560-00021-V5)	1722.00 (SR 343 of 2560-00021-V5)
EQT120 Granulation C RG Scrubber	Flow rate > 250.0 gallons/min	3213.00 (SR 240 of 2560-00021-V2)	1753.75 (SR 244 of 2560-00021- V3)	2834.25 (SR 248 of 2560-00021- V4)	3064.50 (SR 248 of 2560-00021-V4)	1770.25 (SR 348 of 2560-00021-V5)	1587.00 (SR 348 of 2560-00021-V5)

*Report submission date **Specific Requirement ***Title V A.r Permit No.

The operation of these scrubbers outside of their permitted flow rates is a violation of Specific Requirements 192, 199, 202, 208, 213, 219, 224, 232, 235, and 240 of Title V Permit No. 2560-00021-V2, Specific Requirements 189, 199, 203, 208, 213, 219, 225, 232, 239, and 244 of Title V Permit 2560-00021-V3, Specific Requirements 189, 200, 206, 212, 215, 220, 227, 231, 236, and 248 of Title V Permit No. 2560-00021-V4, Specific Requirements 262, 268, 291, 296, 336, 343, and 348 of Title V Permit No. 2560-00021-V5, LAC33:III.501.C.4 and La R.S. 30:2057(A)(1) and 30:2057(A)(2).

- E. The Respondent is required to submit annual Scrubber pH Out-of-Range Summary Reports. For reporting year 2009, 2010, 2011, 2012, 2013, and 2014, it was reported that multiple scrubbers operated out of their pH range. These operations are listed below:

Equipment	Permitted pH Ranges	Number of Deviations (D)	Total Hours (H)	2009		2010		2011		2012		2013		2014	
				D	H	D	H	D	H	D	H	D	H		
EQT095 – A Train Fumes Scrubber	≤ 6.6 (MAP/DAP)	12	139.33	7	25.41	4	2.48	2	1.16	3	4.67	2	19.58		
EQT096 – B train Fumes Scrubber	≤ 6.6 (MAP/DAP)	46	62.27	76	86.97	19	59.34	39	70.31	8	7.15	12	12.59		
EQT099 – C Train Tail Gas Scrubber	(≤6.6 DAP) (≤8.0 MAP)	12	12.7	9	19.33	3	1.17	4	3.95	None	None	None	None		

*Report submission date

The operation of these scrubbers outside of their permitted pH ranges is a violation of Specific Requirements 132, 146, and 178 of Title V Permit No. 2560-00021-V2, Specific Requirements 128, 143, 178, and 179 of Title V Permit No. 2560-00021-V3, Specific Requirements 129, 147, 181 of Title V Permit No. 2560-00021-V4, Specific Requirements 161 and 185 of Title V Permit No. 2560-00021-V5, LAC 33:III.501.C.4 and La R.S. 30:2057(A)(1) and 30:2057(A)(2). In correspondence dated August 11, 2017, the Respondent stated that there were no

permit exceedances as a result of the scrubber flow rate operating out of the permitted range.

III.

On or about November 5, 2015, an inspection 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 review is not yet complete, the following violation was noted during the course of the investigation:

On or about November 5, 2015, an unauthorized discharge of Ammonia occurred at the Facility for approximately 14 minutes. The Respondent stated that the release occurred when a relief valve lifted for 14 minutes before it reseated and an estimated 5995 pounds of Ammonia (Reportable Quantity 100 pounds) was released to the atmosphere. On or about January 26, 2016, the Respondent stated that the root cause analysis revealed that the incident was preventable because an operator did not initiate the emergency shut down procedure following the lifting of the relief valve, which caused over pressurization of the vessel. This is a violation of Title V Permit No. 2560-00021-V5, LAC33:III.905 and La R.S. 30:2057(A)(1) and 30:2057(A)(2).

IV.

On or about April 29, 2013, through May 1, 2013, a Chemical Accident Prevention Program (CAPP) inspection was conducted to determine the degree of compliance with the Act and the Air Quality Regulations.

While the Department's review is not yet complete, the following violation was noted during the course of the investigation:

- A. During the course of the inspection the inspector noted that, the Respondent failed to correct deficiencies in equipment that are outside acceptable limits as defined by process safety information before further use or in a safe and timely manner when necessary means are taken to assure safety operation. This is a violation 40 CFR 68.73(e), which language has been incorporated by reference in LAC 33:III.5901.A and La. R.S. 30:2057(A)(2). In correspondence dated August 15, 2013, the respondent stated that, a vessel statistic has been implemented, the contraction agency inputting the data and providing reports to flag any discrepancies in the future. The Respondent stated that the facility is in the process of rolling out a companywide Risk Based Inspection Mechanical Integrity Program which includes

software that will calculate remaining life and flag any discrepancies in the future.

- B. During the course of the inspection the inspector noted that, the Respondent failed to use good engineering practices for pressure vessel inspection. Specifically, the report stated that the Facility failed to establish specific monitoring locations as required by API standards. This is a violation 40 CFR 68.73(d)(2), which language has been incorporated by reference in LAC 33:III.5901.A and La. R.S. 30:2057(A)(2). The inspector stated that this violation has been corrected.

V.

The Respondent owns and/or operates the Uncle Sam Plant, Agency Interest No. 2532, a phosphoric acid, sulfuric acid, and Hydrofluorosilicic Acid producing plant, located at 7250 Louisiana Highway 44, Uncle Sam, St. James Parish, Louisiana. Uncle Sam has a Consent Decree (Civil Action No. 09-6662 entered on December 23, 2009). The facility currently operates under Title V Permit No. 2560-00004-V3, issued August 18, 2015. The Facility previously operated under Administrative Amendment Title V Permit No. 2560-00004-V2, issued January 13, 2015, Title V Permit No. 2560-00004-V2, issued March 20, 2013 and Title V Permit No. 2560-00004-V1, issued June 12, 2009.

VI.

On or about September 26, 2013, and October 7, 2013, inspections of the Respondent's facility were conducted to determine the degree of compliance with the Act and the Air Quality Regulations.

While the Department's review is not yet complete the following violations were discovered during the course of the inspections:

- A. According to the Respondent's Annual Compliance Certification for the 2011 reporting year, the Respondent failed to record local pressure indication readings for multiple shifts for multiple pieces of equipment. Specifically, the local pressure indication readings for Large Tanks Scrubber 1 (EQT054), Large Tanks Scrubber 2 (EQT055), G Tank Scrubber (EQT057), Small Tanks Scrubber 1 (EQT064) and Small Tanks Scrubber 2 (EQT065) were not taken on twelve (12) separate twelve (12) hour shifts between August 24, 2011 and December 11, 2011. Failure to record local pressure readings once per twelve (12) hour shift is a violation of specific requirements 51, 55, 63, 74 and 80 of Title V Permit No. 2560-00004-V1, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- B. According to the Respondent's Title V Semiannual Monitoring Report for the 1st half of the 2012 reporting year, submitted in correspondence dated September 27, 2012,

the Respondent failed to record local pressure indication readings for multiple shifts for multiple pieces of equipment. Specifically, the local pressure indication readings for Large Tanks Scrubber 1 (EQT054), Large Tanks Scrubber 2 (EQT055), G Tank Scrubber (EQT057), Small Tanks Scrubber 1 (EQT064) and Small Tanks Scrubber 2 (EQT065) were not performed for the following shifts:

Number of Shifts Missed	Deviation Began		Deviation Ended	
	Date	Time	Date	Time
1	1/16/2012	7:00pm	1/17/2012	7:00am
4	1/27/2012	7:00am	1/29/2012	7:00am
1	1/29/2012	7:00pm	1/30/2012	7:00am
1	1/31/2012	7:00am	1/31/2012	7:00pm
4	2/1/2012	7:00am	2/3/2012	7:00am
Number of Shifts Missed	Deviation Began		Deviation Ended	
	Date	Time	Date	Time
1	2/10/2012	7:00am	2/10/2012	7:00pm
1	2/15/2012	7:00am	2/15/2012	7:00pm
2	2/16/2012	7:00am	2/17/2012	7:00am

Failure to record local pressure readings once per twelve (12) hour shift is a violation of Specific Requirements 51, 55, 63, 74 and 80 of Title V Permit No. 2560-00004-V1, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).

- C. According to the Respondent's 35-Day Notification of a Title V Permit Limit Exceedance Report, dated August 21, 2013, the Facility exceeded its maximum permitted emission rate of 137.5 lbs/hour of sulfur dioxide (SO₂). Specifically, on August 14, 2013, during a routine startup of A-Train Sulfuric Acid Unit (EQT-0067), the main air blower tripped, with no indication of a trip signal. The sulfur feed trip valve solenoid did not actuate, allowing sulfur feed to continue to the furnace without sufficient air for combustion. The continuation of sulfur into the furnace increased the amount of SO₂ in the unit which overloaded the amine scrubber system and exited the stack. The remaining SO₂ in the scrubber system backed into the main air blower of the plant and exited through the drying tower suction vent. The Respondent determined that the total amount of SO₂ released was 715.5 pounds. This release was in exceedance of the permitted emission rate of 137.5 lbs/hour of SO₂ for the A Train

Sulfuric Acid Unit. The exceedance of this permitted emissions limit is a violation of Title V Air Permit No. 2560-00004-V2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). In electronic correspondence dated August 8, 2017, the Respondent stated that the incident was not preventable.

VII.

On or about November 6, 2014, and May 12, 2015, and August 14, 2017, file reviews of the Respondent's facility were conducted to determine the degree of compliance with the Act and the Air Quality Regulations.

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

- A. According to the Respondent's Semiannual Deviation Report for the 1st Half of 2014, the Respondent failed to record local pressure indication readings for multiple pieces of equipment at the facility. Specifically, the local pressure indication readings for Large Tanks Scrubber 1 (EQT054), Large Tanks Scrubber 2 (EQT055), G Tank Scrubber (EQT057), Small Tanks Scrubber 1 (EQT054) and Small Tanks Scrubber 2 (EQT065) were not recorded for one (1) twelve (12) hour shift starting on June 26, 2014. Failure to record local pressure readings once per twelve (12) hour shift is a violation of Specific Requirements 51, 55, 53, 74 and 80 of Title V Permit No. 2560-00004-V1, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- B. The Respondent is required to submit Title V Semiannual Monitoring Reports. These reports are due to be submitted by March 31st and September 30th. The Department has no record that the Respondent submitted this report for the first half of 2010. The failure to submit a Title V Semiannual Monitoring Report is a violation of 40 CFR 70.6(a)(3)(iii)(A), Specific Requirement 219 of Title V Air Permit No. 2560-00004-V1, LAC 33:III.501.C.4 and La R.S. 30:2057(A)(2).
- C. The Respondent failed to submit the facility's Quarterly Excess Emission Report for the Second Quarter of 2013, in a timely fashion. Specifically, this report requires submission no later than the 30th day following the end of the reporting period. The report for the third quarter of 2013 was due to be submitted no later July 31, 2013 and the Respondent submitted this report with a postmark date of August 2, 2013. This report was submitted late. Failure to submit this report in a timely fashion is a violation of 40 CFR 60.7(c), LAC 33:III.501.C.4 and La R.S. 30:2057(A)(2).

COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Air Quality Regulations and any applicable air permits.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the 40 CFR 63 Subpart BB report for the fourth quarter of 2011, as specified in Paragraph II.B of the **FINDINGS OF FACT** portion of this **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**. Submit, along with this report, any proof of the report's earlier submission (i.e. certified mail receipt or U.S. Post Office tracking number).

III.

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 violations 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:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Pascal Ojong
Re: Enforcement Tracking No. AE-CN-14-000695
Agency Interest No. 2425, 2532

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

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 right-hand corner of the first page of this document and should be directed to the following:

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. AE-CN-14-00695
Agency Interest No. 2425, 2532

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 Department's Rules of Procedure. 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 twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, 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.

NOTICE OF POTENTIAL PENALTY

I.

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.

II.

Prior to the issuance of additional appropriate enforcement action(s), 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 Pascal Ojong at 225-219-4468 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

III.

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 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 violation(s) 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 that 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.

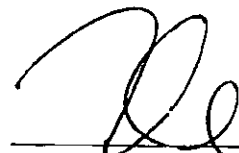
IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, 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 "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" 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.

V.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 19th day of January, 2018.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Attention: Pascal Ojong

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION
 POST OFFICE BOX 4312
 BATON ROUGE, LOUISIANA 70821-4312

CONSOLIDATED COMPLIANCE ORDER &
 NOTICE OF POTENTIAL PENALTY
 REQUEST TO CLOSE



Enforcement Tracking No.	AE-CN-14-00695	Contact Name	Pascal Ojong
Agency Interest (AI) No.	2425 & 2532	Contact Phone No.	(225) 219-4468
Alternate ID No.	2560-00021; 2560-00002		
Respondent:	Mosaic Fertilizer, LLC	Facility Name:	Multi
	c/o Corporation Service Company	Physical Location:	Multi
	Agent for Service of Process		
	3867 Plaza Tower Dr. Baton Rouge, LA 70816	City, State, Zip: Parish:	

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph III of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraphs 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:		

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

<input type="checkbox"/>	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.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-14-00695), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-14-00695), 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. <ul style="list-style-type: none"> • 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.
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-CN-14-00695) 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: Pascal Ojong

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

March 8, 2019

CERTIFIED MAIL (7017 2400 0000 7556 7933)
RETURN RECEIPT REQUESTED

MOSAIC FERTILIZER, LLC

c/o C T Corporation
Agent for Service of Process
3867 Plaza Tower Dr.
Baton Rouge, LA 70816

**RE: AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-14-00695A
AGENCY INTEREST NOS. 2425, 2532**

Dear Sir/Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **MOSAIC FERTILIZER, LLC (RESPONDENT)** for the violations described therein.

Any questions concerning this action should be directed to Madison Kirkland at (225) 219-3165 or Madison.Kirkland@la.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Celesta L. Cage".

Celesta L. Cage
Administrator
Enforcement Division

CJC/MLK/mlk
Alt ID Nos. 2560-00021, 2560-00004
Attachment

c: Mosaic Fertilizer, LLC
c/o Steve Susick, Plant Manager
7520 Hwy 44
Uncle Sam, LA 70792



**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF

**MOSAIC FERTILIZER, LLC
ST. JAMES PARISH
ALT ID NOS. 2560-00021, 2560-00002**

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

*
*
* **ENFORCEMENT TRACKING NO.**
*
* **AE-CN-14-00695A**
*
* **AGENCY INTEREST NO.**
* **2425, 2532**
*

**AMENDED CONSOLIDATED COMPLIANCE ORDER &
NOTICE OF POTENTIAL PENALTY**

The Louisiana Department of Environmental Quality (the Department) hereby amends the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-14-00695** issued to **MOSAIC FERTILIZER, LLC (RESPONDENT)** on January 19, 2018 in the above-captioned matter as follows:

I.

The Department hereby removes paragraphs II.B and VII.B of the Findings of Fact portion of **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-14-00695**.

II.

The Department hereby amends paragraphs II.D and II.E of the Findings of Fact portion of **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-14-00695**, to read as follows:

- "D. The Respondent is required to submit annual Non-MACT Scrubber Out-of-Range Hours reports. These reports indicate the number of hours, if any, that each scrubber operated outside of its permitted flow rate. For the reporting years of 2009, 2010, 2011, and 2012, it was reported that multiple scrubbers operated outside of their permitted flow rate. These operations are listed below:

EQUIPMENT (EQT)	PERMITTED FLOW RATE	OUT OF RANGE HOURS	OUT OF RANGE HOURS	OUT OF RANGE HOURS	OUT OF RANGE HOURS
EQT108 Granulation A 1 st Stage Scrubber	Flow rate > 2310.0 gallons/min	2164.75 (SR** 192 of 2560-00021-V2***)	2149.75 (SR 189 of 2560-00021-V3)	2830.75 (SR 189 of 2560-00021-V4)	2741.00 (SR 189 of 2560-00021-V4)
EQT111 Granulation A Dryer Scrubber	Flow rate > 641.0 gallons/min	2080.25 (SR 199 of 2560-00021-V2)	2028.50 (SR 199 of 2560-00021-V3)	2523.00 (SR 200 of 2560-00021-V4)	2997.25 (SR 200 of 2560-00021-V4)
EQT112 Granulation A Dust Scrubber	Flow rate > 240.0 gallons/min	1902.75 (SR 202 of 2560-00021-V2)	1812.75 (SR 203 of 2560-00021-V3)	2343.00 (SR 206 of 2560-00021-V4)	None
EQT113 Granulation B 1 st Stage Scrubber	Flow rate > 2004.0 gallons/min	3591.50 (SR 208 of 2560-00021-V2)	1453.00 (SR 208 of 2560-00021-V3)	5097.50 (SR 212 of 2560-00021-V4)	2490.25 (SR 212 of 2560-00021-V4)
EQT114 Granulation B Dryer Scrubber	Flow rate > 650.0 gallons/min	3414.25 (SR 213 of 2560-00021-V2)	1327.50 (SR 213 of 2560-00021-V3)	4974.75 (SR 215 of 2560-00021-V4)	2160.00 (SR 215 of 2560-00021-V4)
EQT115 Granulation B Dust Scrubber	Flow rate > 246.0 gallons/min	3294.75 (SR 219 of 2560-00021-V2)	1222.00 (SR 219 of 2560-00021-V3)	4548.50 (SR 220 of 2560-00021-V4)	None
EQT116 Granulation C Cooler Scrubber	Flow rate > 1023.0 gallons/min	3192.50 (SR 224 of 2560-00021-V2)	1726.00 (SR 225 of 2560-00021-V3)	3098.50 (SR 227 of 2560-00021-V4)	None
EQT117 Granulation C Dryer Scrubber	Flow rate > 891.8 gallons/min	3208.75 (SR 232 of 2560-00021-V2)	1776.00 (SR 232 of 2560-00021-V3)	3040.50 (SR 231 of 2560-00021-V4)	2845.25 (SR 231 of 2560-00021-V4)
EQT119 Granulation C Reaction Scrubber	Flow rate > 368.5 gallons/min	3225.25 (SR 235 of 2560-00021-V2)	1722.25 (SR 239 of 2560-00021-V3)	2672.25 (SR 236 of 2560-00021-V4)	3020.75 (SR 236 of 2560-00021-V4)
EQT120 Granulation C RG Scrubber	Flow rate > 250.0 gallons/min	3213.00 (SR 240 of 2560-00021-V2)	1753.75 (SR 244 of 2560-00021-V3)	2834.25 (SR 248 of 2560-00021-V4)	3064.50 (SR 248 of 2560-00021-V4)

*Report submission date **Specific Requirement ***Title V Air Permit No.

The operation of these scrubbers outside of their permitted flow rates is a violation of Specific Requirements 192, 199, 202, 208, 213, 219, 224, 232, 235, and 240 of Title V Permit No. 2560-00021-V2, Specific Requirements 189, 199, 203, 208, 213, 219, 225, 232, 239, and 244 of Title V Permit 2560-00021-V3, Specific Requirements 189, 200, 206, 212, 215, 220, 227, 231, 236, and 248 of Title V Permit No. 2560-00021-V4, LAC 33:III.501.C.4, La R.S. 30:2057(A)(1) and 30:2057(A)(2).

E. The Respondent is required to submit annual Scrubber pH Out-of-Range Summary Reports. For reporting year 2009, 2010, 2011, and 2012, it was reported that multiple scrubbers operated out of their pH range. These operations are listed below:

EQUIPMENT	PERMITTED PH RANGES	NUMBER OF DEVIATIONS (D)	AVG. (H)	D	H	D	H	D	H
EQT095 - A Train Fumes Scrubber	≤ 6.6 (MAP/DAP)	12	139.33	7	25.41	4	2.48	2	1.16
EQT096 - B train Fumes Scrubber	≤ 6.6 (MAP/DAP)	46	62.27	76	86.97	19	59.34	39	70.31
EQT099 - C Train Tail Gas Scrubber	(≤ 6.6 DAP) (≤ 8.0 MAP)	12	12.7	9	19.33	3	1.17	4	3.95

*Report submission date

The operation of these scrubbers outside of their permitted pH ranges is a violation of Specific Requirements 132, 146, and 178 of Title V Permit No. 2560-00021-V2, Specific Requirements 128, 143, 178, and 179 of Title V Permit No. 2560-00021-V3, Specific Requirements 129, 147, 181 of Title V Permit No. 2560-00021-V4, LAC 33:III.501.C.4 and La R.S. 30:2057(A)(1) and 30:2057(A)(2). In correspondence dated August 11, 2017, the Respondent stated that there were no permit exceedances as a result of the scrubber flow rate operating out of the permitted range.”

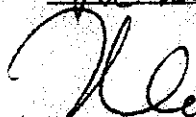
III.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-14-00695** and **AGENCY INTEREST NO. 2425, 2532** as if reiterated herein.

IV.

This **AMENDED CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 8th day of March, 2019.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
Post Office Box 4312
Baton Rouge, LA 70821-4312
Attention: Madison Kirkland