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Pretreatment/Clean Water Enforcement: Alabama Department of Environmental Management and Decatur Soybean Processing/Oil Refinery Facility Enter into Consent Order

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The Alabama Department of Environmental Management (“ADEM”) and Bunge North America (“BNA”) entered into a November 8th Consent Order (“CO”) addressing alleged violations of a Clean Water Act State Indirect Discharge (“SID”) permit.

The CO provides that BNA operates a soybean processing, soybean oil refining, and vegetable oil blending facility (“Facility”) in Decatur, Alabama.

ADEM is stated to have issued an SID to BNA in 2020. The SID established limitations on the discharge of pollutants from a point source into the Decatur Utilities Wastewater Treatment Plant (“WWTP”).

Discharge Monitoring Reports (“DMRs”) submitted to ADEM by BNA are stated to indicate that the Facility has discharged pollutants in violation of the limits imposed by the SID. Such alleged effluent violations are referenced in Attachment #1 of the CO.

ADEM is stated to have issued on April 23, 2021, a Warning Letter (“WL”) to BNA and required the company to submit a written report describing corrective actions that would be or had been taken.

BNA responded on May 19, 2021, identifying corrective actions taken which included specific changes to operational, maintenance, and treatment procedures.

ADEM is stated to have issued a Notice of Violation to BNA on November 3, 2022. The company’s response indicated that an evaluation of the wastewater treatment system was performed by a third-party contractor that installed the system. Issues are stated to have been identified within the treatment system which would lead to decreased system performance. Also referenced was high turnover in personnel trained in wastewater treatment operations at the Facility and that a procedure to ensure Form 421 submittal was addressed.

BNA indicated that it is committed to operating the Facility in full compliance with its SID permit and applicable laws and regulations. Further, it notes:

- Violations alleged by ADEM resulted from a combination of:

- Equipment malfunctions with the wastewater treatment system
- Turnover of personnel
- Supply chain issues
- Substantial resources have been committed to eliminate the sources of alleged noncompliance and investment will continue
- Efforts are made to maintain good relationships with all various stakeholders and comply with regulations
- Responsiveness to ADEM regarding operational issues is noted
- Decatur WWTP did not experience any bypass or interference as a result of the alleged violations

A civil penalty of \$24,600 is assessed.

A copy of the CO can be downloaded [here](#).