

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CAJUN SUGAR COOPERATIVE, INC.

AI # 1481

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

* Settlement Tracking No.
* SA-AE-17-0050
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* Enforcement Tracking No.
* AE-CN-08-0081
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SETTLEMENT

The following Settlement is hereby agreed to between Cajun Sugar Company, L.L.C. f/k/a Cajun Sugar Cooperative, 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 limited liability company that owns and/or operates a facility located in New Iberia, Iberia Parish, Louisiana (“the Facility”).

II

On September 30, 2008, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-08-0081, which was based upon the following findings of fact:

“The Respondent owns and/or operates the Cajun Sugar Factory (facility), a sugar mill, located at 2711 Northside Road in New Iberia, Iberia Parish, Louisiana. The facility currently operates under Title V Permit No. 1260-00013-V2 issued July 19, 2004.

On or about May 1, 2008 a file review was performed to determine the degree of compliance with the Act and the Air Quality Regulations due to a referral received from Air Quality Assessment Division. While the Department's investigation is not yet complete, the following violations were noted during the course of the file review:

- A. By letter submitted to the Department dated February 1, 2006, the Respondent submitted the results of an Emissions Compliance Test conducted on or about November 9, 2005, for Cajun Sugar Boiler #6 (EQT8). The following table summarizes the test data:

Emission Point	NOx Emission Test Results (lbs/hr*)	NOx Permitted limits (lbs/hr*)
EQT8	133.72	72.83(avg)/ 120.0 (max)
	*lbs/hr- pounds per hour	avg-average max-maximum

On or about March 14, 2006, the Department issued a Performance Test Review Letter approving the performance test methods and data analysis conducted by the Respondent. Each instance of operating emission point EQT8 above the permitted NOx maximum emission rate is a violation of Title V Permit No. 1260-00013-V2, LAC 33:III.501.C.4, La R.S. 30:2057(A)(1) and 30:2057(A)(2).

- B. The Respondent submitted the results of the performance/emissions test on or about February 1, 2006. The Respondent failed to submit the results of the Performance/emissions test to the Department within 60 days after the November 9, 2005 test was completed. This is a violation of Specific Requirement 3 for Title V Permit No. 1260-00013-V2, LAC 33:III.501.C.4 and La R.S. 30:2057(A)(2).
- C. By letter submitted to the Department dated March 21, 2007, the Respondent submitted the results of an Emissions Compliance Test conducted on or about December 21, 2006, for Cajun Sugar Boiler #6 (EQT8). The following table summarizes the test data:

Emission Point	NOx Emission Test Results (lbs/hr*)	NOx Permitted limits (lbs/hr*)
EQT8	149.96	72.83(avg)/ 120.0 (max)
	*lbs/hr– pounds per hour	avg-average max-maximum

On or about March 27, 2008, the Department issued a Performance Test Review Letter approving the performance test methods and data analysis conducted by the Respondent. Each instance of operating emission point EQT8 above the permitted NOx maximum emission rate is a violation of Title V Permit No. 1260-00013-V2, LAC 33:III.501.C.4, La R.S. 30:2057(A)(1) and 30:2057(A)(2).

D. The Respondent submitted the results of the performance/emissions test on or about March 21, 2007. The Respondent failed to submit the results of the Performance/emissions test to the Department within 60 days after the December 22, 2006 test was completed. This is a violation of Specific Requirement 3 for Title V Permit No. 1260-00013-V2, LAC 33:III.501.C.4 and La R.S. 30:2057(A)(2).

E. By letter submitted to the Department dated March 21, 2007, the Respondent submitted the results of an Emissions Compliance Test conducted on or about December 27, 2006, for Cajun Sugar Boiler #6 (EQT8). The following table(s) summarize the performance test data:

Emission Point	NOx Emission Test Results (lbs/hr*)	NOx Permitted limits (lbs/hr*)
EQT8	128.73	72.83(avg)/ 120.0 (max)
	*lbs/hr– pounds per hour	avg-average max-maximum

Emission Point	PM10 Emission Test Results (lbs/hr*)	PM10 Permitted limits (lbs/hr*)
EQT8	171.25	70.96(avg)/ 120.0 (max)
	*lbs/hr– pounds per hour	avg-average max-maximum

On or about March 27, 2008, the Department issued a Performance Test Review Letter approving the performance test methods and data analysis conducted by the Respondent. Each instance of operating emission point EQT8 above the permitted NOx and PM10 maximum emission rate is a violation of Title V Permit No. 1260-00013-V2, LAC 33:III.501.C.4, La R.S. 30:2057(A)(1) and 30:2057(A)(2).

F. The Respondent submitted the results of the performance/emissions test on or about March 27, 2007. The Respondent failed to submit the results of the Performance/emissions test to the Department within 60 days after the December 28, 2006 test was completed. This is a violation of Specific Requirement 3 for Title V Permit No. 1260-00013-V2, LAC 33:III.501.C.4 and La R.S. 30:2057(A)(2).

G. By letter, submitted to the Department on or about January 24, 2008, the Respondent submitted the results of Emissions Compliance Test conducted on or about November 15, 2007 for Cajun Sugar Boiler #6 (EQT8). The following table summarizes the performance test data:

Emission Point	NOx Emission Test Results (lbs/hr*)	NOx Permitted limits (lbs/hr*)
EQT8	154.70	72.83(avg)/ 120.0 (max)
	*lbs/hr– pounds per hour	avg-average max-maximum

On or about March 27, 2008, the Department issued a Performance Test Review Letter approving the performance test

methods and data analysis conducted by the Respondent. Each instance of operating emission point EQT8 above the permitted NOx maximum emission rate is a violation of Title V Permit No. 1260-00013-V2, LAC 33:III.501.C.4, La R.S. 30:2057(A)(1) and 30:2057(A)(2).

- H. The Respondent submitted the results of the performance/emissions test on or about January 28, 2008. The Respondent failed to submit the results of the Performance/emissions test to the Department within 60 days after the November 15, 2007 test was completed. This is a violation of Specific Requirement 3 for Title V Permit No. 1260-00013-V2, LAC 33:III.501.C.4 and La R.S. 30:2057(A)(2).
- I. The Respondent has failed to submit Title V Permit Modification Applications after each emission test exceedance to date as noted in Paragraphs II.A., II.C, II.E and II.G in the Findings of Fact. Each failure to submit a permit modification application is a violation of Title V Permit No. 1260-00013-V2, LAC 33:III.501.C.2, La R.S. 30:2057(A)(1) and 30:2057(A)(2).
- J. The Respondent failed to submit Quarterly Deviation Reports for the excess emissions as noted in Findings of Fact Paragraph(s) II.A, II.C, II.E and II.G. Each failure to submit a Quarterly Deviation Report is a violation of General Condition R and XI of Title V Permit No. 1260-00013-V2, LAC 33:III.501.C.4 and La R.S. 30:2047(A)(2).”

III

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00), of which Two Thousand Four Hundred Thirty-Six and 24/100 Dollars (\$2,436.24) represents the Department’s enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by

Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the permit record(s), the Consolidated Compliance Order & Notice of Potential Penalty and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI

This agreement shall be considered a final order of the Secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

VIII

As required by law, the Department has submitted this Settlement Agreement to the Louisiana Attorney General for approval or rejection. The Attorney General's concurrence is

appended to this Settlement Agreement.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Iberia Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

XI

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

XII

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

CAJUN SUGAR COMPANY, L.L.C.

BY: [Signature]
(Signature)

Sean H. Kidd
(Printed)

TITLE: CFO

THUS DONE AND SIGNED in duplicate original before me this 12th day of March, 20 18, at _____.

[Signature]
NOTARY PUBLIC (ID # 11630)

CHINT C. SUBRA
(stamped or printed)

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

BY: [Signature]

Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 18th day of May, 20 18, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]

Lourdes Iturralde, Assistant Secretary