

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

RACELAND RAW SUGAR, L.L.C.

AI # 1309

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

* Settlement Tracking No.
* SA-AE-21-0060
*
* Enforcement Tracking No.
* AE-CN-15-00201
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SETTLEMENT

The following Settlement is hereby agreed to between Raceland Raw Sugar, L.L.C. (“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 Raceland, Lafourche Parish, Louisiana (“the Facility”).

II

On February 1, 2017, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-15-00201 (Exhibit 1).

III

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

IV

Nonetheless, Respondent, without making any admission of liability under state or federal

statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of NINE THOUSAND AND NO/100 DOLLARS (\$9,000.00), of which One Thousand Two Hundred Twenty-Three and 02/100 Dollars (\$1,223.02) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the inspection report(s), permit record(s), the 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 Lafourche 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.

RACELAND RAW SUGAR, L.L.C.

BY: [Signature]
(Signature)

Daniels W Duplewski Tr
(Printed)

TITLE: President & Gen Mgr

THUS DONE AND SIGNED in duplicate original before me this 21st day of October, 20 21, at Raceland, LA.

[Signature]
NOTARY PUBLIC (ID # 054199)
Starvelen C. Remont

(stamped or printed)

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

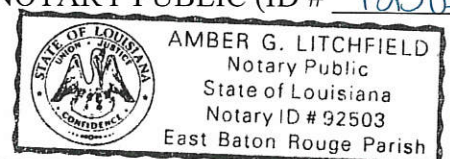
BY: [Signature]

Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

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

[Signature]

NOTARY PUBLIC (ID # 92503)



(stamped or printed)

Approved: [Signature]

Lourdes Iturralde, Assistant Secretary

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

February 1, 2017

CERTIFIED MAIL (7004 2510 0005 5768 4723)
RETURN RECEIPT REQUESTED

RACELAND RAW SUGAR, L.L.C.
c/o Daniels W. Duplantis, Jr.
Agent for Service of Process
175 Mill Street
Raceland, LA 70394

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-15-00201
AGENCY INTEREST NO. 1309**

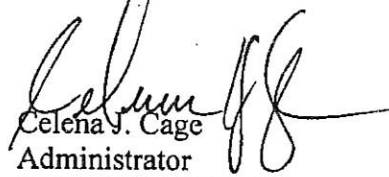
Dear Sir:

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 **RACELAND RAW SUGAR, L.L.C. (RESPONDENT)** for the violations described therein.

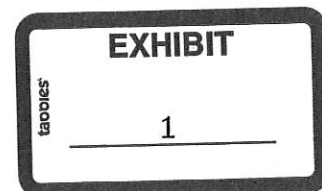
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

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. 1560-00004
Attachment



c: Raceland Raw Sugar, L.L.C.
P.O. Box 159
Raceland, LA 70394

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

IN THE MATTER OF

RACELAND RAW SUGAR, L.L.C.
LAFOURCHE PARISH
ALT ID NO. 1560-00004

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

*
*
* ENFORCEMENT TRACKING NO.
*
* AE-CN-15-00201
*
* AGENCY INTEREST NO.
*
* 1309
*

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

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **RACELAND RAW SUGAR, L.L.C. (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 Raceland Raw Sugar Facility (the Facility), located at 175 Mill Street (Portion of) Raceland, in Lafourche Parish, Louisiana. The Facility operates or has operated under the authority of the following Title V Air Permits:

PERMIT	ISSUE DATE	EXPIRATION DATE
1560-00004-V5	3/14/2011	4/20/2012
1560-00004-V6	10/10/2012	10/10/2017
1560-00004-V7	1/3/2013	1/3/2018
1560-00004-V8	6/10/2013	1/3/2018

II.

On or about November 14, 2014, and December 2, 2014, inspections of the Respondent's facility were performed to determine the degree of compliance with the Act and the Air Quality Regulations. On or about January 23, 2017, a subsequent file review was performed to determine the Respondent's 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. The inspector noted the following recordkeeping violations:

REPORT (date)	PERMIT NUMBER	EMISSION POINT	INCIDENT DATE	RECORD REQUIREMENT	REPORTED CAUSE	SPECIFIC REQUIREMENT or REGULATION
1 Inspection (11/14/14)	1560-00004-V8	Boiler No.1 (EQT 0004)	(Not reported)*	Equipment/ Operational data recordkeeping by electronic or hard copy continuously.	Daily visual inspections records of cyclone housings and flue gas ductwork were not recorded.	Specific Requirement 85 LAC 33: III. 507.H.1.a
		Boiler No.2 (EQT 0003)	(Not reported)*	Operate in accordance with the Maintenance and Repair (M&R) Plan.		Specific Requirement 55 LAC 33: III. 507.H.1.a
		Boiler No.5 (EQT 0005)				Specific Requirement 116 LAC 33: III. 507.H.1.a
2 Inspection (11/14/14)	1560-00004-V5	Boiler No.3 (EQT 0001)	10/5/11 10/31/11	Scrubber Pressure recordkeeping electronic or hard copy once every four hours.	Scrubber water pressure records not recorded every four hours.	Specific Requirement 4 40CFR 64.6(c)(4)
		Boiler No.4 (EQT 0002)				Specific Requirement 20 40CFR 64.6(c)(4)
		Boiler No.2 (EQT 0003)				Specific Requirement 37 40CFR 64.6(c)(4)
		Boiler No.1 (EQT 0004)				Specific Requirement 57 40CFR 64.6(c)(4)
		Boiler No.5 (EQT 0005)				Specific Requirement 84 40CFR 64.6(c)(4)
3 Inspection (11/14/14)	1560-00004-V8	Boiler No.3 (EQT 0001)	12/4/13	Scrubber Pressure recordkeeping electronic or hard copy once every four hours.	Scrubber water pressure records not recorded every four hours.	Specific Requirement 6 40CFR 64.6(c)(4)
		Boiler No.4 (EQT 0002)	10/18/14			Specific Requirement 23 40CFR 64.6(c)(4)
		Boiler No.2 (EQT 0003)	10/19/14			Specific Requirement 40 40CFR 64.6(c)(4)
		Boiler No.1 (EQT 0004)	10/20/14			Specific Requirement 70 40CFR 64.6(c)(4)
		Boiler No.5 (EQT 0005)	10/22/14			Specific Requirement 101 40CFR 64.6(c)(4)
			10/25/14			
			10/31/14			
			11/9/14			
			11/20/14			

Each failure to maintain the required records is a violation of the applicable permit, any associated permit requirement listed above, LAC 33:III.501.C.4,

La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Records reviewed by the inspector during a follow-up inspection on December 2, 2014, showed that the Facility has begun recording daily visual inspections of cyclone housing and flue gas ductwork for Boilers No.1, No.2 and No.5.

- B. During the course of the November 14, 2014 inspection, the inspector noted that various containers containing oil were left open including those with wastes containing VOC's. Allowing containers containing VOC's to be left open and evaporate is a violation of Specific Requirement 166 of Title V Air Permit No.1560-00004-V8, LAC 33:III.2113.A.2, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). Inspector stated that this violation has been corrected.
- C. The scrubber water pressure was below 25.0 psig for Boiler No. 3 (EQT 0001) from October 18, 2014, to November 15, 2014, and for Boiler No. 4 (EQT 0002) from October 20, 2014, to November 15, 2014. This is a violation of Specific requirements 9, 17, 26 and 34 of Title V Air Permit No. 1560-00004-V8, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2). In electronic correspondence dated November 21, 2014, the Respondent stated that the low scrubber pressure reading was due to an error in calibration conducted on or about June 17, 2014, for boiler No. 4 and June 9, 2014, for boiler No. 3. The Respondent noted that the pressure transmitter was recalibrated on or about November 17, 2014, and the reading increased by approximately 8 psig.
- D. In correspondence dated January 13, 2014, the Respondent reported that the Facility conducted a stack test on November 18, 2013, through November 19, 2013, which failed to demonstrate, compliance with the Particulate Matter (PM) limit for Boiler No. 1 (EQT0004). In correspondence dated February 17, 2014, the Department sent a letter summarizing the findings and results of the stack test. The stack test results were as follows:

Pollutant	Run No.1	Run No.2	Run No.3	Average	Regulatory Standard limit Average/maximum
PM lb/hr	253.753	125.394	93.820	157.656	28.54/16.83

This is a violation of Title V Permit No. 1560-00004-V8, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and 30:2057(A)(2). In correspondence dated March 6, 2015, the Department reported that the Facility's stack test conducted on December 1, 2014, through December 2, 2014, demonstrated compliance with permitted PM limit for EQT0004.

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 Act, the Air Quality Regulations, and all applicable permits.

II.

To submit to the Enforcement Division, within sixty (60) days after receipt of this **COMPLIANCE ORDER**, a written report that includes required information as denoted by asterisks (*) in paragraph II.A.1 of the Findings of Fact.

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-15-00201
Agency Interest No. 1309

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-15-00201
Agency Interest No. 1309

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.

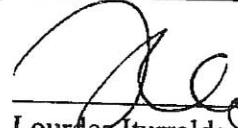
The **NOTICE OF POTENTIAL PENALTY** will not be closed if the Respondent owes outstanding fees to the Department. Please contact the Financial Services Division at 225-219-

3865 or via email at _DEQ-WWWFinancialServices@la.gov to determine if you owe outstanding fees.

VI.

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

Baton Rouge, Louisiana, this 18th day of February, 2017.



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: Pascal Ojong



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE
 ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER &
 POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY
 BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE

Enforcement Tracking No.	AE-CN-15-00201	Contact Name	Pascal Ojong
Agency Interest (AI) No.	1309	Contact Phone No.	2252194468
Alternate ID No.	1560-00004		
Respondent:	Raceland Raw Sugar, L.L.C.	Facility Name:	Raceland Raw Sugar Facility
	c/o Daniels W. Duplantis, Jr Agent for Service of Process	Physical Location:	175 Mill Street
	175 Mill Street	City, State, Zip:	Raceland, LA 70394
	Raceland, LA 70394	Parish:	Lafourche

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph I of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 60 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph II 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 Paragraph III 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)

The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.

In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-15-00201), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.

In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-15-00201), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.

- Monetary component = \$ _____
- Beneficial Environmental Project (BEP) component (optional)= \$ _____
- DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-CN-15-00201) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT		
<p><i>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.</i></p>		
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:		
<p>Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Pascal Ojong</p>		