

**STATE OF LOUISIANA**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF:**

**AMERICAN SUGAR REFINING, INC.**

**AI # 1329**

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

\* **Settlement Tracking No.**  
\* **SA-WE-24-0037**  
\*  
\* **Enforcement Tracking No.**  
\* **WE-C-22-00207**  
\* **WE-CN-22-00394**  
\*  
\*  
\* **Docket Nos. 2023-7427-DEQ**  
\* **2024-7955-DEQ**  
\*

**SETTLEMENT AGREEMENT**

The following Settlement Agreement is hereby agreed to between American Sugar Refining, 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 corporation that owns and/or operates a crystalline cane sugar refinery located in Arabi, St. Bernard Parish, Louisiana (“the Facility”).

**II**

On April 21, 2022, the Department issued to Respondent a Compliance Order, Enforcement Tracking No. WE-C-22-00207 (Exhibit 1).

On June 14, 2023, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. WE-CN-22-00394 (Exhibit 2).

### III

In response to the Compliance Order and Consolidated Compliance Order & Notice of Potential Penalty, Respondent made timely requests for hearings.

### 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 THIRTY THREE THOUSAND EIGHTY AND 75/100 DOLLARS (\$33,080.75), of which Two Thousand Three Hundred Eighty and 75/100 Dollars (\$2,380.75) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement 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 Compliance Order, Consolidated Compliance Order & Notice of Potential Penalty and this Settlement Agreement 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 Settlement 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 Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

## VIII

This Settlement Agreement 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 Agreement, 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. Bernard Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement 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 Agreement 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 Settlement Agreement is voidable at the option of the Department. The Respondent shall provide its tax identification number when submitting payment. 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 attached hereto.

XII

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

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.

**AMERICAN SUGAR REFINING, INC.**

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed)

TITLE: \_\_\_\_\_

THUS DONE AND SIGNED in duplicate original before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC (ID # \_\_\_\_\_)

\_\_\_\_\_  
(stamped or printed)


**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
Aurelia S. Giacometto, Secretary

BY: \_\_\_\_\_  
Jerrie "Jerry" Lang, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at Baton Rouge, Louisiana.


\_\_\_\_\_  
NOTARY PUBLIC (ID # \_\_\_\_\_)

\_\_\_\_\_  
(stamped or printed)

Approved:   
\_\_\_\_\_  
Jerrie "Jerry" Lang, Assistant Secretary

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

**COMPLIANCE ORDER**



Enforcement Tracking No.	WE-C-22-00207	Certified Mail No.	7020 1290 0001 0463 0821
Agency Interest (AI) No.	1329	Contact Name	Jordan Landry
Alternate ID No.	LA0005665	Contact Phone No.	(225) 219-3078
Respondent:	American Sugar Refining, Inc.	Facility Name:	Chalmette Cane Sugar Refinery
	c/o Corporate Creations Network, Inc.	Physical Location:	7417 North Peters Street
	Agent for Service of Process	City, State, Zip:	Arabi, LA 70032
	1070-B West Causeway Approach Mandeville, LA 70471	Parish:	St. Bernard Parish

This COMPLIANCE ORDER is issued 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) and 30:2050.2.

**FINDINGS OF FACT**

An authorized representative of the Department inspected the above-mentioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.

**I.** The Respondent owns and/or operates a crystalline cane sugar refinery located at 7417 North Peters Street in Arabi, St. Bernard Parish, Louisiana. The Respondent was issued Louisiana Pollutant Discharge Elimination System (LPDES) Permit LA0005665 on September 3, 2014, with an effective date of October 1, 2014, and an expiration date of September 30, 2019. LPDES Permit LA0005665 was administratively continued until the Respondent was reissued coverage with an effective date of August 1, 2021. LPDES Permit LA0005665 will expire on July 31, 2026. Under the terms and conditions of LPDES Permit LA0005665, the Respondent is permitted to discharge vacuum pans barometric condenser, condensed refining vapors from the process evaporator, water filtration plant accelerator blowdowns and mixed media filter bed backwashes, process wastewater treatment plant effluent, oil/water separator effluent, fire protection water, decant wastewater from the sludge drying containment area, process area stormwater runoff, and previously monitored hydrostatic test wastewater (Outfall 001) and boiler and powerhouse blowdowns, water softener backwash (brine), oil/water separators effluent, specialty sugar barometric condenser water, non-contact cooling water, and non-process area stormwater runoff (Outfall 002) into the Mississippi River (Subsegment 070301) and low contamination potential stormwater runoff (Outfalls 003 and 005) into Eickes Canal, then to the Florida Canal, then to the marshes north of Arabi via local drainage (Subsegment 041801), all waters of the state.

**Description of Violation**

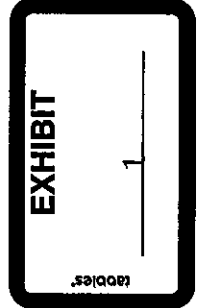
**II.** **File Review 04/14/2022**  
 The Respondent failed to comply with LPDES permit LA0005665. Specifically, a review of Discharge Monitoring Reports (DMRs) between March 2020 and March 2022 revealed that the Respondent reported exceedances of permit effluent limitations for BOD<sub>5</sub> and pH. (LA0005665 (Prior to August 1, 2021, Part I, Effluent Limitations and Monitoring Requirements, Pages 2&3 of 4 and Part III, Standard Conditions, Section A.2; after August 1, 2021, Permit Requirements, Effluent Limitations and Monitoring Requirements, Page 1 of 14 and Standard Conditions, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A)

MP End Date	Outfall	Parameter	Limit	DMR Value	Units
07/31/2020	SUM-A <sup>1</sup>	BOD, 5-day, 20 deg. C -- MO AVG	3399	4687.77	lb/d
08/31/2020	SUM-A <sup>1</sup>	BOD, 5-day, 20 deg. C -- MO AVG	3399	3770.97	lb/d
08/31/2020	SUM-A <sup>1</sup>	BOD, 5-day, 20 deg. C -- DAILY MX	9406	11096.35	lb/d
09/30/2020	SUM-A <sup>1</sup>	BOD, 5-day, 20 deg. C -- DAILY MX	9406	11045.7	lb/d
09/30/2020	SUM-A <sup>1</sup>	pH -- INST MAX	9	8.83	SU
02/28/2021 <sup>1</sup>	SUM-A <sup>1</sup>	BOD, 5-day, 20 deg. C -- MO AVG	3399	16149.05	lb/d
02/28/2021 <sup>1</sup>	SUM-A <sup>1</sup>	BOD, 5-day, 20 deg. C -- DAILY MX	9406	31759.58	lb/d
09/30/2021 <sup>1</sup>	001-A	BOD, 5-day, 20 deg. C -- MO AVG	3068	8570.13	lb/d
09/30/2021 <sup>2</sup>	001-A	BOD, 5-day, 20 deg. C -- DAILY MX	8492	12280.47	lb/d
10/31/2021 <sup>2</sup>	001-A	BOD, 5-day, 20 deg. C -- MO AVG	3068	4313.11	lb/d
11/30/2021 <sup>2</sup>	001-A	BOD, 5-day, 20 deg. C -- MO AVG	3068	11911.59	lb/d
11/30/2021 <sup>2</sup>	001-A	BOD, 5-day, 20 deg. C -- DAILY MX	8492	35063.73	lb/d
12/31/2021 <sup>2</sup>	001-A	BOD, 5-day, 20 deg. C -- MO AVG	3068	4525.99	lb/d
12/31/2021 <sup>2</sup>	001-A	BOD, 5-day, 20 deg. C -- DAILY MX	8492	12532.96	lb/d
02/28/2022 <sup>2</sup>	001-A	BOD, 5-day, 20 deg. C -- MO AVG	3068	5669.81	lb/d
02/28/2022 <sup>2</sup>	001-A	BOD, 5-day, 20 deg. C -- DAILY MX	8492	9098.83	lb/d
03/31/2022 <sup>2</sup>	001-A	BOD, 5-day, 20 deg. C -- MO AVG	3068	10862.9	lb/d
03/31/2022 <sup>2</sup>	001-A	BOD, 5-day, 20 deg. C -- DAILY MX	8492	30941.15	lb/d

1. Winter storm in February 2021 - Declaration of Emergency and Administrative Order became effective on February 14, 2021, and extended through March 12, 2021
2. Hurricane Ida - made landfall on or about August 29, 2021, a Declaration of Emergency and Administrative Order became effective on August 27, 2021, and extended through April 29, 2022
3. For SUM-A, BOD<sub>5</sub> is reported on a net mass basis. Specifically, SUM-A is the total quantity of BOD<sub>5</sub> calculated in the effluent discharged from Outfalls 001 and 002 less the total quantity of BOD<sub>5</sub> calculated in the influent (from the Mississippi River).

Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:

- I.** To take, immediately upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to; correcting all of the violations described in the "Findings of Fact" portion.



- II. 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(s) 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 the Department at the address specified in this document.
- III. To attend a meeting, in person or by phone, to discuss this COMPLIANCE ORDER. Please contact Jordan Landry at (225) 219-3078 or Jordan.landry@la.gov within thirty (30) days after receipt of this COMPLIANCE ORDER to schedule a meeting. This meeting must be attended by a responsible company representative who is knowledgeable of, and prepared to discuss, the facts and circumstances involved in this matter.

- 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 left-hand corner of the first page of this document and should be directed to the address specified in this document.
- 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 Division of Administrative Law's (DAL) Procedural Rules. 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 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.
- VIII. This COMPLIANCE ORDER is effective upon receipt.

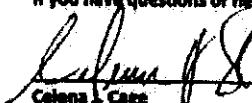
**CONTACTS AND SUBMITTAL OF INFORMATION**

<b>Enforcement Division:</b> Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Jordan Landry	<b>Hearing Requests:</b> 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. WE-C-22-00207 Agency Interest No. 1329
<b>Water Permits Division (if necessary):</b> Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division	<b>Physical Address (if hand delivered):</b> Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

**HOW TO REQUEST CLOSURE OF THIS COMPLIANCE ORDER**

- To appeal the COMPLIANCE ORDER, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this COMPLIANCE ORDER.
- To request closure of this COMPLIANCE ORDER, the Respondent must demonstrate compliance with the "Order" portion of this COMPLIANCE ORDER by completing the attached "COMPLIANCE ORDER REQUEST TO CLOSE" form and returning it to the address specified.
  - Before requesting closure of this COMPLIANCE ORDER, please contact the Financial Services Division at 225-219-3865 or email them at [DEQ-WWW/FinancialServices@la.gov](mailto:DEQ-WWW/FinancialServices@la.gov) to determine if you owe outstanding fees.


If you have questions or need more information, you may contact Jordan Landry at (225) 219-3078 or [Jordan.landry@la.gov](mailto:Jordan.landry@la.gov).

  
 Celena J. Cage  
 Assistant Secretary  
 Office of Environmental Compliance

Date: April 21, 2022

**Attachment(s)**

- Request to Close  
WE-C-22-00207

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		<b>COMPLIANCE ORDER                  REQUEST TO CLOSE</b>		
Enforcement Tracking No.	WE-C-22-00207	Contact Name	Jordan Landry	
Agency Interest (AI) No.	1329	Contact Phone No.	(225) 219-3078	
Alternate ID No.	LA0005665			
Respondent:	American Sugar Refining, Inc.	Facility Name:	Chalmette Cane Sugar Refinery	
	c/o Corporate Creations Network, Inc.	Physical Location:	7417 North Peters Street	
	Agent for Service of Process			
	1070-B West Causeway Approach Mandeville, LA 70471	City, State, Zip:	Arabi, LA 70032	
		Parish:	St. Bernard Parish	
<b>STATEMENT OF COMPLIANCE</b>			Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER.				
A meeting was attended 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:				
<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>				
Respondent's Signature		Respondent's Printed Name		Respondent's Title
Respondent's Physical Address			Respondent's Phone #	Date
<b>MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:</b>				
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Jordan Landry				

If you have questions or need more information, you may contact Jordan Landry at (225) 219-3078 or [jordan.landry@la.gov](mailto:jordan.landry@la.gov).




LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		<b>CONSOLIDATED COMPLIANCE ORDER &amp;                  NOTICE OF POTENTIAL PENALTY</b>																																																																																																																								
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	1070-B West Causeway Approach Mandeville, LA 70471	City, State, Zip: Parish:	Arabi, LA 70032 St. Bernard Parish																																																																																																																							
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	Inspection(s) 12/10/2021  File Review 04/14/2022 05/23/2023	The Respondent failed to comply with LPDES Permit LA0005665. Specifically, a review of Discharge Monitoring Reports (DMRs) from January 2020 through April 2023 revealed that the Respondent reported exceedances of permit effluent limitations for BOD <sub>5</sub> and pH. Each exceedance is a violation of LPDES Permit LA0005665 (Prior to August 1, 2021: Part I, Effluent Limitations and Monitoring Requirements, Pages 2 & 3 of 4 and Part III, Standard Conditions, Section A.2, Page 1 of 18; after August 1, 2021: Part I, Effluent Limitations and Monitoring Requirements, Page 1 of 14 and Part III, Standard Conditions, Section A.2, Page 1 of 18), La. R.S. 30:2076(A)(3), LAC 33:IX.2701.A, and LAC 33:IX.501.D.																																																																																																																								
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EXHIBIT 2

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III.	Inspection(s) 12/10/2021	The Respondent failed to sample the effluent from Outfall 001-Q on a quarterly basis as required by LPDES General Permit LAG670164. Specifically, the Respondent failed to sample total suspended solids (TSS) for the 4th quarter of 2020. The failure to sample is a violation of LPDES General Permit LAG670164 (Part I, Section B, Pages 8-11 of 14), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A.																																										
IV.	Inspection(s) 12/10/2021  File Review 05/23/2023	<p>The Respondent caused and/or allowed the following unauthorized discharges into waters of the State from a source or location not authorized by LPDES Permit LA0005665 and failed to properly operate and maintain all facilities and systems of treatment and control. Specifically, an inspection on December 10, 2021, and subsequent file review on March 14, 2023, revealed the following:</p> <ol style="list-style-type: none"> <li>A. On January 20, 2020, a mechanical issue in the spray water system for vacuum pan #4 caused the release of syrup to the Mississippi River through Outfall 001. The Respondent reported the incident to the Department and determined that the spill released approximately 11,461.1 lbs. of BOD via syrup. In a report dated January 24, 2020, the Respondent stated that syrups are boiled at a controlled temperature and a manual error in the spray water control system caused the evaporation rate to increase rapidly, which resulted in syrup overflowing from the vacuum pan and eventually discharging to Outfall 001.</li> <li>B. In a report dated August 9, 2020, the Respondent stated a fire at the facility halted operations and caused personnel to evacuate. As a result, sugar syrup (a mixture of concentrated liquid sugar and water) was left in vacuum pan #7 for days until the facility resumed operations. When the facility started operating again the sugar syrup left in vacuum pan #7 heated too quickly and spilled out the pan. The sugar syrup overflowed and discharged to the Mississippi River through Outfall 002. The Respondent reported the incident to the Department and determined that the spill resulted in approximately 14,089.97 lbs. of BOD released via sugar syrup.</li> <li>C. The Respondent stated, in a report dated September 10, 2020, a fire resulted in an evacuation and operations shutdown. Sugar syrup was left in vacuum pan #10 for an extended period until personnel could restart equipment. When the process resumed, sugar syrup carried over the vacuum pan and discharged to the Mississippi River through Outfall 001. The Respondent reported the incident to the Department and determined that the spill resulted in approximately 14,771.6 lbs. of BOD released via sugar syrup.</li> <li>D. In a report dated October 15, 2021 and correspondence received by the Department on June 22, 2022 and November 22, 2022, the Respondent stated granulated sugar crystals spilled from a bucket elevator located in the first floor of the pan house building. The sugar crystals escaped to one of the facility's stormwater ditches and then migrated to the Mississippi River through Outfall 001. In a response to WE-C-22-00207, which was received by the Department on or about June 22, 2022, the Respondent explained that spilled sugar was immediately isolated and recovered. The Respondent repaired the bucket elevator before the process was restarted.</li> <li>E. In the October 15, 2021 report and correspondence received by the Department on June 22, 2022 and November 22, 2022, the Respondent explained a failure in a syrup pump located in the liquid sugar building allowed sugar syrup to spill into an adjacent facility stormwater ditch. The sugar syrup then discharged to the Mississippi River through Outfall 001. The Department received a response to WE-C-22-00207 on or about June 22, 2022, in which the Respondent reported the syrup pump was immediately stopped after the leak was identified and the pump was repaired. In addition, the Respondent modified containment surrounding the syrup pump to ensure spilled syrup flowed into an area sump pump.</li> </ol> <p>The unauthorized discharge of sugar syrup and granulated sugar crystals to waters of the state is a violation of La. R.S. 30:2076(A)(1)(a), LAC 33:IX.501.A, and LAC 33:IX.501.D. The failure to properly operate and maintain the facility is a violation of LPDES Permit LA0005665 (Part III, Standard Conditions for LPDES Permits, Sections A.2 &amp; B.3.a), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.E.</p>																																										
Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:																																												
I.	To take, immediately upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with the Water Quality Regulations. This shall include, but not be limited to; correcting all of the violations described in the "Findings of Fact" portion.																																											
II.	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(s) 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																																											

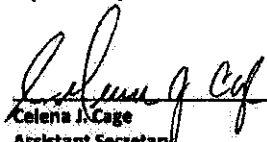
<p>III.</p>	<p>To attend a meeting, in person or by phone, to discuss this <b>COMPLIANCE ORDER</b>. Please contact Jordan Landry at (225) 219-3078 or jordan.landry@la.gov within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> to schedule a meeting. This meeting must be attended by a responsible company representative who is knowledgeable of, and prepared to discuss, the facts and circumstances involved in this matter.</p>
<p>I.</p>	<p>The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this <b>COMPLIANCE ORDER</b>. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b>.</p>
<p>II.</p>	<p>The request for an adjudicatory hearing shall specify the provisions of the <b>COMPLIANCE ORDER</b> 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 left-hand corner of the first page of this document and should be directed to the address specified in this document.</p>
<p>III.</p>	<p>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 <b>COMPLIANCE ORDER</b> 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 Division of Administrative Law's (DAL) Procedural Rules. The Department may amend or supplement this <b>COMPLIANCE ORDER</b> prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.</p>
<p>IV.</p>	<p>This <b>COMPLIANCE ORDER</b> 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.</p>
<p>V.</p>	<p>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 <b>COMPLIANCE ORDER</b> 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 <b>COMPLIANCE ORDER</b> becoming a permanent part of its compliance history.</p>
<p>VI.</p>	<p>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 <b>COMPLIANCE ORDER</b> 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.</p>
<p>VII.</p>	<p>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.</p>
<p>I.</p>	<p>Pursuant to La. R.S. 30:2050.3(8), 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.</p>
<p>II.</p>	<p>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 Jordan Landry at (225) 219-3078 within ten (10) days of receipt of this <b>NOTICE OF POTENTIAL PENALTY</b>.</p>
<p>III.</p>	<p>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 <b>NOTICE OF POTENTIAL PENALTY</b>. 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.</p>
<p>IV.</p>	<p>The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7. To expedite closure of this <b>NOTICE OF POTENTIAL PENALTY</b> 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 "<b>CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE</b>" form. The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this <b>NOTICE OF POTENTIAL PENALTY</b> portion but no later than ninety (90) days of achieving compliance with the <b>COMPLIANCE ORDER</b> portion. The Respondent must include a justification of the offer. <b>DO NOT</b> 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.</p>
<p>V.</p>	<p>This <b>CONSOLIDATED COMPLIANCE ORDER &amp; NOTICE OF POTENTIAL PENALTY</b> is effective upon receipt.</p>

<b>Enforcement Division:</b> Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Jordan Landry	<b>Hearing Requests:</b> 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. WE-CN-22-00394 Agency Interest No. 1325
<b>Water Permits Division (if necessary):</b> Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division	<b>Physical Address (if hand delivered):</b> Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

**COMPLIANCE ORDER**

- To appeal the **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this **CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY**.
- To request closure of the **COMPLIANCE ORDER** portion, the Respondent must demonstrate compliance with the "Order" portion of this **COMPLIANCE ORDER** by completing the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form and returning it to the address specified.
  - Before requesting closure of the **COMPLIANCE ORDER** portion, please contact the Financial Services Division at 225-219-3865 or email them at [\\_DEQ-WWWFinancialServices@la.gov](mailto:_DEQ-WWWFinancialServices@la.gov) to determine if you owe outstanding fees.
- To expedite closure of the **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 Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7.
  - The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon on a discretionary basis.
  - 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.
  - Before requesting closure of the **NOTICE OF POTENTIAL PENALTY** portion, please contact the Financial Services Division at 225-219-3865 or email them at [\\_DEQ-WWWFinancialServices@la.gov](mailto:_DEQ-WWWFinancialServices@la.gov) to determine if you owe outstanding fees.

If you have questions or need more information, you may contact Jordan Landry at (225) 219-3078 or [jordan.landry@la.gov](mailto:jordan.landry@la.gov).

  
 Celena J. Cage  
 Assistant Secretary  
 Office of Environmental Compliance

Date: 06/14/2023

Attachment(s)  
 - Request to Close

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION <b>CONSOLIDATED COMPLIANCE ORDER &amp;</b> POST OFFICE BOX 4312 <b>NOTICE OF POTENTIAL PENALTY</b> BATON ROUGE, LOUISIANA 70821-4312 <b>REQUEST TO CLOSE</b>			
Enforcement Tracking No. WE-CN-22-00394		Contact Name Jordan Landry	
Agency Interest (AI) No. 1329		Contact Phone No. (225) 219-3078	
Alternate ID No. LA0005665			
Respondent:	American Sugar Refining, Inc. c/o Corporate Creations Network, Inc. Agent for Service of Process		Facility Name: Chalmette Cané Sugar Refinery
	1070-B West Causeway Approach Mandeville, LA 70471		Physical Location: 7417 North Peters Street
			City, State, Zip: Arabi, LA 70032
			Parish: St. Bernard Parish
<b>STATEMENT OF COMPLIANCE</b>			
A written report was submitted in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER.		Date Completed	Copy Attached?
A meeting was attended 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:			
(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 (WE-CN-22-00394), 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 (WE-CN-22-00394), 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"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional) = \$ _____</li> </ul> • 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 (WE-CN-22-00394) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.			
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	
<b>MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:</b>			
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Jordan Landry			

If you have questions or need more information, you may contact Jordan Landry at (225) 219-3078 or jordan.landry@ls.gov.