

**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-MM-25-0055**  
\*  
\* **Enforcement Tracking No.**  
\* **MM-CN-23-00848**  
\*  
\*  
\*  
\*

**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 August 29, 2024, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-23-00848 (Exhibit 1).

**III**

In response to the Consolidated Compliance Order & Notice, 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 SEVEN THOUSAND FIVE HUNDRED NINETY-FOUR AND 94/100 DOLLARS (\$7,594.94), of which Three Thousand Ninety-Four and 94/100 Dollars (\$3,094.94) 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 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 or by Electronic Funds Transfer (EFT) to the Department of Environmental Quality, in accordance with instructions provided to Respondent by the Financial Services Division. 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)

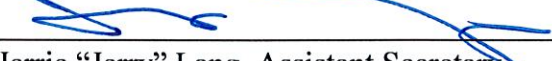
**LOUISIANA DEPARTMENT OF  
ENVIRONMENTAL QUALITY**  
Courtney J. Burdette, Secretary


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		CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY																																							
Enforcement Tracking No.	MM-CN-23-00848	Certified Mail No.	7017 0530 0000 5978 6295																																						
Agency Interest (AI) No.	1329	Contact Name	Jordan Landry																																						
Alternate ID No.	LA0005665	Contact Phone No.	(225) 219-3078																																						
Respondent:	American Sugar Refining, Inc. c/o Corporate Creations Network, Inc. Agent for Service of Process 1070-B West Causeway Approach Mandeville, LA 70471	Facility Name:	Chalmette Cane Sugar Refinery																																						
		Physical Location:	7417 North Peters Street																																						
		City, State, Zip:	Arabi, LA 70032																																						
		Parish:	St. Bernard																																						
This CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY 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), 30:2050.2 and 30:2050.3(B).																																									
<b>FINDINGS OF FACT</b>																																									
An authorized representative of the Department inspected the abovementioned 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.	<p>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 June 30, 2021, 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 Elckes Canal, then to the Florida Canal, then to the marshes north of Arabi via local drainage (Subsegment 041801), all waters of the state.</p> <p>The Respondent is registered as a large quantity generator of hazardous waste and operates under EPA identification number LA0008162364.</p>																																								
II.	<b>Inspection</b> 04/13/2023  <b>File Review</b> 08/01/2024	<b>Description of Violation</b> <p>The Department conducted an inspection on April 13, 2023, and a subsequent file review on August 1, 2024, which revealed the Respondent failed to implement any portion or portions of a Storm Water Pollution Prevention Plan (SWPPP). Specifically, during the inspection, the Department observed the lime silo had significant corrosion on the bottom. Lime was present on the ground around the lime silo and the piping system used for loading/unloading activities. The Respondent's SWPPP (Part 2.2.3) states the lime storage area is routinely inspected for any spills and leaks and any spilled material will be cleaned up immediately with readily available absorbent material. The Respondent's SWPPP (Part 3.3) states upon discovering defects or damage in machinery or equipment, facility or contractor personnel will repair or replace the defect or damage as soon as possible. In addition, any tank found leaking is emptied immediately and taken out of service until it is repaired. The failure to properly implement the SWPPP is a violation of the Respondent's SWPPP (Parts 2.2.3 &amp; 3.3), LPDES Permit LA0005665 (Permit Requirements, Narrative Requirements, N-10 &amp; N-12, Page 13 of 14 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A.</p>																																							
III.	<b>File Review</b> 08/01/2024	<p>The Department conducted a file review on August 1, 2024, which revealed the Respondent reported exceedances of permit effluent limitations. Specifically, a review of Discharge Monitoring Reports (DMRs) from May 1, 2023, through June 30, 2024, found the Respondent exceeded the permit effluent limitations for Five-Day Biochemical Oxygen Demand (BOD<sub>5</sub>). Each exceedance is a violation of LPDES Permit LA0005665 (Permit Requirements, Effluent Limitations and Monitoring Requirements, Page 1 of 14 and Standard Conditions for LPDES Permits, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.D.</p> <table border="1"> <thead> <tr> <th>MP End Date</th> <th>Outfall</th> <th>Parameter</th> <th>Limit</th> <th>DMR Value</th> <th>Units</th> </tr> </thead> <tbody> <tr> <td>05/31/2023</td> <td>001-A</td> <td>BOD, 5-day, 20 deg. C --- MO AVG</td> <td>3068</td> <td>3921.33</td> <td>lb/d</td> </tr> <tr> <td>01/31/2024</td> <td>001-A</td> <td>BOD, 5-day, 20 deg. C --- MO AVG</td> <td>3068</td> <td>6917</td> <td>lb/d</td> </tr> <tr> <td>01/31/2024</td> <td>001-A</td> <td>BOD, 5-day, 20 deg. C --- DAILY MX</td> <td>8492</td> <td>11917.51</td> <td>lb/d</td> </tr> <tr> <td>02/29/2024</td> <td>001-A</td> <td>BOD, 5-day, 20 deg. C --- MO AVG</td> <td>3068</td> <td>4803.91</td> <td>lb/d</td> </tr> <tr> <td>02/29/2024</td> <td>001-A</td> <td>BOD, 5-day, 20 deg. C --- DAILY MX</td> <td>8492</td> <td>8607.56</td> <td>lb/d</td> </tr> </tbody> </table>				MP End Date	Outfall	Parameter	Limit	DMR Value	Units	05/31/2023	001-A	BOD, 5-day, 20 deg. C --- MO AVG	3068	3921.33	lb/d	01/31/2024	001-A	BOD, 5-day, 20 deg. C --- MO AVG	3068	6917	lb/d	01/31/2024	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	8492	11917.51	lb/d	02/29/2024	001-A	BOD, 5-day, 20 deg. C --- MO AVG	3068	4803.91	lb/d	02/29/2024	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	8492	8607.56	lb/d
MP End Date	Outfall	Parameter	Limit	DMR Value	Units																																				
05/31/2023	001-A	BOD, 5-day, 20 deg. C --- MO AVG	3068	3921.33	lb/d																																				
01/31/2024	001-A	BOD, 5-day, 20 deg. C --- MO AVG	3068	6917	lb/d																																				
01/31/2024	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	8492	11917.51	lb/d																																				
02/29/2024	001-A	BOD, 5-day, 20 deg. C --- MO AVG	3068	4803.91	lb/d																																				
02/29/2024	001-A	BOD, 5-day, 20 deg. C --- DAILY MX	8492	8607.56	lb/d																																				
IV.	<b>File Review</b> 08/01/2024	<p>The Department conducted a file review on August 1, 2024, which revealed the Respondent failed to implement adequate laboratory controls and appropriate quality assurance procedures. Specifically, on the October 2023 Discharge Monitoring Reports (DMRs) for Outfalls 001-A &amp; 002-A, the Respondent reported No Data Indicator (NODI) Code P for laboratory error or invalid test for Five-Day Biochemical Oxygen Demand (BOD<sub>5</sub>). In a report dated November 15, 2023, the Respondent stated BOD<sub>5</sub> samples did not meet the acceptable quality range of the contracted lab's quality assurance limit. The Respondent conducted an investigation to find the cause of the quality assurance failure and determined the cause was either an accidental sample contamination or an unknown error in sample analysis by the contracted lab. The failure to implement adequate laboratory controls and appropriate quality assurance procedures is a violation of LPDES Permit LA0005665 (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>																																							

EXHIBIT

1

LABOR

V.	<b>Inspection</b> <b>04/13/2023</b>  <b>File Review</b> <b>08/01/2024</b>	<p>The Respondent failed, upon detection of a release of used oil to the environment, to stop the release, contain the released used oil, and to clean up and manage properly the released used oil and other materials, in violation of LAC 33:V.4013.E. Specifically, during the inspection,</p> <p>A. A 1000-gallon tank, located behind the forklift mechanic shop, had used oil, as identified by a representative of the Respondent, around it on the ground, indicating that the tank was leaking. The representative of the Respondent stated that a small ring gasket on the drain pipe, at the bottom of the double-walled tank, had worn and developed a drip/leak, allowing used oil to saturate on the ground around the tank. Email correspondence submitted to the Department, by a representative of the Respondent on or about July 21, 2023, stated the gasket was repaired in May 2023 and a project had been initiated to replace the gasket with new custom-fitted hardware. The used oil observed was cleaned and properly disposed by Crystal Clean on or about April 18, 2023.</p> <p>B. A used oil pan, located near the mechanic shop and used for maintenance activities, was observed leaking onto the ground. Email correspondence submitted to the Department by a representative of the Respondent on or about July 21, 2023, stated the used oil pan observed during the inspection was drained into the used oil tank the following day and staged in a covered area that will prevent a recurrence.</p>
VI.	<b>Inspection</b> <b>04/13/2023</b>	<p>The Respondent failed to label or mark clearly containers and aboveground tanks used to store used oil with the words "Used Oil," in violation of LAC 33:V.4013.D.1. Specifically, one (1) 1,000-gallon used oil tank, Tank 10, located behind the forklift mechanic shop, was not labeled or marked clearly with the words "Used Oil." Email correspondence and pictures from a representative of the Respondent dated January 12, 2024, indicated that the used oil tank is now labeled with the words "Used Oil."</p>
VII.	<b>Inspection</b> <b>04/13/2023</b>  <b>File Review</b> <b>08/01/2024</b>	<p>The Respondent caused and/or allowed the unauthorized disposal of regulated solid waste at the facility, in violation of La.R.S.30:2155 and LAC 33:VII.315.C. Specifically, during the inspection,</p> <p>A. Lime was observed disposed around the base of the lime silo, located near the mechanic shop. Email correspondence from a representative of the Respondent dated January 10, 2024, stated the lime silo is still operational, the Respondent does plan to replace the base of the silo, and the replacement of the base is in the engineering phase. The email correspondence also stated the lime observed during the inspection was cleaned but not disposed. The Respondent reused the lime in its operational process. Pictures were also provided indicating the lime had been cleaned.</p> <p>B. Lime was observed disposed on the ground, near the loading and unloading lime silo piping. Pictures provided, via email, on January 10, 2024, by a representative of the Respondent indicated the lime had been cleaned.</p> <p>C. Spilled diesel from Tank 3, a 540-gallon diesel tank, was observed on the ground, near the shipping office. Email correspondence submitted to the Department on July 21, 2023, by a representative of the Respondent stated on or about May 3, 2023, the portable diesel tank, Tank 3, was fitted with a steel secondary containment basin to prevent spillage from entering the ground during transfer processes. Additionally, on or about May 3, 2023, the transfer nozzles for the diesel tank were fit with an interlocking nozzle to prevent spillage of diesel during transfer.</p> <p>D. Rock salt crystals were observed formed around the sodium chloride silo, located near the shipping office. Email correspondence and pictures submitted to the Department, on July 21, 2023, indicated the sodium chloride was cleaned on or about April 14, 2023, the morning following the inspection.</p>
<p>Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:</p>		
I.	<p>To take, immediately upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with the Water Quality, Hazardous Waste, and Solid Waste Regulations. This shall include, but not be limited to; correcting all of the violations described in the "Findings of Fact" portion.</p>	
II.	<p>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.</p>	
III.	<p>To implement, immediately upon receipt of this COMPLIANCE ORDER, the facility's Storm Water Pollution Prevention Plan (SWPPP). Specifically, address the violations cited in Paragraph II of the "Findings of Fact" portion of this COMPLIANCE ORDER.</p>	
IV.	<p>To cease, immediately upon receipt of this COMPLIANCE ORDER, depositing or allowing the deposit of regulated waste of any kind at the facility or any other site that is not permitted to receive such waste.</p>	
<p><b>RIGHT TO APPEAL</b></p>		
I.	<p>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.</p>	
II.	<p>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.</p>	
III.	<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 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.</p>	
IV.	<p>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.</p>	

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 <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.
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 <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.
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.
<b>NOTICE OF POTENTIAL PENALTY</b>	
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 Jordan Landry at (225) 219-3078 within ten (10) days of receipt of this <b>NOTICE OF POTENTIAL PENALTY</b> .
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 <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.
IV.	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.
V.	This <b>CONSOLIDATED COMPLIANCE ORDER &amp; NOTICE OF POTENTIAL PENALTY</b> is effective upon receipt.
<b>CONTACTS AND SUBMITTAL OF INFORMATION</b>	
<b>Enforcement Division:</b>	<b>Hearing Requests:</b>
Louisiana Department of Environmental Quality Office of Environmental Compliance Water Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Jordan Landry	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. MM-CN-23-00848 Agency Interest No. 1329
<b>Water Permits Division (if necessary):</b>	<b>Physical Address (if hand delivered):</b>
Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Water Permits Division	Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802
<b>HOW TO REQUEST CLOSURE OF THE <b>CONSOLIDATED COMPLIANCE ORDER</b> AND <b>NOTICE OF POTENTIAL PENALTY</b></b>	
<ul style="list-style-type: none"> <li>To appeal the <b>CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY</b>, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this <b>CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY</b>.</li> <li>To request closure of the <b>COMPLIANCE ORDER</b> portion, the Respondent must demonstrate compliance with the "Order" portion of this <b>COMPLIANCE ORDER</b> by completing the attached "<b>CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE</b>" form and returning it to the address specified. <ul style="list-style-type: none"> <li>Before requesting closure of the <b>COMPLIANCE ORDER</b> portion, please contact the Financial Services Division at 225-219-3865 or email them at <a href="mailto:_DEQ-WWWFinancialServices@la.gov">_DEQ-WWWFinancialServices@la.gov</a> to determine if you owe outstanding fees.</li> </ul> </li> <li>To expedite closure of the <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. <ul style="list-style-type: none"> <li>The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7.</li> <li>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.</li> <li>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 must include a justification of the offer.</li> <li><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.</li> </ul> </li> </ul>	



o 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).


  
Jerry Landry  
Assistant Secretary  
Office of Environmental Compliance

Date:

8/29/24

**Attachment(s)**

- Request to Close

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.	MM-CN-23-00848	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		
<b>STATEMENT OF COMPLIANCE</b>					
STATEMENT OF COMPLIANCE				Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph 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:					
<b>SETTLEMENT OFFER (OPTIONAL)</b>					
(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 Subpart 1, Chapter 7.				
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (MM-CN-23-00848), 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 (MM-CN-23-00848), 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> <li>• <b>DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM.</b> the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</li> </ul>				
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (MM-CN-23-00848) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.				
<b>CERTIFICATION STATEMENT</b>					
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@la.gov.