

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CORA TEXAS MANUFACTURING
COMPANY, L.L.C.

AI # 1306

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

* Settlement Tracking No.
* SA-AE-10-0030
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* Enforcement Tracking No.
* AE-CN-08-0024
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* Docket No. 2009-6040-EQ
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SETTLEMENT

The following Settlement is hereby agreed to between Cora Texas Manufacturing Company, 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 sugar cane processing facility, located in White Castle, Iberville Parish, Louisiana ("the Facility"). The facility currently operates under Title V Permit No. 1280-00004-V4 issued on September 21, 2009.

II

On May 13, 2008, the Department issued to Respondent a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. AE-CN-08-0024, which was based upon the following findings of fact:

The Respondent owns and/or operates the White Castle Facility (facility), a sugar cane processing facility, located at 32505 Louisiana Highway 1 South in White Castle, Iberville Parish,

Louisiana. The facility currently operates under Title V Permit No. 1280-00004-V3 issued on October 28, 2004.

On or about December 12, 2007, an inspection of the White Castle Facility was performed to determine the degree of compliance with the Act and Air Quality Regulations.

The following violations were noted during the course of the inspection:

- A. The Respondent failed to record scrubber flow every four hours from Emission Point EQT001 (Boiler No. 1), EQT002 (Boiler No. 2), EQT003 (Boiler No. 3), EQT004 (Boiler No. 4), EQT005 (Boiler No. 5) and EQT006 (Boiler No. 6) for one (1) four hour period for each emission point on December 08, 2007 and four (4) four hour periods for each emission point on December 10, 2007. Title V Permit No. 1280-00004-V3 specific requirement number(s) 23, 44, 65, 88, 115 and 141 require that scrubber flow rate recordkeeping be kept by electronic or hard copy once every four hours respectively for EQT001 through EQT006. Each failure to record scrubber flow rate every four hours is a violation of Title V Permit No. 1280-00004-V3, LAC 33:III.501.C.4 and La R.S. 30:2057(A)(2).
- B. The Respondent failed to record daily visible emissions observation on December 07, 2007 for EQT005 (Boiler No. 5) and EQT006 (Boiler No. 6). Each failure to conduct and record a daily visible emissions observation for EQT005 and EQT006 is a violation of specific requirement number(s) 105 and 131 respectively for Title V Permit No. 1280-00004-V3, LAC 33:III.501.C.4, and La R.S. 30:2057(A)(2).
- C. During the course of the inspection, a Method 9 Visible Emissions Survey was conducted on EQT002 (Boiler No. 2). The average opacity over 8 consecutive minutes was 68 percent according to the data presented in the table below.

min/Sec	0	15	30	45
Visible Emissions Opacity Percentage				
1	85%	85%	75%	75%
2	75%	70%	75%	75%
3	75%	80%	80%	80%
4	80%	75%	80%	80%
5	75%	80%	75%	80%
6	75%	75%	80%	90%
7	45%	45%	40%	45%
8	30%	30%	35%	35%
Average Visible Emissions Observation Opacity				68%
*min/sec - Minutes vertical / seconds horizontal in table				

Specific requirement number 32 of Title V Permit No. 1280-00004-V3 states 'opacity greater than or equal to 20 percent, except during the cleaning of a fire box or building of a new fire, soot blowing or lancing, charging of an incinerator, equipment changes, ash removal or rapping of precipitators, which may have an opacity in excess of 20 percent for not more than one six-minute period in any 60 consecutive minutes.' The 68 percent average opacity as recorded in the Method 9 Visible Emissions Survey conducted by the Surveillance Division on December 12, 2007, is a violation of specific requirement 32 of Title V Permit No. 1280-00004-V3, LAC 33:III.501.C.4, LAC 33:III.1101.B, La R.S. 30:2057(A)(1) and 30:2057(A)(2).

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, 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 FOUR THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$4,300.00), of which Five

Hundred Seventy-Six and 05/100 Dollars (\$576.05) 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).

VI

Respondent further agrees that the Department may consider the inspection report(s), the Consolidated Compliance Order and 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.

VII

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.

VIII

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 LSA- R. S. 30:2025(E) of the Act.

IX

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Iberville Parish, Louisiana. The advertisement, in form, wording, and size 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.

CORA TEXAS MANUFACTURING
COMPANY, L.L.C.

BY: [Signature]
(Signature)

Charles Schudmak
(Print)

TITLE: COO

THUS DONE AND SIGNED in duplicate original before me this 7th day of
June, 20 10, at White Castle, LA
Iberville Parish

[Signature]
NOTARY PUBLIC (ID # 11690)

Marjorie P. Landry
(Print)

LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY
Peggy M. Hatch, Secretary

BY: [Signature]

Beau James Brock, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 12th day of
October, 20 10, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 10149)

Christopher A. Ratcliff
(Print)

Approved: [Signature]
Paul D. Miller, P.E., Assistant Secretary

