

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

LAFOURCHE SUGARS, L.L.C.

AI # 1617

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

\* Settlement Tracking No.  
\* SA-AE-09-0065  
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\* Enforcement Tracking No.  
\* AE-CN-08-0178  
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SETTLEMENT

The following Settlement is hereby agreed to between Lafourche Sugars, 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 corporation that owns and/or operates Leighton Factory, a sugar cane crushing and sugar cane syrup processing facility located in Thibodaux, Lafourche Parish, Louisiana (“the Facility”).

II

On October 7, 2008, the Department issued to Respondent a Compliance Order and Notice of Potential Penalty Enforcement Tracking No. AE-CN-08-0178, which was based upon the following findings of fact:

The Respondent owns and/or operates the Leighton Factory (facility), a sugar mill, located at 141 Leighton Quarters Road in Thibodaux, Lafourche Parish, Louisiana. The facility currently operates under Title V Permit No. 995-V3 issued November 30, 2005.

On or about September 29, 2008 a file review was performed to determine the degree of compliance with the Act and the Air Quality Regulations due to a referral received from Air Quality Assessment Division.

The following violations were noted during the course of the file review:

- A. By letter submitted to the Department dated January 15, 2008, the Respondent submitted the results of an Emissions Compliance Test conducted on or about November 6, 2007, Leighton Factory Boiler #6 (EQT016). The following table summarizes the test data:

Emission Point	NO <sub>x</sub> Emission Test Results (lbs/hr*) Maximum	NO <sub>x</sub> Permitted limits (lbs/hr*)
EQT016	<b>110.25</b>	<b>40.5(avg)/ 45.0 (max)</b>
	*lbs/hr- pounds per hour	avg-average max-maximum

On or about March 31, 2008, the Department issued a Performance Test Review Letter approving the performance test methods and data analysis conducted by the Respondent. Each instance of operating emission point EQT016 above the permitted NO<sub>x</sub> maximum emission rate is a violation of Title V Permit No. 995-V3, LAC 33:III.501.C.4, La R.S. 30:2057(A)(1) and 30:2057(A)(2).

- B. On or about July 11, 2008, the Respondent submitted a permit modification application based upon the NO<sub>x</sub> exceedance results of the performance/emissions test for EQT016 conducted on or about November 6, 2007. The Respondent failed to submit Title V Permit Modification Application within 45 days of obtaining relevant test results. Each failure to submit a permit modification application within 45 days of obtaining the results of a performance/emissions test is a violation of Title V Permit No. 995-V3, LAC 33:III.501.C.4, LAC 33:III.523.A, La R.S. 30:2057(A)(1) and 30:2057(A)(2).
- C. The Respondent failed to submit a Quarterly Deviation Report for the excess emissions as noted in Findings of Fact Paragraph II.A. Each failure to submit a Quarterly Deviation Report is a violation

of General Condition R and XI of Title V Permit No. 995-V3, LAC 33:III.501.C.4 and La R.S. 30:2047(A)(2).

- D. The Respondent submitted the results of the performance/emissions test on or about January 15, 2008. The Respondent failed to submit the results of the Performance/emissions test to the Department within 60 days after the November 6, 2007 test was completed. This is a violation of Specific Requirement 71 for Title V Permit No. 995-V3, LAC 33:III.501.C.4 and La R.S. 30:2057(A)(2).

### III

In response to the Consolidated Compliance Order and 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 TWO THOUSAND TWO HUNDRED TWENTY AND NO/100 DOLLARS (\$2,220.00) of which Four Hundred Forty-Six and 85/100 Dollars (\$446.85) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement.

### 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 Lafourche 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.

LAFOURCHE SUGARS, L.L.C.

BY: Greg J. Nolan  
(Signature)

Greg J. Nolan  
(Print)

TITLE: General Manager

THUS DONE AND SIGNED in duplicate original before me this 4th day of NOVEMBER, 20 10, at Thibodaux, LA.

Susan A. Borne  
NOTARY PUBLIC (ID # 11220)

SUSAN A. BORNE  
(Print)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
Peggy M. Hatch, Secretary

BY: Cheryl Sonnier Nolan

Cheryl Sonnier Nolan, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 13th day of June, 20 11, at Baton Rouge, Louisiana.

Dubna King  
NOTARY PUBLIC (ID # 20590)  
*Bar Roll*

Dubna King  
(Print) Life Commission

Approved: Beau James Brock  
Beau James Brock, Assistant Secretary