STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-WE-15-0057**
BOPCO, L.P.	*	
	*	**Enforcement Tracking No.**
AI # 4616	*	**WE-CN-12-01344**
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	
LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between BOPCO, L.P. ("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 partnership that owns and/or operates a stationary production facility located in Plaquemines Parish, Louisiana ("the Facility").

II

On April 17, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-12-01344, which was based upon the following findings of fact:

"The Respondent owns and/or operates a stationary production facility located 7.8 miles northwest of Port Sulphur, Plaquemines Parish, Louisiana. Under the terms and conditions of LPDES Permit LAG33A396, the Respondent is permitted to discharge deck drainage and treated sanitary wastewater into effluent pipe, thence into Pointe a la Hache canal, thence into the Gulf of Mexico, all waters of the state.

The Respondent caused and/or allowed the discharge of wastewater from a source or location not authorized by the permit. Specifically, on December 31, 2011, an unauthorized discharge of 3 to 5 barrels of crude oil and 15 barrels of salt water occurred from a leaking flowline to waters of the state. (La. R.S. 30:2076(A)(1)(a) and LAC 33:IX.501.D).

The Respondent failed to comply with LPDES permit LAG33A396. Specifically, the Respondent failed to prepare and implement a Stormwater Pollution Prevention Plan (SWP[3]) within 60 calendar days after the first knowledge of a discharge of a reportable quantity of oil or a hazardous substance. (LAG33A396 (Part II, Section S.3 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.A).

The Respondent failed to comply with LPDES permit LAG33A396. Specifically, between March 2010 and March 2014, the Respondent reported exceedences of permit effluent limitations for fecal coliform, BOD_5, and TSS (Table 1), (LAG33A396 (Part II, Pages 8 and 9 of 14 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.501.A).

TABLE 1					
DATE	**OUTFALL**	**PARAMETER**	**PERMIT LIMIT**	**SAMPLE VALUE**	**UNITS**
March 2010	04B	Fecal Coliform	43 col/100 ml (Weekly Average)	TNTC	col/100 ml
March 2014	04B	BOD_5	45 mg/l (Daily Maximum)	129	mg/l
	04B	TSS	45 mg/l (Daily Maximum)	160	mg/l
	04B	Fecal Coliform	43 col/100 ml (Daily Maximum)	>60,000	col/100 ml

The Respondent failed to comply with LPDES permit LAG33A396. Specifically, the Respondent failed to submit sample values on quarterly and semiannual Discharge Monitoring Reports (DMRs) for Outfall 04B from March 2010 to March 2014 (Table 2). (LAG33A396 (Part I, Pages 8 and 9 of 14 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.a.)

TABLE 2	
DATE	**PARAMETER**
March 2010	Flow, Weekly Average
	Floating Solids, Daily Visual
June 2010	BOD_5, Weekly Average
	TSS, Weekly Average
	Flow, Weekly Average
	Floating Solids, Daily Visual
September 2010	Flow, Weekly Average
	Floating Solids, Daily Visual
March 2011	Flow, Monthly Average
	Flow, Weekly Average
	Floating Solids, Daily Visual
June 2011	Flow, Monthly Average
	Flow, Weekly Average
	BOD_5, Weekly Average
	TSS, Weekly Average
	Fecal Coliform, Weekly Average
	pH
	Floating Solids, Daily Visual
September 2011	BOD_5, Weekly Average
	TSS, Weekly Average
	Floating Solids, Daily Visual
December 2011	Flow, Daily Maximum
June 2012	Flow, Monthly Average
	Flow, Weekly Average
	BOD_5, Weekly Average
	TSS, Weekly Average
	Fecal Coliform, Weekly Average
	pH
June 2013	Flow, Monthly Average
	Flow, Weekly Average

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 SEVEN THOUDAND AND NO/100 DOLLARS ($7,000.00) of which One Thousand One Hundred Nineteen and 15/100 Dollars ($1,119.15) 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 Plaquemines 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.

BOPCO, L.P.

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
Peggy M. Hatch Secretary

BY: _____
D. Chance McNeely, 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: _____
D. Chance McNeely, Assistant Secretary