STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No. SA-WE-15-0055**
ENABLE MIDSTREAM PARTNERS, LP	*	
AI # 181372	*	**Enforcement Tracking No. WE-CN-14-00069**
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT LA. R.S. 30:2001, ET SEQ.	*	**Docket No. 2015-11270-EQ**

SETTLEMENT

The following Settlement is hereby agreed to between Enable Midstream Partners, LP ("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 natural gas pipeline located in Belmont, Sabine Parish, Louisiana ("the Facility").

II

On May 29, 2014, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. WE-CN-14-00069, which was based upon the following findings of fact:

"The Respondent owns and/or operates a natural gas pipeline, located West of 10211 Hwy 20 in Belmont, Sabine Parish, Louisiana. A permit application or Notice of Intent (NOI) to discharge wastewater has not been received by the Department. The Respondent does not have a Louisiana Pollutant Discharge Elimination System (LPDES) permit or other authorization from the Department

to discharge wastes and/or other substances to the waters of the state.

Inspections conducted by the Department on or about March 21 and 22, 2012; April 13, 2012; and May 3, 2012, revealed that the Respondent caused and/or allowed an unauthorized discharge to the ground. Specifically, the Respondent stated to the inspector via telephone on or about March 22, 2012, that an estimated 25 barrels of produced water containing a corrosion inhibiting compound was released to the ground on December 28, 2011, while purging natural gas off the pipeline located West of 10211 Hwy 20 in Belmont to tie in a new well. The unauthorized discharge of produced water to the ground is a violation of La. R. S. 30:2076(A)(3) and LAC 33:IX.708.C.2.a.ii.

Inspections conducted by the Department on or about March 21 and 22, 2012; April 13, 2012; and May 3, 2012, and a subsequent file review conducted by the Department on or about May 20, 2014, revealed that the Respondent failed to notify the Department within 24 hours of learning of the unauthorized discharge, which exceeded the reportable quantity for produced water that occurred on December 28, 2011. The Respondent self-reported the unauthorized discharge of produced water containing the corrosion inhibiting compound on March 22, 2012, after being advised by the inspector via telephone that the notification had not been made. The failure to notify the Department with 24 hours of the unauthorized discharge is a violation of La. R.S. 30:2076(A)(3), and LAC 33:I.3917.A. Also, during the inspection the Respondent's operator stated via telephone that a corrosion inhibitor had also been discharged along with the produced water; however, this information was not included when then Respondent initially notified the Department of the incident by telephone, but was included in follow-up reports regarding soil sampling and remediation efforts submitted by the Respondent.

Inspections conducted by the Department on or about March 21 and 22, 2012; April 13,

2012; and May 3, 2012, revealed that the Respondent failed to take prompt remedial action for the unauthorized discharge of produced water containing a corrosion inhibitor, which occurred on December 28, 2011. Specifically, during the March 22, 2012, inspection the Respondent stated that CK & Associates had been contracted for remediation and that the affected soil would be excavated. The Respondent reported that the area around the pipeline had been remediated and confirmatory samples were collected on March 29, 2012. On or about April 13, 2012, the Department conducted a follow up visit of the affected area. At the time of the visit, some disturbance of the soil was noted immediately around the pipeline riser, but the area still had staining and spilled material that was not removed from the site. On or about May 3, 2012, the Department conducted another follow up visit in order to further evaluate the remediation. At the time of the visit, the site appeared to have been further remediated. No odor was noted at the site, and fresh topsoil and gravel were noted to be present at the site of the spill. The follow up visits indicated that remediation was not complete, but was progressing and appeared satisfactory. The failure to take prompt remedial action is a violation of La. R.S. 30:2076 (A)(3) and LAC 33:IX.708.C.1.b.iv." (See EDMS document 8405318 for confirmatory sample results; samples were taken and analyzed after remedial activities were performed).

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 TEN THOUSAND AND NO/100 DOLLARS ($10,000.00), of which One Thousand Six Hundred Thirty-Seven and 94/100 Dollars ($1,637.94) 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), 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.

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 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 Sabine 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.

XI

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).

XII

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

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.

ENABLE MIDSTREAM PARTNERS, LP

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
Chuck Carr Brown, Ph.D., Secretary

BY: _____
Lourdes Iturralde, 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: _____
Lourdes Iturralde, Assistant Secretary