STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-AE-13-0071**
ENTERPRISE GAS PROCESSING, LLC	*	
	*	**Enforcement Tracking No.**
AI # 20273	*	**AE-CN-10-01027**
	*	
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between Enterprise Gas Processing, LLC ("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 produced gas processing facility located in Gibson, Terrebonne Parish, Louisiana ("the Facility").

II

On January 23, 2013, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-10-01027, which was based upon the following findings of fact:

The Respondent owns and/or operates the North Terrebonne Gas Plant located at 449 Shell E&D Court in Gibson, Terrebonne Parish, Louisiana. The facility is a produced gas processing plant. The Respondent was issued Title V Air Permit No. 2880-00023-V2 on July 6, 2005, to operate the facility. On March 9, 2010, the permit was modified and Title V Air Permit No. 2880-00023-V3 was issued to the Respondent. The facility currently operates under Title V Air Permit No. 2880-00023-V4 issued on July 25, 2012.

On or about February 2, 2010, the Department conducted a full compliance audit for the Chemical Accident Prevention Provisions set forth in 40 CFR 68. Additionally, the Department conducted a file review for the facility on or about July 18, 2012.

While the Department's investigation is not yet complete, the following violations were noted during the inspection and file review:

A. The Respondent failed to develop and implement written operating procedures that provide clear instructions for safely conducting activities involved in each covered process consistent with the process safety information. Specifically, the operating procedures did not address the properties of, and hazards presented by, the chemicals used in the process; precautions necessary to prevent exposure; or control measures to be taken if exposure occurs. Each failure to develop and implement written operating procedures is a violation of LAC 33:III.5901.A, which incorporates by reference 40 CFR 68.69(a), Title V Permit No. 2880-00023-V2 Specific Requirement 108, and La. R.S. 30:2057(A)(2).

B. The Respondent failed to perform inspections and tests on process equipment for mechanical integrity. While records were available for most covered equipment, upon request no or incomplete inspection records were available for the PT26, FV16B and FV23 pieces of equipment. It could not be determined if inspections were conducted for these pieces of equipment. Each failure to perform inspections and tests on process equipment is a violation of LAC 33:III.5901.A, which incorporates by reference 40 CFR 68.73(d), Title V Permit No. 2880-00023-V2 Specific Requirement 108, and La. R.S. 30:2057(A)(2).

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 THREE THOUSAND FOUR HUNDRED AND NO/100 DOLLARS ($3,400.00), of which Three Hundred Seventy-Six and 42/100 Dollars ($376.42) 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), 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

The Respondent has caused a public notice advertisement to be placed in the official journal

of the parish governing authority in Terrebonne 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.

IX

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).

X

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

XI

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.

ENTERPRISE GAS PROCESSING, LLC

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: _____
Cheryl Sonnier Nolan, 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: _____
Cheryl Sonnier Nolan, Assistant Secretary