

**STATE OF LOUISIANA**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF:**

**MARATHON PIPE LINE LLC**

**AI # 689**

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

\* **Settlement Tracking No.**  
\* **SA-AE-08-0029**

\* **Enforcement Tracking No.**  
\* **AE-CN-07-0145**

\*  
\*  
\*  
\*

**SETTLEMENT**

The following Settlement is hereby agreed to between Marathon Pipe Line 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 Corporation that owns and/or operates a pipe line breakout station for finished petroleum products located at or near 922 U.S. Highway 61 near Jackson in East Feliciana Parish, Louisiana (“the Facility”).

**II**

On November 26, 2007, the Department issued to Respondent a Consolidated Compliance Order and Notice of Potential Penalty, Enforcement No. AE-CN-07-0145, which was based on the following finds of fact:

The Respondent owns and/or operates Zachary Station, a pipe line breakout station for finished petroleum products. The facility is located at or near 922 U.S. Highway 61 near Jackson in

East Feliciana Parish, Louisiana. The Respondent's facility operates under Title V Permit No. 0880-00009-V2 issued on March 15, 2007.

On or about October 15, 2007, a file review of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations.

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

According to a letter submitted to the Department dated September 13, 2007, on September 8, 2007, a tank inspection was conducted on Emission Point EQT 008. The Respondent noted that at the time of the inspection the internal floating roof on Emission Point EQT 008 was landed and not in contact with the liquid in the tank. A review of inventory records was performed by the Respondent which indicated that the tank had been at the minimum working level since April 15, 2007. As a result, emissions were generated from April 15, 2007, until September 8, 2007. The Respondent reported the following emissions for volatile organic compounds (VOCs), 2,2,4 trimethylpentane, benzene, ethylbenzene, toluene, xylene, and hexane in pounds per hour for Emission Point EQT 008 for the period encompassing April 15, 2007, through September 8, 2007.

Pollutant	Permitted Limits (lbs/hr)	Estimated Actual Average (lbs/hr)
VOC	3.23	9.12
2,2,4 Trimethylpentane	0.03	0.07
Benzene	0.03	0.08
Ethylbenzene	<0.01	0.009
Toluene	0.04	0.12
Xylene	0.02	0.05
Hexane	0.04	0.15

Each exceedance of permitted emission limits for each pollutant is a violation of LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 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 FIVE THOUSAND EIGHT HUNDRED SEVENTY-FOUR AND NO/100 DOLLARS (\$5,874.00), of which Eighty-One and 97/100 Dollars (\$81.97) 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 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.

## 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 LSA- 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 East Feliciana 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 a proof-of-publication affidavit 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.

MARATHON PIPE LINE LLC



BY: John Swearingen  
(Signature)

J. S. Swearingen  
(Print)

TITLE: President

THUS DONE AND SIGNED in duplicate original before me this 10 day of March, 20 09, at Findlay, Ohio.

Mary J. Wilcox  
NOTARY PUBLIC (ID # \_\_\_\_\_)

Mary J. Wilcox (Print) Mary J. Wilcox, Notary Public  
State of Ohio  
my commission expires 9-28-13

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
Harold Leggett, Ph.D., Secretary

BY: Peggy M. Hatch

Peggy M. Hatch, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 8th day of May, 20 09, at Baton Rouge, Louisiana.

Christopher A. Ratchiff  
NOTARY PUBLIC (ID # 10149)

Christopher A. Ratchiff  
(Print)

Approved: Peggy M. Hatch  
Peggy M. Hatch, Assistant Secretary