

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

EXXONMOBIL PRODUCTION COMPANY

AI # 17161

PROCEEDINGS UNDER THE LOUISIANA

ENVIRONMENTAL QUALITY ACT

LA. R.S. 30:2001, ET SEQ.

* Settlement Tracking No.
* SA-AE-18-0058
*
* Enforcement Tracking No.
* AE-CN-14-01207
*
*
*
*

SETTLEMENT

The following Settlement is hereby agreed to between ExxonMobil Production Company (“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 division of a corporation that owned and/or operated a cryogenic gas processing plant located at 1601 Safe Energy Drive, Port Allen, West Baton Rouge Parish, Louisiana (“the Facility”).

II

On June 23, 2015, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-14-01207 (Exhibit 1).

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 FIVE HUNDRED AND NO/100 DOLLARS (\$3,500.00), of which Seven Hundred Eight and 57/100 Dollars (\$708.57) 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 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 West Baton Rouge 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.

EXXONMOBIL PRODUCTION COMPANY

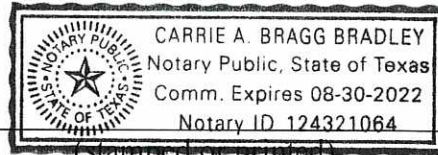
BY: *Laura T. Johnson*
(Signature)

Laura T. Johnson
(Printed)

TITLE: Safety, Security, Health, & Environmental Manager

THUS DONE AND SIGNED in duplicate original before me this 29th day of April, 20 19, at _____.

Carrie A. Bragg Bradley
NOTARY PUBLIC (ID # 124321064)



(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chuck Carr Brown, Ph.D., Secretary

BY: *Lourdes Iturralde*
Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 19th day of June, 20 19, at Baton Rouge, Louisiana.

Ogier
NOTARY PUBLIC (ID # 19181)

Perry Therist
(stamped or printed)

Approved: *Lourdes Iturralde*
Lourdes Iturralde, Assistant Secretary



BOBBY JINDAL
GOVERNOR

PEGGY M. HATCH
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

June 23, 2015

CERTIFIED MAIL 7004 2510 0005 5763 2151
RETURN RECEIPT REQUESTED

EXXONMOBIL PRODUCTION COMPANY

c/o Corporation Service Company
Agent for Service of Process
320 Somerulos Street
Baton Rouge, LA 70802

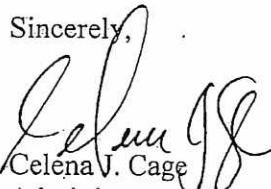
**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-14-01207
AGENCY INTEREST NOs. 17161**

Dear Sir:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **EXXONMOBIL PRODUCTION COMPANY (RESPONDENT)** for the violations described therein.

Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Pascal Ojong at (225) 219-4468.

Sincerely,

Celena J. Cage
Administrator
Enforcement Division

CJC/PON/pon
Alt ID No. 3120-00047
Attachment



c: EXXONMOBIL PRODUCTION COMPANY
P.O. Box 4658
Houston, TX 77210

STATE OF LOUISIANA
 DEPARTMENT OF ENVIRONMENTAL QUALITY
 OFFICE OF ENVIRONMENTAL COMPLIANCE

IN THE MATTER OF	*	
	*	
EXXONMOBIL PRODUCTION COMPANY	*	ENFORCEMENT TRACKING NO.
WEST BATON ROUGE PARISH	*	
ALT ID NO. 3120-00047	*	AE-CN-14-01207
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	AGENCY INTEREST NO.
ENVIRONMENTAL QUALITY ACT,	*	
La. R.S. 30:2001, ET SEQ.	*	17161

CONSOLIDATED
COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **EXXONMOBIL PRODUCTION COMPANY (RESPONDENT)** by the Louisiana Department of Environmental Quality (the Department), under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

FINDINGS OF FACT

I.

The Respondent owned and/or operated the Baton Rouge Gas Plant (the Facility), a cryogenic gas processing plant, located at 1601 Safe Energy Drive in Port Allen, West Baton Rouge Parish, Louisiana. The Facility operates or has operated under the authority of the following Title V Air Permits:

PERMIT	ISSUE DATE	EXPIRATION DATE
3120-00047-V3	8/27/2007	8/27/2012
3120-00047-V4	2/8/2011	8/27/2012
3120-00047-V5*	3/18/2013	3/18/2018

*Permit Rescinded on or about February 20, 2015, by Harvest Pipeline Company

II.

On or about January 12, 2015, a file review of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations.

While the Department's investigation is not yet complete the following violations were noted during the course of the file review:

- A. The Respondent failed to submit the 2013 Annual Criteria & Toxic Air Pollutant Emissions Certification Statement for the reporting period of January 1, 2013, through December 31, 2013, by the April 30, 2014 deadline. Failure to submit annual emissions inventory is a violation of LAC 33:III.919.F.1.d, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- B. The Respondent failed to submit the 2013 Annual Compliance Certification for the reporting period of January 1, 2013, through December 31, 2013, by the March 31, 2014 deadline, in violation of Title V Air Permit No. 3120-00047-V4, LAC 33:III.535 and La. R.S. 30:2057(A)(2).
- C. In an incident notification report (No. T135425) dated December 13, 2011, the respondent reported that, on or about November 21, 2011, an unauthorized discharge of Diethanolamine (DEA) occurred in volumes that exceeded the reportable quantity for VOC. The total VOC emissions released was 8,334.97 pounds due to failure of a ¾ inch ball valve and a valve seal material. The unauthorized discharge of VOC is a violation of Title V Permit No. 3120-00047-V3, LAC 33:III.501.C.2, La. R.S. 30:2057(A)(1) and 30:2057(A)(2)
- D. The Respondent failed to submit a written notification to the Department within 7 days following the unauthorized discharge which occurred November 21, 2011. Failure to submit a timely report within the required time frame is a violation of

LAC33:I.3925.A, LAC33:III.501.C.4 and La. R.S.30:2057(A)(2). A spill incident report No. T135425 was submitted to the department on December 13, 2011.

- E. The Respondent failed to timely submit 1st Half of 2008 Semiannual Monitoring Report. The Department received the report which was due by September 30, 2008, on or about December 19, 2008. Failure to timely submit Semiannual Monitoring Report is a violation of Title V Permit No. 3120-00047-V3, LAC 33:III.501.C.2 and La. R.S. 30:2057(A)(2).

III.

On or about November 1, 2011, an inspection of the Respondent's facility was performed to determine the degree of compliance with the Act and the Air Quality Regulations. While the Department's investigation is not yet complete the following violations were noted during the course of the inspection:

The inspection revealed that, CO emissions from Emergency Flare-Smokeless (EQT-0003) on or about July 1, 2009, and VOC emissions from EQT-0003 on or about August 22, 2010, and on or about August 30, 2010, exceeded the permit limits and were reported in the facility's 2009 Title V Annual Compliance Certification dated March 31, 2010, and in the facility's 2010 Title V Annual Compliance Certification dated March 30, 2011, respectively. The exceedance of permit limits is a violation of Title V Air Permit No.3120-00047-V4, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

COMPLIANCE ORDER

Based on the foregoing, the Respondent is **hereby ordered**:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Air Quality Regulations.

II.

To submit to the Office of Environmental Services, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, the 2013 annual emissions inventory and associated certification statement

referenced in Findings of Fact paragraph II.A. A copy of the certification statements shall also be submitted to the Enforcement Division for review. For assistance with the submittal, please contact Kelly Petersen at (225) 219-3404.

III.

To submit to the Office of Environmental Services within thirty (30) days after receipt of this **COMPLIANCE ORDER** the 2013 annual compliance certification referenced in Findings of Fact paragraph II.B.

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312
Attn: Pascal Ojong
Re: Enforcement Tracking No. AE-CN-14-01207
Agency Interest No. 17161

THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality
Office of the Secretary
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302
Attn: Hearings Clerk, Legal Division
Re: Enforcement Tracking No. AE-CN-14-01207
Agency Interest No. 17161

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Department's Rules of Procedure. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty

in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

For each violation described herein, the Department reserves the right to seek civil penalties in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties.

NOTICE OF POTENTIAL PENALTY

I.

Pursuant to La. R.S. 30:2050.3(B), you are hereby notified that the issuance of a penalty assessment is being considered for the violation(s) described herein. Written comments may be filed regarding the violation(s) and the contemplated penalty. If you elect to submit comments, it is requested that they be submitted within ten (10) days of receipt of this notice.

II.

Prior to the issuance of additional appropriate enforcement action(s), you may request a meeting with the Department to present any mitigating circumstances concerning the violation(s). If you would like to have such a meeting, please contact Pascal Ojong at (225) 219-4468 within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

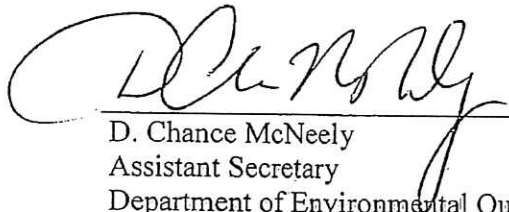
III.

The Department is required by La. R.S. 30:2025(E) (3)(a) to consider the gross revenues of the Respondent and the monetary benefits of noncompliance to determine whether a penalty will be assessed and the amount of such penalty. Please forward the Respondent's most current annual gross revenue statement along with a statement of the monetary benefits of noncompliance for the cited violation(s) to the above named contact person within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. Include with your statement of monetary benefits the method(s) you utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify that statement.

IV.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 23 day of June, 2015.



D. Chance McNeely
Assistant Secretary
Department of Environmental Quality

Copies of a request for a hearing and/or related correspondence should be sent to:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821-4312
Attention: Pascal Ojong