

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

* **Settlement Tracking No.**

* **SA-AE-23-0035**

DOME DE SEL LLC

*

* **Enforcement Tracking No.**

**AI # 32161, 84060, 84288, 84377, 94012,
121938, 170748**

* **AE-CN-19-01230**

*

*

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

*

*

*

SETTLEMENT AGREEMENT

The following Settlement Agreement is hereby agreed to between Dome De Sel 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 facilities located in Jefferson Davis Parish, Iberville Parish, Calcasieu Parish, and West Baton Rouge Parish, Louisiana (“the Facilities”).

II

On September 4, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-19-01230 (Exhibit 1).

The following violations, although not cited in the foregoing enforcement action, are included within the scope of this settlement:

(AI#32161)

The Respondent failed to timely submit the 2019 Annual Criteria Air Pollutant Emissions

Inventory and Certification Statement. Specifically, the Respondent was required to submit the report by May 30, 2020, but the report was postmarked on April 1, 2021. This is a violation of LAC 33:III.919.F.1.d and La. R.S. 30:2057(A)(2).

(AI#84377)

The Respondent failed to timely submit the 2019 Annual Criteria Air Pollutant Emissions Inventory and Certification Statement. Specifically, the Respondent was required to submit the report by May 30, 2020, but the report was postmarked on April 1, 2021. This is a violation of LAC 33:III.919.F.1.d and La. R.S. 30:2057(A)(2).

(AI#170748)

The Respondent failed to timely submit the 2019 Annual Criteria Air Pollutant Emissions Inventory and Certification Statement. Specifically, the Respondent was required to submit the report by May 30, 2020, but the report was postmarked on April 1, 2021. This is a violation of LAC 33:III.919.F.1.d 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 TEN THOUSAND AND NO/100 DOLLARS (\$10,000.00), of which Nine Hundred Thirty-Six and 32/100 Dollars (\$936.32) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement 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 Agreement 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 Settlement 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 Settlement Agreement in any action by the Department to enforce this Settlement Agreement.

VII

This Settlement Agreement 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 Agreement, 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 Jefferson Davis Parish, Iberville Parish, Calcasieu Parish, and West Baton Rouge Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement 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 Agreement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

X

An initial payment of \$2,500.00 is due within ten (10) days from notice of the Secretary's signature. Payment of the remaining balance of \$7,500.00 is to be made over a period of twelve (12) months in the amount of \$625.00 per month. If payment is not received within that time, this Settlement 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 attached hereto.

XI

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

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.

DOME DE SEL 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**
Aurelia S. Giacometto, Secretary

BY: _____
Jerrie "Jerry" Lang, 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: 
Jerrie "Jerry" Lang, Assistant Secretary

JOHN BEL EDWARDS
GOVERNOR

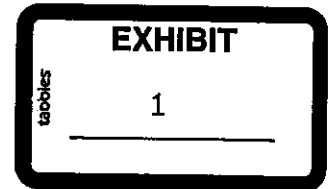


CHUCK CARR BROWN, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

September 4, 2020

CERTIFIED MAIL (7017 0530 0000 5978 9333)
RETURN RECEIPT REQUESTED



DOMÉ DE SEL LLC
c/o Alex Prochaska
Agent for Service of Process
600 Jefferson Street, Suite 1600
Lafayette, LA 70501

**RE: CONSOLIDATED COMPLIANCE ORDER
& NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-CN-19-01230
AGENCY INTEREST NOS. 32161, 84060, 84288, 84377, 94012, 121938, and 170748**

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 **DOMÉ DE SEL LLC (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 Madison Kirkland at (225) 219-3165 or Madison.Kirkland@la.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Celena J. Cage".
Celena J. Cage
Administrator
Enforcement Division

LI/MLK/mlk

Alt ID Nos. 1280-00088, 1360-00093, 1360-00095, 1280-00070, 1360-00117, 0520-00323, and 3120-00099

c: Dome De Sel, LLC
 Andrew Snell, Managing Partner
 P.O. Box 2567
 Longview, TX 75606

**STATE OF LOUISIANA
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE**

IN THE MATTER OF

**DOME DE SEL LLC
IBERVILLE, JEFFERSON DAVIS,
CALCASIEU, WEST BATON ROUGE
PARISHES**

**ALT ID NOS. 1360-00093, 1360-00095,
1280-00070, 1360-00117, 1280-00088,
0520-00323, 3120-00099**

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

*
*
*
*
*
*
*
*
*
*
*
*
*
*

ENFORCEMENT TRACKING NO.**AE-CN-19-01230****AGENCY INTEREST NOS.**

**32161, 84060, 84288, 84377, 94012, 121938,
and 170748**

CONSOLIDATED**COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **DOME DE SEL LLC (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 owns and/or operates the following facilities under the authority of the Minor Source Air Quality Permits listed below:

Table A				
AGENCY INTEREST NO.	FACILITY NAME	LOCATION	PARISH	AIR PERMIT
84060	Texaco Inc 26 – 1 Production Facility	9.5 miles northwest of Fenton	Jefferson Davis	1360-00093-04
84288	Douget/Bel Estate Production Facility	7.5 miles northwest of Fenton	Jefferson Davis	1360-00095-05

Table A				
AGENCY INTEREST NO.	FACILITY NAME	LOCATION	PARISH	AIR PERMIT
84377	Bayou Des Glaises Field Production Facility – Wilbert Mineral B Lease	6.6 miles west-southwest of Ramah	Iberville	1280-00070-04
94012	Kenneth McCown 33 #1 & 29 #1 Production Facility – Indian Village Field	2.5 miles northeast of Buller	Jefferson Davis	1360-00117-02
121938	Williams 24-1 Production Facility	1.25 miles southwest of Dequincy	Calcasieu	0520-00323-01
170748	A Wilbert Sons 26 #1 Production Facility	Off LA Highway 415 on I-10 Frontage Road, 6 miles southwest of Port Allen	West Baton Rouge	3120-00099-03

II.

On or about June 9, 2020, a file review of the Respondent's facilities 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 review:

- A. The Respondent became the owner/operator of the facilities listed in Table B on January 1, 2019. The Respondent submitted a Notification of Change form (NOC-1) to the Department on or about October 10, 2019.

TABLE B		
AGENCY INTEREST NO.	FACILITY NAME	AIR PERMIT
84060	Texaco Inc 26 – 1 Production Facility	1360-00093-04
84288	Douget/Bel Estate Production Facility	1360-00095-05
84377	Bayou Des Glaises Field Production Facility – Wilbert Mineral B Lease	1280-00070-04
94012	Kenneth McCown 33 #1 & 29 #1 Production Facility – Indian Village Field	1360-00117-02
121938	Williams 24-1 Production Facility	0520-00323-01
170748	A Wilbert Sons 26 #1 Production Facility	3120-00099-03

Each failure to submit the NOC-1 and associated documentation to the Department within forty-five (45) days after a change in ownership of a permitted facility is a violation of LAC 33:I.1907.B, LAC 33:III.517.G, and La. R.S. 30:2057(A)(2).

- B. The Respondent operated the facilities listed in Table B from January 1, 2019, until the permits were transferred on December 6, 2019. The unauthorized operation of each facility

from the date of acquisition until each permit was transferred on December 6, 2019 is a violation of LAC 33:III.501.C.2 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

III.

On or about January 13, 1999, the Department issued Minor Source Air Permit No. 1280-00088-00 to Bridas Energy, Inc. for the Bayou Henry Field Production Facility located 5.5 miles southwest of Ramah, Iberville Parish, Louisiana (AI 32161). The Respondent became the owner/operator of the Bayou Henry Field Production Facility on January 1, 2019, according to the NOC-1 form submitted on October 10, 2019. On December 6, 2019, the Department issued a transfer letter for Air Permit No. 1280-00088-00 to the Respondent; however, a renewal application has not been submitted to the Department for the expired permit. Specifically, per LAC 33:III.503, permits issued to a minor source shall have an effective term of ten (10) years from the effective date of the permit; however, LAC 33:III.503 was not promulgated until February 20, 2015. The Department determined the permit application for Minor Source Air Permit No. 1280-00088-00, which was issued or last modified after January 1, 1999, was due by October 1, 2016. The Respondent's operation of the facility without an effective air quality permit is a violation of LAC 33:III.501.C.2, La. R.S. 2057(A)(1), and La. R.S. 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 Air Permits Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, an application to renew Minor Source Air Permit No. 1280-00088-00 (AI 32161) in accordance with LAC 33:III.503 or to submit documentation, including calculations, if an air permit is no longer required per the exemption described at LAC 33:III.501.B.2.d. A copy of either the application or calculations shall also be submitted to the Enforcement Division within thirty (30) days of receipt of the **COMPLIANCE ORDER**.

III.

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 violation(s) 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: Madison Kirkland
Re: Enforcement Tracking No. AE-CN-19-01230
Agency Interest Nos. 32161, 84060, 84288, 84377, 94012, 121938, and 170748

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-19-01230
Agency Interest Nos. 32161, 84060, 84288, 84377, 94012, 121938, and 170748

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 Division of Administrative Law (DAL) Procedural Rules. 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 Madison Kirkland at (225) 219-3165 or Madison.Kirkland@la.gov 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. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.


IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

V.

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


Baton Rouge, Louisiana, this 4th day of September, 2020.



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

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: Madison Kirkland

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY OFFICE OF ENVIRONMENTAL COMPLIANCE ENFORCEMENT DIVISION POST OFFICE BOX 4312 BATON ROUGE, LOUISIANA 70821-4312		CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE		
Enforcement Tracking No.	AE-CN-19-01230	Contact Name	Madison Kirkland	
Agency Interest (AI) Nos.	Multiple	Contact Phone No.	(225) 219-3165	
Alternate ID Nos.	Multiple	Contact Email	Madison.Kirkland@la.gov	
Respondent:	Dome De Sel LLC	Facility Name:	Multiple (See Table A)	
	c/o Alex Prochaska	Physical Location:	Multiple (See Table A)	
	Agent for Service of Process			
	600 Jefferson Street, Suite 1600	City, State, Zip:	Multiple (See Table A)	
	Lafayette, LA 70501	Parish:	Multiple (See Table A)	
STATEMENT OF COMPLIANCE				
STATEMENT OF COMPLIANCE		Date Completed	Copy Attached?	
A written report was submitted in accordance with Paragraph III of the "Order" portion of the COMPLIANCE ORDER.				
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraph II of the "Order" portion of the COMPLIANCE ORDER.				
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:				
SETTLEMENT OFFER (OPTIONAL)				
<i>(check the applicable option)</i>				
_____	The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:I.Subpart1.Chapter7.			
_____	In order to resolve any claim for civil penalties for the violations in COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (AE-CN-19-01230), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.			
_____	In order to resolve any claim for civil penalties for the violations in COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (AE-CN-19-01230), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$_____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance. <ul style="list-style-type: none"> • Monetary component = \$ _____ • Beneficial Environmental Project (BEP) component (optional)= \$ _____ • DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM- the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted. 			
	The Respondent has reviewed the violations noted in COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (AE-CN-19-01230) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.			
CERTIFICATION STATEMENT				
I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.				

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date
MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:		
Louisiana Department of Environmental Quality Office of Environmental Compliance Enforcement Division P.O. Box 4312 Baton Rouge, LA 70821 Attn: Madison Kirkland		