

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

TENNESSEE GAS PIPELINE COMPANY,  
L.L.C.

AI # 2448

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

\* Settlement Tracking No.  
\* SA-AE-25-0090  
\*  
\*  
\* Enforcement Tracking No.  
\* AE-PP-24-00206  
\*  
\*  
\*

**SETTLEMENT AGREEMENT**

The following Settlement Agreement is hereby agreed to between Tennessee Gas Pipeline Company, L.L.C. (“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 natural gas compressor station located in Sulphur, Plaquemines Parish, Louisiana (“the Facility”).

II

On January 3, 2025, the Department issued to Respondent a Notice of Potential Penalty, Enforcement Tracking No. AE-PP-24-00206 (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 FOUR THOUSAND AND NO/100 DOLLARS (\$4,000.00), of which One Thousand Five Hundred Thirty-Nine and 49/100 Dollars (\$1,539.49) 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 inspection report(s), permit record(s), the 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 Plaquemines 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

Payment is to be made within thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Settlement Agreement is voidable at the option of the Department. The Respondent shall provide its tax identification number when submitting payment. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accounts Receivable, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303 or by Electronic Funds Transfer (EFT) to the Department of Environmental Quality, in accordance with instructions

provided to Respondent by the Financial Services Division. 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.

**TENNESSEE GAS PIPELINE COMPANY,  
L.L.C.**

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**  
Courtney J. Burdette, 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

JEFF LANDRY  
GOVERNORAURELIA S. GIACOMETTO  
SECRETARY

**State of Louisiana**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**OFFICE OF ENVIRONMENTAL COMPLIANCE**

JAN 03 2025



CERTIFIED MAIL (9589 0710 5270 0478 1474 95)  
 RETURN RECEIPT REQUESTED

**TENNESSEE GAS PIPELINE COMPANY, L.L.C.**  
 c/o Capitol Corporate Services, Inc.  
 Agent for Service of Process  
 8550 United Plaza Building II, STE. 305  
 Baton Rouge, LA 70809

**RE: NOTICE OF POTENTIAL PENALTY**  
**ENFORCEMENT TRACKING NO. AE-PP-24-00206**  
**AGENCY INTEREST NO. 2448**

Dear Sir/Madam:

On or about November 27, 2023, and November 12, 2024, the Louisiana Department of Environmental Quality (the Department) conducted an inspection and file review, respectively, of **COMPRESSOR STATION 527**, a natural gas compressor station (**FACILITY**), owned and/or operated by **TENNESSEE GAS PIPELINE COMPANY, L.L.C. (RESPONDENT)**, to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at 26166 Louisiana Highway 23 South in Port Sulphur, Plaquemines Parish, Louisiana. The facility operates or has operated under the following Title V Air Quality and Prevention of Significant Deterioration (PSD) Permits:

Permit No.	Effective Date	Expiration Date
PSD-LA-725	6/16/2009	-
2240-00009-V5*	9/15/2020	2/24/2021
2240-00009-V6	4/8/2021	7/27/2021
2240-00009-V7	7/28/2021	4/8/2026

\*Administratively continued permit pursuant to LAC 33:III.507.E.

While the investigation by the Department is not yet complete, the following violations were noted during the course of the inspection and subsequent file review:

- A. The Respondent failed to use and diligently maintain air pollution control facilities when emissions were being made which can be controlled by the facilities. Specifically, on November 27, 2023 at 11:55 AM, the Respondent reported an unauthorized discharge (Incident No. T-216766) of 16,319 thousand standard cubic feet (MSCF) of sweet pipeline natural gas exceeding the reportable quantity of 1,000 MSCF. The unauthorized discharge

**TENNESSEE GAS PIPELINE COMPANY, L.L.C.**

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occurred on November 27, 2023 from 11:07 AM to 11:20 AM. Prior to Incident No. T-216766, the Respondent upgraded its programmable logic controller (PLC); however, the Respondent failed to isolate the Emergency Shutdown System (ESD) from the upgrades, and did not have procedures implemented to isolate the ESD during PLC upgrades prior to Incident No. T-216766. Additionally, there was a clogged filter on the ESD line that controls the actuation of a valve, causing the valve to remain open when the ESD was initiated. Natural gas vented to the atmosphere for thirteen (13) minutes until the Respondent manually closed the valve. The Respondent stated that the ESD line is blown-down on a yearly basis, and the filters are inspected as part of the yearly testing; however, the last yearly testing was completed on October 20, 2022, and at the time of Incident No. T-216766, the yearly testing was overdue. The Respondent stated that yearly testing was not performed due to the ongoing construction activities and in-operation of the facility since August of 2023. The failure to develop an operating procedures to isolate the ESD during PLC upgrades, and the failure to diligently maintain the ESD line through blow-downs and maintenance directly contributed to the unauthorized discharge. The failure to use and diligently maintain air pollution control facilities when emissions were being made which can be controlled by the facilities is a violation of LAC 33:III.905.A, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

- B. The Respondent failed to monitor the presence of a flame by a heat seeking device continuously. Specifically, in the Revised 2020 Title V Second Semiannual Monitoring Report, dated March 26, 2021, the Respondent reported that on November 17, 2020, the thermocouples on FL-1A – Facility Flare (EQT 0009) malfunctioned for five (5) minutes during pigging operations when waste gas was being sent to the flare. The Respondent monitored the flare visually during the time the thermocouples were not functioning until pigging operations stopped. The thermocouples were replaced and the flare put back in service. The failure to monitor the presence of a flame by a heat seeking device continuously is a violation of 40 CFR 60.18(f)(2), which language has been incorporated by reference in LAC 33:III.3003.A, Specific Requirements 10 and 15 of Title V Air Permit No. 2240-00009-V5, LAC 33:III.2104.F.1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- C. The Respondent failed to maintain the presence of a flame at the flare tip when the flare gas is routed to the flare. Specifically, there were two (2) occurrences of this violation:
  1. In the 2021 Title V Annual Compliance Certification, dated February 11, 2022, the Respondent reported that on May 31, 2021, quarterly maintenance was being conducted on EQT 0009, and EQT 0009 was taken out of service; however, flare gas was still being routed to EQT 0009. The Respondent released 0.025 mega cubic feet (MCF) of flare gas over the course of eighteen (18) minutes, which was equivalent to 1.38 pounds of volatile organic compounds (VOCs). The EQT 0009 emission limit for VOCs is 302.99 pounds per hour as specified in Title V Air Permit No. 2240-00009-V6. The Respondent reported that the operator failed to follow the revised procedure which allowed for the flare to remain operational during maintenance.
  2. In the 2021 Title V Second Semiannual Monitoring Report, dated February 11, 2022, the Respondent reported that on December 19, 2021, EQT 0009 had to be

**TENNESSEE GAS PIPELINE COMPANY, L.L.C.**

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taken out of service in order to repair a jammed pilot cable; however, vapors, or flare gas, were being routed to the flare and released to the atmosphere. This resulted in approximately 8.06 pounds of VOCs being released over the course of 75 minutes, which is below the permit limit of 302.99 pounds per hour specified in Title V Air Permit No. 2240-00009-V7. The Respondent reported that the repairs were made to the flare, and the flare returned to service.

Each failure to maintain the presence of a flame at the flare tip when the flare gas is routed to the flare is a violation of 40 CFR 60.18(c)(2), which language has been incorporated by reference in LAC 33:III.3003.A, Specific Requirement 12 of Title V Air Permit Nos. 2240-00009-V6 and 2240-00009-V7, Specific Condition 3 of PSD Permit No. PSD-LA-725, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2).

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.

Prior to the issuance of any additional appropriate enforcement action, 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 James "Bailey" Macmurdo at (225) 219-2141 or bailey.macmurdo@la.gov within ten (10) days of receipt of this **NOTICE OF POTENTIAL PENALTY**.

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 in order 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 violations 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 this 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.

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

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, 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 "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this **NOTICE OF POTENTIAL PENALTY**. 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.

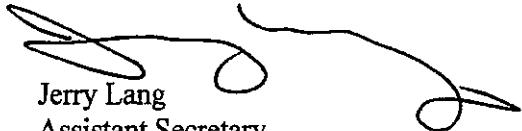
**TENNESSEE GAS PIPELINE COMPANY, L.L.C.**

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To reduce document handling, please refer to the Enforcement Tracking Number and Agency Interest Number on the front of this document on all correspondence in response to this action.

Sincerely,



Jerry Lang  
Assistant Secretary  
Office of Environmental Compliance

JL/JBM/jbm  
Alt ID No. LA0000002207500009

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c: **TENNESSEE GAS PIPELINE COMPANY, L.L.C.**

c/o Mr. Cyrus W. Harper II  
17057 FM 1485  
New Caney, TX 77357

**TENNESSEE GAS PIPELINE COMPANY, L.L.C.**

c/o Samantha Hon, Air Permitting and Compliance Specialist  
via electronic mail ([samantha\\_hon@kindermorgan.com](mailto:samantha_hon@kindermorgan.com))

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE  
ENFORCEMENT DIVISION  
POST OFFICE BOX 4312  
BATON ROUGE, LOUISIANA 70821-4312



NOTICE OF POTENTIAL PENALTY  
REQUEST TO SETTLE (OPTIONAL)

Enforcement Tracking No.	AE-PP-24-00206	Contact Name	James "Bailey" Macmurdo
Agency Interest (AI) No.	2448	Contact Phone No.	(225) 219-2141
Alternate ID No.	LA0000002207500009		
Respondent:	TENNESSEE GAS PIPELINE COMPANY, L.L.C.	Facility Name:	COMPRESSOR STATION 527
	c/o Capitol Corporate Services, Inc.	Physical Location:	26166 Louisiana Highway 23 South
	Agent for Service of Process		
	8550 United Plaza Building II, STE. 305 Baton Rouge, LA 70809	City, State, Zip:	Port Sulphur, LA 70083
	Parish:	Plaquemines	

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

	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 33:1.Subpart1.Chapter7.
	In order to resolve any claim for civil penalties for the violations in <b>NOTICE OF POTENTIAL PENALTY (AE-PP-24-00206)</b> the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
	The Respondent may submit the settlement offer within one hundred and eighty (180) days of receipt of this <b>NOTICE OF POTENTIAL PENALTY (AE-PP-24-00206)</b> .
	In order to resolve any claim for civil penalties for the violations in <b>NOTICE OF POTENTIAL PENALTY (AE-PP-24-00206)</b> , 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"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional) = \$ _____</li> <li>• <b>DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM</b> - the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.</li> </ul>
	The Respondent has reviewed the violations noted in <b>NOTICE OF POTENTIAL PENALTY (AE-PP-24-00206)</b> 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: James "Bailey" Macmurdo

**SETTLEMENT****AGREEMENT****WHAT IS A SETTLEMENT AGREEMENT?**

Once the Department has determined that a penalty is warranted for a violation, the Assistant Secretary of the Department, with the concurrence of the Attorney General, may enter into a settlement agreement with the Respondent as a means to resolve the Department's claim for a penalty.

**HOW DOES THE SETTLEMENT AGREEMENT PROCESS WORK?**

To begin the settlement agreement process, the Department must receive a written settlement offer. Once this offer is submitted, it is sent for approval by the Assistant Secretary of the Office of Environmental Compliance. The formal Settlement Agreement is drafted and sent to the Attorney General's office where the Attorney General has a 90 day concurrence period. During this time, the Respondent is required to run a public notice in an official journal and/or newspaper of general circulation in each affected parish. After which, a 45 day public comment period is opened to allow the public to submit comments. Once the Department has received concurrence, the settlement agreement is signed by both parties. The Department then forwards a letter to the responsible party to establish a payment plan and/or beneficial environmental project (BEP).

**WHAT SHOULD I INCLUDE IN A SETTLEMENT AGREEMENT?**

The Department uses the penalty determination method defined in LAC 33:1.705 as a guideline to accepting settlement offers. The penalty matrix is used to determine a penalty range for each violation based on the two violation specific factors, the nature and gravity of the violation and the degree of risk/impact to human health and property.

NATURE AND GRAVITY OF THE VIOLATION				
DEGREE OF RISK OR IMPACT TO HUMAN HEALTH OR PROPERTY	MAJOR	MODERATE	MINOR	
	MAJOR	\$32,500 to \$20,000	\$20,000 to \$15,000	\$15,000 to \$11,000
	Moderate	\$11,000 to \$8,000	\$8,000 to \$5,000	\$5,000 to \$3,000
	MINOR	\$3,000 to \$1,500	\$1,500 to \$500	\$500 to \$100

**Degree of Risk to Human Health or Property**

Major: (actual measurable harm or substantial risk of harm) A violation of major impact to an environmental resource or a hazard characterized by high volume and/or frequent occurrence and/or high pollutant concentration.

Moderate: (potential for measurable detrimental impact) A violation of moderate impact and hazard may be one characterized by occasional occurrence and/or pollutant concentration that may be expected to have a detrimental effect under certain conditions

Minor: (no harm or risk of harm) A violation of minor impact are isolated single incidences and that cause no measurable detrimental effect or are administrative in nature.

**Nature and Gravity of the Violation**

Major: Violations of statutes, regulations, orders, permit limits, or permit requirements that result in negating the intent of the requirement to such an extent that little or no implementation of requirements occurred.

Moderate: Violations that result in substantially negating the intent of the requirements, but some implementation of the requirements occurred.

Minor: Violations that result in some deviation from the intent of the requirement; however, substantial implementation is demonstrated.

**The range is adjusted using the following violator specific factors:**

1. history of previous violations or repeated noncompliance;
2. gross revenues generated by the respondent;
3. degree of culpability, recalcitrance, defiance, or indifference to regulations or orders;
4. whether the Respondent has failed to mitigate or to make a reasonable attempt to mitigate the damages caused by the violation; and
5. whether the violation and the surrounding circumstances were immediately reported to the department, and whether the violation was concealed or there was an attempt to conceal by the Respondent.



**SETTLEMENT****PENALTY DETERMINATION**

Given the previous information, the following formula is used to obtain a penalty amount.

Penalty Event Total = Penalty Event Minimum + (Adjustment Percentage x [Penalty Event Maximum - Penalty Event Minimum ])

After this, the Department adds any monetary benefit of noncompliance to the penalty event. In the event that a monetary benefit is gained due to the delay of a cost that is ultimately paid, the Department adds the applicable judicial interest. Finally, the Department adds all response costs including, but not limited to, the cost of conducting inspections, and the staff time devoted to the preparation of reports and issuing enforcement actions.

#### **WHAT IS A BEP?**

A BEP is a project that provides for environmental mitigation which the respondent is not otherwise legally required to perform, but which the defendant/respondent agrees to undertake as a component of the settlement agreement.

Project categories for BEPs include public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, and emergency planning, preparedness and response. Other projects may be considered if the Department determines that these projects have environmental merit and is otherwise fully consistent with the intent of the BEP regulations.

#### **WHAT HAPPENS IF MY OFFER IS REJECTED?**

If an offer is rejected by the Assistant Secretary, the Legal Division will contact the responsible party, or anyone designated as an appropriate contact in the settlement offer, to discuss any discrepancies.

#### **WHERE CAN I FIND EXAMPLES AND MORE INFORMATION?**

Settlement Offers .....	searchable in EDMS using the following filters Media: Air Quality, Function: Enforcement; Description: Settlement
Settlement Agreements .....	<a href="#">Enforcement Division's website</a> specific examples can be provided upon request
Penalty Determination Method .....	<a href="#">LAC 33:1 Chapter 7</a>
Beneficial Environmental Projects .....	<a href="#">LAC 33:1 Chapter 25</a>
Judicial Interest.....	<a href="#">FAQs</a> <a href="#">provided by the Louisiana State Bar Association</a>

