

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

LONE STAR NGL REFINERY
SERVICES LLC

AI # 88152

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

* Settlement Tracking No.
* SA-AE-12-0027
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* Enforcement Tracking No.
* AE-PP-11-00256
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SETTLEMENT

The following Settlement is hereby agreed to between Lone Star NGL Refinery Services LLC, formerly known as LDH Energy Refinery Services 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 gas processing plant facility located in Chalmette, St. Bernard Parish, Louisiana (“the Facility”). The company changed its name from LDH Energy Refinery Services LLC to Lone Star NGL Refinery Services LLC on May 20, 2011.

II

On December 9, 2011, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-11-00256, which was based upon the following findings of fact:

On or about August 3, 2010, an inspection of the Chalmette Gas Processing Plant, owned and/or operated by LDH Energy Refinery Services LLC (Respondent), was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. Additionally, the Department conducted a file review for the facility on or about September 7, 2011. The facility is located at 1701 Paris Road in Chalmette, St. Bernard Parish, Louisiana. At the time of the inspection, the Respondent operated the facility under Minor Source Air Permit No. 2500-00055-04 issued on June 5, 2009. On or about May 2, 2011, the facility and permit responsibility was transferred to Lone Star NGL Refinery Services LLC.

The following violations were noted during the course of the inspection and file review:

- A. The Respondent failed to prepare a record which contains the identity of the employee, the date of training and the means used to verify that the employee understood the training. Specifically, the facility did not have a formal training program in place and the training documentation was not consistent from employee to employee. Each failure to prepare a training record is a violation of LAC 33:III.5901.A and La. R.S. 30:2057(A)(2).
- B. The Respondent failed to perform a pre-startup safety review (PSSR) for modified stationary sources when the modification is significant enough to require a change in the process safety information. Specifically, the Sat Gas Chilling Project, a major project, was performed under Management Of Change (MOC) 2006-C-026 and a PSSR was not conducted. The failure to perform a PSSR for modified stationary sources when the modification is significant enough to require a change in the process safety information is a violation of LAC 33:III.5901.A 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 ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00), of which Three Hundred Twenty-Two and 79/100 Dollars (\$322.79) 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, the 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 St. Bernard 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 from the newspaper of the affected parish 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.

LONE STAR NGL REFINERY
SERVICES LLC

BY:

Brad Widener

(Signature)

BRAD WIDENER

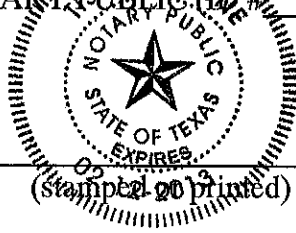
(Printed)

TITLE:

Director Operations

THUS DONE AND SIGNED in duplicate original before me this 24th day of September, 20 12, at 2:00 pm.

Lidia De Jesus
NOTARY PUBLIC (ID # 19181)



LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY

Peggy M. Hatch Secretary

BY:

Cheryl

Cheryl Sonnier Nolan, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 17th day of June, 20 13, at Baton Rouge, Louisiana.

Perry Theriot
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved:

Cheryl

Cheryl Sonnier Nolan, Assistant Secretary