

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

ENTERGY LOUISIANA, LLC

AI # 2841

PROCEEDINGS UNDER THE LOUISIANA  
ENVIRONMENTAL QUALITY ACT

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

\* Settlement Tracking No.

\* SA-AE-17-0039

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\* Enforcement Tracking No.

\* AE-PP-13-00847

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SETTLEMENT

The following Settlement is hereby agreed to between Entergy Louisiana, 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 the Ninemile Point Electric Generating Plant located in Jefferson Parish, Louisiana (“the Facility”).

II

On August 13, 2014, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-13-00847. A copy of Notice of Potential Penalty, Enforcement No. AE-PP-13-00847 is attached hereto at Exhibit A.

Additionally, the following violations were reported to the Department by the Respondent:

- 1) Deviations included in Revised Title V Annual Compliance Certification Reports for 2010-2012 and Semi-Annual Monitoring Reports for 2010-2012, submitted to LDEQ by Respondent in correspondence dated March 20, 2014 [EDMS

Document No.'s 9231616; 9231618; 9231620; 9231622; 9231624; 9231626; 9231628; 9231630; and 9231632.]

- 2) Deviations included in Title V Annual Certification Reports for period January 1 – December 31, 2013, submitted to LDEQ by Respondent in correspondence dated March 26, 2014 [EDMS Document No. 9248647.]
- 3) Deviations included in Re-Submitted Title V Semi-Annual Monitoring Report for period January 1 – June 30, submitted to LDEQ by Respondent in correspondence dated March 26, 2014 [EDMS Document No. 9269203.]
- 4) Late reporting of 2011, 2012, and 2013 Emergency Diesel Generator Annual Operating Reports, submitted to LDEQ by Respondent in correspondence dated November 3, 2014 [EDMS Document No.'s 9568700; 9568698; and 9568696.]
- 5) Deviations included in 2014 Title V Annual Certification Reports for the Period January 1 – December 31, 2014, submitted to LDEQ by Respondent in correspondence dated March 30, 2015 [EDMS Document No. 9712254.]
- 6) Deviations included in 2014 Title V Semi-Annual Reports for the Period July 1 – December 31, 2014, submitted to LDEQ by Respondent in correspondence dated March 31, 2015 [EDMS Document No. 9739405.]

### 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 NINE THOUSAND AND NO/100 DOLLARS (\$9,000.00), of which One Thousand

Five Hundred Fifty-Six and 68/100 Dollars (\$1,556.68) represents the Department's enforcement costs, in settlement of the claims and allegations made in the NOPP, and the violations and deviations included in Paragraph II above, as 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)/permit record(s), 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

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 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 B).

## 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.

Entergy Louisiana, LLC

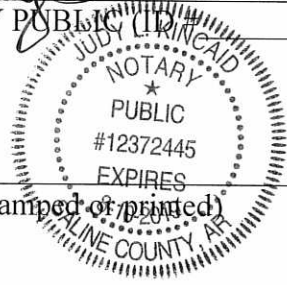
BY: [Signature]  
(Signature)

Kelly McQueen  
(Printed)

TITLE: Asst. General Counsel

THUS DONE AND SIGNED in duplicate original before me this 31<sup>st</sup> day of May, 20 18, at 4:50 pm CT.

[Signature]  
NOTARY PUBLIC



(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
Chuck Carr Brown, Ph.D., Secretary

BY: [Signature]  
Lourdes Iturralde, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 29<sup>th</sup> day of Oct, 20 18, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 19181)

Perry Theriot  
(stamped or printed)

Approved: [Signature]  
Lourdes Iturralde, Assistant Secretary





**BOBBY JINDAL**  
GOVERNOR

**PEGGY M. HATCH**  
SECRETARY

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

August 13, 2014

CERTIFIED MAIL (7004 2510 0006 3853 0581)  
RETURN RECEIPT REQUESTED

**ENTERGY LOUISIANA, LLC**  
c/o John A. Braymer  
Agent for Service of Process  
639 Loyola Avenue  
New Orleans, LA 70113

**RE: NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. AE-PP-13-00847  
AGENCY INTEREST NO. 2841**

Dear Sir:

On or about June 23, 2014, a file review of **NINEMILE POINT ELECTRIC GENERATING PLANT**, a natural gas and fuel oil-fired electricity generating facility (the facility), owned and/or operated by **ENTERGY LOUISIANA, LLC (RESPONDENT)**, was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at 1617 River Road in Westwego, Jefferson Parish, Louisiana. The facility operates, or has operated, under the Title V Permits shown in Table A:

**TABLE A**

<b>Permit No.</b>	<b>Permit Issue Date</b>	<b>Permit Expiration Date</b>
1340-00006-V0	January 27, 2006	January 27, 2011
1340-00006-V0AA	February 22, 2006	-
1340-00006-V1	August 16, 2011	August 16, 2016
1340-00006-V1AA	December 6, 2012	-
1340-00006-V2	June 14, 2013	August 16, 2016
1340-00006-V3	February 7, 2014	August 16, 2016

While the investigation by the Louisiana Department of Environmental Quality (the Department) is not yet complete, the following violations were noted during the course of the file review:

- A. In correspondence dated September 27, 2012, the Respondent submitted the facility's 2012 First Semiannual Monitoring Report for the period



encompassing January 1, 2012 through June 30, 2012. In correspondence dated March 29, 2013, the Respondent submitted the facility's 2012 revised First Semiannual Monitoring Report for the period encompassing January 1, 2012 through June 30, 2012. In correspondence dated March 29, 2013, the Respondent submitted the facility's 2012 Second Semiannual Monitoring Report for the period encompassing July 1, 2012 through December 31, 2012. The correspondence reported deviations in operation of the facility's Continuous Emission Monitoring System (CEMS) when the facility failed to complete the Diagnostic Test Requirements following a like-kind replacement of a Nitrogen Oxides (NOx) analyzer resulting in data availability of less than 90% for a monthly average, as shown in Table B:

**TABLE B**

<b>CIA-Unit 1 Stack A/C1B-Unit 1 Stack B</b>				
<b>Starting Date</b>	<b>Ending Date</b>	<b>Operating hours</b>	<b>CEMS valid hours</b>	<b>% CEMS Availability</b>
1/1/2012	1/31/2012	0.00	0	0%
4/1/12	4/30/2012	136.48	0	0%
5/1/2012	5/31/2012	9.02	0	0%
6/1/2012	6/30/2012	21.10	0	0%
8/1/2012	8/31/2012	33.73	0	0%
9/1/2012	9/30/2012	402.60	0	0%
10/1/2012	10/31/2012	129.45	0	0%
11/1/2012	11/30/2012	33.67	0	0%
12/1/2012	12/31/2012	54.92	0	0%
<b>C3A-Unit 3 Stack A/C3B-Unit 3 Stack B</b>				
1/1/2012	1/31/2012	476.52	0	0%
2/1/2012	2/29/2012	439.35	0	0%
3/1/2012	3/31/2012	744.00	0	0%
4/1/12	4/30/2012	720.00	0	0%
5/1/2012	5/31/2012	744.00	0	0%
6/1/2012	6/30/2012	720.00	0	0%
7/1/2012	7/31/2012	608.36	0	0%
8/1/2012	8/31/2012	516.05	0	0%
9/1/2012	9/30/2012	388.32	298	76.70%
11/1/2012	11/30/2012	23.18	19	82.70%



C5-Unit 5 Stack				
6/1/2012	6/30/2012	720.00	265	36.80%
7/1/2012	7/31/2012	744.00	323	43.40%
8/1/2012	8/31/2012	744.00	243	32.70%
9/1/2012	9/30/2012	69.00	0	0%
10/1/2012	10/31/2012	62.57	4	6.40%

Each failure to maintain CEMS availability above 90% of the operating hours in a calendar month is a violation of Part 70 General Condition V of Title V Permit No. 1340-00006-V1, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

- B. In correspondence postmarked May 2, 2011, the Respondent submitted the facility's Criteria & Toxic Air Pollutant Emissions and Certification Statement for the reporting year 2010 for the period encompassing January 1, 2010 through December 31, 2010. The failure to submit the report by the April 30, 2011 due date is a violation of Specific Requirement No. 111 of Title V Permit No. 1340-00006-V0AA, LAC 33:III.919.D, and La. R.S. 30:2057(A)(2).
- C. In correspondence dated June 12, 2013, the Respondent submitted the facility's 2012 Annual Fuel Usage Report for the period encompassing January 1, 2012 through December 31, 2012. The failure to submit the report by the March 31, 2013 due date is a violation of Specific Requirement Nos. 14 and 40 of Title V Permit No. 1340-00006-V1, Specific Requirement Nos. 15 and 39 of Title V Permit No. 1340-00006-V1AA, LAC 33:III.501.C.4, 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 violations 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 violations. If you would like to have such a meeting, please contact Mark E. Brown at (225) 219-3782 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

Notice of Potential Penalty  
Entergy Louisiana, LLC  
Page 4

utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement.

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.

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,



Cheryl Sonnier Nolan  
Assistant Secretary

CSN/MEB/meb  
Alt ID No. 1340-0006

c: Entergy Services, Inc.  
Christee Herbert  
639 Loyola Avenue  
New Orleans, LA 70113