

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

TEXAS EASTERN TRANSMISSION, LP

AI # 9632

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

* Settlement Tracking No.
* SA-AE-17-0068
*
* Enforcement Tracking No.
* AE-CN-14-00021
* AE-CN-14-00021A
*
*
* Docket No. 2015-12155-EQ
*

SETTLEMENT

The following Settlement is hereby agreed to between Texas Eastern Transmission, LP (“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 partnership that owns and/or operates a facility located in Creole, Cameron Parish, Louisiana (“the Facility”).

II

On July 2, 2014, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-14-00021, which was based upon the following findings of fact:

“The Respondent owns and/or operates Grand Chenier Compressor Station (the facility), a natural gas transmission facility, located at 1324 Louisiana Highway 1143 in Creole, Cameron Parish, Louisiana. The facility operates or has operated under the authority of the following Title V Permits:

Title V Permit	Effective Date	Effective Expiration Date
0560-00035-V3	09/20/10	09/20/15
0560-00035-V2	12/07/05	09/19/10

On or about January 8, 2014, and June 26, 2014, file reviews of the Respondent's facility were conducted to determine the degree of compliance with the Act, the Air Quality Regulations, and all applicable permits. While the Department's review is not complete, the following violations were noted during the course of the file review:

- A. The Respondent failed to submit a Semiannual Leak Detection and Repair Report for the January 1, 2011 through June 30, 2011, and January 1, 2013 through June 30, 2013, reporting periods. Each failure to submit the semiannual report is a violation of Title V Permit No. 0560-00035-V3, LAC 33:III.501.C.4, LAC 33:III.2121.F, and La. R.S. 30:2057(A)(2).
- B. The Respondent failed to submit the Criteria Pollutant Emissions Certification Statement for the 2010 reporting year in a timely manner. The deadline for submitting the certification statement was April 30, 2011; the certification statement was postmarked May 2, 2011. Failure to submit the certification statement by the appropriate deadline is a violation of Specific Requirements 21 and 24 of Title V Permit No. 0560-00035-V3, LAC 33:III.501.C.4, LAC 33:III.919.D, and La. R.S. 30:2057(A)(2).
- C. In the 2011 Annual Compliance Certification dated March 26, 2012, and the 2012 First Semiannual Monitoring Report dated September 17, 2012, the Respondent reported failure to maintain documentation of daily visual observations of the continuous presence of a flame for Dehy Flare FL-01 (EQT 003). The deviation began January 1, 2011, and ended June 30, 2012, with an update to recordkeeping procedures. Failure to maintain documentation of daily visual flame presence is a violation of Specific Requirement 6 of Title V Permit No. 0560-00035-V3, LAC 33:III.2116.B.3, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2)."

On October 27, 2015, the Department issued to Respondent an Amended Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. AE-CN-14-00021A, which was based upon the following findings of fact:

“The Department hereby removes Paragraph II.A of Findings of Fact portion of Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-14-00021.

The Department incorporates all of the remainder of the original **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY, ENFORCEMENT TRACKING NO. AE-CN-14-00021** and **AGENCY INTEREST NO. 9632** as if reiterated herein.”

III

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Respondent made a timely request for a hearing.

IV

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

V

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 TWO THOUSAND FOUR HUNDRED TWO AND 10/100 DOLLARS (\$2,402.10), of which Nine Hundred Eighty and 38/100 Dollars (\$980.38) 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).

VI

Respondent further agrees that the Department may consider the permit record(s), the Consolidated Compliance Order & Notice of Potential Penalty, Amended 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.

VII

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.

VIII

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.

IX

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.

X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Cameron 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.

XI

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).

XII

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

XIII

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.

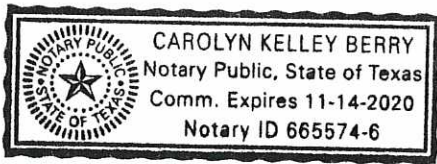
TEXAS EASTERN TRANSMISSION, LP

BY: Thomas V. Wood Jr.
(Signature)

Thomas V. Wood Jr.
(Printed)

TITLE: Vice President-Gas Transmission Operations

THUS DONE AND SIGNED in duplicate original before me this 19th day of October, 20 18, at Houston, TX.



Carolyn Kelley Berry
NOTARY PUBLIC (ID # 665574-6)

CAROLYN KELLEY BERRY
(stamped or printed)

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

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

THUS DONE AND SIGNED in duplicate original before me this 11th day of Jan, 20 19, at Baton Rouge, Louisiana.

Perry Theriot
NOTARY PUBLIC (ID # 19181)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary