STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-HE-15-0032**
LONE STAR NGL REFINERY SERVICES LLC	*	
	*	
	*	**Enforcement Tracking No.**
AI # 83718	*	**HE-CN-13-00578**
	*	
PROCEEDINGS UNDER THE LOUISIANA ENVIRONMENTAL QUALITY ACT LA. R.S. 30:2001, ET SEQ.	*	
	*	**Docket No. 2014-11984-EQ**
	*	

SETTLEMENT

The following Settlement is hereby agreed to between Lone Star NGL 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 fractionation plant located in Geismar, Ascension Parish, Louisiana ("the Facility").

II

On October 31, 2013, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty (CONOPP), Enforcement No. HE-CN-13-00578, which was based upon the following findings of fact:

"The Respondent owns and/or operates a fractionation plant that produces ethane, ethylene, propane, propylene, butanes, and natural gasoline located at 10334 Highway 75 in Geismar, Ascension Parish, Louisiana (the Site). The facility has notified the Department as a large quantity generator of hazardous waste and operates under EPA identification number LAR000043729.

On or about June 27, 2012, representatives of the Department performed an inspection of the facility and noted the following violations:

A. The Respondent failed to store universal waste lamps in a closed container, in violation of LAC 33:V.3821.D.1. This violation was corrected during the inspection.

B. The Respondent failed to label or mark a container of universal waste lamps with one of the following phrases: "Universal Waste-Lamp(s)," "Waste Lamp(s)," or "Used Lamps(s)," in violation of LAC 33:V.3823.A.6. This violation was corrected during the inspection.

C. The Respondent failed to label or mark a universal waste battery or a container in which the battery is contained with one of the following phrases: "Universal Waste-Battery(ies)," "Waste Battery(ies)", or "Used Battery(ies)," in violation of LAC 33:V.3823.A.1. This violation was corrected during the inspection.

D. The Respondent failed to demonstrate the length of time that universal waste lamps and a waste battery had been accumulated from the date they became a waste, in violation of LAC 33:V.3825.C. This violation was corrected during the inspection.

E. The Respondent failed to label or mark clearly two (2) 55-gallon containers, containing absorbent pads that had free flowing oil inside the containers, with the words "Used Oil," in violation of LAC 33:V.4013.D.1.

F. The Respondent failed to determine if the contents of two (2) waste aerosol cans, located on top of a drum, are a hazard, in violation of LAC 33:V.1103.B. Mr. Scott Clements, Environmental Director, stated that the observed aerosol cans were waste.

G. The Respondent failed to list the name and EPA identification number of each transporter used during the 2009 reporting year for shipments to a treatment, storage, or

disposal facility within the United States on the 2009 annual report, in violation of LAC 33:V.1111.B.1.d. This violation was corrected on July 2, 2012.

H. The Respondent failed to list the name, address, and EPA identification number of each off-site treatment, storage, or disposal facility within the United States to which waste was shipped during the 2011 reporting year in the 2011 annual report, in violation of LAC 33:V.1111.B.1.c. This violation was corrected on July 2, 2012.

I. The Respondent failed to list EPA hazardous waste number F003 in the 2011 annual report for a hazardous waste that was shipped off-site to a treatment, storage, or disposal facility within the United States, in violation of LAC 33:V.1111.B.1.e. This violation was corrected on March 12, 2013."

III

In response to the CONOPP, Respondent made a timely request for a hearing. In response to information provided by the Respondent, the Department will seek no further action or penalty concerning Finding of Fact II.E of the enforcement action. (See Attachment A)

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 FIVE HUNDRED AND NO/100 DOLLARS ($2,500.00), of which One Thousand Fifteen and 66/100 Dollars ($1,015.66) 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 inspection report(s), the CONOPP 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 Ascension 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 B).

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.

LONE STAR NGL REFINERY SERVICES 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
Peggy M. Hatch Secretary

BY: _____
D. Chance McNeely, 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: _____
D. Chance McNeely, Assistant Secretary

ENFORCEMENT DIVISION MEMO TO THE FILE

FACILITY: Lone Star NGL Refinery Services, LLC

INSPECTION DATE: 6/27/12

TRACKING NO.: HE-CN-13-00578

AI NUMBER: 83718

ALT. ID NUMBER: LAR000043729

DATE:

SUBJECT:

(__) NFA for citation

(__) NFA for referral

(_X_) Information for file

No Penalty Memo for LAC 33:V.1103.B

The Department cited LAC 33:V.1103.B in Enforcement action HE-CN-13-00578 for failure to determine if the contents of two (2) waste aerosol cans were hazardous. At the time of the inspection, the employee stated that the cans were waste. The facility responded later that the aerosol cans were not a waste and were disposed appropriately. Due to the fact that the violation has been addressed, and insufficient evidence is available to determine that the contents of the cans were waste, the Department will pursue no penalty for this violation.

7/24/15

Environmental Scientist, Date

Approved by:

10/1/15

Supervisor, Date

Approved by:

Nicole V. Anthony, 10-1-15

Manager, Date

Approved by:

10/1/15

Administrator, Date

EXHIBIT

A