

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	Settlement Tracking No.
	*	SA-AE-15-0071
MARATHON PETROLEUM COMPANY LP	*	
	*	Enforcement Tracking No.
AI # 3165	*	AE-CN-11-01307
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	Docket No. 2014-2918-EQ
LA. R.S. 30:2001, <u>ET SEQ.</u>	*	

SETTLEMENT

The following Settlement is hereby agreed to between Marathon Petroleum Company 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 refinery facility located in St. John the Baptist Parish, Louisiana (“the Facility”).

II

On January 3, 2013, the Department issued to Marathon Petroleum Company LP a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement No. **AE-CN-11-01307**, which is attached as Exhibit A.

III

In addition to the violations noted in the Consolidated Compliance Order & Notice of Potential Penalty No. AE-CN-11-01307, this Settlement shall resolve all of the Respondent’s liability to the LDEQ for any potential violations or noncompliance disclosed to the Department

in writing or otherwise known to the Department up to and including December 31, 2013.

IV

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

V

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

VI

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 Twenty-Seven Thousand Five Hundred and No/100 Dollars (\$27,500.00) which represents the Department's enforcement costs, in settlement of the claims set forth in this agreement.

VII

In addition to the amount specified in Paragraph VI above, and as part of this Settlement, the Respondent, without making any admission of liability under state or federal statute or regulation, agrees to undertake the following Beneficial Environmental Project:

- A. The Respondent shall make a cash payment to the Department in the amount of \$765,000.00 which shall be deposited into an escrow account which shall be administered by the LDEQ and dedicated to purchasing a Mobile Air Monitoring Laboratory (MAML).

VIII

Respondent further agrees that the Department may consider the inspection

report(s)/permit record(s), the 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.

IX

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.

X

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 and the rules relating to beneficial environmental projects set forth in LAC 33:I,Chapter 25.

XI

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.

XII

The Respondent has caused a public notice advertisement to be placed in the official

journal of the parish governing authority in St. John the Baptist 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.

XIII

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).


XIV

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

XV

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.

MARATHON PETROLEUM COMPANY LP
By: MPC Investment LLC, its General Partner

BY: 
(Signature)

Gary R. Heminger
(Printed)

TITLE: President




THUS DONE AND SIGNED in duplicate original before me this 7 day of January, 20 16, at Findlay, OH.

Angela M. Hill
NOTARY PUBLIC (ID # _____)




ANGELA M. HILL
Notary Public, State of Ohio
My Commission Expires Sept. 29, 2018

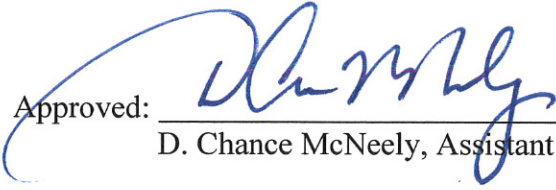
LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Chuck Carr Brown, Ph.D., Secretary

BY: 
Lourdes Iturralde, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 3rd day of May, 20 16, at Baton Rouge, Louisiana.


NOTARY PUBLIC (ID # 19181)

Perry Therior
(stamped or printed)

Approved: 
D. Chance McNeely, Assistant Secretary