

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

ENABLE GAS TRANSMISSION, LLC

AI # 32528

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

* Settlement Tracking No.
* SA-AE-19-0103
*
* Enforcement Tracking No.
* AE-PP-15-00424
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SETTLEMENT

The following Settlement is hereby agreed to between Enable Gas Transmission, 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 owned and/or operated a facility located in Ouachita Parish, Louisiana (“the Facility”).

II

On November 8, 2017, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-15-00424 (Exhibit 1).

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 TWO THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$2,500.00), of which Five Hundred Twenty-Three and No/100 Dollars (\$523.00) 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 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 Ouachita 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 A).

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.

ENABLE GAS TRANSMISSION, LLC

BY: Cary D. Watson
(Signature)

CARY D. WATSON
(Printed)

TITLE: VP- SAFETY, ENVIRONMENTAL AND TECHNICAL PROGRAMS

THUS DONE AND SIGNED in duplicate original before me this 6th day of February, 20 20, at 4:04pm.



Deniece Ditzler
NOTARY PUBLIC (ID # 10002430)

Deniece Ditzler
(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 20th day of May, 20 20, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19186)

Perry Theriot
(stamped or printed)

Approved: [Signature]
Lourdes Iturralde, Assistant Secretary

JOHN BEL EDWARDS
GOVERNOR



CHUCK CARR BROWN, PH.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE



November 8, 2017

CERTIFIED MAIL (7014 0510 0002 3595 3052)
RETURN RECEIPT REQUESTED

ENABLE GAS TRANSMISSION, LLC
c/o Corporation Service Company
Agent for Service of Process
501 Louisiana Avenue
Baton Rouge, LA 70802

**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-15-00424
AGENCY INTEREST NO. 32528**

Dear Sir:

On or about July 27, 2017, a file review of **PERRYVILLE COMPRESSOR STATION**, a natural gas compressor station, owned and/or operated by **ENABLE GAS TRANSMISSION, 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 U.S. Highway 165 off Louisiana Highway 554, 0.5 miles southeast of Perryville in Ouachita Parish, Louisiana. The facility previously operated under Minor Source Air Permit No. 2160-00063-01, issued July 11, 2008, and currently operates under Title V Air Permit No. 2160-00063-V0, issued June 9, 2015.

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

A Notification of Change Form (NOC-1) dated June 14, 2013, was submitted for the merger of CenterPoint Energy, Inc. (CenterPoint) and Oklahoma Gas and Electric Company into a master limited partnership named CenterPoint Energy Field Services LP. The NOC-1 included a May 1, 2013, effective date of change. Through the merger, CenterPoint indirectly caused the contribution of its equity interests in CenterPoint Energy Gas Transmission Company, LLC and CenterPoint Energy – Mississippi River Transmission, LLC, neither of which changed names as part of the equity contribution. Subsequently, a NOC-1 Form dated August 8, 2013, was submitted changing the name of the limited partnership from CenterPoint Energy Field Services LP to Enable Midstream Partners, LP (Enable Midstream), CenterPoint Energy Gas Transmission Company, LLC to Enable Gas Transmission,

Notice of Potential Penalty
Enable Gas Transmission, LLC
Page 2

LLC, and CenterPoint Energy – Mississippi River Transmission, LLC to Enable Mississippi River Transmission, LLC (MRT). The NOC-1 has the name changes effective July 30, 2013. The Department issued a letter dated September 5, 2013, modifying the permits to reflect the company name changes with an effective date of July 30, 2013. On June 12, 2014, the Respondent submitted an initial Title V Air Permit Application for the facility, which is located adjacent to a second Perryville Compressor Station (AI No. 44216) owned by MRT. According to the application, the Perryville Compressor Stations are located on contiguous pieces of property and are under the common control of the master company, Enable Midstream Partners, LP. Therefore, emissions from the Respondent's facility must be combined with emissions from the MRT facility to determine the applicability of 40 CFR Part 70, according to LAC 33:III.502. The Respondent reported that aggregate emissions for the two facilities resulted in total emissions over the threshold limits for Major Sources. The MRT facility operated, at the time, under Title V Permit No. 2160-00056-V3, issued on May 1, 2012. The Respondent's facility was operating as a minor source, at the time, under Minor Source Air Permit No. 2160-00063-01, issued July 11, 2008. The Respondent submitted a Title V application for their facility on June 12, 2014, and Title V Permit No. 2160-00063-V0, issued June 9, 2015. The facility became subject to 40 CFR Part 70 on May 1, 2013, and the Title V application was submitted on June 12, 2014, which is greater than one year after the source became subject to the program. Therefore, the application for a Title V permit was submitted late. Failure to submit a timely Title V Permit Application after the facility was considered a major source is a violation of LAC 33:III.507.B 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 violation(s) 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 violation(s). If you would like to have such a meeting, please contact Christopher Clement at (225) 219-3748 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 utilized to arrive at the sum. If you assert that no monetary benefits have been gained, you are to fully justify this statement.

Notice of Potential Penalty
Enable Gas Transmission, LLC
Page 3

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,



Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

LI/CGC/cgc
Alt ID No. 2160-00063

c: Enable Gas Transmission, LLC
c/o Enable Midstream Partners, LP
One Leadership Square, Suite 950
211 North Robinson Avenue
Oklahoma City, OK 73102