

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	Settlement Tracking No.
	*	SA-AE-19-0100
ENLINK PROCESSING SERVICES, LLC	*	
	*	Enforcement Tracking No.
AI # 184873	*	AE-PP-18-00073
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	
LA. R.S. 30:2001, <u>ET SEQ.</u>	*	

SETTLEMENT

The following Settlement is hereby agreed to between EnLink Processing 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 owned and/or operated a natural gas fractionation plant facility located in Plaquemine, Iberville Parish, Louisiana (“the Facility”).

II

On January 18, 2019, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-18-00073 (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 THREE THOUSAND EIGHT HUNDRED FIFTY AND NO/100 DOLLARS (\$3,850.00), of which Seven Hundred Thirty-Four and 26/100 Dollars (\$734.26) 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 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 Iberville 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.

ENLINK PROCESSING SERVICES, LLC

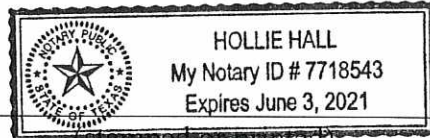
BY: [Signature]
(Signature)

Michael LaBlanc
(Printed)

TITLE: SVP of Operations

THUS DONE AND SIGNED in duplicate original before me this 16th day of March, 20 20, at Dallas, TX.

[Signature]
NOTARY PUBLIC (ID # 7718543)



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 6th day of May, 20 20, at Baton Rouge, Louisiana.

[Signature]
NOTARY PUBLIC (ID # 19181)

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

January 18, 2019

CERTIFIED MAIL (7016 0910 0000 2672 5527)
RETURN RECEIPT REQUESTED

ENLINK PROCESSING SERVICES, LLC
c/o C T Corporation System
Agent for Service of Process
3867 Plaza Tower Drive
Baton Rouge LA, 70816

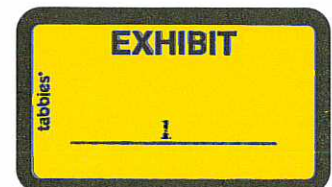
**RE: NOTICE OF POTENTIAL PENALTY
ENFORCEMENT TRACKING NO. AE-PP-18-00073
AGENCY INTEREST NO. 184873**

Dear Sir:

On or about March 17, 2017, an inspection of **PLAQUEMINE NGL FRACTIONATION PLANT (facility)**, a natural gas fractionation plant, owned and/or operated by **ENLINK PROCESSING SERVICES, 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 60985 Derrick Road in Plaquemine, Iberville Parish, Louisiana. The facility operated under Title V Air Permit No. 1280-00163-V2 issued on November 10, 2014. The facility currently operates under Title V Air Permit No. 1280-00163-V3 issued on April 4, 2017.

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 inspection and subsequent file review performed on January 3, 2019:

- A. In the 2016 1st Semiannual Continuous Emissions Monitoring System (CEMS) Excess Emissions and Downtime Reports dated July 29, 2016, the Respondent reported the failure to calibrate, maintain, and operate CEMS for measuring Nitrogen Oxide (NOx) and Oxygen (O₂) emissions on the HMO-01 (EQT001) and HMO-02 (EQT002) Heaters. Specifically, between January 1, 2016 to June 30, 2016, EQT001 CEMS had a total of 79.03% downtime and EQT002 CEMS had a total of 81.78% downtime due to the failure to calibrate or adjust the NOx and O₂ CEMS as long as the data acquisition system reported a status of "PASS" on the daily validation. The Vivicom data acquisition system responds with "PASS" if the difference



EnLink Processing Services, LLC

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percentage between the actual analyzer response and expected calibration reference standard is below 10% of the analyzer span range for NO_x and below 2 vol% for O₂. This is a violation of Specific Requirement 72 of Title V Air Permit No. 1280-00163-V2, 40 CFR 60.48b(g), which language has been adopted as a Louisiana regulation LAC 33:III.3003, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In correspondence dated July 29, 2016, the Respondent reported the following corrective actions: implement a training session for operations on the CEMS system, develop alarm settings in the data acquisition to alert operations in the event of an out-of-control period, provide guidance and training on maintenance, monitoring, and permit limitation requirements for CEMS units based on federal regulations, and environmental will request a copy of the CEMS validation report for PF-1 with the environmental report monthly.

- B. The Respondent failed to submit timely 2017 1st Semiannual CEMS Excess Emissions and Downtime Reports for the HMO-01 (EQT0001) and HMO-02 (EQT0002) Heaters. Specifically, the reports were submitted postmarked January 26, 2018, with a due date of August 1, 2017. Each failure to submit a 2017 1st Semiannual CEMS Excess Emissions and Downtime Report is a violation of Specific Requirement 75 of Title V Air Permit No. 1280-00163-V3 and Specific Requirement 78 of Title V Air Permit No. 1280-000163-V2, 40 CFR 60.49b(h), which language has been adopted as a Louisiana regulation LAC 33:III.3003, 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 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 Madison Kirkland at 225-219-3165 or at Madison.Kirkland@la.gov 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. If the Respondent chooses not to submit the requested most current annual gross revenues statement within ten (10) days, it will be viewed by the Department as an admission that the Respondent has the ability to pay the statutory maximum penalty as outlined in La. R.S. 30:2025.

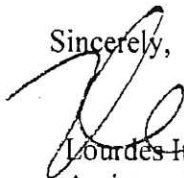
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For each violation described herein, the Department reserves the right to seek civil penalties and the right to seek compliance with its rules and regulations in any manner allowed by law, and nothing herein shall be construed to preclude the right to seek such penalties and compliance.

The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter 7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY**, the Respondent may offer a settlement amount to resolve any claim for civil penalties for the violation(s) described herein. The Respondent may offer a settlement amount, but the Department is under no obligation to enter into settlement negotiations. The decision to proceed with a settlement is at the discretion of the Department. The settlement offer amount may be entered on the attached "**NOTICE OF POTENTIAL PENALTY REQUEST TO SETTLE**" form. The Respondent must include a justification of the offer. **DO NOT** submit payment of the offer amount with the form. The Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

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/MLK/mlk
Alt ID No. 1280-000163

c: EnLink Processing Services, LLC
Katherine Ramsey, Environmental Field Specialist
60995 Derrick Road
Plaquemine, LA 70764

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF ENVIRONMENTAL COMPLIANCE

ENFORCEMENT DIVISION
POST OFFICE BOX 4312
BATON ROUGE, LOUISIANA 70821-4312

**NOTICE OF POTENTIAL PENALTY
REQUEST TO SETTLE (OPTIONAL)**



Enforcement Tracking No.	AE-PP-18-00073	Contact Name	Madison Kirkland
Agency Interest (AI) No.	184873	Contact Phone No.	225-219-3165
Alternate ID No.	1280-00163		
Respondent:	EnLink Processing Services, LLC	Facility Name:	Plaquemine NGL Fractionation Plant
	c/o C T Corporation System	Physical Location:	60985 Derrick Road
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Plaquemine, LA 70764
	Baton Rouge, LA 70816	Parish:	Iberville

SETTLEMENT OFFER (OPTIONAL)

(check the applicable option)

The Respondent is not interested in entering into settlement negotiations with the Department with the understanding that the Department has the right to assess civil penalties based on LAC 33:1.Subpart1.Chapter7.

In order to resolve any claim for civil penalties for the violations in **NOTICE OF POTENTIAL PENALTY** (AE-PP-18-00073), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.

In order to resolve any claim for civil penalties for the violations in **NOTICE OF POTENTIAL PENALTY** (AE-PP-18-00073), the Respondent is interested in entering into settlement negotiations with the Department and offers to pay \$ _____ which shall include LDEQ enforcement costs and any monetary benefit of non-compliance.

- Monetary component = \$ _____
- Beneficial Environmental Project (BEP) component (optional)= \$ _____
- **DO NOT SUBMIT PAYMENT OF THE OFFER WITH THIS FORM-** the Department will review the settlement offer and notify the Respondent as to whether the offer is or is not accepted.

The Respondent has reviewed the violations noted in **NOTICE OF POTENTIAL PENALTY** (AE-PP-18-00073) and has attached a justification of its offer and a description of any BEPs if included in settlement offer.

CERTIFICATION STATEMENT

I certify, under provisions in Louisiana and United States law that provide criminal penalties for false statements, that based on information and belief formed after reasonable inquiry, the statements and information attached and the compliance statement above, are true, accurate, and complete. I also certify that I do not owe outstanding fees or penalties to the Department for this facility or any other facility I own or operate. I further certify that I am either the Respondent or an authorized representative of the Respondent.

Respondent's Signature	Respondent's Printed Name	Respondent's Title
Respondent's Physical Address	Respondent's Phone #	Date

MAIL COMPLETED DOCUMENT TO THE ADDRESS BELOW:

Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
P.O. Box 4312
Baton Rouge, LA 70821
Attn: Madison Kirkland