STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

PHILLIPS 66 PIPELINE LLC

AI # 8372

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

SETTLEMENT

The following Settlement is hereby agreed to between Phillips 66 Pipeline 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 crude oil breakout facility located in Sulphur, Calcasieu Parish, Louisiana ("the Facility").

II

On February 7, 2019, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-18-00235 (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 FIVE THOUSAND AND NO/100 DOLLARS ($5,000.00), of which Three Hundred One and 63/100 Dollars ($301.63) 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

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 Calcasieu 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.
PHILLIPS 66 PIPELINE LLC

BY: [Signature]

GILBERT BETANCOURT

(Printed)

TITLE: Region Manager, SE

THUS DONE AND SIGNED in duplicate original before me this 6th day of January, 2021, at Houston, Texas.

PAMELA FAITH REED

NOTARY PUBLIC (ID # 539892)

PAMELA FAITH REED
My Notary ID # 539892
Expires March 14, 2021

(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 10th day of August, 2021, at Baton Rouge, Louisiana.

AMBER G. LITCHFIELD

NOTARY PUBLIC (ID # 92503)

 аппroved: Lourdes Iturralde, Assistant Secretary

SA-AE-20-0041
Louisiana Department of Environmental Quality
Office of Environmental Compliance
Enforcement Division
Post Office Box 4312
Baton Rouge, Louisiana 70821-4312

NOTICE OF POTENTIAL PENALTY

Enforcement Tracking No. AE PP 18-00235
Agency Interest [Al] No. 8372
Alternate ID No. 0520-000088

Respondent:
Phillips 66 Pipeline LLC
C/o Corporation Service Company
Agent for Service of Process
501 Louisiana Avenue
Baton Rouge, LA 70802

Facility Name: Clifton Ridge Marine Terminal
Physical Location: 2215 Davison Road
City, State, Zip: Sulphur, LA 70665
Parish: Calcasieu

This NOTICE OF POTENTIAL PENALTY is issued by the Louisiana Department of Environmental Quality [the Department], under the authority granted by the Louisiana Environmental Quality Act (the Act), La. R.S. 30:2001, et seq., and 30:2050.3(B).

FINDINGS OF FACT

An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified during the inspection and/or file review are indicated below.

I. The Respondent owns and/or operates a crude oil breakout facility located at 2215 Davison Road in Sulphur, Calcasieu Parish, Louisiana. The facility currently operates under Minor Synthetic Air Permit No. 0520-000088-06 issued on April 17, 2018. The facility previously operated under Minor Source Air Permit Nos. 0520-000088-04 (issued on August 1, 2011) and 0520 000088-05 (issued on December 8, 2016).

Date of Violation Description of Violation

II. October 8, 2018 Internal Floating Roof (IFR) Tank EP-94 11 [EQT 0005] was constructed prior to June 11, 1973, and was not subject to any New Source Performance Standards (NSPS) regulations for storage vessels. In a permit modification application dated January 22, 2018, the Respondent reported maintenance activities performed on EQT 0005 in 2008 met the definition of reconstruction as defined in 40 CFR 60.15, therefore EQT 0005 was now subject to NSPS Subpart Kb storage vessel regulations. Since applicability in 2008, the Respondent has submitted applications for permit modifications and received two (2) minor source air permits: Minor Source Air Permit No. 0520-000088 04 issued on August 1, 2011, and Minor Source Air Permit No. 0520-000088-05 issued on December 8, 2016. Failure to promptly supplement and/or correct information upon becoming aware of any relevant facts or incorrect information is a violation of LAC 33:11.517.C, LAC 33:11.501.C.1, and La. R.S. 30:2057(A)(2). Failure to comply with or implement requirements related to NSPS Subpart Kb is a violation of 40 CFR 60.112b-116b and La. R.S. 30:2057(A)(2). Minor Synthetic Air Permit No. 0520-000088-04 was issued on April 17, 2018, reflecting NSPS Subpart Kb provisions for EQT 0005.

NOTICE OF POTENTIAL PENALTY

I. Pursuant to La. R.S. 30:2050.3(D), 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.

II. Prior to the issuance of additional appropriate enforcement action(s), 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 Antoinette Cobb at (225) 219-3072 within ten (10) days of receipt of this NOTICE OF POTENTIAL PENALTY.

III. 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.

IV. 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.

V. 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.

CONTACTS AND SUBMITTAL OF INFORMATION

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

Physical Address (if hand delivered):
Department of Environmental Quality
602 N Fifth Street
Baton Rouge, LA 70802
HOW TO REQUEST CLOSURE OF THIS NOTICE OF POTENTIAL PENALTY

To expedite closure of the 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. It is decided upon on a discretionary basis.
- 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.

If you have questions or need more information, you may contact Antoinette Cobb at (225) 219-3072 or antoinette.cobb@la.gov.

Lourdes Ituarte
Assistant Secretary
Office of Environmental Compliance

cc: Phillips 66 Pipeline LLC
   C/o Ms. Michelle Hilger, Division Pipeline Manager
   1075 W. Sam Houston Parkway N.
   Houston, TX 77043

Attachment(s)
- Request to Settle

Date: 2-7-19
NOTICE OF POTENTIAL PENALTY
REQUEST TO SETTLE (OPTIONAL)

<table>
<thead>
<tr>
<th>Enf Tracking No.</th>
<th>AE-PP-18-00235</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agency Interest (Alt) No.</td>
<td>8372</td>
</tr>
<tr>
<td>Contact Name</td>
<td>Antoinette Cobb</td>
</tr>
<tr>
<td>Contact Phone No.</td>
<td>(225) 219-3072</td>
</tr>
<tr>
<td>Alternate ID No.</td>
<td>0520-00088</td>
</tr>
<tr>
<td>Respondent</td>
<td>Phillips 66 Pipeline LLC</td>
</tr>
<tr>
<td>Facility Name</td>
<td>Clifton Ridge Marine Terminal</td>
</tr>
<tr>
<td>Agent</td>
<td>c/o Corporation Service Company</td>
</tr>
<tr>
<td>Physical Location</td>
<td>2215 Davison Road</td>
</tr>
<tr>
<td>City, State, Zip</td>
<td>Sulphur, LA 70665</td>
</tr>
<tr>
<td>Parish</td>
<td>Calcasieu</td>
</tr>
</tbody>
</table>

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, Subpart 1, Chapter 7.

In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-PP-18-00235), 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-18-00235), 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-18-00235) 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: Antoinette Cobb

If you have questions or need more information, you may contact Antoinette Cobb at (225) 219-3072 or antoinette.cobb@la.gov.