STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF: * Settlement Tracking No.
GREY ROCK RESOURCES LLC * SA-AE-21-0018
AI # 17134 *

PROCEEDINGS UNDER THE LOUISIANA * Enforcement Tracking No.
ENVIRONMENTAL QUALITY ACT * AE-PP-19-00793
LA. R.S. 30:2001, ET SEQ. *

SETTLEMENT

The following Settlement is hereby agreed to between Grey Rock Resources 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 bulk petroleum terminal located in Lake Charles, Calcasieu Parish, Louisiana (*the Facility*).

II

On April 27, 2020, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-19-00793 (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 Nine Hundred Twenty-Eight and 30/100 Dollars ($928.30) 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

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.
GREY ROCK RESOURCES LLC

BY: Dustin Willis
(Signature)

(Drafted)

TITLE: Dustin

THUS DONE AND SIGNED in duplicate original before me this 5th day of
November, 2021, at Lake Charles, LA.

CLARE PREJEAN
Notary Public
ID # 51341
(stamped or printed)

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

BY: Elena J. Cage, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 13th day of
April, 2020, at Baton Rouge, Louisiana.

AMBER G. LITCHFIELD
Notary Public
State of Louisiana
Notary ID # 92503
East Baton Rouge Parish
(stamped or printed)

Approved:
Lourdes Iturralde, Assistant Secretary

SA-AE-21-0018
NOTICE OF POTENTIAL PENALTY

The Respondent owns and/or operates the Lake Charles Facility, a bulk petroleum terminal, located at 1221 North First Avenue in Lake Charles, Calcasieu Parish, Louisiana. The facility currently operates under Title V Permit No. 0520-00147-V1 issued on September 27, 2018.

Date of Violation | Description of Violation
--- | ---
II. File Review 1/30/2020 | The Respondent failed to submit a complete Criteria Pollutant Emissions Inventory Certification Statement for 2018 by the April 30, 2019 deadline. The certification statement was postmarked on October 8, 2019. This is a violation of LAC 33:III.919.F.1.d, Specific Requirement 41 of Title V Permit No. 0520-00147-V1, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).


IV. Inspection(s) 11/26/2019 | The Respondent failed to keep records of tank seal inspections. Specifically, the inspector noted that the Respondent failed to record tank seal inspections for T7 - Crude Oil Tank (EQT0016), T3 - Crude Oil Tank (EQT0017), T4 - Crude Oil Tank (EQT0018), and T55 - Crude Oil Tank (EQT0019) in 2018. This is a violation of Specific Requirement 22 of Title V Permit No. 0520-00147-V1, 40 CFR 60.115b(a)(2) which language has been adopted as a Louisiana regulation in LAC 33:III.3003, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2). In correspondence dated January 15, 2020, the Respondent stated that the facility updated their spill prevention, control and countermeasure (SPCC) plan. In processing the update, the monthly standard tank inspection (STI) form used for the monthly tank inspections inadvertently omitted a reference to internal roof seal gap contact on the tanks vents. The Respondent edited the inspection form to include the reference to internal roof seal gap contact on the tank vents.

NOTICE OF POTENTIAL PENALTY

I. 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.

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 Madison Kirkland at (225) 219-3165 or 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(1)(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.

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.

**CONTACTS AND SUBMITTAL OF INFORMATION**

<table>
<thead>
<tr>
<th>Enforcement Division:</th>
<th>Physical Address (if hand delivered):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Louisiana Department of Environmental Quality</td>
<td>Department of Environmental Quality</td>
</tr>
<tr>
<td>Office of Environmental Compliance</td>
<td>602 N Fifth Street</td>
</tr>
<tr>
<td>Air Enforcement Division</td>
<td>Baton Rouge, LA 70802</td>
</tr>
<tr>
<td>P.O. Box 4312</td>
<td></td>
</tr>
<tr>
<td>Baton Rouge, LA 70821</td>
<td></td>
</tr>
<tr>
<td>Attn: Madison Kirkland</td>
<td></td>
</tr>
</tbody>
</table>

**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 Department assesses civil penalties based on LAC 33:1 Subpart 1 Chapter 7.
- The Respondent may offer a settlement amount but the Department is under no obligation to enter into settlement negotiations. It is decided upon 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 Madison Kirkland at (225) 219-3165 or Madison.Kirkland@la.gov.

Lourdes Iturralde
Assistant Secretary
Office of Environmental Compliance

cc: Grey Rock Resources LLC
    c/o Dustin Willis
    5851 San Felipe Street, Suite 230
    Houston, TX 77057

**Attachment(s)**
- Request to Settle

Date: 4-27-2020

AE-PP-19-00793 Page 2 NOPP FORM 1
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-19-00793), 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-19-00793), 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-19-00793) 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

If you have questions or need more information, you may contact Madison Kirkland at (225) 219-3165 or Madison.Kirkland@la.gov.