

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

HARVEST MIDSTREAM COMPANY

AI # 92, 17129, 19134, 32637, 32950, 121792,  
148866, 201378, 201604, 201605, 201606, 201607 \*

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

\* Settlement Tracking No.  
\* SA-MM-21-0062  
\*  
\* Enforcement Tracking No.  
\* MM-CN-19-00157  
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SETTLEMENT

The following Settlement is hereby agreed to between Harvest Midstream Company (“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 corporation that owns and/or operates facilities located in St. Mary Parish, East Baton Rouge Parish, Vermilion Parish, Plaquemines Parish, Terrebonne Parish, and Lafourche Parish, Louisiana (“the Facilities”).

II

On April 2, 2020, the Department issued to Respondent a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. MM-CN-19-00157 (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 SIXTEEN THOUSAND AND NO/100 DOLLARS (\$16,000.00), of which Two Thousand One Hundred Seventy-Four and 60/100 Dollars (\$2,174.60) 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 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.

#### 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 St. Mary Parish, East Baton Rouge Parish, Vermilion Parish, Plaquemines Parish, Terrebonne Parish, and Lafourche 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.

HARVEST MIDSTREAM COMPANY

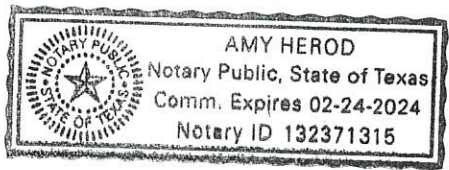
BY: [Signature]  
(Signature)

TRAUS JONES  
(Printed)

TITLE: EHS Manager

THUS DONE AND SIGNED in duplicate original before me this 26 day of January, 20 22, at 3:25 pm.

[Signature]  
NOTARY PUBLIC (ID # 132371315)



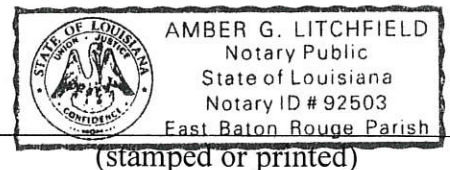
Amy Herod  
(stamped or printed)

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

BY: [Signature]  
Chenae J. Cage, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 24 day of August, 20 22, at Baton Rouge, Louisiana.

[Signature]  
NOTARY PUBLIC (ID # 92503)



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

April 2, 2020

CERTIFIED MAIL (7017 0530 0000 5978 9333)  
RETURN RECEIPT REQUESTED

**HARVEST MIDSTREAM COMPANY**  
c/o C T Corporation System  
Agent for Service of Process  
3867 Plaza Tower Drive  
Baton Rouge, LA 70816

**RE: CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY  
ENFORCEMENT TRACKING NO. MM-CN-19-00157  
AGENCY INTEREST NO. Multiple (See Table A)**

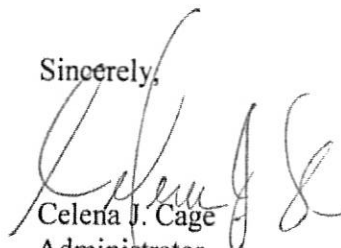
Dear Sir/Madam:

Pursuant to the Louisiana Environmental Quality Act (La. R.S. 30:2001, et seq.), the attached **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is hereby served on **HARVEST MIDSTREAM COMPANY (RESPONDENT)** for the violations described therein.

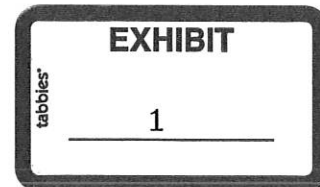
Compliance is expected within the maximum time period established by each part of the **COMPLIANCE ORDER**. The violations cited in the **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** could result in the issuance of a civil penalty or other appropriate legal actions.

Any questions concerning this action should be directed to Madison Kirkland at (225) 219-3165 or [Madison.kirkland@la.gov](mailto:Madison.kirkland@la.gov).

Sincerely,

  
Celena J. Cage  
Administrator  
Enforcement Division

CJC/MLK/mes  
Alt ID No. Multiple (See Table A)  
Attachment



c: Harvest Midstream Company  
c/o Matt Henderson  
PO Box 61229  
Houston, TX 77208

**STATE OF LOUISIANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
OFFICE OF ENVIRONMENTAL COMPLIANCE**

<p><b>IN THE MATTER OF</b></p> <p><b>HARVEST MIDSTREAM COMPANY</b>  <b>PARISH: MULTIPLE (SEE TABLE A)</b>  <b>ALT ID NO. MULTIPLE (SEE TABLE A)</b></p> <p><b>PROCEEDINGS UNDER THE LOUISIANA</b>  <b>ENVIRONMENTAL QUALITY ACT,</b>  <b>La. R.S. 30:2001, ET SEQ.</b></p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p><b>ENFORCEMENT TRACKING NO.</b></p> <p style="text-align: center;"><b>MM-CN-19-00157</b></p> <p><b>AGENCY INTEREST NO.</b></p> <p style="text-align: center;"><b>MULTIPLE (SEE TABLE A)</b></p>
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**CONSOLIDATED**  
**COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**

The following **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is issued to **HARVEST MIDSTREAM COMPANY (RESPONDENT)** 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 particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

**FINDINGS OF FACT**

I.

The Respondent owns and/or operates the facilities listed in the table below (Table A). On September 27, 2018, the Respondent submitted to the Department a Notification of Change Form (NOC-1) requesting a company name change. The NOC-1 requested the company name change from Harvest Pipeline Company to Harvest Midstream Company with July 30, 2018, as the date of change for the following facilities:

Table A					
AGENCY INTEREST NO.	FACILITY NAME	LOCATION	PARISH	WATER PERMIT	AIR PERMIT
92	Burns Terminal	8000 Louisiana Highway 317 (6.7 miles south of Ellerslie), Franklin, LA 70538	St. Mary	LAG531382	2660-00054-03



AGENCY INTEREST NO.	FACILITY NAME	LOCATION	PARISH	WATER PERMIT	AIR PERMIT
17129	Comite Field Facility	6.4 miles northeast of Baton Rouge, LA 70818	East Baton Rouge	N/A	0840-00182-09
19134	Forked Island Terminal	21736 Keno Road, Abbeville, LA 70510	Vermilion	LAG532276	2940-00136-03
32637	Southwest Pass 24 Pipeline Station	9.5 miles southwest of Pilottown, LA 70091	Plaquemines	N/A	2240-00171-03
32950	Bayou Vista Pump Station	1 mile south of Bayou Vista, LA 70000	St. Mary	N/A	2660-00204-03
121792	Statewide Hydrostatic Testing	Statewide, LA 70000	Statewide	LAG679111	N/A
148866	Kaplan Gas Plant	18422 Louisiana Highway 35, Abbeville, LA 70510	Vermilion	N/A	2940-00293-V3
201378	Burns Intracoastal Loading Dock	1 mile south of Centerville, LA 70000	St. Mary	LAG531383	N/A
201604	Cocodrie Station	West side of Louisiana Highway 56, Cocodrie, LA 70344	Terrebonne	N/A	2880-00448-00
201605	Golden Meadow Station	End of Louisiana Highway 308, Golden Meadow, LA 70357	Lafourche	N/A	1560-00324-00
201606	Erath Pump Station	5737 Aristide Road, Erath, LA 70533	Vermilion	N/A	2940-00381-00
201607	Burns Intracoastal Loading Dock	290 Mobil Ln #6, Franklin, LA 70538	St. Mary	N/A	2660-00329-00

## II.

On or about November 13, 2019 and January 14, 2020, file reviews of the facilities listed in Table A were performed to determine the degree of compliance with the Act, the Air Quality Regulations, and the Water Quality Regulations.

While the investigation by the Department is not complete, the following violations were noted during the course of the file reviews:

- A. The Respondent failed to submit a complete NOC-1 prior to or no later than forty-five (45) days after the change in the name of the owner/operator of the facilities listed in Table A. The Respondent changed the company name on July 30, 2018. On September 27, 2018, the Department received a NOC-1 Form dated September 12, 2018. On October 12, 2018, the Department sent a request for additional information to the NOC-1 Form and on or about November 8, 2018, the Respondent submitted a response to the Department's request. The failure to submit a timely and complete NOC-1 Form is a violation of LAC 33:I.1905.A, La. R.S. 30:2057(A)(2), and La. R.S. 30:2076(A)(3). The permits listed in Table A above were modified to reflect the name change effective January 30, 2019.

- B. The Respondent owns and/or operates Burns Terminal (AI# 92) located at 8000 Hwy 317 in Franklin, St. Mary Parish, Louisiana. The Respondent was transferred authorization under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG531382 on April 1, 2016. LPDES General Permit LAG531382 expired on November 30, 2017, but was administratively continued until it was reissued on February 21, 2018. LPDES permit LAG531382 will expire on November 30, 2022. Under the terms and conditions of LPDES General Permit LAG531382, the Respondent is permitted to discharge treated sanitary wastewater into a roadside ditch, thence into Bayou Sale, all waters of the state. A file review conducted on November 13, 2019, revealed the Respondent failed to submit annual Discharge Monitoring Reports (DMRs) for the 2016, 2017, and 2018 monitoring periods and failed to submit semiannual DMRs for the 1<sup>st</sup> and 2<sup>nd</sup> semiannual monitoring periods of 2018 and the 1<sup>st</sup> semiannual DMR for 2019. (LAG531382 (prior to February 21, 2018, Part II, Section N, pages 5 and 6 of 8, after February 21, 2018, Part II, Section N, pages 5 & 6 of 8 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.
- C. The Respondent owns and/or operates Burns Intracoastal Loading Dock (AI# 201378) located 6 miles southwesterly of Centreville, St. Mary Parish, Louisiana. The Respondent was transferred authorization under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG531383 on April 1, 2016. LPDES General Permit LAG531383 expired on November 30, 2017, but was administratively continued until it was reissued on February 21, 2018. LPDES permit LAG531383 will expire on November 30, 2022. Under the terms and conditions of LPDES General Permit LAG531383, the Respondent is permitted to discharge treated sanitary wastewater into local drainage, thence into Rice Bayou, all waters of the state. A file review conducted on or about November 13, 2019, revealed the Respondent failed to submit annual Discharge Monitoring Reports (DMRs) for the 2016, 2017 and 2018 monitoring periods. (LAG531383 (prior to February 21, 2018, Part II, Section N, pages 5 and 6 of 8, after February 21, 2018, Part II, Section N, pages 5 & 6 of 8 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.

- D. The Respondent owns and/or operates Forked Island Terminal (AI# 19134) located at 21736 Keno Road in Abbeville, Vermilion Parish, Louisiana. The Respondent was transferred authorization under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG532276 effective on April 5, 2013. LPDES General Permit LAG532276 expired on November 30, 2017, but was administratively continued until it was reissued on February 21, 2018. LPDES permit LAG532276 will expire on November 30, 2022. Under the terms and conditions of LPDES General Permit LAG532276, the Respondent is permitted to discharge treated sanitary wastewater into the Intracoastal Waterway at mile 170, thence into Vermilion Bay, all waters of the state. A file review conducted on or about November 13, 2019, revealed the Respondent failed to submit annual Discharge Monitoring Reports (DMRs) for the monitoring periods of 2016, 2017 and 2018. (LAG532276 (prior to February 21, 2018, Part II, Section N, pages 5 and 6 of 8, after February 21, 2018, Part II, Section N, pages 5 & 6 of 8 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.
- E. The Respondent owns and/or operates Harvest Pipeline Co. (AI# 121792). The Respondent was reissued authorization for Statewide Hydrostatic Testing under Louisiana Pollutant Discharge Elimination System (LPDES) General Permit LAG679111 on February 1, 2013. LPDES General Permit LAG679111 expired on January 31, 2018, but was administratively continued until it was reissued on April 13, 2018. LPDES permit LAG679111 will expire on March 22, 2023. Under the terms and conditions of LPDES General Permit LAG679111, the Respondent is permitted to discharge hydrostatic test and vessel testing wastewater into waters of the state. A file review conducted on or about November 13, 2019, revealed the Respondent failed to submit quarterly Discharge Monitoring Reports (DMRs) from the 2<sup>nd</sup> quarter of 2017 through the 3<sup>rd</sup> quarter of 2019. (LAG679111 (prior to April 13, 2018, Monitoring and Reporting Requirements, pages 11-13, after April 13, 2018, Part I, Section C, pages 12-14 and Part III, Section A.2), La. R.S. 30:2076(A)(3), and LAC 33:IX.2701.L.4.

III.

On or about June 19, 2019, an inspection of the Kaplan Gas Plant (AI# 148866, the facility) was performed to determine the degree of compliance with the Act and the Air Quality Regulations. The facility previously operated under Title V Permit No. 2940-00293-V2 issued on February 1, 2017, and

Title V Permit No. 2940-00293-V3 issued on August 29, 2017. The facility currently operates under Title V Permit No. 2940-00293-V4 issued on July 19, 2019.

While the investigation by the Department is not complete, the following violations were noted during the course of the inspection and subsequent file review performed on or about January 14, 2020:

- A. The Respondent failed to timely submit the 2017 Title V 2<sup>nd</sup> Semiannual Monitoring Report. Specifically, on or about September 14, 2018, the Respondent submitted the 2017 Title V 2<sup>nd</sup> Semiannual Monitoring Report due on March 31, 2018. This is a violation of Specific Requirement 85 of Title V Permit No. 2940-00293-V3, General Condition K of LAC 33:III.535.A, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- B. The Respondent failed to timely submit the 2017 Title V Annual Compliance Certification. Specifically, on or about September 14, 2018, the Respondent submitted the 2017 Title V Annual Compliance Certification due on March 31, 2018. This is a violation of Specific Requirement 85 of Title V Permit No. 2940-00293-V3, General Condition M of LAC 33:III.535.A, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2).
- C. The Respondent failed to timely submit a copy of the results for a performance test conducted on or about May 31, 2017, for 23-16-ICE-ES – Emergency Generator Engine (EQT0024) within the sixty (60) day time limit. Specifically, the Respondent submitted the performance test results on or about September 14, 2017, which were due on July 30, 2017. This is a violation of Specific Requirement 33 of Title V Permit No. 2940-00293-V2, 40 CFR 60.4245(d), which language has been incorporated as a Louisiana regulation in LAC 33:III.3003, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).
- D. The Respondent failed to timely submit a copy of the results for a performance test conducted on or about May 31, 2017, for 07-13 – Solar Centaur Turbine Recompressor (EQT0018) within the sixty (60) day time limit. Specifically, the Respondent submitted the performance test results on or about September 14, 2017, which were due on July 30, 2017. This is a violation of Specific Requirement 14 of Title V Permit No. 2940-00293-V2, 40 CFR 60.4375(b), which language has been incorporated as a Louisiana regulation in LAC 33:III.3003, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).

### COMPLIANCE ORDER

Based on the foregoing, the Respondent is hereby ordered:

I.

To take, immediately upon receipt of this **COMPLIANCE ORDER**, any and all steps necessary to meet and maintain compliance with the Act, the Air Quality Regulations, the Water Quality Regulations, and any applicable permits.

II.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, properly completed DMRs for the last three (3) years mentioned in Paragraph II.B, II.C, II.D, & II.E of the "Findings of Fact" portion of this Order. If you are submitting copies of DMRs, please be advised that each copy of the DMR shall be signed and certified. If no sampling or monitoring was conducted during a monitoring period, the Respondent should indicate this in the space provided for "Comment and Explanation of Any Violations."

III.

To submit a completed NetDMR Subscriber Agreement to the Department for approval to submit DMRs electronically using NetDMR, within thirty (30) days after receipt of this **COMPLIANCE ORDER**. The Subscriber Agreement shall be signed and dated with an original signature and submitted to the Enforcement Division. (NetDMR is accessed through: [www.epa.gov/netdmr](http://www.epa.gov/netdmr). For assistance establishing and maintaining a NetDMR account or for NetDMR training, see attached instructions or contact the Permit Compliance Unit at [deqnetdmr@la.gov](mailto:deqnetdmr@la.gov).)

IV.

To submit to the Enforcement Division, within thirty (30) days after receipt of this **COMPLIANCE ORDER**, a written report that includes a detailed description of the circumstances surrounding the cited violations and actions taken or to be taken to achieve compliance with the Order Portion of this **COMPLIANCE ORDER**. This report and all other reports or information required to be submitted to the Enforcement Division by this **COMPLIANCE ORDER** shall be submitted to:

Office of Environmental Compliance  
Post Office Box 4312  
Baton Rouge, Louisiana 70821-4312  
**Attn: Madison Kirkland**  
**Re: Enforcement Tracking No. MM-CN-19-00157**  
**Agency Interest No. Multiple (See Table A)**

**THE RESPONDENT SHALL FURTHER BE ON NOTICE THAT:**

I.

The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this **COMPLIANCE ORDER**. This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this **COMPLIANCE ORDER**.

II.

The request for an adjudicatory hearing shall specify the provisions of the **COMPLIANCE ORDER** on which the hearing is requested and shall briefly describe the basis for the request. This request should reference the Enforcement Tracking Number and Agency Interest Number, which are located in the upper right-hand corner of the first page of this document and should be directed to the following:

Department of Environmental Quality  
Office of the Secretary  
Post Office Box 4302  
Baton Rouge, Louisiana 70821-4302  
**Attn: Hearings Clerk, Legal Division**  
**Re: Enforcement Tracking No. MM-CN-19-00157**  
**Agency Interest No. Multiple (See Table A)**

III.

Upon the Respondent's timely filing a request for a hearing, a hearing on the disputed issue of material fact or of law regarding this **COMPLIANCE ORDER** may be scheduled by the Secretary of the Department. The hearing shall be governed by the Act, the Administrative Procedure Act (La. R.S. 49:950, et seq.), and the Division of Administrative Law (DAL) Procedural Rules. The Department may amend or supplement this **COMPLIANCE ORDER** prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.

IV.

This **COMPLIANCE ORDER** shall become a final enforcement action unless the request for hearing is timely filed. Failure to timely request a hearing constitutes a waiver of the Respondent's right to a hearing on a disputed issue of material fact or of law under Section 2050.4 of the Act for the violation(s) described herein.

V.

The Respondent's failure to request a hearing or to file an appeal or the Respondent's withdrawal of a request for hearing on this **COMPLIANCE ORDER** shall not preclude the Respondent from contesting the findings of facts in any subsequent penalty action addressing the same violation(s), although



the Respondent is estopped from objecting to this **COMPLIANCE ORDER** becoming a permanent part of its compliance history.

VI.

Civil penalties of not more than twenty-seven thousand five hundred dollars (\$27,500) for each day of violation for the violation(s) described herein may be assessed. For violations which occurred on August 15, 2004, or after, civil penalties of not more than thirty-two thousand five hundred dollars (\$32,500) may be assessed for each day of violation. The Respondent's failure or refusal to comply with this **COMPLIANCE ORDER** and the provisions herein will subject the Respondent to possible enforcement procedures under La. R.S. 30:2025, which could result in the assessment of a civil penalty in an amount of not more than fifty thousand dollars (\$50,000) for each day of continued violation or noncompliance.

VII.

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

**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](mailto:Madison.Kirkland@la.gov) 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 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 violation(s) 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 that 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.

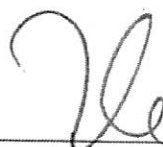
IV.

The Department assesses civil penalties based on LAC 33:I.Subpart1.Chapter7. To expedite closure of this **NOTICE OF POTENTIAL PENALTY** portion, 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 "**CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE**" 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.

V.

This **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY** is effective upon receipt.

Baton Rouge, Louisiana, this 2nd day of April, 2020.



\_\_\_\_\_  
Lourdes Iturralde  
Assistant Secretary  
Office of Environmental Compliance



Copies of a request for a hearing and/or related correspondence should be sent to:

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



LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
 OFFICE OF ENVIRONMENTAL COMPLIANCE  
 ENFORCEMENT DIVISION CONSOLIDATED COMPLIANCE ORDER &  
 POST OFFICE BOX 4312 NOTICE OF POTENTIAL PENALTY  
 BATON ROUGE, LOUISIANA 70821-4312 REQUEST TO CLOSE

Enforcement Tracking No.	MM-CN-19-00157	Contact Name	Madison Kirkland
Agency Interest (AI) No.	Multiple (See Table A)	Contact Phone No.	(225) 219-3165
Alternate ID No.	Multiple (See Table A)	Contact Email	Madison.Kirkland@la.gov
Respondent:	Harvest Midstream Company	Facility Name:	Multiple (See Table A)
	c/o C T Corporation System	Physical Location:	Multiple (See Table A)
	Agent for Service of Process		
	3867 Plaza Tower Drive	City, State, Zip:	Multiple (See Table A)
	Baton Rouge, LA 70816	Parish:	Multiple (See Table A)

**STATEMENT OF COMPLIANCE**

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph IV of the "Order" portion of the COMPLIANCE ORDER.		
All necessary documents were submitted to the Department within 30 days of receipt of the COMPLIANCE ORDER in accordance with Paragraphs II and III of the "Order" portion of the COMPLIANCE ORDER.		
All items in the "Findings of Fact" portion of the COMPLIANCE ORDER were addressed and the facility is being operated to meet and maintain the requirements of the "Order" portion of the COMPLIANCE ORDER. Final compliance was achieved as of:		

**SETTLEMENT OFFER (OPTIONAL)**

*(check the applicable option)*

<input type="checkbox"/>	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:I.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (MM-CN-19-00157), the Respondent is interested in entering into settlement negotiations with the Department and would like to set up a meeting to discuss settlement procedures.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY (MM-CN-19-00157), 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. <ul style="list-style-type: none"> <li>• Monetary component = \$ _____</li> <li>• Beneficial Environmental Project (BEP) component (optional)= \$ _____</li> <li>• 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.</li> </ul>
<input type="checkbox"/>	The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (MM-CN-19-00157) 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