

**STATE OF LOUISIANA**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**IN THE MATTER OF:**

**ENABLE MIDSTREAM PARTNERS, LP**

**AI # 121323**

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

\* **Settlement Tracking No.**  
\* **SA-AE-24-0015**  
\*  
\* **Enforcement Tracking No.**  
\* **AE-CN-19-00177**  
\*  
\* **Docket No. 2022-6500-DEQ**  
\*

**SETTLEMENT AGREEMENT**

The following Settlement Agreement is hereby agreed to between ET Gathering & Processing 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”). The referenced enforcement action was issued to Enable Midstream Partners, LP who has now merged into ET Gathering & Processing LLC.

**I**

Respondent owns and operates a facility located in Haughton, Bossier Parish, Louisiana (“the Facility”).

**II**

On June 11, 2021, the Department issued to Enable Midstream Partners, LP a Consolidated Compliance Order & Notice of Potential Penalty, Enforcement Tracking No. AE-CN-19-00177 (Exhibit 1).

**III**

In response to the Consolidated Compliance Order & Notice of Potential Penalty, Enable Midstream Partners, LP made a timely request for a hearing.

#### IV

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

#### V

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 THIRTY-ONE THOUSAND AND NO/100 DOLLARS (\$31,000.00), of which One Thousand Two Hundred Fifty-Nine and 36/100 Dollars (\$1,259.36) represents the Department's enforcement costs, in settlement of the claims set forth in this Settlement 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).

#### VI

Respondent further agrees that the Department may consider the permit record(s), the Consolidated Compliance Order & Notice of Potential Penalty and this Settlement Agreement 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.

#### VII

This Settlement 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 Settlement Agreement

in any action by the Department to enforce this Settlement Agreement.

#### VIII

This Settlement Agreement 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 Agreement, the Department considered the factors for issuing civil penalties set forth in La. R. S. 30:2025(E) of the Act.

#### IX

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.

#### X

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Bossier Parish, Louisiana. The advertisement, in form and wording approved by the Department, announced the availability of this Settlement Agreement 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 Agreement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

#### XI

Payment is to be made within thirty (30) days from notice of the Secretary's signature. If payment is not received within that time, this Settlement Agreement is voidable at the option of the Department. The Respondent shall provide its tax identification number when submitting payment. 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 attached hereto.

## XII

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement Agreement.

## XIII

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.

**ET GATHERING & PROCESSING LLC**

BY: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed)

TITLE: \_\_\_\_\_

THUS DONE AND SIGNED in duplicate original before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC (ID # \_\_\_\_\_)

\_\_\_\_\_  
(stamped or printed)

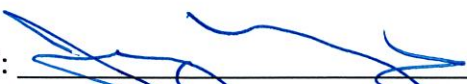
**LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY**  
Aurelia S. Giacometto, Secretary


BY: \_\_\_\_\_  
Jerrie "Jerry" Lang, Assistant Secretary  
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, at Baton Rouge, Louisiana.

\_\_\_\_\_  
NOTARY PUBLIC (ID # \_\_\_\_\_)

\_\_\_\_\_  
(stamped or printed)

Approved:  \_\_\_\_\_  
Jerrie "Jerry" Lang, Assistant Secretary

<b>LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY</b> <b>OFFICE OF ENVIRONMENTAL COMPLIANCE</b> <b>ENFORCEMENT DIVISION</b> <b>POST OFFICE BOX 4312</b> <b>BATON ROUGE, LOUISIANA 70821-4312</b>		 <b>CONSOLIDATED COMPLIANCE ORDER</b> <b>&amp; NOTICE OF POTENTIAL PENALTY</b>	
Enforcement Tracking No.	AE-CN-19-00177	Certified Mail No.	7018 2290 0000 5826 1463
Agency Interest (AI) No.	121323	Contact Name	Christopher Clement
Alternate ID No.	0400-00131	Contact Phone No.	(225) 219-3748
Respondent:	Enable Midstream Partners, LP c/o CT Corporation System Agent for Service of Process 3867 Plaza Tower Drive Baton Rouge, LA 70816	Facility Name:	Goat Hill Compressor Station
		Physical Location:	on Goat Hill Rd, 7 miles south of Interstate 20
		City, State, Zip:	Houghton, LA, 71037
		Parish:	Bossier

This CONSOLIDATED COMPLIANCE ORDER & 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 particularly by La. R.S. 30:2025(C), 30:2050.2 and 30:2050.3(B).

**FINDINGS OF FACT**

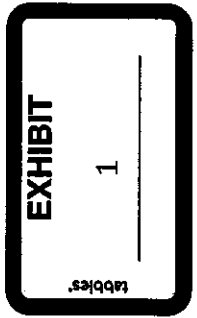
An authorized representative of the Department inspected the abovementioned facility or conducted a file review of the facility to determine the degree of compliance with regulations promulgated in the Louisiana Administrative Code, Title 33. The State regulatory citations for the violation(s) identified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

I.	The Respondent owns and/or operates Goat Hill Compressor Station located on Goat Hill Rd, 7 miles south of Interstate 20 in Houghton, Bossier Parish, Louisiana. The facility operates or has operated under the following Title V Air Permit Nos.:			
		Title V Air Permit No.	Date	Date
		0400-00131-V8	May 24, 2019	May 24, 2024
		0400-00131-V7	April 9, 2014	Administratively Continued
	<b>Date of Violation</b>	<b>Description of Violation</b>		
II.	File Review April 28, 2021	The Respondent operated a condensate storage tank (EQT0036) subject to New Source Performance Standard (NSPS) 40 CFR 60 Subpart OOOOa without achieving the required volatile organic compound (VOC) emissions reductions of 95 percent within 60 days after initial startup per 40 CFR 60.5395a(a)(2). In the Authorization to-Construct/Operate (ATC) application dated September 28, 2018, the Respondent self-disclosed that EQT0036 is subject to NSPS 40 CFR 60 Subpart OOOOa and that they were operating EQT0036 without a VOC emissions reduction control device. The September 28, 2018, ATC request was for the construction and operation of a control device which includes covers, a closed vent system, and a condensate flare/thermal oxidizer to reduce VOC emissions from EQT0036 and additional storage tanks at the facility. The ATC approval noted VOC emissions were 84.14 tons per year (tpy) without controls and 1.69 tpy with controls, representing a 98 percent decrease in VOC emissions. The Department issued the ATC for the control device on November 14, 2018. Operating an affected source subject to 40 CFR 60 Subpart OOOOa without the required VOC emissions reductions is a violation of 40 CFR 60.5395a(a)(2), which language has been adopted as a Louisiana regulation in LAC 33:III.3003, Specific Requirements 36 and 39 of Title V Air Permit No. 0400-00131-V8, LAC 33:III.501.C.4, La. R.S. 30:2057(A)(1), and La. R.S. 30:2057(A)(2). In the Construction Completion Notification dated September 9, 2019, the Respondent reported that construction of the control device, a condensate flare (CON0001), was complete and operational on September 3, 2019.		
III.	File Review April 28, 2021	The Respondent exceeded the tons per year (tpy) permit emission limits for volatile organic compounds (VOC). In the 2018 First Semi-Annual Monitoring Report dated September 28, 2018, the Respondent reported that they exceeded the VOC permit limit for EQT0036 in 2017. The permit limit for EQT0036 VOC emissions is 7.50 tpy, and the Respondent reported that the VOC emissions for EQT0036 were 10.67 tpy, 3.17 tons over the permit limit. The Respondent stated that the exceedance was the result of the facility suction pressure being greater than the suction pressure represented in the permit application. The exceedance of the tpy permit emission limits for VOCs is a violation of Title V Air Permit No. 0400-00131-V7, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(1) and 30:2057(A)(2). In the 2018 First Semi-Annual Monitoring Report dated September 28, 2018, the Respondent reported that they submitted a Title V renewal application on June 22, 2018, addressing the issue. Subsequently, Title V Air Permit No. 0400-00131-V8 was issued on May 24, 2019, updating the emissions from all sources based on the facility's current operating conditions.		
IV.	File Review April 28, 2021	The Respondent failed to timely report the tpy permit emission limits exceedance for VOCs in the 2017 Annual Compliance Certification and Semi-Annual Monitoring Reports. In the 2018 First Semi-Annual Monitoring Report dated September 28, 2018, the Respondent reported that they exceeded the VOC permit limit for EQT0036 in 2017. The Respondent stated that the exceedance was not timely reported because it was not identified until April 2018 while performing calculations for the 2017 emissions inventory. Each failure to timely report the exceedance is a violation of Specific Requirement No. 78 of Title V Air Permit No. 0400-00131-V7, LAC 33:III.501.C.4, and La. R.S. 30:2057(A)(2).		

**ORDER**

Based on the foregoing, the Respondent is hereby ordered to comply with the requirements that are indicated below:

I.	To take, immediately upon receipt of this COMPLIANCE ORDER, any and all steps necessary to meet and maintain compliance with the Air Quality Regulations. This shall include, but not be limited to; correcting all of the violations described in the "Findings of Fact" portion.
II.	To submit to the Enforcement Division, within thirty (30) days after receipt of this COMPLIANCE ORDER, documentation detailing when EQT0036 became subject to 40 CFR 60 Subpart OOOOa, the date EQT0036 was constructed, and when it became operational.



<b>III.</b>	To submit to the Enforcement Division, within thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> , a written report that includes a detailed description of the circumstances surrounding the cited violation(s) and actions taken or to be taken to achieve compliance with the "Order" portion of this <b>COMPLIANCE ORDER</b> . This report and all other reports or information required to be submitted to the Enforcement Division by this <b>COMPLIANCE ORDER</b> shall be submitted to the Department at the address specified in this document.
<b>RIGHT TO APPEAL</b>	
<b>I.</b>	The Respondent has a right to an adjudicatory hearing on a disputed issue of material fact or of law arising from this <b>COMPLIANCE ORDER</b> . This right may be exercised by filing a written request with the Secretary no later than thirty (30) days after receipt of this <b>COMPLIANCE ORDER</b> .
<b>II.</b>	The request for an adjudicatory hearing shall specify the provisions of the <b>COMPLIANCE ORDER</b> 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 address specified in this document.
<b>III.</b>	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 <b>COMPLIANCE ORDER</b> 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 <b>COMPLIANCE ORDER</b> prior to the hearing, after providing sufficient notice and an opportunity for the preparation of a defense for the hearing.
<b>IV.</b>	This <b>COMPLIANCE ORDER</b> 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.
<b>V.</b>	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 <b>COMPLIANCE ORDER</b> 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 <b>COMPLIANCE ORDER</b> becoming a permanent part of its compliance history.
<b>VI.</b>	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 <b>COMPLIANCE ORDER</b> 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.
<b>VII.</b>	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.
<b>NOTICE OF POTENTIAL PENALTY</b>	
<b>I.</b>	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.
<b>II.</b>	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 Christopher Clement at (225) 219-3748 within ten (10) days of receipt of this <b>NOTICE OF POTENTIAL PENALTY</b> .
<b>III.</b>	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 <b>NOTICE OF POTENTIAL PENALTY</b> . 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.
<b>IV.</b>	The Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7. To expedite closure of this <b>NOTICE OF POTENTIAL PENALTY</b> 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 " <b>CONSOLIDATED COMPLIANCE ORDER AND NOTICE OF POTENTIAL PENALTY REQUEST TO CLOSE</b> " form. The Respondent must include a justification of the offer. <b>DO NOT</b> 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.
<b>V.</b>	This <b>CONSOLIDATED COMPLIANCE ORDER &amp; NOTICE OF POTENTIAL PENALTY</b> is effective upon receipt.
<b>CONTACTS AND SUBMITTAL OF INFORMATION</b>	
<b>Enforcement Division:</b> Louisiana Department of Environmental Quality Office of Environmental Compliance Air Enforcement Division Post Office Box 4312 Baton Rouge, LA 70821 Attn: Christopher Clement	<b>Hearing Requests:</b> 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. AE-CN-19-00177 Agency Interest No. 121323
<b>Permit Division (if necessary):</b> Department of Environmental Quality Office of Environmental Services Post Office Box 4313 Baton Rouge, LA 70821-4313 Attn: Air Permits Division	<b>Physical Address (if hand delivered):</b> Department of Environmental Quality 602 N Fifth Street Baton Rouge, LA 70802

**HOW TO REQUEST CLOSURE OF THIS CONSOLIDATED COMPLIANCE ORDER  
& NOTICE OF POTENTIAL PENALTY**

- To appeal the **COMPLIANCE ORDER** portion, the Respondent must follow the guidelines set forth in the "Right to Appeal" portion of this **COMPLIANCE ORDER**.
- To request closure of this **CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL PENALTY**, the Respondent must demonstrate compliance with the "Order" portion of this **COMPLIANCE ORDER** by completing the attached "**CONSOLIDATED COMPLIANCE ORDER & NOTICE OF POTENTIAL REQUEST TO CLOSE**" form and returning it to the address specified.
- To expedite closure of the **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 Department assesses civil penalties based on LAC 33:1.Subpart1.Chapter7.
- 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 Christopher Clement at (225) 219-3748 or Christopher.Clement@la.gov.



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

Date: 6-11-2021

c: Enable Midstream Partners, LP  
c/o Enable GP, LLC - General Partner  
499 West Sheridan Avenue, Suite 1500  
Bok Park Plaza Building  
Oklahoma City, OK 73102

Attachment(s)  
- Request to Close



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.	AE-CN-19-00177	Contact Name	Christopher Clement
Agency Interest (AI) No.	121323	Contact Phone No.	(225) 219-3748
Alternate ID No.	0400-00131		
Respondent:	Enable Midstream Partners, LP	Facility Name:	Goat Hill Compressor Station
	c/o CT Corporation System	Physical Location:	on Goat Hill Rd, 7 miles south of Interstate Highway I-20
	Agent for Service of Process	City, State, Zip:	Haughton, LA, 71037
	3867 Plaza Tower Drive Baton Rouge, LA 70816	Parish:	Bossier

STATEMENT OF COMPLIANCE

STATEMENT OF COMPLIANCE	Date Completed	Copy Attached?
A written report was submitted in accordance with Paragraph III 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 Paragraph(s) II 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 33:1.Subpart1.Chapter7.
<input type="checkbox"/>	In order to resolve any claim for civil penalties for the violations in NOTICE OF POTENTIAL PENALTY (AE-CN-19-00177), 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 NOTICE OF POTENTIAL PENALTY (AE-CN-19-00177), 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> The Respondent has reviewed the violations noted in NOTICE OF POTENTIAL PENALTY (AE-CN-19-00177) 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: Christopher Clement