

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

In re: Oil Spill by the Oil Rig “ <i>Deepwater</i>	:	MDL No. 2179
<i>Horizon</i> ” in the Gulf of Mexico, on	:	
April 20, 2010	:	SECTION: J
	:	
This Document Relates To: Case No. 10-4536	:	JUDGE BARBIER
.....	:	MAG. JUDGE SHUSHAN

**STIPULATED FACTS CONCERNING
ANADARKO’S HISTORY OF PRIOR VIOLATIONS**

Anadarko Petroleum Corporation (“Anadarko”)¹ and the United States (collectively, the “Parties”) hereby stipulate to the facts set forth below.

The United States by entering into this stipulation agrees that all of the following Stipulated Facts are correct but does not stipulate that this list comprises the full universe of violations as to Anadarko. Such a stipulation would require a thorough investigation of numerous federal, state and local files. The United States does not intend to present affirmatively any other evidence under this penalty factor at trial.

By agreeing to these stipulated facts, the Parties do not waive any arguments they may have regarding the relevance of this factor or the facts below. The Parties also reserve the right to present or rebut any additional facts and evidence related to the history below in any other phase in this case, or any other civil action.

STIPULATED FACTS

1. Anadarko paid a penalty of \$4,500 for alleged permit violations occurring on a facility offshore in the Gulf of Mexico in 2004 and 2005.² Anadarko also paid \$17,500 for a supplemental environmental project.³
2. Anadarko paid a penalty of \$500 for violation(s) of CWA Section 311 in the Gulf of Mexico related to a discharge of approximately two gallons of oil occurring on June 20, 2005.⁴

¹ The United States has agreed not to pursue any claim for a Clean Water Act penalty against Anadarko E&P Company LP. See Stipulated Order Regarding Anadarko Entities at ¶2, MDL No. 2179 (E.D. La. Feb. 29, 2012) [Rec. Doc. 5930].

² Consent Agreement and Final Order, U.S.E.P.A. Region 6, Docket No. CWA-06-2007-1718.

³ Letter from Linda R. Shead, Program Director, The Trust for Public Land, to Susan Hathcock, Regulatory Affairs Manager, Anadarko Petroleum Corp. (July 9, 2007) (on file with Anadarko Petroleum Corp.).

3. Anadarko paid a penalty of \$5,334.58 for violation(s) of CWA Section 311 in the Gulf of Mexico related to a discharge of approximately fifteen barrels of synthetic based mud occurring on June 23, 2005.⁵
4. Anadarko paid a penalty of \$250 for violation(s) of CWA Section 311 in the Gulf of Mexico related to a discharge of approximately one gallon of crude oil occurring on May 10, 2005.⁶
5. Anadarko paid a penalty of \$500 for violation(s) of CWA Section 311 in the Gulf of Mexico related to a discharge of approximately two gallons of crude oil occurring on August 24, 2006.⁷
6. Anadarko paid a penalty of \$250 for violation(s) of CWA Section 311 in the Gulf of Mexico related to a discharge of approximately 0.5 gallon of crude oil occurring on May 14, 2009.⁸
7. Anadarko paid a penalty of \$250 for violation(s) of CWA Section 311 in the Gulf of Mexico related to a discharge of approximately 0.4 gallon of oil occurring in August of 2009.⁹
8. Anadarko paid a penalty of \$250 for violation(s) of CWA Section 311 in the Gulf of Mexico related to a discharge of less than one gallon of crude oil occurring on December 26, 2009.¹⁰
9. Anadarko paid a penalty of \$1,000 for violation(s) of CWA Section 311 in the Gulf of Mexico related to a discharge of approximately three barrels of synthetic based mud occurring on April 21, 2010.¹¹

⁴ Notice of Violation from U.S. Coast Guard to Anadarko Petroleum Corp., NRC Case # 762811 (June 23, 2004).

⁵ Consent Agreement and Final Order, U.S.E.P.A. Region 6, Docket No. CWA-06-2006-1777.

⁶ Notice of Violation from U.S. Coast Guard to Anadarko Petroleum Corp., NRC Case # 796750 (June 2, 2006).

⁷ Notice of Violation from U.S. Coast Guard to Anadarko Petroleum Corp., NRC Case # 808974 (Sept. 14, 2006).

⁸ Notice of Violation from U.S. Coast Guard to Anadarko Petroleum Corp., NRC Case # 905609 (Aug. 21, 2009).

⁹ Notice of Violation from U.S. Coast Guard to Anadarko Petroleum Corp., NRC Case # 916216 (Oct. 22, 2009).

¹⁰ Notice of Violation from U.S. Coast Guard to Anadarko Petroleum Corp., NRC Case # 927142 (Jan. 8, 2010).

10. In August, 2009, the court entered a consent decree between the United States and Anadarko to pay a penalty of \$1,050,000.00 related to discharges of oil in violation of CWA Section 311(b) from certain onshore oil production facilities in Wyoming and Montana and violations of regulations implementing CWA Section 311(j).¹²

IT IS SO ORDERED.

DATED: December ____, 2014

Carl Barbier
United States District Judge

Respectfully submitted,

DATED: December 9, 2014

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¹¹ Notice of Violation from U.S. Coast Guard to Anadarko Petroleum Corp., NRC Case # 937787 (Sept. 15, 2010).

¹² *United States v. Anadarko Petroleum Corp., et al.*, Civil Action No. 09-cv-100-WFD, Rec. Doc. 9 (August 24, 2009).

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, pursuant to Pre-trial Order No. 12, I have caused the foregoing to be served on all counsel via the Lexis Nexis File & Serve system, and that the foregoing was electronically filed with the Clerk of Court of the United States District Court for the Eastern District of Louisiana by using the CM/ECF system, who will send a notice of electronic filing in accordance with the procedures established in MDL 2179, on December 9, 2014.

/s/ James J. Dragna

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