



**BOBBY JINDAL**  
GOVERNOR

**State of Louisiana**  
**DEPARTMENT OF NATURAL RESOURCES**  
**OFFICE OF CONSERVATION**

**STEPHEN CHUSTZ**  
SECRETARY

**JAMES H. WELSH**  
COMMISSIONER OF CONSERVATION

**EIGHTH AMENDMENT TO DECLARATION OF EMERGENCY  
AND DIRECTIVE**

**Pursuant to the authority granted** to the Commissioner of Conservation and Assistant Secretary of the Louisiana Department of Natural Resources under La. R.S. 30:1, et seq., particularly La. R.S. 30:6.1, this EIGHTH AMENDMENT TO THE DECLARATION OF EMERGENCY AND DIRECTIVE is hereby issued;

**It is hereby declared** that since issuance of the Seventh Amendment to Declarations of Emergency and Directive effective June 25, 2013 and issued to Texas Brine Company LLC (T149) concerning a sinkhole that has occurred immediately adjacent to OXY GEISMAR NO. 3 well site (Serial Number 180708), the associated salt cavern, and the OXY GEISMAR NO. 3A observation well (Serial Number 974265), the following facts have been found:

- 1) On April 4, 2013, Texas Brine Company LLC (T149) informed the Office of Conservation of its plans to initiate cone penetrometer tests (CPT) in the Bayou Corne and Grand Bayou area to determine the extent of natural gas in the shallow subsurface down to the Mississippi River Alluvial Aquifer (MRAA).
- 2) The Office of Conservation requested more information on the use of CPT in determining the extent of natural gas in the Bayou Corne and Grand Bayou area and was provided with a presentation on Texas Brine Company LLC's (T149) general plans. This plan included information on CPT tool testing program and results. Texas Brine Company (T149) responded to questions from the presentation and a brief report *CPT Identification of Methane Gas Bearing Intervals Within and Above the MRAA* was provided subsequently.
- 3) Upon receipt of the results of the CPTs from Texas Brine Company LLC (T149), questions were raised by Office of Conservation staff and contract agents. These questions concerned the experimental nature of defining gas with CPT using dissipation tests, the fact that the CPT is not able to penetrate into the MRAA sand enough to be able to define MRAA gas thickness, lack of technical details on gas presence determination, and whether the instrumentation was accurate or precise enough for collecting the needed pressure data.

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- 4) On July 16, 2013, a leak to surface from one of the plugged CPT's (CPT No. 41) was reported to incident command, who then informed the Office of Conservation. As a result the incident commander ordered Texas Brine Company LLC (T149) to halt CPTs within the residential area of Bayou Corne and Grand Bayou until the issues raised by this leak were resolved. Additionally, the incident commander has ordered Texas Brine Company to investigate all previously plugged CPTs for leaks and to provide a plan to correct all deficiencies identified.
- 5) On July 17, 2013, contract agents for the Office of Conservation requested from Texas Brine Company LLC's (T149) CPT consultant a copy of their plan for assessing the adequacy of the grouting/plugging of the past CPT boreholes, remediation of leaking CPT boreholes, and grouting /plugging of future CPT holes. This request was denied. On July 18, 2013 Texas Brine Company LLC's CPT consultant provided a work plan for the re-abandonment of CPT-41.

**Therefore**, until further notice, based upon the findings herein listed as well as those findings set forth in the original and previous amendments to the declaration of emergency/directives, it is determined that the requirements for declaring an emergency pursuant to La. R.S. 30:6.1 have been met and an emergency continues to exist due to the incidents which have occurred, are occurring, or threaten to occur imminently at the OXY GEISMAR NO. 3 well (Serial Number 180708) facility and site.

**It is hereby declared** that in response to the emergency, Texas Brine Company LLC (T149) is **hereby ordered** to undertake any and all necessary actions to assess for and abate threats to human safety and the environment associated with the OXY GEISMAR NO. 3 well (Serial Number 180708) facility and site.

**It is further declared** that Texas Brine Company LLC (T149) is specifically directed and is **hereby ordered** to undertake the necessary actions to address the potential danger to human life associated with the OXY GEISMAR NO. 3 well (Serial Number 180708) facility and site, which at a minimum shall require the following:

1. Provide to the Office of Conservation by no later than close of business (5 p.m. CST) Monday, July 22, 2013, a comprehensive plan setting forth the following information regarding CPT.
  - a. The location on a map of and the construction and abandonment details (including specific grouting/plugging work performed) for all existing or past CPT boreholes in the Bayou Corne and Grand Bayou area.
  - b. The proposed locations on a map of and the construction and abandonment details (including planned grouting/plugging protocols) for all future CPT boreholes in the Bayou Corne and Grand Bayou area. Each proposed CPT borehole shall be pre-numbered to allow for tracking of data and work progress. The

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- grouting procedure shall include description of the grout mixture including the weights of water, grout, bentonite, and other additives used in the grouting. The weight of the grout mixture shall be included in the plan.
- c. A description of the ongoing or planned investigation of all current or previous CPT boreholes (including plugged CPT boreholes) for leaks and the plans for remediating all boreholes determined to have caused a leak.
  - d. The objectives Texas Brine Company LLC (T149) has for the entire CPT program in the Bayou Corne and Grand Bayou area with respect to definition of gas, geology, and other subsurface conditions related to the emergency response.
  - e. A detailed description of how the CPT boreholes will meet these objectives, including the testing protocol (accuracy and precision of instrumentation and cone specifications), interpretation protocol (determining dissipation test stable pressures and determining gas intervals from dissipation test results), and protocol for determining the presence and thickness of gas in the MRAA.
  - f. The current calibration records for the pore pressure transducer in the CPT instrument shall be provided along with a description of the quality control program to check the calibration of the instrument.
2. Texas Brine Company LLC (T149) shall cease and desist installation of any new CPT boreholes within the residential area of Bayou Corne and Grand Bayou as identified in the attached map/plot labeled as Exhibit A, until such time as the plan and information provided to the Office of Conservation in paragraph 1 above has been reviewed and approved for implementation.
  3. To ensure proper oversight, no work of any nature involving CPT in the Bayou Corne and Grand Bayou area (including site visits for the ongoing investigation) shall be conducted without first notifying and providing an opportunity for the incident commander and the Office of Conservation or its contract agents to accompany Texas Brine Company LLC (T149) or any of its contractors or consultants when they perform any work involving CPT in the Bayou Corne and Grand Bayou area.
  4. As part of the documentation of the grouting, the mixture and grout weight shall be measured using a mud balance and recorded by the contractor along with the CPT number, date, and time of measurement. These grout records shall be maintained on the CPT rig and made available for review and inspection by the DNR drilling inspector or their designated representative immediately upon request. A sample of the grout mixture shall be placed in a closed plastic sample bottle below a water cap, labeled, and given to the designated DNR representative at the end of each day's CPT work.

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5. Beginning Monday, July 22, 2013, no CPT push shall be commenced without a minimum of 24-hour written advance notice having been provided to the Office of Conservation and its contract agents. At the daily IAP meeting, TBC shall present a written schedule for the CPT boreholes completed referencing each CPT by its designated number, deviations from the previously announced CPTs, and the CPT borings planned for the next 48 hours. This schedule shall be submitted daily to the [conservationorder@la.gov](mailto:conservationorder@la.gov) email site.
6. All data from each CPT boring shall be reported to the Office of Conservation within 4 days of completion of each boring. The data report will include the PDF graphical logs with the interpretation of gas intervals, the Excel files with the CPT and dissipation test data, and a written narrative of how each gas interval has been defined.
7. Within 14 days of submittal of the plan, Texas Brine Company LLC (T149) shall submit to Office of Conservation a written narrative of how the gas intervals in CPT borings completed as of the date of this order have been interpreted.
8. Within 21 days from completion of the plan approved by the Office of Conservation, provide a report delineating the extent and volume of gas in the MRAA and overlying aquitard in the Bayou Corne and Grand Bayou area to the Office of Conservation at [conservationorder@la.gov](mailto:conservationorder@la.gov). Texas Brine Company LLC's (T149) report shall describe the technical basis for the delineation of gas and gas volume determination.
9. Within 21 days from completion of the plan approved by the Office of Conservation provide to the Office of Conservation an updated plan to delineate and remove the gas in the MRAA and the shallower subsurface in the Bayou Corne and Grand Bayou area.

**It is further declared** that, consistent with La. R.S. 30:6.1.B, if Texas Brine Company LLC (T149) fails to begin the actions listed above prior to the deadline(s) established herein, orders demanding compliance and civil penalties may be issued to Texas Brine Company LLC (T149) R.S. 30:1, et seq.

**It is further declared** that for purposes of this Declaration of Emergency and Directive, and unless otherwise agreed to, any and all reports and results from the activities detailed above shall be submitted to the Office of Conservation via e-mail at [conservationorder@la.gov](mailto:conservationorder@la.gov). Please reference "Emergency Declaration – Texas Brine Company LLC – July 19, 2013" on any and all related correspondence.

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In the event Texas Brine Company LLC (T149) believes it is aggrieved by this action, then within 20 days of receipt of this Emergency Declaration and Directive, Texas Brine Company LLC (T149) may make a written request for a public hearing. A public hearing request must be accompanied by a check or money order in the non-refundable amount of \$755 as provided by LAC 43:XIX.Chapter 7 or the request for hearing will be denied. Be advised that pursuant to La. R.S. 30:6.1.D, "any request for hearing, appeal, or request for review [of this emergency declaration and directive] shall not suspend the implementation of the action ordered."

Texas Brine Company LLC's (T149) failure to request a hearing, or to file an appeal, or the withdrawal of a request for hearing on this Emergency Declaration and Directive shall not preclude Texas Brine Company LLC (T149) from contesting the commissioner's findings of facts in any subsequent administrative or judicial proceeding or action.

**SO DECLARED, ORDERED, AND DONE** this 19<sup>th</sup> day of July 2013 at Baton Rouge, Louisiana.



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JAMES H. WELSH  
COMMISSIONER OF CONSERVATION



EIGHTH AMEND. EMERGENCY DEC.  
EXHIBIT "A"