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EAST DISTRICT OF LA

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

**BILL OF INFORMATION FOR
VIOLATION OF THE CLEAN WATER ACT**

UNITED STATES OF AMERICA

*

CRIMINAL NO:

v.

*

SECTION:

XPLOR ENERGY SPV-1, INC.

*

**VIOLATION: 33 U.S.C. § 1319(c)(2)(A)
33 U.S.C. § 1311(a)**

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* * *

The United States Attorney charges that:

COUNT 1

A. AT ALL TIMES MATERIAL HEREIN:

1. The Federal Water Pollution Control Act, Title 33, United States Code, Section 1251 et seq., more commonly known as the Clean Water Act, was enacted by Congress to restore and maintain the chemical, physical, and biological quality of the Nation's waters. 33 U.S.C. § 1251(a). In addition, the Clean Water Act was enacted to prevent, reduce and eliminate water pollution in the United States and to conserve the waters of the United States for the protection and propagation of fish and aquatic life and wildlife, for recreational purposes, and for the use of such waters for public drinking water, agricultural, and industrial purposes. 33 U.S.C. § 1252(a).
2. The Clean Water Act generally requires all discharges of pollutants from point sources to

waters of the United States be permitted. 33 U.S.C. § 1311(a). Such permits are issued under the National Pollutant Discharges Elimination System (“NPDES”). 33 U.S.C. § 1342. Except in compliance with such a permit, the discharge of any pollutant by any person or organization is unlawful. 33 U.S.C. § 1311(a).

3. The term “pollutant” includes industrial wastes such as “produced water” (water containing oil) which is produced as a result of the oil production process. 33 U.S.C. § 1362(6).

4. The term “point source” means “any discernable, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling, rock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.” 33 U.S.C. § 1362(14).

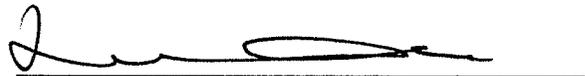
5. From on or about November 24, 1997, and continuing to November 18, 2011, the defendant, **XPLOR Energy SPV-1, Inc.**, an Oklahoma corporation residing in Southlake, Texas, operated a manned, offshore facility designed for the production of oil and gas located within the geographic area of Block 35, Main Pass Block 35 (“MP 35 Platform”), in the Breton Sound Area of the Gulf of Mexico at approximately 29 degrees latitude, 89 degrees longitude within the 200 mile contiguous zone of the United States and under the exclusive management authority of the United States.

B. THE OFFENSE:

From on or about October 1, 2009, and continuing through November 18, 2011, in the navigable waters of the United States and within the Eastern District of Louisiana, the defendant, **XPLOR Energy SPV-1, Inc.**, by and through its agents and employees acting within the scope of their agency and employment and for the intended benefit of the defendant, did knowingly

discharge and cause to be knowingly discharged a pollutant, namely, produced water containing oil, from a point source (injection lines and disposal wells attached to the MP 35 Platform) into a water of the United States without a permit issued under Title 33, United States Code, Section 1342; all in violation of Title 33, United States Code, Section 1319(c)(2)(A).

KENNETH ALLEN POLITE, JR.
UNITED STATES ATTORNEY



MATTHEW M. COMAN #23613
Deputy Chief, Criminal Division

September 15, 2014
New Orleans, Louisiana

No. _____

United States District Court

FOR THE

EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

vs.

XPLOR ENERGY SPV-1, INC.

§

BILL OF INFORMATION FOR
VIOLATION OF THE CLEAN WATER ACT

Violation(s): 33 USC § 1319(c)(2)(A)
33 USC § 1311(a)

Filed _____, 20 14

_____, Clerk.

By _____, Deputy



MATTHEW M. COMAN
Assistant United States Attorney