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U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

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

UNITED STATES OF AMERICA	*	CRIMINAL NO:	12-312	1
v.	*	SECTION:	SECT. 1 MAG. 1	
W&T OFFSHORE, INC.	*	VIOLATION:	33 U.S.C. 1319(c)(1)(a) 33 U.S.C. 1319(c)(4)	
	*	*	*	

The United States Attorney charges that:

Count 1-Tampering of Sampling Method

A. At All Times Material Herein:

1. The Federal Water Pollution Control Act, Title 33, United States Code, § 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, as amended by the Oil Pollution Act of 1990, prohibits the negligent discharge of oil in harmful quantities into waters of the United States or in connection with activities under the Outer Continental Lands Shelf Act or the Deepwater Port Act or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States, including those waters through the contiguous zone as far as 200 miles into the ocean. 33 U.S.C. §§ 1319(c)(1)(a) and 1321(b)(3). For oil, any discharge that violates water quality standards or causes a film or a sheen upon the surface of the water may be harmful to the environment. 40 C.F.R. § 110.3(b).

3. The only exception to the Clean Water Act's prohibition of discharges of pollutants, including oil, are found within permits issued pursuant to the Clean Water Act under the National Pollutant Discharge Elimination System (NPDES) by the United States Environmental Protection Agency or by a state with an approved permit program. 33 U.S.C. §§ 1321(b)(3), 1311(a) and 1342.

4. Beginning at a time unknown, but from on or about January 1, 2009, and continuing to present, the defendant, **W&T Offshore, Inc.**, a Texas corporation residing in Houston, Texas and New Orleans, Louisiana, operated a manned, offshore facility designed for the production of oil and gas located within the geographic area known as Ewing Banks Area Block 910 ("EW 910 Platform") located in the Gulf of Mexico at approximately 28 degrees latitude, 90 degrees longitude within the 200 mile contiguous zone of the United States and under the exclusive management authority of the United States.

5. The defendant, **W&T Offshore, Inc.**, was required to conduct its production operations on EW 910 Platform in accordance with a NPDES permit which imposed limitations upon the type and amount of pollutants that the defendant, **W&T Offshore, Inc.**, was legally allowed to discharge into the Gulf of Mexico.

6. As required by the NPDES Permit, the defendant, **W&T Offshore, Inc.**, collected and submitted monthly samples of its produced water discharged from EW 910 Platform into the Gulf of Mexico to a laboratory for testing to determine whether the quantity of oil and grease contained in the produced water did not exceed a daily maximum of 42mg/l and a monthly average of 29 mg/l as required by its Permit.

B. Tampering With a Method of Sampling Under The NPDES Permit:

On at least six occasions from on or about January 1, 2009 through on or about December 31, 2009, in the Eastern District of Louisiana, and in connection with activities under the Outer Continental Lands Act and affecting natural resources belonging to, appertaining to, and under the exclusive management authority of the United States, the defendant, **W&T Offshore, 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, **W&T Offshore, Inc.**, tampered with, falsified or rendered inaccurate a monitoring method required to be maintained under the Clean Water Act, namely the method of collecting the monthly overboard discharge samples from EW 910 Platform to be tested for oil and grease content pursuant to the NPDES permit; all in violation of Title 33, United States Code, Section 1319(c)(4).

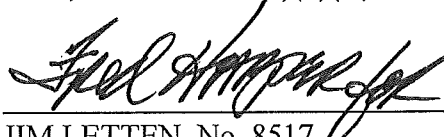
Count 2–Negligent Discharge

1. The allegations contained in Section A of this Information are realleged and incorporated as if fully set forth herein.

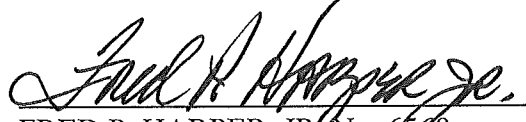
2. **The Negligent Discharge of Oil:**

On or about November 27, 2009, in waters of the United States in connection with activities under the Outer Continental Lands Act and affecting natural resources belonging to, appertaining to, and under the exclusive management authority of the United States within the 200 mile contiguous zone from the coast of Louisiana all in the Eastern District of Louisiana, the defendant, **W&T Offshore, 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, **W&T Offshore, Inc.**, did negligently discharge and cause to be negligently discharged a harmful quantity of oil into the Gulf of Mexico from its offshore production facility located at EW 910 Platform when oil from the

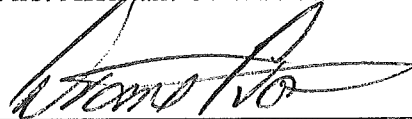
defendant, **W&T Offshore, Inc.**'s, production platform entered the Gulf of Mexico causing a sheen on the water, all in violation of Title 33, United States Code, Sections 1319(c)(1)(A) and 1321(b)(3).



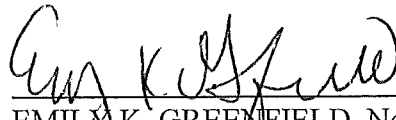
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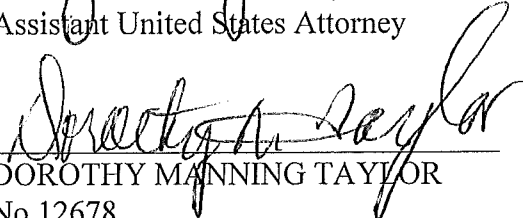
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December 11, 2012
New Orleans, Louisiana

