UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

JUL 0 5 2017

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7005 1820 0003 7454 0789

Mr. Terry L. Hurlburt
Flextrend Development Company, L.L.C
P.O. Box 4324
Houston, TX 77210

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7005 1820 0003 7454 0796

Ms. Karen Pape, Registered Agent
Flextrend Development Company, L.L.C.
919 Milam Street, Suite 2100
Houston, TX 77002-5417

Re: Information Request pursuant Section 308 of the Clean Water Act
NPDES Permit No. GMG290173

Dear Mr. Hurlburt:

Pursuant to Section 308 of the Clean Water Act, 33 U.S.C. 1318, the United States Environmental Protection Agency ("EPA") has the authority to request information pertinent to carrying out its responsibilities under the Clean Water Act. Accordingly, Flextrend Development Company, L.L.C. is hereby served with this Information Request and is requested to respond to the enclosed Information Request ("Request"). Compliance with this Request is mandatory. Failure to respond fully and truthfully to the Request within thirty calendar days of receipt of this letter can result in an enforcement action by EPA. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

Due to the serious legal ramifications of your failure to respond properly, EPA strongly encourages you to give this matter your immediate attention and to respond to this Request within the time specified above. If you have any legal or technical questions relating to this Request, you may consult with the EPA prior to the time specified above. Your response to this Request should be sent to Ms. Mitty Mohon (6EN-WM) at the above address. Please direct legal questions to Mr. Tucker Henson of the Office of Regional Counsel at (214) 665-8148.

Thank you for your cooperation in this matter.

Sincerely,

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosure

DEFINITIONS AND INSTRUCTIONS

This information is requested pursuant to Section 308(a) of the Clean Water Act ("CWA"), 33 U.S.C. § 1318(a). The Instructions and Definitions for responding to this Information Request are as follows:

1. The term "facility" means the oil and gas exploration, development, and production facilities known as "Viosca Knoll 817" and "Garden Banks 72" and assigned permit number GMG290173 that are located in the Gulf of Mexico and owned and/or operated by Flextrend Development Company, L.L.C. ("Flextrend").

2. The term "identify" means, with respect to a document, to provide: (a) its customary business description; (b) its date; (c) its number, if any (invoice or purchase order number); (d) the identity of the author, addressor, addressee and/or recipient; and (e) the substance or the subject matter.

3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. There are significant penalties for submitting false information, including the possibility of fine or imprisonment.

4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds. Please submit all information for each question in a logically sequenced order.

5. Please provide a separate response to each question and subpart of a question set forth in this Information Request and precede each answer with the number of the question to which it corresponds.

6. For each question, identify each person responding to any question contained in this Information Request on your behalf, as well as each person consulted in the preparation of a response.

7. For each question, identify each document consulted, examined, or referred to in the preparation of the response or that contains information responsive to the question, and provide a true and correct copy of each such document if not provided in response to another specific question. Indicate on each document produced in response to this Information Request the number of the question to which it corresponds.

8. You must provide the information requested even though you may contend that it includes confidential information. You may assert a business confidentiality claim covering all or part of the information requested in this Information Request, as provided in 40 C.F.R. § 2.203(b).

To assert a confidentiality claim, you must submit the requested information and indicate that you are asserting a claim of confidentiality. You must mark any document over which you assert a claim of confidentiality by attaching a cover sheet stamped or typed with a legend indicating your intent to claim confidentiality. The stamped or typed legend, or other suitable form of notice, should employ language such as "confidential" or "business confidential," and indicate a date, if any, when the information should no longer be treated as confidential. EPA will only disclose the information covered by such a claim to the extent permitted and by means of the procedures set forth in Section 308(b) of the CWA, 33 U.S.C. § 1318(b), and 40 C.F.R. Part 2. You must clearly identify allegedly confidential portions of otherwise non-confidential documents.

Please submit your response to this Information Request so that all non-confidential information, including any redacted versions of documents, is in one package and all materials for which you desire confidential treatment are in another package. EPA will construe the failure to furnish a confidentiality claim with your response as a waiver of that claim, and the information may be made available to the public without further notice to you. All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information, that you intend to continue to do so, and that the information is not and has not been obtainable by legitimate means without your consent.

If you assert a confidentiality claim for any of the information you submit to EPA, you bear the burden of substantiating that claim. EPA will give conclusory allegations little or no weight in its determination. For each document or response you claim confidential, you must separately address the following points:

a. The portions of the information alleged to be entitled to confidential treatment;

b. The period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);

c. Measures taken by you to guard against the undesired disclosure of the information to others;

d. The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;

e. Pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and

f. Whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

Finally, EPA may disclose information which you submit in response to this Information Request to authorized representatives of the United States pursuant to 40 C.F.R. § 2.302(h) even if you assert that all or part of the information is confidential business information. Please be advised that EPA may disclose all responses to this Information Request to one or more private contractors for the purpose of organizing and/or analyzing the information contained in the responses to this Information Request. If you are submitting information which you assert is entitled to confidential treatment, you may comment on this potential disclosure to authorized representatives when you submit your response to this Information Request.

9. You must submit all requested information under an authorized signature along with the following signed certification. The following certification must accompany each submission pursuant to this Information Request, and must be signed by a management representative of Flextrend that is authorized to respond on behalf of the facilities:

CERTIFICATION

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment.

_____ _____

Date Signature

INFORMATION REQUEST

As owner and/or operator of the facilities, you are hereby required, pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318, to submit the following information pursuant to the Instructions set forth above. Unless otherwise noted, the applicable timeframe for each request below is October 2011 through the present.

1. Identify each person(s) answering these Questions on behalf of Flextrend.

2. Provide copies of all Notices of Intent (paper or eNOI) for permit coverage under the National Pollutant Discharge Elimination System ("NPDES") program submitted for the facilities.

3. Provide any additional historical information relating to NPDES permit coverage at the facilities, including historical information of parent companies.

4. Provide copies of Discharge Monitoring Reports ("DMRs") for the facilities.

5. Provide all information pertaining to NPDES permit coverage with respect to (a) signature agreements, NetDMR subscriber agreements, Notices of Termination, or transfer agreements.

6. Provide a list of all lease area blocks currently or previously owned or operated by Flextrend.

7. For any documents produced herein that you claim were previously provided to EPA, provide copies of any documentation providing receipt by EPA (e.g., courier receipts, certified mail return receipts, etc.).

8. If you have information relating to tampering with produced water samples at the facilities or any other offshore oil and/or gas exploration, development or production facility owned and/or operated by Flextrend, including, but not limited to, the use of filters to remove oil and grease from produced water samples, identify each occurrence (including facility name, date of the event(s), operator responsible for sampling, etc.) and provide copies of all information relating to the occurrence.

9. If any connection or other access point downstream of the NPDES sampling point at the facilities or any other exploration, development or production facility owned and/or operated by Flextrend could allow a dispersant, surfactant, detergent or similar chemicals to be injected into the produced water discharge, identify each connection or access point and describe in detail any connection or access point identified.

10. Identify any instances of dispersants, surfactants, detergents or similar chemicals being injected or otherwise included in the produced water discharge at the facilities or any other exploration,

development or production facility owned and/or operated by Flextrend. For each instance, identify the specific dispersant, surfactant, detergent or chemical by name and volume utilized, the injection point, and the relationship of the injection point to the NPDES sampling point.