

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

CENTURY EXPLORATION HOUSTON,
INC.

AI # 147684

PROCEEDINGS UNDER THE LOUISIANA
ENVIRONMENTAL QUALITY ACT
LA. R.S. 30:2001, ET SEQ.

* Settlement Tracking No.

* SA-AE-09-0025

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* Enforcement Tracking No.

* AE-PP-08-0005

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SETTLEMENT

The following Settlement is hereby agreed to between Century Exploration Houston, Inc. ("Respondent") and the Department of Environmental Quality ("DEQ" or "the Department"), under authority granted by the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq. ("the Act").

I

Respondent is a corporation that owns and/or operates a natural gas, crude oil, and saltwater collection and separation facility located in Lake Arthur, Jefferson Davis Parish, Louisiana ("the Facility").

II

On February 22, 2008, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-08-0005, which was based upon the following findings of fact:

On or about November 14, 2007, an inspection of the Wild Brothers, Inc., No. 1 production Facility Lake Arthur Field (Facility), owned and/or operated by Century Exploration Houston, Inc.

(Respondent), was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. On or about January 16, 2008, a file review was performed to determine the degree of compliance with the Act and the Air Quality Regulations. The facility is located on Louisiana Highway 383, two miles south of Louisiana Highway 1126 in Lake Arthur, Jefferson Davis Parish, Louisiana. The facility currently operates under Minor Source Air Permit No. 1360-00546-00 issued on or about May 17, 2007.

The following violations were noted during the course of the inspection and file review:

- A. Investigation of the facility records during the field inspection and file review revealed that construction began on the facility in November 2006. The facility permit was not issued until May 2007. Therefore, the facility began construction prior to issuance of the current permit. Failure to obtain a permit from the issuing authority prior to beginning construction of a facility which ultimately may result in an initiation or increase in emissions of air contaminants is a violation of LAC 33:III.501.C.1 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2) of the Act.
- B. Investigation of the facility records during the field inspection and file review revealed that the facility began operation in February 2007. The facility permit was not issued until May 2007. Failure to obtain a permit from the issuing authority prior to beginning operation of a facility which ultimately may result in an initiation or increase in emissions of air contaminants is a violation of LAC 33:III.501.C.2, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2) of the Act.

III

Respondent denies it committed any violations or that it is liable for any fines, forfeitures and/or penalties.

IV

Nonetheless, Respondent, without making any admission of liability under state or federal statute or regulation, agrees to pay, and the Department agrees to accept, a payment in the amount of ONE THOUSAND ONE HUNDRED TWENTY-THREE AND NO/100 DOLLARS (\$1,123.00), of which Three Hundred Twenty-Seven and 02/100 Dollars (\$327.02) represents the Department's enforcement costs, in settlement of the claims set forth in this agreement. The total amount of money expended by Respondent on cash payments to the Department as described above, shall be considered a civil penalty for tax purposes, as required by La. R.S. 30:2050.7(E)(1).

V

Respondent further agrees that the Department may consider the inspection report(s), the Notice of Potential Penalty, and this Settlement for the purpose of determining compliance history in connection with any future enforcement or permitting action by the Department against Respondent, and in any such action Respondent shall be estopped from objecting to the above-referenced documents being considered as proving the violations alleged herein for the sole purpose of determining Respondent's compliance history.

VI

This agreement shall be considered a final order of the secretary for all purposes, including, but not limited to, enforcement under La. R.S. 30:2025(G)(2), and Respondent hereby waives any right to administrative or judicial review of the terms of this agreement, except such review as may be required for interpretation of this agreement in any action by the Department to enforce this agreement.

VII

This settlement is being made in the interest of settling the state's claims and avoiding for both parties the expense and effort involved in litigation or an adjudicatory hearing. In agreeing to the compromise and settlement, the Department considered the factors for issuing civil penalties set forth in LSA- R. S. 30:2025(E) of the Act.

VIII

The Respondent has caused a public notice advertisement to be placed in the official journal of the parish governing authority in Jefferson Davis Parish, Louisiana. The advertisement, in form, wording, and size approved by the Department, announced the availability of this settlement for public view and comment and the opportunity for a public hearing. Respondent has submitted an original proof-of-publication affidavit and an original public notice to the Department and, as of the date this Settlement is executed on behalf of the Department, more than forty-five (45) days have elapsed since publication of the notice.

IX

Payment is to be made within ten (10) days from notice of the Secretary's signature. If payment is not received within that time, this Agreement is voidable at the option of the Department. Payments are to be made by check, payable to the Department of Environmental Quality, and mailed or delivered to the attention of Accountant Administrator, Financial Services Division, Department of Environmental Quality, Post Office Box 4303, Baton Rouge, Louisiana, 70821-4303. Each payment shall be accompanied by a completed Settlement Payment Form (Exhibit A).

X

In consideration of the above, any claims for penalties are hereby compromised and settled in accordance with the terms of this Settlement.

XI

Each undersigned representative of the parties certifies that he or she is fully authorized to execute this Settlement Agreement on behalf of his or her respective party, and to legally bind such party to its terms and conditions.

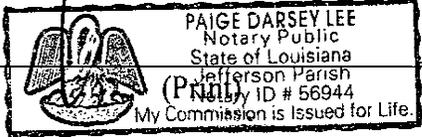
CENTURY EXPLORATION HOUSTON, INC.

BY: Michael J. Willis
(Signature)

Michael J. Willis
(Print)

TITLE: Chief Operating Officer

THUS DONE AND SIGNED in duplicate original before me this 27th day of July, 20 09, at Metairie, Louisiana.

Paige Darsey Lee
NOTARY PUBLIC (ID # 56944)


LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Harold Leggett, Ph.D., Secretary

BY: Peggy M. Hatch
Peggy M. Hatch, Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this 5th day of November, 20 09, at Baton Rouge, Louisiana.

Christopher A. Redcliff
NOTARY PUBLIC (ID # 10149)
Christopher A. Redcliff
(Print)

Approved: Peggy M. Hatch
Peggy M. Hatch, Assistant Secretary