

STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:

**ROYAL PRODUCTION COMPANY, INC.
(OF DELAWARE)**

AI # 149950

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

- * **Settlement Tracking No.**
- * **SA-AE-10-0012**
- *
- *
- * **Enforcement Tracking No.**
- * **AE-PP-09-0157**
- *
- *
- *

SETTLEMENT

The following Settlement is hereby agreed to between Royal Production Company, Inc. (Of Delaware) ("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 an oil and gas production facility located in Jefferson Davis Parish, Louisiana ("the Facility").

II

On October 15, 2009, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-09-0157, which was based upon the following findings of fact:

On or about March 13, 2009, an inspection of Richard 33 Production Facility, owned and/or operated by Royal Production Company, Inc. (Of Delaware) (Respondent) was performed to determine the degree of compliance with the Louisiana Environmental Quality Act (the Act) and the Air Quality Regulations. The facility is located at 18.3 miles west of Lake Arthur in Jefferson Davis

Parish, Louisiana. On or about April 10, 2007, the Respondent submitted an air permit application for this facility. The facility currently operates under Air Permit No. 1360-00548-00, issued on November 21, 2007.

The following violations were noted during the course of the inspection:

- A. The inspector noted that the facility began production on or about September 12, 2007. Operating the facility between September 12, 2007, and November 21, 2007, without an air permit is a violation of LAC 33:III.501.C.2 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).
- B. During the course of the inspection, the inspector noted that the facility failed to conduct the 2008 annual flare gas analysis to insure a heat content of >300 BTU/scf as required by Specific Requirement No. 4 of Air Permit No. 1360-00548-00. This is a violation of Specific Requirement No. 4 of Air Permit No. 1360-00548-00, LAC 33:III.501.C.4 and La. R.S. 30:2057(A)(2). According to a representative of the Respondent, the 2009 annual flare gas analysis was conducted.

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 AND NO/100 DOLLARS (\$1,000.00) of which Two Hundred Thirty-Five and 29/100 Dollars (\$235.29) 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.

**ROYAL PRODUCTION COMPANY, INC.
(OF DELAWARE)**

BY: _____
(Signature)

(Print)

TITLE: _____

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20_____, at _____.

NOTARY PUBLIC (ID # _____)

(Print)

**LOUISIANA DEPARTMENT OF
ENVIRONMENTAL QUALITY**
Peggy M. Hatch, Secretary

BY: _____
Paul D. Miller, P.E., Assistant Secretary
Office of Environmental Compliance

THUS DONE AND SIGNED in duplicate original before me this _____ day of _____, 20_____, at Baton Rouge, Louisiana.

NOTARY PUBLIC (ID # _____)

(Print)

Approved: *Paul D. Miller*
Paul D. Miller, P.E., Assistant Secretary

SETTLEMENT PAYMENT FORM

Please attach this form to your settlement payment
and submit to:

Department of Environmental Quality
Financial Services Division
P. O. Box 4303
Baton Rouge, Louisiana 70821-4303
Attn: Accountant Administrator

Payment # _____

Respondent: ROYAL PRODUCTION COMPANY, INC. (OF DELAWARE)

Settlement No: SA-AE-10-0012

Enforcement Tracking No(s): AE-PP-09-0157

Payment Amount: \$1,000.00

AI Number: 149950

Alternate ID No(s):

TEMPO Activity Number:

For Official Use Only. Do Not write in this Section.	
Check Number:	Check Date:
Check Amount:	Received Date:
PIV Number:	PIV Date:
Stamp "Paid" in the box to the right and initial.	
Route Completed form to:	
Lourdes Iturralde, Administrator Enforcement Division	
And copy Christopher A. Ratcliff, Legal Division	

U.S. Postal ServiceTM
CERTIFIED MAILSM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

7003 2260 0005 9331 8001
7003 2260 0005 9331 8001



Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	

Postmark Here

William A. Gregorcyk, Royal Production Co.,
500 N. Shoreline, Ste 807 N. Corpus Christi, TX
78471

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. William A. Gregorcyk
Royal Production Company, Inc.
Bank of America
500 North Shoreline, Suite 807 N.
Corpus Christi, Texas 78471

COMPLETE THIS SECTION ON DELIVERY

A. Signature	<input type="checkbox"/> Agent
X	<input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery
D. Is delivery address different from item 1? <input type="checkbox"/> Yes	
If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type	
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

2. Article Number (transfer from service label)

7003 2260 0005 9331 8001

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540