STATE OF LOUISIANA

DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF:	*	**Settlement Tracking No.**
	*	**SA-AE-11-0049**
BEUSA ENERGY, INC.	*	
	*	**Enforcement Tracking No.**
AI # 166741, 166742, 166743, 166744	*	**AE-PP-09-0678**
	*	
PROCEEDINGS UNDER THE LOUISIANA	*	
ENVIRONMENTAL QUALITY ACT	*	
LA. R.S. 30:2001, ET SEQ.	*	

SETTLEMENT

The following Settlement is hereby agreed to between Beusa Energy, 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 numerous energy compressor station facilities located in DeSoto Parish, Louisiana ("the Facility").

II

On July 13, 2010, the Department issued to Respondent a Notice of Potential Penalty, Enforcement No. AE-PP-09-0678, which was based upon the following findings of fact:

On or about December 18, 2009, a file review of Bethany/Longstreet Section 14 Compressor Station (Agency Interest No. 166741), owned and/or operated by Beusa Energy, Inc. (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 on Friendship Road, 5.5 miles

southeast of Grand Cane in DeSoto Parish, Louisiana. The facility currently operates under Standard Oil and Gas Air (SOGA) Permit No. 0760-01166-00, issued on November 10, 2009.

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

A. According to an email from the Respondent's representative dated December 9, 2009, the compressor (Source ID No. 4907) began operating in January 2008. The Respondent's failure to submit a permit application prior to construction, reconstruction, or modification of the facility is a violation of LAC 33:III.501.C.1 and La. R.S. 30:2057(A)(2).

B. According to an email from the Respondent's representative dated December 9, 2009, the compressor (Source ID No. 4907) began operating in January 2008. The Respondent operated the facility from January 2008 to November 10, 2009, without an air permit. This is a violation of LAC 33:III.501.C.2 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

On or about December 18, 2009, a file review of Bethany/Longstreet Section 20 Compressor Station (Agency Interest No. 166742), owned and/or operated by Beusa Energy, Inc. (Respondent), was performed to determine the degree of compliance with the Act and the Air Quality Regulations. The facility is located off of Louisiana Highway 3015, 1.25 miles east of Longstreet in DeSoto Parish, Louisiana. The facility currently operates under SOGA Permit No. 0760-01167-00, issued on November 6, 2009.

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

A. According to an email from the Respondent's representative dated December 9, 2009, a compressor (Source ID No. 4906) began operating in April 2008. According to the email, another compressor (Source ID No. 4936) began operating in October 2008 and stopped operating on December 1, 2009. The Respondent's failure to submit a permit application prior to construction, reconstruction, or modification of the facility is a violation of LAC 33:III.501.C.1 and La. R.S. 30:2057(A)(2).

B. According to an email from the Respondent's representative dated December 9, 2009, a compressor (Source ID No. 4906) began operating in April 2008. According to the email, another compressor (Source ID No. 4936) began operating in October 2008 and stopped operating on December 1, 2009. The Respondent operated the facility from April 2008 through November 6, 2009,

without an air permit. This is a violation of LAC 33:III.501.C.2 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

On or about December 18, 2009, a file review of Bethany/Longstreet Section 27 Compressor Station (Agency Interest No. 166743), owned and/or operated by Beusa Energy, Inc. (Respondent), was performed to determine the degree of compliance with the Act and the Air Quality Regulations. The facility is located on Israelite Road, 3 miles southeast of Longstreet in DeSoto Parish, Louisiana. The facility currently operates under Air Permit No. 0760-01168-00, issued on October 9, 2009.

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

A. According to an email from the Respondent's representative dated December 9, 2009, a compressor (Source ID No. 4865) began operating in April 2008. According to the email, another compressor (Source ID No. 4792) began operating in January 2008 and stopped operating on December 1, 2009. The Respondent's failure to submit a permit application prior to construction, reconstruction, or modification of the facility is a violation of LAC 33:III.501.C.1 and La. R.S. 30:2057(A)(2).

B. According to an email from the Respondent's representative dated December 9, 2009, a compressor (Source ID No. 4865) began operating in April 2008. According to the email, another compressor (Source ID No. 4792) began operating in January 2008 and stopped operating on December 1, 2009. The Respondent operated the facility from January 2008 to October 9, 2009, without an air permit. This is a violation of LAC 33:III.501.C.2 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

On or about December 18, 2009, a file review of Bethany/Longstreet Section 29 Compressor Station (Agency Interest No. 166744), owned and/or operated by Beusa Energy, Inc. (Respondent), was performed to determine the degree of compliance with the Act and the Air Quality Regulations. The facility is located on Parish Road 250, 1.75 miles southeast of Longstreet in DeSoto Parish, Louisiana. The facility currently operates under SOGA Permit No. 0760-01169-00, issued on October 2, 2009.

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

A. According to an email from the Respondent's representative dated December 9, 2009, two compressors (Source ID Nos. 4403 and 4791) are located at the facility. According to the email, Source ID No. 4403 began operating in July 2007 and Source ID No. 4791 began operating in November 2007. The Respondent's failure to submit a permit application prior to construction, reconstruction, or modification of the facility is a violation of LAC 33:III.501.C.1 and La. R.S. 30:2057(A)(2).

B. According to an email from the Respondent's representative dated December 9, 2009, two compressors (Source ID Nos. 4403 and 4791) are located at the facility. According to the email, Source ID No. 4403 began operating in July 2007 and Source ID No. 4791 began operating in November 2007. The Respondent operated the facility from July 2007 to October 2, 2009, without an air permit. This is a violation of LAC 33:III.501.C.2 and La. R.S. 30:2057(A)(1) and 30:2057(A)(2).

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 SEVEN THOUSAND AND NO/100 DOLLARS ($7000.00), of which Six Hundred Sixty-Four and 29/100 Dollars ($664.29) 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 permit record(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 La. 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 DeSoto 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.

BEUSA ENERGY, INC.

BY: _____
(Signature)

_____
(Printed)

TITLE: _____

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

_____
NOTARY PUBLIC (ID #_____)

_____
(stamped or printed)

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY
Peggy M. Hatch Secretary

BY: _____
Cheryl Sonnier Nolan, 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 # _____)

_____
(stamped or printed)

Approved: _____
Cheryl Sonnier Nolan, Assistant Secretary