

**RAILROAD COMMISSION OF TEXAS
OFFICE OF GENERAL COUNSEL
HEARINGS SECTION**

OIL AND GAS DOCKET NO. 05-0281707

ENFORCEMENT ACTION FOR ALLEGED VIOLATIONS COMMITTED BY HALO ENERGY, LLC (347239), AS TO THE ISABELLE (01229) LEASE, WELL NOS. 1, 2, 3 AND 4, VAN (SHALLOW) FIELD, VAN ZANDT COUNTY, TEXAS

FINAL ORDER

The Commission finds that after statutory notice the captioned enforcement proceeding was heard by the examiner on May 30, 2013, and that the respondent, Halo Energy, LLC (347239), failed to appear or respond to the Notice of Opportunity for Hearing. Pursuant to § 1.49 of the Commission's General Rules of Practice and Procedure [Tex. R. R. Comm'n, 16 TEX. ADMIN. CODE § 1.49] and after being duly submitted to the Railroad Commission of Texas at conference held in its offices in Austin, Texas, the Commission makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Halo Energy LLC (347239), ("Respondent"), was given Notice of Opportunity for Hearing by certified mail, addressed to the most recent Form P-5 (Organization Report) address, which was signed.
2. The certified receipt containing the Original Complaint and the Notice of Opportunity for Hearing, was signed on April 24, 2013. The electronic certified receipt is included in the file and has been on file with the Commission for 15 days, exclusive of the day of receipt and day of issuance.
3. On July 6, 2012, Respondent, filed an Organization Report (Form P-5) with the Commission reporting that its officers consisted of the following individual(s): Jeffrey B. Roylance, President; and Chris Dukes, Manager.
4. Jeffrey B. Roylance, was a person in a position of ownership or control of respondent, as defined by Texas Natural Resources Code Section 91.114, during the time period of the violations of Commission rules committed by respondent.
5. Chris Dukes, was a person in a position of ownership or control of respondent, as defined by Texas Natural Resources Code Section 91.114, during the time period of the violations of Commission rules committed by respondent.

6. The violations of Commission rules committed by respondent are related to safety and the control of pollution.
7. Respondent designated itself to the Commission as the operator of Well Nos. 1, 2, 3 and 4 on the Isabelle (01229) Lease ("subject wells"/"subject lease") by filing a P-4 Form (Producers Transportation Authority and Certificate of Compliance) with the Commission effective on June 1, 2009.
8. Respondent's P-5 (Organization Report) became delinquent on June 1, 2013. Respondent had a \$50,000 Letter of Credit as its financial assurance at the time of its last P-5 renewal.
9. Well Nos. 1, 2, 3 and 4 on the Isabelle (01229) Lease ceased production on or before July 2011.
10. The subject wells have not been properly plugged in accordance with, and are not otherwise in compliance with, Statewide Rule 14.
11. Usable quality groundwater in the area is likely to be contaminated by migrations or discharges of saltwater and other oil and gas wastes from the subject well. Unplugged wellbores constitute a cognizable threat to the public health and safety because of the probability of pollution.
12. The total estimated cost to the State of plugging the subject wells is \$15,600.00.
13. A Commission District inspection was conducted on August 28, 2012 for the Isabelle (01229) Lease. There was a leak at the base of the 300 barrel tank. Approximately 2 barrels of produced water were found inside the firewall. Water was found seeping through the firewall and salt crystals and dead vegetation were found affecting a 50' x 50' area. A follow up inspection made on September 18, 2012 found the produced water inside the firewall had increased to three barrels. A subsequent inspection report conducted on October 17, 2012 showed the amount of the produced water inside the firewall had yet again increased and was now approximately ten barrels. Additionally, it was discovered that two barrels of produced water were now outside of the firewall and the spill had migrated into the pasture. Dead vegetation was found in an area measuring approximately 50' x 200'. A follow inspection on April 15, 2013 shows this violation remains, with fluids leaking under the firewall affecting an area of 30' x 20' outside the firewall, with a small amount of oil being observed in the kill area. The inspector noted this was in a pasture with livestock.
14. No permit has been issued to Respondent for the discharges of oil and gas wastes on or from the subject lease.
15. The unpermitted discharges of oil and gas wastes or other substances or materials on the subject lease constitute a hazard to public health and safety because leaks and spills of oil and produced waters onto soils can migrate into surface water bodies causing contamination or can leach into the ground and percolate through soils into groundwater supplies.
16. The Respondent has not demonstrated good faith since it failed to timely plug or otherwise place the subject leases and subject wells in compliance after being notified of the

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violations by the District Office and failed to appear at the hearing to explain its inaction.

CONCLUSIONS OF LAW

1. Proper notice was issued by the Railroad Commission to respondent and to all other appropriate persons legally entitled to notice.
2. All things necessary to the Commission attaining jurisdiction over the subject matter and the parties in this hearing have been performed or have occurred.
3. Respondent is in violation of Commission Statewide Rules 8(d)(1) and 14(b)(2).
4. Respondent is responsible for maintaining the subject leases in compliance with Statewide Rule 8(d)(1), which prohibits the discharge of oil and gas wastes without a permit.
5. Respondent is responsible for maintaining the subject leases and subject wells in compliance with all applicable Commission rules according to Statewide Rules 14, 58, and 79 and Chapters 89 and 91 of the Texas Natural Resources Code.
6. The documented violations committed by the respondent constitute acts deemed serious, a hazard to the public health, and demonstrate a lack of good faith pursuant to TEX. NAT. RES. CODE ANN. §81.0531.
7. As a person in a position of ownership or control of respondent at the time respondent violated Commission rules related to safety and the control of pollution, Jeffrey B. Roylance, and any other organization in which he may hold a position of ownership or control, shall be subject to the restrictions of Texas Natural Resource Code Section 91.114(a)(2) for a period of no more than seven years from the date the order entered in this matter becomes final, or until the conditions that constituted the violations herein are corrected or are being corrected in accordance with a schedule to which the Commission and the organization have agreed; and all administrative, civil, and criminal penalties and all cleanup and plugging costs incurred by the State relating to those conditions are paid or are being paid in accordance with a schedule to which the Commission and the organization have agreed, whichever is earlier.

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8. As a person in a position of ownership or control of respondent at the time respondent violated Commission rules related to safety and the control of pollution, Chris Dukes, and any other organization in which he may hold a position of ownership or control, shall be subject to the restrictions of Texas Natural Resource Code Section 91.114(a)(2) for a period of no more than seven years from the date the order entered in this matter becomes final, or until the conditions that constituted the violations herein are corrected or are being corrected in accordance with a schedule to which the Commission and the organization have agreed; and all administrative, civil, and criminal penalties and all cleanup and plugging costs incurred by the State relating to those conditions are paid or are being paid in accordance with a schedule to which the Commission and the organization have agreed, whichever is earlier.

IT IS ORDERED THAT within 30 days from the day immediately following the date this order becomes final:

1. Halo Energy LLC (347239), shall plug or otherwise place the Isabelle (01229) Lease, Well Nos. 1, 2, 3 and 4, Van (Shallow) Field, Van Zandt County, Texas in compliance with applicable Commission rules and regulations; and
2. Halo Energy, LLC (347239), shall pay to the Railroad Commission of Texas, for disposition as provided by law, an administrative penalty in the amount of **THIRTEEN THOUSAND FIVE HUNDRED DOLLARS (\$13,500.00)**.

It is further **ORDERED** by the Commission that this order shall not be final and effective until 20 days after a party is notified of the Commission's order. A party is presumed to have been notified of the Commission's order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this order shall not become final and effective until such motion is overruled, or if such motion is granted, this order shall be subject to further action by the Commission. Pursuant to TEX. GOV'T CODE § 2001.146(e), the time allotted for Commission action on a motion for rehearing in this case prior to its being overruled by operation of law, is hereby extended until 90 days from the date the parties are notified of the order.

All requested findings of fact and conclusions of law which are not expressly adopted herein are denied. All pending motions and requests for relief not previously granted or granted herein are denied.

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Noncompliance with the provisions of this order is subject to enforcement by the Attorney General and subject to civil penalties of up to \$10,000.00 per day per violation.

Done this 7th day of January 2014.

RAILROAD COMMISSION OF TEXAS

(Signatures affixed by Default Master Order dated January 7, 2014)

MFE/sa