

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

**OIL AND GAS DOCKET NO. 7B-0270771**

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**ENFORCEMENT ACTION FOR ALLEGED VIOLATIONS COMMITTED BY TRISTAR EXPLORATION, INC. (871101), AS TO THE RIGGANS-GUITAR (30561) LEASE, WELL NO. 1, WILDCAT FIELD, TAYLOR COUNTY, TEXAS**

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**FINAL ORDER**

The Commission finds that after statutory notice the captioned enforcement proceeding was heard by the examiner on June 7, 2012, and that the respondent, Tristar Exploration, Inc. (871101), 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. Tristar Exploration, Inc. (871101), ("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 and returned to the Commission.
2. The returned certified receipt containing the Original Complaint and the Notice of Opportunity for Hearing, was signed and returned to the Commission on April 30, 2012. The certified receipt has been on file with the Commission for 15 days, exclusive of the day of receipt and day of issuance.
3. On July 29, 2011, Respondent, a Corporation, filed an Organization Report (Form P-5) with the Commission reporting that its officers consisted of the following individual(s): Andrew A. Alff, President; and William Buck, Vice-President.
4. Andrew A. Alff, 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. William Buck, 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 No. 1 on the Riggans-Guitar (30516) Lease ("subject well"/"subject lease") by filing a Form W-1 (Application to Drill, Recomplete or Re-Enter), issued on March 13, 2007.
8. Respondent's P-5 (Organization Report) became delinquent on August 1, 2011. Respondent had a \$50,000 Bond as its financial assurance at the time of its last P-5 renewal.
9. The subject well has never produced.
10. The Statewide Rule 14b2 plugging extension for Well No. 1 on the Riggans-Guitar (30516) Lease was denied on July 31, 2011 for a non active P-5 (Organization Report).
11. The subject well have not been properly plugged in accordance with, and is not otherwise in compliance with Statewide Rule 14.
12. Usable quality groundwater 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 potential for pollution.
13. The estimated cost to the State of plugging the subject well is \$15,700.00.
14. Commission District inspections were conducted on January 14, 2011, March 8, 2011, April 11, 2011 and April 14, 2011 for the Riggans-Guitar (30516) Lease. The signs or identification required to be posted at the lease entrance and at the well were missing.
15. Failure to properly identify a well by the posting of the sign required by Statewide Rule 3 has the potential for causing confusion and delay in remedying a violation or emergency and poses a threat to the public health and safety.
16. A Commission District inspection was conducted on January 14, 2011 for the Riggans-Guitar (30516) Lease. Hydrocarbons are leaking from the casing below ground level affecting an area approximately 4' x 3' x 12" of saturated soil. Commission inspections conducted on March 8, 2011, April 11, 2011 and April 14, 2011 show that the pollution remains. A follow up inspection conducted on May 10, 2012 indicates the area of hydrocarbon pollution of 4' x 3' x 2' is partially remediated and needs more work. It shows the well head seep has been repaired with no active pollution.
17. No permit has been issued to Respondent for the discharge of oil and gas wastes on or from the subject lease.

18. 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.
19. Commission District inspections were conducted on January 14, 2011, March 8, 2011, April 11, 2011 and April 14, 2011 for the Riggans-Guitar (30516) Lease. Respondent has failed to backfill and compact a 15' x 15' x 5' workover pit at Well No. 1. A follow up inspection conducted on May 10, 2012 indicates the workover pit has been covered and packed.
20. Unfilled pits constitute a hazard to public health and safety because of the potential for illegal dumping in the pits and the potential for surface run-off to collect in the pit and seep into subsurface waters.
21. Commission District inspections were conducted on January 14, 2011, March 8, 2011, April 11, 2011 and April 14, 2011 for the Riggans-Guitar (30516) Lease. Well No. 1 had a wellhead open to the atmosphere. A follow up inspection conducted on May 10, 2012 indicates the well head seep has been repaired and well head control is maintained.
22. Maintenance of surface control by wellhead assemblies is necessary to prevent the discharge of oil and gas wastes on the subject lease constituting a hazard to public health and safety because the discharges of oil and gas wastes onto land surface can migrate into surface or subsurface waters.
23. Commission District inspections were conducted on January 14, 2011, March 8, 2011, April 11, 2011 and April 14, 2011 on the Riggans-Guitar (30516) Lease. Well No. 1 has been completed with casing, but Respondent has not filed the required completion report.
24. When an operator is proving that a well is a new discovery, they shall include the completion field when filing a Commission Form W-2 (Completion Report).
25. The Respondent has not demonstrated good faith since it failed to timely plug or otherwise place all of the subject lease and subject wells in compliance after being notified of the violations by the District Office and failed to appear at the hearing to explain its inaction.

26. Respondent has a prior history of Commission rule violations including the following docket(s):

Docket No. 03-0233440; Final Order Served: September 8, 2005;  
Docket No. 7B-0253333; Final Order Served: February 24, 2008;  
Docket No. 04-0253389; Final Order Served: April 8, 2008;  
Docket No. 04-0254379; Final Order Served: September 9, 2008;  
Docket No. 04-0254380; Final Order Served: June 24, 2008;  
Docket No. 7B-0239085; Final Order Served: January 26, 2006;  
Docket No. 7B-0239087; Final Order Served: April 7, 2007;  
Docket No. 7B-0239429; Final Order Served: March 12, 2008;  
Docket No. 7C-0248025; Final Order Served: August 11, 2011; and  
Docket No. 7C-0264638; Final Order Served: November 8, 2011.

### **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 3, 8(d)(1), 8(d)(4)(G)(i)(III), 13(b)(1)(B), 14(b)(2), 16(b) and 41(a)(1)(B).
4. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 3, which requires that each property that produces oil, gas or geothermal resources and each well oil, gas or geothermal resource well and tank, or other approved crude oil measuring facility shall post signs or identification.
5. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 8(d)(1), which prohibits the discharge of oil and gas wastes on or from the subject lease.
6. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 8(d)(4)(G)(i)(III), which requires workover pits to be dewatered, filled and compacted within 120 days from completion of workover operations.
7. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 13(b)(1)(B), which requires that surface control of all wells be maintained with wellhead assemblies.

8. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 16(b), which requires that the owner, or operator of an oil, gas or geothermal resource well, must within thirty days after the completion of such well, or the plugging of such well, if the well is a dry hole, shall file with the Commission the appropriate completion or plugging report.
9. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 41(a)(1)(B), the Commission shall assign a new field designation and/or discovery allowable after an operator furnishes to the Commission's Austin Office proper evidence, other than horizontal distance, proving that a well is a new discovery. Respondent failed to note the completion field on the Commission Form W-2.
10. Respondent is responsible for maintaining the subject lease and subject well 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.
11. 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©.
12. 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, Andrew A. Alff, 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.
13. 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, William Buck, 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. Tristar Exploration, Inc. (871101), shall plug the Riggans-Guitar (30516) Lease, Well No. 1, Wildcat Field, Taylor County, Texas in compliance with applicable Commission rules and regulations; and
2. Tristar Exploration, Inc. (871101), shall pay to the Railroad Commission of Texas, for disposition as provided by law, an administrative penalty in the amount of **TEN THOUSAND DOLLARS (\$10,000.00)**.

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.

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 12<sup>th</sup> day of February 2013.

**RAILROAD COMMISSION OF TEXAS**

(Signatures affixed by Default Master Order dated February 12, 2013)

MFE/sa