

**RAILROAD COMMISSION OF TEXAS
OFFICE OF GENERAL COUNSEL
OIL AND GAS SECTION**

OIL AND GAS DOCKET NO. 09-0233201

ENFORCEMENT ACTION FOR ALLEGED VIOLATIONS COMMITTED BY AMERICAN WEST RESOURCES, INC. (019739), AS TO THE M.K.T. RR R.O.W. (00356) LEASE, WELL NOS. 1, 2 AND 3, ARCHER COUNTY REGULAR FIELD, ARCHER COUNTY, TEXAS

FINAL ORDER

The Commission finds that after statutory notice the captioned enforcement proceeding was heard by the examiner on March 20, 2003, and that the respondent, American West Resources, Inc. (019739), failed to appear or respond to the notice. 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. American West Resources, Inc. (019739), ("Respondent") was given Notice of Hearing by certified mail, addressed to the most recent P-5 address on the Form P-5 Organization Report, which was signed and returned to the Commission.
2. The returned certified receipt (green card) that was attached to the Original Complaint and the Notice of Opportunity for Hearing was signed and returned to the Commission on February 21, 2003. The receipt has been on file with the Commission for 15 days, exclusive of the day of receipt and day of issuance.
3. On September 8, 2000, Respondent, a Corporation, filed an Organization Report (Form P-5) with the Commission reporting that its officers consisted of the following individual(s): Alan Stricklin; President and Clovis H. Stricklin; Vice-President.
4. Respondent designated itself to the Commission as the operator of Well Nos. 1, 2 and 3 on the M.K.T. RR R.O.W. (00356) Lease ("subject wells"/"subject lease") by filing a Form P-4 (Producer's Transportation Authority and Certificate of Compliance) with the Commission effective on August 1, 2000.
5. According to Commission records the Respondent's Form P-5 (Organization Report)

became delinquent on September 1, 2001. Respondent paid a fee of \$1,500.00 as financial assurance at the time of its last Form P-5 renewal.

6. A Commission district office inspection was conducted on September 4, 2002 for the M.K.T. RR R.O.W. (00356) Lease. Respondent had caused or allowed an unauthorized discharge of saltwater (water sample tested at 69,500 ppm) from the load valve affecting an area measuring approximately 2' x 7'. Also, there was an unauthorized discharge of produced water from the sight glass valve on the vertical separator affecting an area measuring approximately 2' x 5'.
7. Remediation of the discharge was performed by a Railroad Commission contractor on January 6, 2003.
8. No permit has been issued to the Respondent for the discharge of oil and gas wastes on or from the subject lease.
9. 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, leaching into the ground, and percolation through soils into groundwater supplies.
10. The Respondent has not demonstrated good faith since it failed to place the subject lease in compliance after being notified of the violations by the District Office and failed to appear at the hearing to explain its inaction.
11. The Commission spent \$86.00 abating the pollution on the M.K.T. RR R.O.W. (00356) Lease.

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. The subject lease was in violation of Commission Statewide Rule 8(d)(1) from at least September 4, 2002 to January 6, 2003.
4. Respondent was responsible for maintaining the subject lease 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 lease in compliance with all applicable Commission rules and for properly plugging the subject wells 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(c) (Vernon 2001).

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

1. American West Resources, Inc. (019739), shall pay to the Railroad Commission of Texas, for disposition as provided by law, an administrative penalty in the amount of **FIVE HUNDRED DOLLARS (\$500.00)** and **REIMBURSE** State Funds in the amount of **EIGHTY SIX DOLLARS (\$86.00)**.

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 order is served on the parties.

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 8th day of July 2003.

RAILROAD COMMISSION OF TEXAS

(Signatures affixed by Default Master Order dated July 8, 2003)

SP/sa