ENFORCEMENT ACTION AGAINST SOL VACUUM AND WINCH TRUCK SERVICE L.L.C. (OPERATOR NO. 801110) FOR VIOLATIONS OF STATEWIDE RULES ON THE BASS (11061) LEASE, WELL NO. 1, GARCIA (STRAY-3675) FIELD, STARR COUNTY, TEXAS

APPEARANCES

FOR MOVANT: Scott Holter, Staff Attorney

MOVANT: Railroad Commission of Texas - Enforcement Section

FOR RESPONDENT: Hortencia Camargo, Vice President

RESPONDENT: Sol Vacuum & Winch Truck Service L.L.C.

PROCEDURAL HISTORY

First Amended Complaint Served: October 31, 2001
Hearing Held: January 7, 2002
Record Closed: February 11, 2002
Heard By: Mark H. Tittel, Hearings Examiner
PFD Circulation Date: February 15, 2002
Current Status: Protested
STATEMENT OF THE

BACKGROUND

When a violation of Title 3 of the Texas Natural Resources Code relating to safety and/or the prevention or control of pollution is established, the Commission may assess a penalty of up to $10,000.00 per day for each offense committed regarding such lease. The seriousness of the violation, any hazard to the health or safety of the public, and the demonstrated good faith of the violation.
Ms. Camargo admitted that the Respondent had failed to keep the subject well in compliance. She testified that her husband, Eli Camargo, has been sent to federal prison. She stated in her hearing that she intends to submit a Form P-4 to transfer the subject well to another company which she owns, Cam Vacuum Service (Operator No. 126752), and bring the well back into production. Commission records reflect zero reported production from the well since at least April 1, 1999 and does not have a plugging extension in effect. The estimated cost to the State for plugging the subject well is $5,300.00.

In assessing penalties, the Commission is required by statute to consider the respondent's previous history of violations, the seriousness of the violations, any hazard to the health or safety of the public, and the immediate danger to the well and the environment. The Respondent was notified that the well was not in compliance by correspondence dated October 10, 2000 from the Commission's District 29. The subject well has not been plugged, nor is there any Form W-3A (Notification and Abandon) or Form W-1X (Application for Future Re-entry of Inactive Well) in effect for the well. Commission District 29 inspection reports of December 29, 2000 and September 4, 2000 indicate that Respondent was notified that the well was not in compliance.

EXAMINER'S OPINION

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1. Respondent filed its most recent Form P-5 on April 20, 1998 listing the following officers: Eli Camargo, President; Hortencia Espericueta (aka Hortencia Camargo), Vice-President; and Ricardo Espericueta, Silent Owner.

2. Respondent filed a Form P-4 (Producer's Transportation Authority and Certificate of Compliance) effective September 10, 1998 for the subject lease.

3. The subject well has been inactive for longer than one year. Commission records reflect zero reported production from the subject lease from April 1, 1999 through the present.

4. The subject well has not been plugged, nor is there any Form W-3A (Notice of Intention to Plug and Abandon) or Form W-1X (Application for Future Re-entry of Inactive Well Bore and 14(b)(2) Extension Permit) in effect for the well.

5. The estimated cost to the State for plugging the subject well is $5,300.00.

6. Usable quality groundwater in the area is likely to be contaminated by migrations or...
Oil & Gas

Proposal for De

discharges of saltwa

t wellbores constitute a

c probability of pollution.

8. Respondent failed to provide a

9. The record does not reflect any prev

10. Respondent has not demonstrated good f

CONCLUSIONS OF LAW

1. Proper notice of hearing was timely issued by the Rail

2. All things necessary to the Commission attaining jurisdiction over t

3. Respondent is the operator of the subject well, as defined by Commission 14(b)(2) [Tex. R.R. Comm'n, 16 TEX. ADMIN. CODE § 3.14(b)(2)] and Section 89 Texas Natural Resources Code and is a person as defined by Commission Statewi

4. As operator, Respondent has the primary responsibility for complying with Rule 14(b)(2) [Tex. R.R. Comm'n, 16 TEX. ADMIN. CODE § 3.14(b)(2)] and Section 89 of the Texas Natural Resources Code as well as other applicable statutes and Commission rules relating to the subject well.

5. The subject well is not properly plugged or otherwise in compliance with Statewide Rule 14(b)(2) [Tex. R.R. Comm'n, 16 TEX. ADMIN. CODE § 3.14(b)(2)], or Chapters 85, 89 and 91 of the Texas Natural Resources Code.

6. The documented violations 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 1993).

RECOMMENDATION

The examiner recommends that the above findings and conclusions be adopted and that the attached be order approved, requiring Respondent, within 30 days from the day immediately

CONCLUSIONS OF LAW

attached be order approved, requiring Respondent, within 30 days from the day immediately
1. Plug the Bass (11061) Lease in accordance with Statewide Rule
2. Pay an administrative penalty in ($2,000.00).

Respectfully submitted,

Mark H. Tittel
Hearings Examiner