

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

OIL AND GAS DOCKET NO. 7B-0273944

ENFORCEMENT ACTION FOR ALLEGED VIOLATIONS COMMITTED BY MAYO, EDDIE, SOLE PROPRIETOR (536900), AS TO THE HILL, J. R. (11660) LEASE, WELL NOS. 4 AND 5, DELONG (ZONE A) FIELD, STEPHENS COUNTY, TEXAS

FINAL ORDER

The Commission finds that after statutory notice the captioned enforcement proceeding was heard by the examiner on March 15, 2012 and that the respondent, Mayo, Eddie, Sole Proprietor (536900), 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. Mayo, Eddie, Sole Proprietor (536900), ("Respondent") was given a Notice of Opportunity for Hearing by certified mail, addressed to the most recent P-5 address on the Form P-5 Organization Report.
2. The returned certified receipt attached to the Original Complaint and the Notice of Opportunity for Hearing mailed to Respondent's most recent P-5 address, was signed and verified by the electronic return on February 9, 2012. The certified electronic verification has been on file with the Commission for 15 days, exclusive of the day of receipt and day of issuance.
3. On September 23, 2010, Respondent, filed an Organization Report (Form P-5) with the Commission reporting that its owners consisted of the following individual(s): Eddie Mayo; Owner.
4. Eddie Mayo, as Sole Proprietor, was 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. The violations of Commission rules committed by respondent are related to safety and the control of pollution.
6. Respondent designated itself to the Commission as the operator of Well Nos. 4 and 5 on the Hill, J.R. (11660) Lease ("subject wells"/"subject lease") by filing a P-4 Form (Producer's Transportation Authority and Certificate of Authority) effective on April 1, 1987.

7. Commission records indicate that Respondent's Form P-5 (Organization Report) became delinquent on July 1, 2011. Respondent had a \$50,000.00 bond as its financial assurance at the time of its last P-5 renewal.
8. Well No. 4 on the Hill, J.R. (11660) Lease ceased injection on or before September 2003.
9. Well No. 5 on the Hill, J.R. (11660) Lease ceased production on or before January 1993.
10. The subject wells have not been properly plugged in accordance with, and are not otherwise in compliance with, Statewide Rule 14.
11. The Statewide Rule 14b2 extension for Well No. 4 on the Hill, J.R. (11660) Lease was denied on September 21, 2004 for an H-5 issue.
12. The Statewide Rule 14b2 extension for Well No. 5 on the Hill, J.R. (11660) Lease was denied on June 29, 2007 for a non active P-5 (Organization Report).
13. Usable quality groundwater in the area could be contaminated by migrations or discharges of saltwater and other oil and gas wastes from the subject wells. Unplugged wellbores constitute a cognizable threat to the public health and safety because of the probability of pollution.
14. The estimated cost to the State of plugging Well Nos. 4 and 5 on the Hill, J.R. (11660) Lease is \$31,600.00.
15. Well No. 4 on the Hill, J.R. (11660) Lease is a permitted injection well. Commission District inspections conducted on December 8, 2009, January 12, 2010, April 13, 2010, December 16, 2010, October 31, 2011, December 2, 2011 and February 14, 2012 for the Hill, J.R. (11660) Lease. The pressure observation valve on Well No. 4 is inoperable as it is frozen and will not open safely.
16. The Respondent did not demonstrate good faith since it failed to plug or otherwise place the subject lease and wells in compliance after being notified of the violations by the District Office and failed to appear at the hearing to explain its inaction.
17. Respondent has a prior history of Commission rule violations including the following docket(s):

Docket No. 09-0243225; Final Order Served: August 9, 2006; and
Docket No. 8A-0250792; Final Order Served: January 30, 2008.

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 responsible for maintaining the subject lease in compliance with Statewide Rules 14(b)(2) and 46(g)(2).
4. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 46(g)(2), which requires that the wellhead shall be equipped with a pressure observation valve on the tubing and for each annulus of the well.
5. Respondent is responsible for maintaining the subject lease 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, Eddie Mayo, 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. Mayo, Eddie, Sole Proprietor (536900), shall plug the Hill, J.R. (11660) Lease, Well Nos. 4 and 5, DeLong (Zone A) Field, Stephens County, Texas in compliance with applicable Commission rules and regulations;
2. Mayo, Eddie, Sole Proprietor (536900), shall pay the Railroad Commission of Texas, for disposition as provided by law, an administrative penalty in the amount of **SEVEN THOUSAND DOLLARS (\$7,000.00)**.

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. GOVT. 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 7th day of August 2012.

RAILROAD COMMISSION OF TEXAS

(Signatures affixed by Default Master Order dated August 7, 2012)

MFE/sa