

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

OIL AND GAS DOCKET NO. 03-0232762

ENFORCEMENT ACTION FOR ALLEGED VIOLATIONS COMMITTED BY PRIDE, JOHN WAYNE, PARTNER AND PRIDE, MATTHEW LANE, PARTNER, PRIDE ENERGY COMPANY, A PARTNERSHIP (677050), AS TO THE BRUNNER LEASE, WELL NO. 1 (088459), IOLA (SUB-CLARKSVILLE) FIELD, GRIMES COUNTY, TEXAS

FINAL ORDER

The Commission finds that after statutory notice the captioned enforcement proceeding was heard by the examiner on January 23, 2003, and that the respondent, Pride, John Wayne, Partner and Pride, Matthew Lane, Partner, Pride Energy Company, A Partnership (677050), 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. Pride, John Wayne, Partner and Pride, Matthew Lane, Partner, Pride Energy Company, A Partnership (677050), ("Respondent") was given Notice of Opportunity for 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 Hearing Opportunity was signed and returned to the Commission on November 20, 2002. The certified receipt has been on file with the Commission for 15 days, exclusive of the day of receipt and day of issuance.
3. Respondent designated itself to the Commission as the operator of Well No. 1 (088459) on the Brunner Lease ("subject well"/"subject lease") by filing a Form P-4 (Producer's Transportation Authority and Certificate of Compliance) with the Commission effective on June 20, 2000.
4. According to Commission records the Respondent's Form P-5 (Organization Report) is active. Respondent has a \$250,000.00 bond recorded as its financial assurance on its last Form P-5 renewal.

5. The subject well ceased injection on or before May 1998.
6. The subject well has not been properly plugged in accordance with, or placed in compliance with, Statewide Rule 14.
7. 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.
8. The estimated cost to the State of plugging the subject well is \$7,965.00.
9. Commission district office inspections were conducted on November 12, 2001 and December 10, 2002 for the Brunner Lease. Oil saturated soil remained at the old injection pump site in a 4' x 6' x 3" deep area and 10' from the pump in an area approximately 1' x 1' x 4" deep.
10. No permit has been issued to the Respondent for the discharge of oil and gas wastes on or from the subject lease.
11. 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.
12. Well No. 1 (088459) on the Brunner Lease is a permitted disposal well completed with surface casing set and cemented through the entire interval of protected usable quality water. Commission records reflect the subject well last had a mechanical integrity test in July 1995. Although the well was due for a mechanical integrity test in October 2000, the test has not been performed and no Commission Form H-5 (Disposal/Injection Well Pressure Test) has been filed with the Commission.
13. The Respondent did not demonstrate good faith since it failed to plug or otherwise place the subject lease and the subject well in compliance after being notified of the violations by the District Office and failed to appear at the hearing.

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), 9(12)(A)&(C)(i) and 14(b)(2).
4. Respondent is responsible for maintaining the subject lease in compliance with 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 Rule

9(12)(A)&(C)(i), which requires that each disposal well shall be tested for mechanical integrity at least once every five years.

6. Respondent is responsible for maintaining the subject lease in compliance with all applicable Commission rules and for properly plugging the subject well according to Statewide Rules 14, 58, and 79 and Chapters 89 and 91 of the Texas Natural Resources Code.
7. 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. Pride, John Wayne, Partner and Pride, Matthew Lane, Partner, Pride Energy Company, A Partnership (677050), shall plug the Brunner Lease, Well No. 1 (088459), Iola (Sub-Clarksville) Field, Grimes County, Texas in compliance with applicable Commission rules and regulations; and
2. Pride, John Wayne, Partner and Pride, Matthew Lane, Partner, Pride Energy Company, A Partnership (677050), shall pay to the Railroad Commission of Texas, for disposition as provided by law, an administrative penalty in the amount of **FOUR THOUSAND FIVE HUNDRED DOLLARS (\$4,500.00)**.

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 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 25th day of March 2003.

RAILROAD COMMISSION OF TEXAS

(Signatures affixed by Default Master Order dated March 25, 2003)

SP/sa