

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

**OIL AND GAS DOCKET NO. 03-0268073**

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**ENFORCEMENT ACTION FOR ALLEGED VIOLATIONS COMMITTED BY LAIRD, WAYNE, SOLE PROPRIETOR (482492), AS TO THE TATUM-WHEAT, ET AL (05969) LEASE, WELL NOS. 1 AND 2, AND THE BURCH-WHEAT (09641) LEASE, WELL NO. 1, SOUR LAKE FIELD, HARDIN 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 14, 2012 and that the respondent, Laird, Wayne, Sole Proprietor (482492), failed to appear or respond to the Notice of 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. Laird, Wayne, Sole Proprietor (482492), ("Respondent") was given a Notice of Hearing by certified mail, addressed to the most recent P-5 address on the Form P-5 Organization Report.
2. The returned certified receipt containing the Original Complaint and the Notice of Hearing mailed to Respondent's most recent P-5 address, was signed for on April 7, 2012. The electronic certification has been on file with the Commission for 15 days, exclusive of the day of receipt and day of issuance.
3. On October 22, 2009, Respondent, filed an Organization Report (Form P-5) with the Commission reporting that its sole proprietor consisted of the following individual(s): Wayne Laird; Sole Proprietor.
4. Wayne Laird, 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. 1 and 2 on the Tatum-Wheat, Et Al (05969) Lease and Well No. 1 on the Burch-Wheat (09641) Lease ("subject wells"/"subject leases") by filing P-4 Forms (Producer's Transportation Authority and Certificate of Authority) effective on February 1, 1998 for both of the leases and wells.

7. Commission records indicate that Respondent's Form P-5 (Organization Report) became delinquent on November 1, 2010. Respondent had a \$25,000.00 Bond as its financial assurance at the time of its last P-5 renewal.
8. Production from Well Nos. 1 and 2 on the Tatum-Wheat, Et Al (05969) Lease ceased in October 2008.
9. Production from Well No. 1 on the Burch-Wheat (09641) Lease ceased on or before October 2008.
10. The subject wells have not been properly plugged in accordance with, and are not otherwise in compliance with, Statewide Rule 14.
11. Usable quality groundwater in the area could have been 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.
12. The estimated cost to the State of plugging Well Nos. 1 and 2 on the Tatum-Wheat Et Al, (05969) Lease is \$36,400.00. The estimated cost to the State of plugging Well No. 1 on the Burch-Wheat (09641) Lease is 23,800.00.
13. Commission District inspections were conducted on July 12, 2010 and July 26, 2010 for the Tatum-Wheat Et Al (05969) Lease. There was an area approximately 14' in diameter covered with oil-saturated soil. A December 28, 2010 inspection report for this lease indicates weather and natural break down of the oil saturated soil to approximately an area of 8'. On April 18, 2012, the inspection report for this lease indicates the oil saturated soil noted in previous inspections is just about gone due to weather and natural breakdown, and only small spots of oil saturated soil remain.
14. No permit has been issued to Respondent for the discharge of oil and gas wastes on or from the subject lease.
15. 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.
16. The Respondent did not demonstrate good faith since it failed to plug or otherwise place the subject leases 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.

### **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 leases in compliance with Statewide Rules 8(d)(1) and 14(b)(2).
4. 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 without a permit.
5. Respondent is responsible for maintaining the subject leases 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, Wayne Laird, 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. Laird, Wayne, Sole Proprietor (482492), shall plug the Tatum-Wheat, Et Al (05969) Lease, Well Nos. 1 and 2, and the Burch-Wheat (09641) Lease, Well No. 1, Sour Lake Field, Hardin County, Texas in compliance with applicable Commission rules and regulations; and
2. Laird, Wayne, Sole Proprietor (482492), shall pay to the Railroad Commission of Texas, for disposition as provided by law, an administrative penalty in the amount of **SIX THOUSAND FIVE HUNDRED DOLLARS (\$6,500.00)**.

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. 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 21<sup>st</sup> day of August 2012.

**RAILROAD COMMISSION OF TEXAS**

(Signatures affixed by Default Master Order dated August 21, 2012)

TJ/sa