

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

OIL AND GAS DOCKET NO. 09-0254793

ENFORCEMENT ACTION FOR ALLEGED VIOLATIONS COMMITTED BY HARRISON LEE HUGHES D/B/A H.L. HUGHES OIL (411978), AS TO THE BELKNAP WEST (30267) LEASE, WELL NOS. 1A, 1WS, 4A, 18W, 19, 20, 25A, 26, 31, 35W, 41, 45, A2 AND TANK BATTERY, YOUNG COUNTY REGULAR FIELD, YOUNG COUNTY, TEXAS

FINAL ORDER

The Commission finds that after statutory notice the captioned enforcement proceeding was heard by the examiner on June 12, 2008, and that the respondent, Harrison Lee Hughes d/b/a H.L. Hughes Oil (411978), 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. Harrison Lee Hughes d/b/a H.L. Hughes Oil (411978), ("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 Hearing mailed to Respondent's most recent P-5 address was signed and returned to the Commission on April 11, 2008. The certified receipt has been on file with the Commission for 15 days, exclusive of the day of receipt and day of issuance.
3. On June 26, 2007, Respondent, filed an Organization Report (Form P-5) with the Commission reporting that its officers consisted of the following individual(s): Harrison Lee Hughes, Owner.
4. Harrison Lee Hughes, as sole proprietor, was a person 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. 1A, 1WS, 4A, 18W, 19, 20, 25A, 26, 31, 35W, 41, 45, A2 and Tank Battery on the Belknap West (30267) Lease ("subject wells"/"subject lease") by filing a Form P-4 (Producer's Transportation Authority and Certificate of Compliance) with the Commission effective on March 1, 2005.
7. According to Commission records the Respondent's Form P-5 (Organization Report) is active. Respondent has a \$50,000.00 Letter of Credit as its financial assurance.
8. Commission District inspections were conducted on August 22, 2007 and October 5, 2007 for the Belknap West (30267) Lease. The signs or identification required to be posted at the subject wells and tank battery were missing or displayed incorrect information.
9. Failure to properly identify a well by the posting of the sign required by Statewide Rule 3 has the potential for causing confusion and delay in remedying a violation or emergency and poses a threat to the public health and safety.
10. Production from Well Nos. 1A, 1WS, 4A, 19, 20, 26, 31, 41, 45 and A2 ceased production prior to January 1, 2004.
11. Well Nos. 18W, 25A and 35W are permitted saltwater recovery wells.
12. Well No. 18W ceased injection on or before January 31, 2004. Well Nos. 25A and 35W ceased injection on or before November 30, 2003.
13. The Statewide Rule 14(b)(2) plugging extensions for Well Nos. 1A, 1WS, 4A, 19, 20, 26, 31, 41, 45 and A2 were denied on July 24, 2006, for H-5 (Mechanical Integrity Test) issues. The Statewide Rule 14(b)(2) extensions for Well Nos. 18W, 25A and 35W were denied on April 25, 2006 for H-5 (Mechanical Integrity Test) issues.
14. 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 wells. Unplugged wellbores constitute a cognizable threat to the public health and safety because of the probability of pollution.
15. The total estimated cost to the State of plugging the subject wells is \$28,600.00.
16. A Commission District inspection was conducted on August 22, 2007 for the Belknap West (30267) Lease. Well No. 1WS has casing open to the atmosphere. A District inspection conducted on October 5, 2007 for the subject lease showed that Well No. 45 has casing open to the atmosphere.
17. Maintenance of surface control by wellhead assemblies is necessary to prevent the discharge of oil and gas wastes on the subject lease, constituting a hazard to public health and safety, because the discharges of oil and gas wastes onto land surface can migrate into surface or subsurface waters.

18. Commission records show that Well Nos. 18W, 25A and 35W on the Belknap West (30267) Lease have been permitted as saltwater secondary recovery wells under UIC Nos. 37322, 37329 and 37324 dates unknown.
19. Commission records show that Well Nos. 18W, 25A and 35W on the Belknap West (30267) Lease have been permitted as saltwater secondary recovery wells under UIC Nos. 37322, 37329 and 37324, dates unknown. The permits each require an MIT every 5 years. Commission records further show that the last MIT performed on the subject wells was in January 1998.
20. Respondent did not timely perform mechanical integrity tests on the subject wells and file Forms H-5 as required by Statewide Rule 46(j).
21. The Respondent has not demonstrated good faith since it failed to timely plug or otherwise place the subject lease and subject 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 in violation of Commission Statewide Rules 3, 13(b)(1)(B), 14(b)(2), 46(j) and 46(i)(1)-(4).
4. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 3, which requires that each property that produces oil, gas or geothermal resources and each oil, gas or geothermal resource well and tank, or other approved crude oil measuring facility shall post signs or identification.
5. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 13(b)(1)(B), which requires that surface control of all wells be maintained with wellhead assemblies.
6. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 46(j), which requires that the mechanical integrity of an injection well shall be evaluated by conducting pressure tests to determine whether the well, tubing, packer or casing have sufficient mechanical integrity.

7. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 46(i)(1)-(4), which requires that the operator shall monitor the injection pressure and injection rate of each injection well on at least a monthly basis. The results of the monitoring shall be reported annually to the Commission on the prescribed form. All monitoring records shall be retained by the operator for at least 5 years. The operator shall report to the appropriate District Office within 24 hours any significant pressure changes or other monitoring data indicating the presence of leaks in the well.
8. 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.
9. 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).
10. 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, Harrison Lee Hughes, 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. Harrison Lee Hughes d/b/a H.L. Hughes Oil (411978), shall plug the Belknap West (30267) Lease, Well Nos. 1A, 1WS, 4A, 18W, 19, 20, 25A, 26, 31, 35W, 41, 45, A2 and Tank Battery, Young County Regular Field, Young County, Texas in compliance with applicable Commission rules and regulations; and
2. Harrison Lee Hughes d/b/a H.L. Hughes Oil (411978), shall pay to the Railroad Commission of Texas, for disposition as provided by law, an administrative penalty in the amount of **THIRTY NINE THOUSAND DOLLARS (\$39,000.00) less TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) already received.**

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 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 October 2008.

RAILROAD COMMISSION OF TEXAS

(Signatures affixed by Default Master Order dated October 7, 2008)

ME/sa