

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

OIL AND GAS DOCKET NO. 09-0298145

ENFORCEMENT ACTION AGAINST DDJB SERVICES GP LLC (OPERATOR NO. 195916) FOR VIOLATIONS OF STATEWIDE RULES ON THE GRANDVIEW SWD LEASE (LEASE ID NO. 230097), WELL NO. 1, NEWARK, EAST (BARNETT SHALE) FIELD, JOHNSON COUNTY, TEXAS

FINAL ORDER

The Railroad Commission of Texas (“Commission”) finds that after statutory notice the captioned enforcement proceeding was heard by a Commission Administrative Law Judge on December 10, 2016 and that the respondent, DDJB Services GP LLC 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, 16 TEX. ADMIN. CODE § 1.49, and after being duly submitted to the Commission at a conference held in its offices in Austin, Texas, the Commission makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. DDJB Services GP LLC, Operator No. 195916, (“Respondent”), was sent the Original Complaint and Notice of Opportunity for Hearing by certified and first class mail, addressed to the most recent Commission Form P-5 (Organization Report) (“Form P-5”) address. Delton E. Robison, Doyle C. Robison and Melton B. Griggers—Respondent’s officers listed on the Form P-5—were sent the Original Complaint and Notice of Opportunity for Hearing by certified and first class mail, addressed to their last known address. Banks Info Solutions, Respondent’s Resident Agent was sent the Original Complaint and Notice of Opportunity for Hearing by certified and first class mail, addressed to its last known address.
2. All the certified mail envelopes were delivered between November 3 and 5, 2015. The first class mail was not returned. Record of the delivery of certified mail has been on record with the Commission for more than 15 days, exclusive of the day of receipt and day of issuance. Respondent was given more than 30 days’ notice of the Original Complaint and Notice of Opportunity for Hearing. Respondent has not entered into an agreed settlement order, filed an answer, or requested a hearing.
3. On April 19, 2013, Respondent, a limited liability company, filed a Form P-5 with the Commission reporting that its officers consist of the following individuals: Delton E. Robison, Doyle C. Robison and Melton B. Griggers.

4. Delton E. Robison was in a position of ownership or control of Respondent, as defined in section 91.114 of the Texas Natural Resources Code, during the time period of the violations of Commission rules committed by Respondent.
5. Doyle C. Robison was in a position of ownership or control of Respondent, as defined in section 91.114 of the Texas Natural Resources Code, during the time period of the violations of Commission rules committed by Respondent.
6. Melton B. Griggers was in a position of ownership or control of Respondent, as defined in section 91.114 of the Texas Natural Resources Code, during the time period of the violations of Commission rules committed by Respondent.
7. Respondent's Form P-5 is delinquent. Respondent had a \$25,000 letter of credit as its financial assurance at the time of the last Form P-5 annual renewal submission.
8. The violations of Commission rules committed by Respondent are related to safety and the control of pollution.
9. Respondent designated itself to the Commission as the operator of the Grandview SWD Lease (Lease ID NO. 230097), Well No. 1 by filing either a Commission Form W-1 (Drilling Permit) or a Commission Form W-2 or G-1 (Completion Report), filed June 3, 2008.
10. Commission inspection reports made between June 11, 2012 and July 29, 2015 and either reports filed by Respondent with the Commission reflecting zero production or injection, or the absence of production or injection reports filed by the Respondent with the Commission since September 2012, show that the Grandview SWD Lease, Well No. 1 has been inactive for a period greater than one year. Injection at the subject well ceased on or before September 2012.
11. No work-overs, re-entries, or subsequent operations have taken place on the subject well within the last twelve months; the subject well has not been properly plugged in accordance with Statewide Rule 14, 16 TEX. ADMIN. CODE § 3.14 and no plugging extension is in effect for the subject well as allowed by Statewide Rule 14. The subject well is not otherwise in compliance with Statewide Rule 14.
12. 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, in violation of Statewide Rules 14(b)(2), constitute a cognizable threat to the public health and safety because of the potential of pollution.
13. The total estimated cost to the State for plugging the Grandview SWD Lease, Well No. 1 is \$65,000.00.

14. A Commission inspection report made on October 31, 2013, for the Grandview SWD Lease shows that oil and gas waste had been released within the firewall.
15. Respondent did not have a permit for said discharges, nor were they authorized under Statewide Rules 8(d)(3), 8(e), 9, 46 or 98.
16. Unpermitted discharges of oil and gas waste, in violation of Statewide Rule 8(d)(1), can contaminate the land surface, affect the health of humans and animals, and may eventually be discharged to surface or subsurface waters, causing pollution.
17. A Commission inspection report dated November 18, 2013 for the Grandview SWD Lease, Well No. 1 shows that the pressure observation valve on the production casing was stuck and not functional.
18. Undetected and significant pressure on the annulus of an injection or disposal well, in violation of Statewide Rule 9(9)(B), indicates a possible pollution hazard to usable water if leaks in the wellbore allow communication between the injected saltwater and usable water.
19. A Commission inspection report made on October 31, 2013, and inspection reports made thereafter, for the Grandview SWD Lease, Well No. 1 show that the well has pressure on the production casing. A review of Commission records shows that Respondent has provided no notice nor has Respondent tested the well.
20. Wells that have pressure on the bradenhead, in violation of Statewide Rule 17(a), may result in a discharge of oil and gas waste into ground water and contamination of surface or subsurface waters, thereby resulting in pollution.
21. Respondent has no prior history of violations of Commission rules.

CONCLUSIONS OF LAW

1. Proper notice was issued by the Commission to Respondent and all other appropriate persons legally entitled to notice.
2. All things necessary to the Commission attaining jurisdiction over the subject matter and the parties have been performed or have occurred.
3. Respondent is responsible for maintaining the subject lease in compliance with all applicable Commission rules and chapters 89 and 91 of the Texas Natural Resources Code.
4. Respondent is in violation of Statewide Rules 14(b)(2), 8(d)(1), 9(9)(B) and 17(a). 16 TEX. ADMIN. CODE §§ 3.14(b)(2), 3.8(d)(1), 3.9(9)(B) and 3.17(a).

5. The documented violations committed by Respondent constitute acts deemed serious, and a hazard to the public health, and demonstrate a lack of good faith pursuant to TEX. NAT. RES. CODE § 81.0531(c).
6. Respondent is responsible for maintaining the subject leases in compliance with Statewide Rule 14(b)(2), which requires that plugging operations on each dry or inactive well shall be commenced within a period of one year after drilling or operations cease and shall proceed with due diligence until completed, unless the operator is eligible for and obtains an extension of the plugging deadline.
7. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 8(d)(1), which prohibits the discharge of oil and gas waste without a permit.
8. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 9(9)(B), which requires operators who engage in disposal operations in reservoirs productive of oil, gas, or geothermal resources must equip the wellhead with a pressure observation valve on the tubing and for each annulus.
9. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 17(a), which requires that all wells be equipped with a bradenhead.
10. Pursuant to TEX. NAT. RES. CODE § 81.0531, the Commission may assess administrative penalties against Respondent for the subject violations of up to \$10,000 per day for each violation, with each day such violations continued constituting a separate violation.
11. An assessed administrative penalty in the amount of SEVENTEEN THOUSAND THREE HUNDRED FIFTY-SIX DOLLARS (\$17,356.00) is justified considering the facts and violations at issue.
12. As persons in a position of ownership or control of Respondent at the time Respondent violated Commission rules related to safety and the control of pollution, Delton E. Robison, Doyle C. Robison, and Melton B. Griggers, and any other organization in which either or any may hold a position of ownership or control, are subject to the restriction in section 91.114(a)(2) of the Texas Natural Resources Code.

IT IS ORDERED THAT within 30 days from the day immediately following the date this order becomes final:

1. DDJB Services GP LLC shall place the Grandview SWD Lease, Well No. 1 in compliance with Statewide Rules 14(b)(2), 8(d)(1), 9(9)(B) and 17(a), and any other applicable Commission rules and statutes.

2. DDJB Services GP LLC shall pay to the Railroad Commission of Texas, for disposition as provided by law, an administrative penalty in the amount of **SEVENTEEN THOUSAND THREE HUNDRED FIFTY-SIX DOLLARS (\$17,356.00)**.

It is further **ORDERED** that as persons in a position of ownership or control of Respondent at the time Respondent violated Commission rules related to safety and the control of pollution, Delton E. Robison, Doyle C. Robison, and Melton B. Griggers, and any other organization in which either or any may hold a position of ownership or control, shall be subject to the restriction in section 91.114(a)(2) of the Texas Natural Resources Code 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.

It is further **ORDERED** by the Commission that this order shall not be final and effective until 25 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 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 this order in accordance with TEX. GOV'T CODE § 2001.144.

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 August 9, 2016.

RAILROAD COMMISSION OF TEXAS

(Signatures affixed by Default Master Order dated August 9, 2016)

JNC / rnf