

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

OIL AND GAS DOCKET NO. 7B-0300145

ENFORCEMENT ACTION AGAINST CRYSTAL RIVER OIL & GAS LLC (OPERATOR NO. 191683) FOR VIOLATIONS OF STATEWIDE RULES ON BIRD (RRC GAS ID NO. 114541) LEASE, WELL NO. 1, BRAZOS RIVER (ATOKA D) FIELD, PALO PINTO COUNTY; AND BIRD (RRC GAS ID NO. 119690) LEASE, WELL NO. 2, BRAZOS RIVER (ATOKA D) FIELD, PALO PINTO 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 November 10, 2016 and that the respondent, Crystal River Oil & Gas LLC, failed to appear or respond to the Notice of 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. Crystal River Oil & Gas LLC (“Respondent”), Operator No. 191683, was sent the Original Complaint and Notice of Hearing by certified and first class mail, addressed to the most recent Commission Form P-5 (Organization Report) (“Form P-5”) address: Crystal River Oil & Gas LLC, PO Box 6749, Snowmass Vlg. CO 81615 and Klawiter, Reiner W., 220 N. Starwood Dr., Aspen CO 81611. Respondent’s officers and agents as identified on the Form P-5—Reiner W. Klawiter and CT Corporation— were each sent the Original Complaint and Notice of Hearing by certified and first class mail, addressed to their last known address.
2. The certified mail envelope containing the Original Complaint and Notice of Hearing was received by the Respondent on November 7, 2016. The certified mail for Reiner W. Klawiter and CT Corporation were returned unopened on September 16, 2016 and August 1, 2016, respectively. The first class mail was not returned. Record of the delivery of certified mail has been on file 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. Crystal River Oil & Gas LLC filed its first Form P-5 with the Commission in 1996. On March 10, 2015, Respondent, a Limited Liability Company, filed its most recent Form P-

- 5 with the Commission reporting that its officers consist of the following individual(s): Crystal River Oil & Gas LLC, Respondent; Reiner W. Klawiter, Manager; and CT Corporation, Resident Agent for the Respondent.
4. Reiner W. Klawiter 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. Respondent's Form P-5 is delinquent. Respondent had a \$50,000 letter of credit as its financial assurance at the time of the last Form P-5 annual renewal submission.
 6. The violations of Commission rules committed by Respondent are related to safety and the control of pollution.
 7. Respondent designated itself to the Commission as the operator of the Bird (RRC Gas ID No. 114541) Lease, Well No. 1 and the Bird (RRC Gas ID No. 119690) Lease, Well No. 2, by filing Commission Form P-4 (Certificate of Compliance and Transportation Authority), both effective October 1, 1995, approved February 13, 1996.
 8. Commission inspection reports made on March 4, 2016 for the Bird (RRC Gas ID No. 114541) Lease and the Bird (RRC Gas ID No. 119690) Lease show that the signs or identification required to be posted at the lease entrances were illegible.
 9. The lack of legible signs and identification displaying correct information, as set forth in Statewide Rule 3(1), may cause confusion as to the responsible operator to be contacted and the actual location of a violation or emergency, which can result in delays in remedying a violation or emergency.
 10. Commission inspection reports made on March 4, 2016 for the Bird (RRC Gas ID No. 114541) Lease, Well No. 1 and the Bird (RRC Gas ID No. 119690) Lease, Well No. 2, show that the sign or identification required to be posted at the wells were missing.
 11. The lack of legible signs and identification displaying correct information, as set forth in Statewide Rule 3(2), may cause confusion as to the responsible operator to be contacted and the actual location of the violation or emergency, which can result in delays in remedying a violation or emergency.
 12. A Commission inspection report made on March 4, 2016 and either reports filed by Respondent with the Commission reflecting zero production or the absence of production reports filed by Respondent with the Commission since March 2014, show the Bird (RRC Gas ID No. 114541) Lease, Well No. 1 has been inactive for a period greater than one year. Production from the subject well ceased on or before February 2014.

13. A Commission inspection report made on March 4, 2016 and either reports filed by Respondent with the Commission reflecting zero production or the absence of production reports filed by Respondent with the Commission since June 2014, show the Bird (RRC Gas ID No. 119690) Lease, Well No. 2 has been inactive for a period greater than one year. Production from the subject well ceased on or before May 2014.
14. No work-overs, re-entries, or subsequent operations have taken place on either of the subject wells within the last twelve months; neither of the subject wells have been properly plugged in accordance with Statewide Rule 14, 16 TEX. ADMIN. CODE § 3.14; and no plugging extensions are in effect for either of the subject wells as allowed by Statewide Rule 14. The subject wells are not otherwise in compliance with Statewide Rule 14.
15. 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 leases 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 3(1), 3(2), and 14(b)(2). 16 TEX. ADMIN. CODE §§ 3.3(1), 3.3(2), and 3.14(b)(2).
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 3(1) which requires that for 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, a sign shall be posted at the principal entrance which shall show the name by which the property is carried on the records of the Commission, the name of the operator, and the number of acres in the property.
7. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 3(2), which requires that each well site that produces oil, gas, or geothermal resources shall post signs or identification showing the name of the property, name of the operator and the well number.

8. 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.
9. 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.
10. An assessed administrative penalty in the amount of FIFTEEN THOUSAND FOUR HUNDRED TWO DOLLARS (\$15,402.00) is justified considering the facts and violations at issue, consisting of one Statewide Rule 3(1) violation at \$1,000.00, two Statewide Rule 3(2) violations at \$500.00 each, and two Statewide Rule 14(b)(2) violations totaling \$13,402.00 (Well No. 1 at \$6,403.00 and Well No. 2 at \$6,999.00).
11. 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, Reiner W. Klawiter, and any other organization in which he may hold a position of ownership or control, is 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. Crystal River Oil & Gas LLC (Operator No. 191683) shall plug the Bird (RRC Gas ID No. 114541) Lease, Well No. 1 and the Bird (RRC Gas ID No. 119690), Well No. 2 in compliance with Statewide Rule 14(b)(2) and place the leases in compliance with any other applicable Commission rules and statutes.
2. Crystal River Oil & Gas LLC (Operator No. 191683) is assessed by the Railroad Commission of Texas, for disposition as provided by law, an administrative penalty in the amount of **FIFTEEN THOUSAND FOUR HUNDRED TWO DOLLARS (\$15,402.00)**.

It is further **ORDERED** that 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, Reiner W. Klawiter, and any other organization in which he 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 the Commission's Order is signed, unless the time for filing a motion for rehearing has been extended under Tex. Gov't Code §2001.142, by agreement under Tex. Gov't Code §2001.147, or by written Commission Order issued pursuant to Tex. Gov't Code §2001.146(e). If a timely motion for rehearing of an application 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 Commission Order is signed.

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 24th day of January, 2017.

RAILROAD COMMISSION OF TEXAS

(Signatures affixed by Default Master Order dated January 24, 2017)

MFE/dac