

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

**OIL AND GAS DOCKET NO. 08-0250082**

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**ENFORCEMENT ACTION FOR ALLEGED VIOLATIONS COMMITTED BY PEDRAZA, HECTOR M., SOLE PROPRIETOR, JADE OIL (429571), AS TO THE HADWEN, HELEN (07254) LEASE, WARD, SOUTH FIELD, WARD 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 April 26, 2007, and that the respondent, Pedraza, Hector M., Sole Proprietor, Jade Oil (429571), 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. Pedraza, Hector M., Sole Proprietor, Jade Oil (429571), ("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 Opportunity for Hearing mailed to Respondent's most recent P-5 address was signed and returned to the Commission on March 21, 2007. The certified receipt has been on file with the Commission for 15 days, exclusive of the day of receipt and day of issuance.
3. Hector M. Pedraza, 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.
4. The violations of Commission rules committed by respondent are related to safety and the control of pollution.
5. According to Commission records the Respondent's Form P-5 (Organization Report) is active. Respondent has a \$25,000 Letter of Credit as its financial assurance.

6. Respondent designated itself to the Commission as the operator of the Hadwen, Helen (07254) Lease ("subject lease") by filing a Form P-4 (Producer's Transportation of Authority and Certificate of Compliance), with the Commission effective on October 7, 1996.
7. A Commission district office inspection was conducted on November 28, 2006 for the Hadwen, Helen (07254) Lease. Respondent ran a 2" rubber flowline from a fiberglass water tank to an area next to the old tank battery where produced water was being illegally dumped. There was a 5' x 10' area which contained approximately 5 barrels of salt water with a skim of oil. The water tested at a chloride level of approximately 104,600 ppm. Follow up inspections were conducted on December 27, 2006 and December 29, 2006, showing that the 5 barrels of salt water and oil had soaked into the ground and that the 5' x10' affected area had not been remediated. In addition, the December 29, 2006 inspection showed that a new tank (No. 69508) was leaking from the bottom and affecting a 2' x 20' area with produced water and oil.
8. No permit has been issued to the Respondent for the discharge of oil and gas wastes on or from the subject lease.
9. The unpermitted discharges of oil and gas wastes or other substances or materials 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.
10. The Respondent has not demonstrated good faith since it failed to otherwise place the subject lease in compliance after being notified of the violations by the District Office and failed to appear at the hearing to explain its inaction.
11. Respondent has been assessed an Enhancement of \$3,000 for intentional misconduct.

### **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 Rule 8(d)(1).
4. Respondent is responsible for maintaining 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 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(c).
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, Hector M. Pedraza, 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. Pedraza, Hector M., Sole Proprietor, Jade Oil (429571), shall place the Hadwen, Helen (07254) Lease, Ward, South Field, Ward County, Texas in compliance with applicable Commission rules and regulations; and
2. Pedraza, Hector M., Sole Proprietor, Jade Oil (429571), shall pay to the Railroad Commission of Texas, for disposition as provided by law, an administrative penalty in the amount of **FOUR THOUSAND DOLLARS (\$4,000.00)**.

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 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 30<sup>th</sup> day of May 2007.

**RAILROAD COMMISSION OF TEXAS**

(Signatures affixed by Default Master Order dated May 30, 2007)

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