

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

OIL AND GAS DOCKET NO. 08-0289299

ENFORCEMENT ACTION FOR ALLEGED VIOLATIONS COMMITTED BY SOMA OPERATING COMPANY, LLC. (OPERATOR NO. 801215) FOR VIOLATIONS OF STATEWIDE RULES ON THE MCCLURE 42-P (RRC PERMIT NO. P675851) WELL NO. 1, WILDCAT FIELD, MITCHELL COUNTY, TEXAS

FINAL ORDER

The Commission finds that after statutory notice the captioned enforcement proceeding was heard by the examiner on March 12, 2015 and that the Respondent, Soma Operating Company, LLC. (801215), 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 [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.

FINDING OF FACT

1. Soma Operating Company, LLC. (801215), ("Respondent"), was given Notice of Hearing by certified mail, addressed to the most recent Form P-5 (Organization Report) address.
2. The certified envelope containing the Original Complaint and the Notice of Opportunity for Hearing, was returned, unsigned on February 23, 2015. The returned envelopes are included in the file and has been on file with the Commission for 15 days, exclusive of the day of receipt and day of issuance.
3. On January 29, 2010, Respondent, filed an Organization Report (Form P-5) with the Commission reporting that its members consisted of the following individual(s): Hal J. Rasmussen, Manager.
4. Hal J. Rasmussen, 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 Well No. 1 of the McClure 42-P (RRC Permit No. P675851) Lease by filing a W-1 Form (Application to Drill, Reenter or Plug Back) effective on December 4, 2008.
7. Respondent's P-5 (Organization Report) became delinquent on June 1, 2011. Respondent had a \$50,000 letter of credit as its financial assurance at the time of its last P-5 renewal.
8. The subject well has never produced.
9. The total estimated cost for plugging the subject well is \$25,000.00.
10. Usable quality groundwater is likely to be contaminated by migrations or discharges of saltwater and other oil and gas wastes from the subject well. Unplugged wellbores constitute a cognizable threat to the public health and safety because of the potential for pollution..
11. Commission District inspections were conducted on December 16, 2013, February 18, 2014, March 6, 2014 for the McClure 42-P (RRC Permit No. 675851) Lease indicated that Respondent has failed to backfill, compact and level a pit 30 yards east of Well No. 1. And another pit west of Well No. 1. was completed in January 2009.
12. Unfilled pits constitute a hazard to public health and safety because of the potential for illegal dumping in the pits and the potential for surface run-off to collect in the pit and seep into subsurface waters.
13. Commission District inspections were conducted on December 16, 2013, February 18, 2014, March 6, 2014 and June 6, 2014 on the Mclure 42-P (RRC Permit No. 675851) Lease showed that Well No. 1 was completed with surface casing in January 2009, but Respondent has not filed the required completion report.
14. The Respondent has not demonstrated good faith since it failed to timely plug or otherwise place the subject lease and subject well 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 8(d)(4)(G)(i)(I), 14(b)(2) and 16(b).
4. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 8(d)(4)(G)(i)(I), which requires reserve pits and mud circulation pits to be dewatered, backfilled and compacted within one year of cessation of drilling operations.
5. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 16(b), which requires that the owner, or operator of an oil, gas or geothermal resource well, must within thirty (30) days after the completion of such well, or the plugging of such well, if the well is a dry hole, shall file with the Commission the appropriate completion or plugging report.
6. Respondent is responsible for maintaining the subject lease and subject well in compliance with all applicable Commission rules according to Statewide Rules 3 & 14(b)(2), and Chapters 89 and 91 of the Texas Natural Resources Code.
7. 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.
8. 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, Hal J. Rasmussen, 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. Soma Operating Company, LLC. (801215), shall plug the McClure 42-P (RRC Permit No. P675851) Lease, Well No. 1, Wildcat Field, Mitchell County, Texas in compliance with applicable Commission Rules and regulations; and
2. Soma Operating Company, LLC. (801215), shall pay the Railroad Commission of Texas, for disposition as provided by law, an administrative penalty in the amount of **ELEVEN THOUSAND FOUR HUNDRED NINETY THREE (\$11,493.00)**.

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 day of May 12, 2015.

RAILROAD COMMISSION OF TEXAS
(Signatures affixed by Default Master
Order dated May 12 , 2015)

TJJ/jm