

1 Department of Conservation, Geologic Energy Management Division  
Uduak-Joe Ntuk  
2 STATE OIL AND GAS SUPERVISOR  
801 K Street, MS 24-03 (Legal Office)  
3 Sacramento, California 95814-3530  
Telephone (916) 323-6733  
4 Facsimile (916) 445-9916

STATE OF CALIFORNIA  
NATURAL RESOURCES AGENCY  
DEPARTMENT OF CONSERVATION  
GEOLOGIC ENERGY MANAGEMENT DIVISION

**ORDER TO PAY A CIVIL PENALTY**  
**NO. 1188**

Operator: Cooper & Brain, Inc. (C8100)

## I. Introduction

The State Oil and Gas Supervisor (**Supervisor**), acting through the Geologic Energy Management Division (**CalGEM**), and under the authority of Division 3 of the Public Resources Code (**PRC**; commencing with PRC section 3000) and title 14 of the California Code of Regulations (**Regulations**), may impose a civil penalty on a person who violates any statutory provision of the PRC, or any regulation that implements those statutory provisions. (PRC, § 3236.5)

Based on CalGEM's records, Cooper & Brain, Inc. (**Operator**) is or was an "operator" (as defined in PRC, § 3009) and is responsible for 52 wells and associated production facilities at the Brea-Olinda, El Segundo, Long Beach, Rosecrans, Torrance, and Wilmington Fields (**Facilities**). Attachment A, incorporated herein, contains a list of operator's wells at the listed oil fields. Under applicable provisions of Regulations section 1774.2, Operator was required to submit a copy of its pipeline management plan for all pipelines to CalGEM by October 1, 2019, and Operator has not done so. Operator's failure to timely submit the pipeline management plan constitutes a violation of Regulations section 1774.2. Therefore, pursuant to PRC sections 3013, 3106, 3224, 3236.5, 3270, 3270.5, and Regulations section 1774.2, the Supervisor is ordering Operator: (1) to submit a pipeline management plan for all pipelines, and; (2) to pay a civil penalty, totaling \$2,500, imposed for violation of the requirement to timely submit a pipeline management plan.

## II. Definitions

**PRC section 3008, subdivision (a)**, defines "well" to mean, among other things, "any oil or gas well or well for the discovery of oil or gas; any well on lands producing or reasonably presumed to contain oil or gas."

**PRC section 3009** defines “operator” to mean “a person who, by virtue of ownership, or under the authority of a lease or any other agreement, has the right to drill, operate, maintain, or control a well or production facility.”

**PRC section 3010** defines “production facility” to mean “any equipment attendant to oil and gas production or injection operations including, but not limited to, tanks, flowlines,

1 headers, gathering lines, wellheads, heater treaters, pumps, valves, compressors, injection  
2 equipment, and pipelines that are not under the jurisdiction of the State Fire Marshal pursuant  
3 to Section 51010 of the Government Code." (See also Regulations, § 1760, subd. (r).)

4 **III. State Oil and Gas Supervisor Authority**

5 **PRC section 3106** authorizes the Supervisor to supervise the drilling, operation,  
6 maintenance, and abandonment of oil and gas wells to "prevent, as far as possible, damage  
7 to life, health, property, and natural resources; damage to underground oil and gas deposits  
8 from infiltrating water and other causes; loss of oil, gas, or reservoir energy, and damage to  
9 underground and surface waters suitable for irrigation or domestic purposes by the infiltration  
10 of, or the addition of, detrimental substances."

11 **PRC section 3224** mandates that the Supervisor "order such tests or remedial work as in  
12 his judgment are necessary to prevent damage to life, health, property, and natural resources;  
13 to protect oil and gas deposits from damage by underground water; or to prevent the escape  
14 of water into underground formations, or to prevent the infiltration of detrimental substances  
15 into underground or surface water suitable for irrigation or domestic purposes, to the best  
16 interests of the neighboring property owners and the public."

17 **PRC section 3236.5** authorizes the Supervisor to impose a civil penalty on a person who  
18 violates any statutory provision in Chapter 1 of Division 3 of the PRC (PRC sections 3000 through  
19 3473), or any regulation that implements those statutory provisions. Subject to the Supervisor's  
20 discretion, the penalty amount may be up to \$25,000 per violation, per day.

21 **PRC section 3270** mandates that CalGEM prescribe by regulation minimum facility  
22 maintenance standards for all production facilities in the state.

23 **Regulations section 1774.2** provides that operators shall prepare a pipeline  
24 management plan for all pipelines. Current operators as of October 1, 2018 shall submit a  
25 copy of the plan to the Supervisor no later than October 1, 2019. The operator shall maintain  
26 an up-to-date copy and provide it to the Supervisor upon request. The plan shall be updated  
27 within 90 days whenever pipelines are acquired, installed, altered, or at the request of the  
28 Supervisor.

#### IV. Failure to Submit a Pipeline Management Plan

2 CalGEM notified Operator that its pipeline management plan consistent with  
3 Regulations section 1774.2 was past due on January 7, 2020 and provided a new date for  
4 submission by February 7, 2020. Attachment B, incorporated herein, is a Notice of Violation  
5 that CalGEM sent on January 7, 2020 regarding Operator's wells in the Brea-Olinda Field with a  
6 deadline to submit the pipeline management plan by February 7, 2020. Attachment C,  
7 incorporated herein, is a Notice of Violation that CalGEM sent on January 7, 2020 regarding  
8 Operator's wells in the El Segundo Field with a deadline to submit the pipeline management  
9 plan by February 7, 2020. Attachment D, incorporated herein, is a Notice of Violation that  
10 CalGEM sent on January 7, 2020 regarding Operator's well in the Long Beach Field with a  
11 deadline to submit the pipeline management plan by February 7, 2020. Attachment E,  
12 incorporated herein, is a Notice of Violation that CalGEM sent on January 7, 2020 regarding  
13 Operator's wells in the Rosecrans Field with a deadline to submit the pipeline management  
14 plan by February 7, 2020. Attachment F, incorporated herein, is a Notice of Violation that  
15 CalGEM sent on January 7, 2020 regarding Operator's wells in the Torrance Field with a  
16 deadline to submit the pipeline management plan by February 7, 2020. Attachment G,  
17 incorporated herein, is a Notice of Violation that CalGEM sent on January 7, 2020 regarding  
18 Operator's wells in the Wilmington Field with a deadline to submit the pipeline management  
19 plan by February 7, 2020.

To date, CalGEM has not received a pipeline management plan from Operator.

## V. Civil Penalty

22 Based on information, belief, and a review of CalGEM's records, Operator is the  
23 current operator of the Facilities. Operator's failure to timely submit a pipeline management  
24 plan for the Facilities by October 1, 2019 is a violation of Regulations section 1774.2. This failure  
25 to submit the required pipeline management plan constitutes a single violation.

26 Because of this violation, and based on consideration of relevant circumstances,  
27 consistent with PRC section 3236.5, by this order the Supervisor is imposing on Operator a civil  
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1 penalty totaling \$2,500. Following is an explanation of how the civil penalty amount was  
2 determined.

3 For purposes of this order, the Supervisor considered relevant circumstances, including:  
4 characterizing the violations as "major," "minor," or "well stimulation" (as defined in PRC  
5 section 3236.5, subdivision (b)) and setting a penalty amount proportionate to the  
6 circumstantial importance of all relevant factors, including the eight factors identified in PRC  
7 section 3236.5, subdivision (a). (PRC, § 3236.5, subd. (a).)

8 In determining the civil penalty amount for Operator's single violation, the Supervisor  
9 determined the violation to be "minor." The statutory penalty range for a minor violation is  
10 between \$0 and \$2,500. After consideration of all relevant factors, the Supervisor determined  
11 that a civil penalty which is roughly proportionate to the cost of preparing a pipeline  
12 management plan is a balanced and effective incentive for operator compliance. A careful  
13 analysis of the eight factors identified in PRC section 3236.5, subdivision (a) did not affect the  
14 Supervisor's finding that the cost of compliance is an effective civil penalty amount. Therefore,  
15 the Supervisor determined that it is reasonable to impose a civil penalty which is proportionate  
16 to the cost of preparing a pipeline management plan. (PRC, § 3236.5, subd. (a).)

17 CalGEM estimated the cost to prepare a typical pipeline management plan is  
18 between \$500 and \$10,000 per oil or gas field, depending on the number of pipelines involved  
19 and information already gathered on each pipeline. This cost generally includes a base cost  
20 for the administrative task of assembling the plan, with design and location information  
21 Operator should already possess, and an additional amount for each pipeline. The number of  
22 pipelines owned by an operator is usually proportionate to the number of wells the operator  
23 has in a particular field; therefore, the estimated cost of preparing a pipeline management  
24 plan is based on the number of active or idle wells in each field. Working within the \$0 and  
25 \$2,500 statutory penalty range for a minor violation, CalGEM created a sliding scale to assess  
26 civil penalties for each operator based on the number of wells in their field, on a per-field  
27 basis. For operators with five or fewer active or idle wells, CalGEM estimated a cost of \$500. For  
28 operators with six to 20 active or idle wells, CalGEM estimated a cost of \$500 for the first five

1 wells, and an additional \$50 for each additional well up to the twentieth well. For an operator  
2 with 21 or more wells, CalGEM estimated a cost of \$1,500.

3 Based on the 21 active and two idle wells on Operator's property in the Brea-Olinda  
4 Field, the two active wells on Operator's property in the El Segundo Field, the one active well  
5 on Operator's property in the Long Beach Field, the seven active wells on Operator's property  
6 in the Rosecrans Field, the seven active wells on Operator's property in the Torrance Field, and  
7 the 12 active wells on Operator's property in the Wilmington Field, CalGEM estimates that  
8 Operator gained an economic benefit of \$2,500 by not preparing a pipeline management  
9 plan. As such, based on the above allegations, and with appropriate consideration of  
10 relevant factors as described in PRC section 3236.5, the Supervisor hereby imposes a civil  
11 penalty of two thousand five hundred dollars (\$2,500).

12 **VI. Operator's Required Actions**

13 For the reasons stated herein, pursuant to PRC sections 3013, 3106, 3206, and 3236.5, **IT**  
14 **IS HEREBY ORDERED** that Operator:

15 1) Submit a current pipeline management plan, prepared as directed in  
16       Regulations section 1774.2; and  
17 2) Pay a civil penalty in the amount of two thousand five hundred dollars (\$2,500).

18 Operator is required to submit a pipeline management plan and pay the civil penalty  
19 amount within **30 days** from the date this order is issued. A continuing failure to submit a  
20 pipeline management plan or pay a civil penalty may subject Operator to additional civil  
21 penalties even if this order is appealed.

22 To remit payment of the civil penalty, please send a check payable to "Department of  
23 Conservation" to the following address:

24       Department of Conservation  
25       Legal Office  
26       801 K Street, MS 24-03  
27       Sacramento, California 95814-3530

28 Please include the Operator name and Order number in the correspondence.

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## **VII. Operator's Appeal Rights**

Operator may appeal this Order by filing a timely written notice of appeal with the Director as described in Article 6 (Appeals and Review) of Division 3 of the PRC, commencing with PRC section 3350. (PRC, §§ 3225, subd. (d).) If this order is mailed to you, the Director must receive the appeal within (15) days from the date the Supervisor mails the order. To file an appeal, a written notice of appeal may be sent via U.S. mail to:

Department of Conservation  
Director's Office of Appeals  
801 K Street, MS 24-03 (Legal Office, Chief Counsel)  
Sacramento, California 95814-3530

Or via electronic mail:

CalGEMAppeals@conservation.ca.gov

If Operator files a timely written notice of appeal, Operator will be informed of the appeal hearing date, time, and place. Following the hearing, Operator will receive a written decision that affirms, sets aside, or modifies the appealed order.

If Operator does not file a timely written notice of appeal, or if the order is affirmed following an appeal, this order will become a final order and CalGEM may contract for performance of the work, pursuant to PRC section 3226, if, within 30 days of this order, Operator has not, in good faith, commenced the work ordered. Any costs incurred by CalGEM to obtain compliance with this order (which may include penalties and interest) will constitute a lien against Operator's real or personal property per PRC section 3423. (PRC, § 3356.)

## **VIII. Other Potential Actions to Enforce This Order**

Failure to comply with Section VIII (Operator's Required Actions) of this order could subject Operator to further enforcement action. PRC section 3236 makes it a misdemeanor for any person who violates, fails, neglects, or refuses to comply with any of the provisions of the oil and gas conservation laws commencing at PRC section 3000. PRC section 3236.5 authorizes the Supervisor to impose a civil penalty on a person who violates any provision in Chapter 1 of Division 3 of the PRC or any regulation that implements those statutes, and the

1 Supervisor may in the future impose further civil penalties based on the facts and omissions  
2 underlying this order. PRC section 3237 authorizes the Supervisor to order the plugging and  
3 abandonment of a well or the decommissioning of a production facility if an operator has  
4 failed to comply with an order of the Supervisor within the time provided by the order or has  
5 failed to challenge the order on a timely basis. PRC section 3359 makes it a misdemeanor to  
6 fail or neglect to comply with an order of the Supervisor. Each day's further failure, refusal, or  
7 neglect is a separate and distinct offense. (PRC, § 3359.)

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10 DATED: January 29, 2021



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12 Uduak-Joe Ntuk  
13 State Oil and Gas Supervisor  
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1      Service List

2      Cooper & Brain, Inc.  
3      Attn: Michael Hanley  
4      P.O. Box 1177  
5      Wilmington, CA 90748-1177

6      Cooper & Brain, Inc.  
7      Attn: Michael Hanley or Jeff A. Cooper  
8      655 East D St.  
9      Wilmington, CA 90744

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