

1 Department of Conservation, Division of Oil, Gas, and Geothermal Resources  
2 STATE OIL AND GAS SUPERVISOR  
3 801 K Street, MS 24-03 (Legal Office)  
4 Sacramento, California 95814-3530  
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7

8 **STATE OF CALIFORNIA**  
9 **NATURAL RESOURCES AGENCY**  
10 **DEPARTMENT OF CONSERVATION**  
11 **DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES**  
12

13 **ORDER TO:**  
14 **PLUG AND ABANDON WELL,**  
15 **DECOMMISSION ATTENDANT FACILITIES, AND**  
16 **RESTORE WELL SITE**  
17

18 **NO. 1120**

19 **Dated: March 23, 2018**

20 **Operator: Green Earth Resources, Inc. (G3425)**  
21

22 **BY**

23 **Kenneth A. Harris Jr.**

24 **STATE OIL AND GAS SUPERVISOR**  
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1 **I. Introduction**

2 The Division of Oil, Gas, and Geothermal Resources (Division) may order the plugging  
3 and abandonment of a well that it has determined, upon credible evidence, to be deserted  
4 whether or not any damage is occurring, or threatened, by reason of that deserted well. (**Pub.**  
5 **Resources Code, § 3237.**) Based on the Division’s records, **Green Earth Resources, Inc.**  
6 (Division operator code G3425; Operator) is the current operator (as defined in **Public**  
7 **Resources Code [PRC] section 3237, subdivision (c)(1)**) responsible for the plugging and  
8 abandonment of the well (and all associated conductors) (**the Well**), the decommissioning of the  
9 attendant production facilities (**the Facilities**), and restoration of the well site located at, or near,  
10 the city of Arvin (API 02914681) (**the Well and Facilities**). And, herein, the State Oil and Gas  
11 Supervisor (Supervisor) is ordering Operator to do so. This is because the Division has  
12 determined, based on information and belief and the rebuttable presumption evidence detailed  
13 below, that Operator has deserted **the Well and Facilities**.

14 Therefore, pursuant to **PRC sections 3106, 3224, 3226, and 3237**, and as set forth below,  
15 Supervisor is ordering Operator to plug and abandon **the Well** and decommission **the Facilities**  
16 according to **PRC sections 3208, 3228, 3229, and 3230, California Code of Regulations, title**  
17 **14, (Regulations) sections 1722 through 1724.1, 1760, 1775, and 1776**, and the conditions  
18 included in any permit the Division may issue pursuant to **PRC section 3229** for **the Well**.

19 **II. Definitions**

20 **PRC section 3008, subdivision (a)**, defines “Well” to mean “any oil or gas well or well  
21 for the discovery of oil or gas; any well on lands producing or reasonably presumed to contain  
22 oil or gas,” among others.

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

26 **Regulations section 1760, subdivision (k)**, defines “Production facility” to mean “any  
27 equipment attendant to oil and gas production . . . including, but not limited to, tanks, flowlines,  
28 headers, gathering lines, wellheads, heater treaters, pumps, valves, compressors, injection

1 equipment, production safety systems, separators, manifolds, and pipelines that are not under the  
2 jurisdiction of the State Fire Marshal pursuant to Section 51010 of the Government Code,  
3 excluding fire suppressant equipment.”

### 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 to  
7 life, health, property, and natural resources; damage to underground oil and gas deposits from  
8 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; to  
13 protect oil and gas deposits from damage by underground water; or to prevent the escape of  
14 water into underground formations, or to prevent the infiltration of detrimental substances into  
15 underground or surface water suitable for irrigation or domestic purposes, to the best interests of  
16 the neighboring property owners and the public.”

17 **PRC section 3226** authorizes the Supervisor, based on the Supervisor’s final or affirmed  
18 order, to appoint agents who may enter the well premises and perform necessary remedial work  
19 if the operator did not complete the remedial work as ordered. Any amount the Supervisor  
20 expends to complete the necessary remedial work constitutes a lien against the operator’s real or  
21 personal property according to **PRC section 3423**.

22 **PRC section 3237** authorizes the Supervisor to “order the plugging and abandonment of  
23 a well that has been deserted whether or not any damage is occurring or threatened by reason of  
24 that deserted well.” The Supervisor or district deputy “shall determine from credible evidence  
25 whether a well is deserted.”

### 26 **IV. Rebuttable Presumption of Desertion**

27 The Supervisor has determined that Operator failed to challenge Supervisor’s Order No.  
28 1052 on a timely basis and failed to comply with that Order within the time provided, thereby

1 creating a rebuttable presumption of desertion. (See **Pub. Resources Code, § 3237, subd.**  
2 **(a)(3)(C).**) In addition, the Supervisor has determined that “So Cal Oil & Gas, LLC” (Mr. Les  
3 Cafaude) represented to the Division that it was to acquire a well or production facility subject  
4 to a purchase, transfer, assignment, conveyance, exchange, or other disposition yet failed to  
5 comply with Public Resources Code section 3202. Mr. Les Cafaude’s failure to comply with  
6 PRC section 3202 further creates a rebuttable presumption of Operator’s desertion of **the Well**  
7 **and Facilities.** (See **Pub. Resources Code, § 3237, subd. (a)(3)(E).**) (See Attachment B,  
8 collectively 19 pages, incorporated herein.)

9 **V. Operator’s Required Actions**

10 For the reasons stated above, the Division has determined that **the Well and Facilities**  
11 are deserted. Therefore, **IT IS HEREBY ORDERED**, that Operator plug and abandon **the**  
12 **Well** and decommission **the Facilities** according to **PRC sections 3208, 3228, 3229, and 3230,**  
13 **Regulations sections 1722 through 1724.1, 1760, 1775, and 1776,** and the conditions included  
14 in any permit the Division may issue pursuant to **PRC section 3229** for **the Well.**

15 **VI. Operator’s Appeal Rights**

16 **PRC section 3237, subdivision (b),** entitles an operator to appeal a Supervisor’s order to  
17 plug and abandon wells. A notice of appeal must be timely made, in writing, and filed with the  
18 Director. (See **Public Resources Code beginning at PRC section 3350.**) To file an appeal, a  
19 written notice of appeal may be mailed to the following address:

20  
21 Department of Conservation  
22 Director’s Office of Appeals  
23 801 K Street, MS 24-03 (Legal Office)  
24 Sacramento, California 95814-3530

25 If Operator does not submit a timely written notice of appeal, this Order will become a  
26 final order and the Division may contract for performance of the work, pursuant to **PRC section**  
27 **3226,** if, within 30 days of this Order, Operator has not, in good faith, commenced the work  
28 ordered. Any costs incurred by the Supervisor to obtain compliance with this Order will  
constitute a lien against Operator’s real or personal property per **PRC section 3423.**

1 If Operator submits a timely written notice of appeal, it, and interested parties, will  
2 receive notice of the appeal hearing date, time, and place. Following the hearing, will receive a  
3 written decision that affirms, sets aside, or modifies the appealed order.  
4

5 **DATED: March 23, 2018**

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8 Kenneth A. Harris Jr.

9 State Oil and Gas Supervisor  
10

11 Original: Ms. Rosalie Morgan

12 Cert. mail rec. no.: 7016 0750 0000 3520 2477  
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14 Copy: Mr. Lester Cafaude

15 Cert. mail rec. no.: 7016 0750 0000 3520 2491  
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## **Attachment A**

1 DEPARTMENT OF CONSERVATION  
2 Division of Oil, Gas, and Geothermal Resources  
3 801 K Street, MS 18-05  
4 Sacramento, California 95814  
5 Telephone (916) 323-6733  
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10 STATE OF CALIFORNIA  
11 NATURAL RESOURCES AGENCY  
12 DEPARTMENT OF CONSERVATION  
13 DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES  
14

15  
16 **ORDER FOR OPERATOR TO**  
17 **TAKE REMEDIAL ACTION AND**  
18 **PAY A CIVIL PENALTY**  
19

20  
21 No. 1052

22 Dated: June 17, 2014

23 Operator: Green Earth Resources, Inc. (G3425)  
24

25  
26 BY

27 Steven R. Bohlen

28 STATE OIL AND GAS SUPERVISOR

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**I. Introduction**

Acting through the State Oil and Gas Supervisor (“Supervisor”), the Division of Oil, Gas, and Geothermal Resources (“Division”) in the Department of Conservation may order an operator to perform such tests or remedial work that, in the judgment of the Supervisor, are necessary to prevent damage to life, health, property, and natural resources. (Pub. Resources Code, § 3224.) Additionally, the Supervisor may impose a civil penalty on operators who violate Chapter 1 of Division 3 of the California Public Resources Code or the regulations implementing that chapter (“State oil and gas laws”). (Pub. Resources Code, § 3236.5.)

At all times relevant to this Order, **Green Earth Resources, Inc.**<sup>1</sup> (“Operator”) was the “operator,” as defined in Public Resources Code, section 3009 of the following idle wells: **Well No. 77-34 at the “Union-Signal-Ancora-Tipton-Stockton” lease (API # 029-14681)**, in the Mountain View field (Section 34, T 31S, R 29E) (Kern County), and **Well No. 1-3 at the “Cauzza et al Pool” lease (API # 029-72992)**, in the Mountain View field (Section 3, T 32S, R 29E) (Kern County) (collectively, the “Wells”).

For the reasons described in this Order, the Division hereby determines that Operator violated numerous sections of the State oil and gas laws. Therefore, pursuant to Public Resources Code sections 3013, 3106, 3224, 3225, 3226 and 3236.5, **the Supervisor hereby orders Operator to take remedial action to correct the violations and pay a civil penalty of \$27,500 (twenty-seven thousand five-hundred dollars).**

**II. Definitions**

“**Idle well**” means “any well that has not produced oil or natural gas or has not been used for injection for six consecutive months of continuous operation during the last five or more years. An idle well does not include an active observation well.” (Pub. Resources Code, § 3008, subd. (d).)

“**Long-term idle well**” means “any well that has not produced oil or natural gas or has not been used for injection for six consecutive months of continuous operation during the last

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<sup>1</sup> The Operator Code for Green Earth Resources, Inc. is G3425.



1 10 or more years. A long-term idle well does not include an active observation well.” (Pub.  
2 Resources Code, § 3008, subd. (e).)

3 “**Operator**” means “a person who, by virtue of ownership, or under the authority of a  
4 lease or any other agreement, has the right to drill, operate, maintain, or control a well or  
5 production facility.” (Pub. Resources Code, § 3009.)

6 “**Production facility**” means: (1) “any equipment attendant to oil and gas production or  
7 injection operations including, but not limited to, tanks, flowlines, headers, gathering lines,  
8 wellheads, heater treaters, pumps, valves, compressors, injection equipment, and pipelines that  
9 are not under the jurisdiction of the State Fire Marshal pursuant to Section 51010 of the  
10 Government Code.” (Pub. Resources Code, § 3010.)

### 11 **III. State Oil and Gas Supervisor Authority**

12 **Public Resources Code section 3013** states that the oil and gas statute (Division 3 of the  
13 Public Resources Code, commencing with section 3000) “shall be liberally construed to meet its  
14 purposes, and the director and the supervisor, acting with the approval of the director, shall have  
15 all powers, including the authority to adopt rules and regulations, which may be necessary to  
16 carry out the purposes of this division.”

17 **Public Resources Code section 3106, subdivision (a)**, authorizes the Supervisor to  
18 supervise the drilling, operation, maintenance, and abandonment of oil and gas wells to  
19 “prevent, as far as possible, damage to life, health, property, and natural resources; damage to  
20 underground oil and gas deposits from infiltrating water and other causes; loss of oil, gas, or  
21 reservoir energy, and damage to underground and surface waters suitable for irrigation or  
22 domestic purposes by the infiltration of, or the addition of, detrimental substances.”

23 **Public Resources Code section 3224** requires the Supervisor to “order such tests or  
24 remedial work as in his judgment are necessary to prevent damage to life, health, property, and  
25 natural resources; to protect oil and gas deposits from damage by underground water; or to  
26 prevent the escape of water into underground formations, or to prevent the infiltration of  
27 detrimental substances into underground or surface water suitable for irrigation or domestic  
28 purposes, to the best interests of the neighboring property owners and the public.”



1 violation that the Supervisor may treat as raising a rebuttable presumption that the wells have  
2 been deserted. (Pub. Resources Code, § 3237, subd. (a)(3)(D).)

3 By letter dated January 10, 2014, Operator’s former agent, Robert P. Rodriguez, notified  
4 the Division of his resignation as Operator’s agent “[e]ffective January 10, 2014.”  
5 Mr. Rodriguez copied Operator on his letter of resignation. That same day, the Division mailed  
6 a letter to Operator’s Sparks, Nevada address, confirming receipt of Mr. Rodriguez’s resignation  
7 and requesting that Operator designate a new agent.<sup>2</sup> Operator did not respond. On March 27,  
8 2014, the Division issued a Notice of Violation (“NOV”) to Operator, which notified Operator  
9 of its failure to designate an agent and requested that the violation be corrected no later than  
10 May 1, 2014.<sup>3</sup> Operator returned a designation of agent form on May 1 – nearly four months  
11 after the former agent’s resignation.

12 Based on the foregoing, the Supervisor finds that Operator violated Public Resources  
13 Code section 3200 by failing to designate a new agent within the five-day deadline.

14 **B. Failure to Comply with Idle Well Requirements (Applies to Both Leases)**

15 Under Public Resources Code, section 3206, operators of idle wells must either, (1) pay  
16 annual idle well fees; (2) fund an escrow account; (3) file indemnity bonds for each idle well; or  
17 (4) file and comply with an Idle Well Management Plan (“IWMP”). If an operator elects to file  
18 an IWMP, but fails to comply with its provisions, the Division may terminate the operator’s  
19 IWMP. (Pub. Resources Code, § 3206, subd. (a)(4)(B)(vi).) In such cases where an operator’s  
20

21 <sup>2</sup> The Division is not required to warn or notify Operator of its violations before issuing an order for remedial action and/or  
22 assessing a civil penalty. Accordingly, Operator’s receipt of the Division’s correspondence – or lack thereof – is irrelevant to  
23 whether Operator violated the law and is subject to a civil penalty not to exceed \$25,000 per violation. Nevertheless, this  
24 Order identifies those instances where the Division sent Operator notices in attempts to encourage Operator’s compliance  
outside of an enforcement order. This Order also identifies instances where the Division used certified or registered mail to  
send such correspondence.

25 <sup>3</sup> The March 27, 2014 NOV was sent by certified mail (7009-2820-0001-6380-4637) to the Sparks, Nevada address that  
26 Operator listed on records provided to the Division. A copy of the NOV was also e-mailed to the e-mail address of Ms.  
27 Rosalie Morgan. Ms. Morgan is not Operator’s designated agent, and the Sparks, Nevada address is not an acceptable  
28 address for Operator to receive notices and other correspondence from the Division. The Division mailed the most recent  
NOV to Nevada, and emailed the NOV to Ms. Morgan, solely as a good faith courtesy to encourage immediate correction of  
the violations listed in the NOV. In any event, U.S. Postal Service tracking information shows that there was no authorized  
recipient at the Nevada address, and that the package went unclaimed at the post office for more than two weeks (despite a  
notice left at the Nevada address) before the Postal Service returned the package to the Division’s District 4 office in  
Bakersfield, California.

1 IWMP is terminated, that operator must immediately provide idle well fees, fund an escrow  
2 account, or file indemnity bonds to maintain compliance with section 3206. (Ibid.)

3 Based on the production reports for the Wells, the Division considers the well at “Union-  
4 Signal-Ancora-Tipton-Stockton” to be a long-term idle well, as defined in Public Resources  
5 Code section 3008, subdivision (e), and the well at “Cauzza et al Pool” to be an idle well as  
6 defined in Public Resources Code section 3008, subdivision (d). The production reports  
7 establish that the Wells have failed to produce oil in quantities sufficient for the Wells to be  
8 considered active production wells. Accordingly, Operator is subject to the idle well  
9 requirements of Public Resources Code section 3206.

10 Operator elected to file an IWMP, yet failed to comply with its requirements, including  
11 the requirement derived from the statute that Operator reactivate or plug and abandon at least  
12 one of its idle wells. (See Pub. Resources Code, § 3206, subd. (a)(4)(B)(iv) (an IWMP must  
13 require Operators with ten or fewer idle wells to eliminate at least one idle well every two  
14 years).) As a result of Operator’s failure to comply with its IWMP, the Division terminated  
15 Operator’s IWMP in a letter dated June 6, 2013. The letter also advised Operator of the  
16 alternative methods for complying with section 3206 (e.g., idle well fees, bonds, or escrow  
17 account). Operator did not respond. On March 27, 2014, the Division issued Operator a NOV,  
18 which notified Operator of its failure to comply with idle well requirements and requested that  
19 the violation be corrected no later than May 1, 2014. Operator did not respond.

20 Based on the foregoing, the Supervisor finds that Operator violated Public Resources  
21 Code section 3206 by failing to comply with its IWMP, and thereafter failing to maintain  
22 alternative compliance through idle well fees, an escrow account, or proper indemnity bonds.

23 **C. Failure to Submit a Spill Contingency Plan (Applies to Both Leases)**

24 Public Resources Code, section 3270.1 states: “Within three months of its acquisition of a  
25 production facility or at the time of the initial production at its production facility, the facility  
26 operator shall file with the division a spill contingency plan.” Regulations section 1722,  
27 subdivision (b), further states that the “plan(s) shall be filed with the appropriate Division  
28 district office within six months of the effective date of Section 1722.9 or within three months

1 after initial production or acquisition of a facility.” Regulations section 1722.9 became effective  
2 on January 29, 2011, and specifies what a spill contingency plan must include.

3 By a Notice to Operators dated September 6, 2011, the Division informed facility  
4 operators throughout the state of the July 29, 2011 deadline provided by Regulations section  
5 1722, subdivision (b), for submitting spill contingency plans. Because Operator had already  
6 acquired the production facilities associated with its two leases (i.e., “Union-Signal-Ancora-  
7 Tipton-Stockton” and “Cauzza et al Pool”) when Regulations section 1722.9 took effect,  
8 Operator was subject to the July 29, 2011 deadline. Operator did not submit spill contingency  
9 plans by the July 29, 2011 deadline.

10 By letter dated January 27, 2012, the Division notified Operator that its spill contingency  
11 plans for the production facilities associated with its leases were past due. The letter also  
12 warned Operator that a failure to immediately correct the violation could result in an  
13 enforcement action, including assessment of a civil penalty. Operator did not submit any spill  
14 contingency plan as requested.

15 The Division issued Operator a NOV dated July 27, 2012, informing Operator of its  
16 ongoing violation of the requirement to file spill contingency plans.<sup>4</sup> The NOV again warned  
17 Operator that its failure to immediately correct the violations could result in an enforcement  
18 action, including a civil penalty. Operator did not correct the violation. Finally, the Division  
19 cited Operator’s failure to submit a spill contingency plan in the most recent NOV sent to  
20 Operator on March 27, 2014. Still, Operator has failed to submit any spill contingency plan.

21 Based on the foregoing, the Supervisor finds that Operator violated Public Resources Code  
22 section 3270.1 and Regulations section 1722, subdivision (b), by failing to submit spill  
23 contingency plans for the production facilities associated with Operator’s leases.

24 **D. Failure to Perform Idle Well Tests and Supply Idle Well Information (Applies to**  
25 **Both Leases)**

26 Regulations section 1723.9 requires that operators test their idle wells periodically to  
27 ensure the mechanical integrity of the wells. The regulation states in part that an operator must

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<sup>4</sup> Sent by certified mail (7011-0470-0002-9547-1295)

1 test “[a]ny well that has not produced oil or natural gas or been used for fluid injection for a  
2 continuous six-month period during any consecutive five-year period[.]” The regulation further  
3 provides that “[a]dditional well tests or remedial operations may be required . . . as specified by  
4 the appropriate Division district deputy.” As authorized by Regulations section 1723.9, the  
5 District 4 idle well testing program requires that idle wells undergo a fluid level test at least  
6 every two years in areas of fresh water.

7 Both of Operator’s Wells are idle wells located in areas of fresh water, and both Wells  
8 are subject to the idle well testing requirements of Regulations section 1723.9. According to  
9 Division records, Operator has long exceeded the applicable time limits for conducting idle well  
10 testing. Division records reflect that “Union-Signal-Ancora-Tipton-Stockton” 77-34 has been  
11 overdue for testing since January 1, 2006, and that “Cauzza et al Pool” 1-3 has been overdue for  
12 testing since September 15, 2012.

13 The Division has mailed numerous letters over the years and at least two NOVs (dated  
14 March 10, 2011 and December 3, 2012<sup>5</sup>) concerning Operator’s non-compliance with idle well  
15 testing requirements. The letters and NOVs informed Operator of its “serious deficiency” in  
16 complying with idle well planning and testing requirements. Through these documents, the  
17 Division repeatedly requested that Operator complete certain idle well testing and submit the  
18 results to the Division by specified deadlines. The letters also warned Operator that a failure to  
19 correct the deficiencies could result in Operator’s Wells being declared deserted and/or Operator  
20 being assessed a civil penalty. Indeed, in email correspondence between Division personnel and  
21 Operator dated December 12, 2012, Division personnel warned Operator that the civil penalty  
22 for failing to comply could be in the range of \$3,000 to \$4,000 per well. Operator did not  
23 respond to the Division’s numerous letters and NOVs.

24 Most recently, the Division’s March 27, 2014 NOV to Operator notified Operator of its  
25 failure to perform idle well tests and requested that the tests be performed and results submitted  
26 to the Division no later than May 1, 2014. Operator has yet to provide a sufficient response to  
27 the Division’s numerous requests.

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<sup>5</sup> Sent by certified mail (7011-0470-0002-9547-1707).

1           Based on the foregoing, the Supervisor finds that Operator violated Regulations  
2 section 1723.9 by failing to perform idle well tests and supply idle well information.

3           **E. Failure to Post Well Signs (Applies to “Cauzza et al Pool” 1-3)**

4           Regulations section 1722.1.1 specifies requirements for well signs, stating, “[e]ach well  
5 location shall have posted in a conspicuous place a clearly visible, legible, permanently affixed  
6 sign with the name of the operator, name or number of the lease, and number of the well. These  
7 signs shall be maintained on the premises from the time drilling operations cease until the well is  
8 plugged and abandoned.”

9           On March 20, 2013, Division personnel inspected Operator’s “Cauzza et al Pool” lease  
10 and observed that well 1-3 did not have the required signage. The Division cited this violation  
11 in a March 21, 2013 “Environmental Deficiency” letter to Operator. The letter informed  
12 Operator that not having the proper well sign at well 1-3 violated Regulations section 1772.1.1,  
13 and warned Operator that failure to correct the violation could result in an enforcement action.

14           Approximately two months later on May 23, 2013, Division personnel inspected the  
15 “Cauzza et al Pool” lease and noted once again that well 1-3 did not have the required signage.  
16 The Division sent Operator a NOV dated May 29, 2013, requesting that Operator correct the  
17 violation of Regulations section 1772.1.1 by June 28, 2013 in order to avoid a potential  
18 enforcement order.<sup>6</sup> Division personnel inspected the lease on August 15, 2013 and noted that  
19 the violation had not been corrected.

20           On March 5, 2014, Division personnel inspected the “Cauzza et al Pool” lease and noted  
21 that well 1-3 did not have the required signage. The Division’s March 27, 2014 NOV to  
22 Operator notified Operator of its ongoing failure to post the required well sign, and warned  
23 Operator that its failure to correct the violation by May 1, 2014 could result in an enforcement  
24 order. Operator has not provided a sufficient response, or otherwise indicated that this violation  
25 has been corrected.

26           Based on the foregoing, the Supervisor finds that Operator violated Regulations  
27 section 1722.1.1 by failing to post required well signs.

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<sup>6</sup> Sent by certified mail (7009-2820-0001-6380-3784).

1       **F. Failure to Properly Label Tanks (Applies to Both Leases)**

2           Regulations section 1773.3, subdivision (a), provides: "All tanks shall be properly  
3 identified with the operator's tank identification number, tank type (production, stock, water,  
4 etc.), and with appropriate materials hazard placards or labels."

5           On March 20, 2013, Division personnel inspected Operator's leases and observed that  
6 none of the tanks on either lease were properly identified in accordance with Regulations  
7 section 1773.3, subdivision (a). The Division advised Operator of the need to correct these  
8 violations in the Environmental Deficiency letter dated March 21, 2013.

9           On May 23, 2013, Division personnel inspected the "Cauzza et al Pool" lease and noted  
10 once again that the tanks were not properly identified. The Division advised Operator of the  
11 need to correct these violations in the NOV dated May 29, 2013. Division personnel inspected  
12 the lease again on August 15, 2013 and noted that the violation had not been corrected.

13           On March 5, 2014, Division personnel inspected Operator's leases and observed that the  
14 tanks were not properly identified. The Division cited these violations in the March 27, 2014  
15 NOV to Operator. Operator has not provided a sufficient response, or otherwise indicated that  
16 these violations have been corrected.

17           Based on the foregoing, the Supervisor finds that Operator violated Regulations  
18 section 1773.3, subdivision (a), by failing to properly label tanks.

19       **G. Failure to Maintain Production Facilities in Good Condition (Applies to Both**  
20 **Leases)**

21           Regulations section 1777, subdivision (a), requires operators to "maintain production  
22 facilities in good condition and in a manner to prevent leakage or corrosion and to safeguard  
23 life, health, property, and natural resources." According to Regulations section 1777,  
24 subdivision (c)(2), properly maintaining production facilities includes removing weeds and  
25 debris from secondary containment areas and catch basins. Additionally, Regulations section  
26 1777, subdivision (c)(3), requires that "[w]ell cellars shall be covered and kept drained" and  
27 "protected from as much runoff water as practical." The term "production facilities" as used in  
28



1 Regulations section 1777 includes tanks attendant to oil and gas production or injection  
2 operations. (Regulations, § 1760, subd. (k); *see also* Pub. Resources Code, § 3010.)

3 During the Division's March 20, 2013 inspection of the "Cauzza et al Pool" lease,  
4 Division personnel observed weeds and debris on or in the secondary containment structures.  
5 The Division cited this violation of Regulations section 1777, subdivisions (a) and (c)(2), in the  
6 Environmental Deficiency letter dated March 21, 2013. The Division observed the violation  
7 again during the Division's May 23, 2013 inspection of the "Cauzza et al Pool" lease. The  
8 Division cited the violation in the May 29, 2013 NOV issued to Operator. Division personnel  
9 inspected the lease again on August 15, 2013 and noted that the violation had not been  
10 corrected.

11 During the Division's March 20, 2013 inspection of the "Union-Signal-Ancora-Tipton-  
12 Stockton" lease, Division personnel observed fluid in the cellar of well 77-34. The Division  
13 cited this violation of Regulations section 1777, subdivisions (a) and (c)(3), in the  
14 Environmental Deficiency letter dated March 21, 2013.

15 On March 5, 2014, Division personnel inspected Operator's leases and observed that the  
16 conditions at the leases were still in violation of Regulations section 1777. The Division issued  
17 Operator a NOV on March 27, 2014, requesting that the violations be corrected by May 1, 2014,  
18 and warning that a failure to do so would subject Operator to an enforcement action. Operator  
19 has not provided a sufficient response, or otherwise indicated that these violations have been  
20 corrected.

21 Based on the foregoing, the Supervisor finds that Operator violated Regulations  
22 section 1777, subdivisions (a) and (c), by failing to maintain the production facilities in good  
23 condition.

24 **H. Failure to Comply with Tank Maintenance and Testing Requirements (Applies to**  
25 **Both Leases)**

26 Regulations section 1760 differentiates between "in-service" and "out-of-service"  
27 production facilities (including tanks). "In-service" facilities are those that are "capable of  
28 containing fluid safely and can be shown to operate as designated." (Regulations, § 1760,

1 subd. (m).) "Out-of-service" facilities are those that have "become incapable of containing  
2 fluid safely or cannot be shown to operate as designated." (Regulations, § 1760, subd. (l).)  
3 Operators are required to inspect their in-service tanks on a monthly basis (*see* Regulations,  
4 § 1773.3, subd. (b).) Additionally, operators must conduct sidewall and bottom plate thickness  
5 testing on all in-service tanks at intervals specified in Regulations section 1773.4.

6 Tanks that fail the minimum thickness standards, are found to be leaking, or are  
7 otherwise incapable of containing fluid must be designated as "out-of-service." (Regulations,  
8 § 1773.4, subd. (g).) Out-of-service production facilities (including tanks) are subject to the  
9 requirements of Regulations section 1773.5, which include removal of all fluids, sludge and  
10 other materials, degassing in accordance with local air district rules, labeling requirements, and  
11 certain measures to prevent unauthorized use.

12 The Division does not have any records suggesting that Operator has complied with the  
13 inspection and maintenance requirements of Regulations sections 1773.3, subdivision (b), and  
14 1773.4. Nor does the Division have information sufficient to establish that the tanks on  
15 Operator's leases are in-service tanks. Accordingly, the Division's most recent March 27,  
16 2014 NOV to Operator formally requested that Operator explain the basis of its compliance  
17 with these regulations, submit test records, and demonstrate that its tanks are in fact in-service  
18 facilities capable of containing fluid safely. The Division has authority to request these test  
19 records. (*See, e.g.*, Regulations, § 1777.3, subd. (c).) Operator has not responded to the  
20 Division's request.

21 Based on the foregoing, the Supervisor finds that Operator violated Regulations  
22 sections 1773.3 and 1773.4 by failing to inspect in-service tanks and conduct sidewall and  
23 bottom plate thickness testing on in-service tanks, or, in the alternative, Regulations section  
24 1773.5 by failing to comply with the requirements for out-of-service tanks.

#### 25 V. Civil Penalty Assessment

26 The Supervisor may impose a civil penalty on any person who violates the requirements  
27 of the State oil and gas laws. (Public Resources Code, § 3236.5, subd. (a).) In establishing the  
28 civil penalty amount, the Supervisor "shall consider, in addition to any other relevant

1 circumstances, all of the following:” (1) the extent of harm caused by the violation; (2) the  
2 persistence of the violation; (3) the pervasiveness of the violation; and (4) the number of prior  
3 violations by the same violator. (Pub. Resources Code, § 3236.5, subd. (a).)

4 The statute grants the Supervisor broad discretion to determine the amount of the civil  
5 penalty once it is determined that an operator has violated a requirement. For each violation,  
6 the Operator is “subject to” a civil penalty not to exceed \$25,000. (Pub. Resources Code,  
7 § 3236.5, subd. (a).) The Supervisor’s decision to assess the maximum allowed penalty, or  
8 some lesser amount, is a matter left to the Supervisor’s enforcement discretion. Here, the  
9 Supervisor is assessing a total of **\$27,500.00** for all violations discussed in this Order. Table 1  
10 (below) identifies the civil penalty assessment for each violation.

11 All civil penalties imposed in this Order take into consideration the factors set forth in  
12 Public Resources Code, § 3236.5, subdivision (a). Although the Supervisor is not aware of  
13 actual environmental or public health-related harm resulting from Operator’s violations at this  
14 time, Operator’s violations have caused actual harm to the Division and the citizens of  
15 California because the Division has been forced to expend considerable time and resources  
16 attempting to obtain Operator’s compliance with the State oil and gas laws. Moreover, each of  
17 Operator’s violations raises significant potential for harm. The statutory and regulatory  
18 provisions Operator has violated serve to prevent harm to the environment and public health  
19 and safety. Operator’s failure to comply with the requirements increases the threat of harm,  
20 and is unacceptable. The Supervisor finds that civil penalties are appropriate to deter  
21 noncompliance. All of Operator’s violations are persistent, with nearly all violations persisting  
22 for more than one year. The violations are also pervasive because they apply to both of  
23 Operator’s leases (with the exception of Operator’s violation of Regulations, § 1722.1.1, which  
24 applies only to the “Cauzza et al Pool” lease). Finally, Operator has maintained a poor overall  
25 compliance history, committing violations of several requirements of the State oil and gas law  
26 despite numerous warnings from the Division.

1 **Table 1: Civil Penalties by Violation**

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<u>Violation</u>	<u>Civil Penalty Assessed Against Green Earth Resources</u>
Failure to Designate an Agent (Pub. Resources Code, § 3200)	\$2500
Failure to Comply with Idle Well Requirements (Pub. Resources Code, § 3206)	\$4000
Failure to Submit Spill Contingency Plans (Pub. Resources Code, § 3270.1; Regulations, § 1722, subd. (b))	\$5000
Failure to Perform Idle Well Tests and Supply Information (Regulations, § 1723.9)	\$8000
Failure to Post Well Signs (Regulations, § 1722.1.1)	\$1000
Failure to Properly Label Tanks (Regulations, § 1773.3, subd. (a))	\$5000
Failure to Maintain Production Facilities in Good Condition (Regulations, § 1777, subds. (a) and (c))	\$2000
<b>TOTAL: \$ 27,500.00</b>	

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

2 As detailed above, the Division finds that Operator has violated several requirements of  
3 the State oil and gas laws. Therefore, **IT IS HEREBY ORDERED**, pursuant to Public  
4 Resources Code sections 3013, 3106, 3224, 3225, 3226, and 3236.5, that, within 30 days of this  
5 Order becoming final as described in Section VII (Operator's Appeal Rights) of this Order,  
6 Operator shall commence in good faith the work ordered below and continue it until completion:

- 7 1. File with District 4 of the Division a properly completed Operator Questionnaire form  
8 (Form OGD7, 9/13). Although Operator filed a Designation of Agent form (Form  
9 OG134A, 8/13) on May 1, the Operator Questionnaire form was filled out incorrectly and  
10 needs to be resubmitted. Specifically, the Operator Questionnaire form must identify as  
11 "agent" the same individual that is listed on the Designation of Agent form.
  - 12 2. Comply with idle well requirements under Public Resources Code section 3206 by  
13 paying annual fees (including any arrears), providing an escrow account, or filing  
14 indemnity bonds. Operator may contact District 4 of the Division to discuss these three  
15 compliance options.
  - 16 3. File with District 4 of the Division a spill contingency plan for each lease that covers all  
17 production facilities associated with that lease. Operator shall perform the work so  
18 ordered according to applicable law, including Public Resources Code section 3270.1 and  
19 Regulations sections 1722, subdivision (b) and 1722.9.
  - 20 4. Perform idle well tests on the Wells and submit the results to District 4 of the Division.  
21 Thereafter, idle well tests shall be performed at least once every two years, with all  
22 results submitted to District 4 of the Division. To the extent equipment or debris located  
23 in the well (e.g., hydrostatic separators) prevents the required testing, such equipment or  
24 debris must be removed. Operator may contact District 4 of the Division to discuss  
25 compliance with the Division's idle well planning and testing program.
  - 26 5. Install a well sign on the "Cauzza et al Pool" lease that complies fully with Regulations  
27 section 1722.1.1.
- 28

- 1 6. Label all tanks on the leases in accordance with Regulations section 1773.3, subdivision  
2 (a).
- 3 7. Remove all weeds and debris from all secondary containment areas or catch basins, and  
4 ensure the integrity of all berms, as required by Regulations, § 1777.
- 5 8. Drain and cover all well cellars, as required by Regulations, § 1777.
- 6 9. For all tanks located on Operator's leases, submit to District 4 of the Division: (1) the  
7 results of the most recent tank wall thickness testing, and (2) the results of the most  
8 recent internal tank inspection and bottom plate thickness testing. Such testing shall be  
9 conducted in accordance with the requirements of Regulations sections 1773.3 and  
10 1773.4. If any of the tanks on Operator's leases are "out-of-service" production facilities  
11 within the meaning of Regulations section 1760, subdivision (1), Operator shall comply  
12 with the requirements for out-of-service facilities under Regulations section 1773.5.
- 13 10. Pay the total civil penalty amount of **\$27,500.00 (twenty-seven thousand five hundred**  
14 **dollars).**

15 **VII. Operator's Right to Appeal**

16 Operator may appeal this Order by filing written notice of appeal with the Supervisor  
17 within a statutorily defined period as described in the oil and gas statute at Article 6 (Appeals  
18 and Review), commencing with Public Resources Code section 3350. (Public Resources Code,  
19 §§ 3225, subd. (d), 3236.5.)<sup>7</sup> (See footnote 7 below for more information on the deadline for  
20 filing a timely appeal.) Failure to file a timely notice of appeal waives Operator's right to  
21 challenge this Order and makes the Order final and the total civil penalty due and payable to the  
22 Division. If Operator timely files a notice of appeal, the Division will inform Operator of the  
23  
24

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25 <sup>7</sup> The notice of appeal must be filed within 10 days of the service of the order. If, however, the order is served by mail, the  
26 time for responding shall be determined as provided in section 1013 of the California Code of Civil Procedure. (See Pub.  
27 Resources Code, § 3350 and Code of Civ. Proc., § 1013.) Under Code of Civil Procedure section 1013, subdivision (a), the  
28 time for responding is extended five calendar days in the case of service by mail and the place of mailing is within the State  
of California, or ten calendar days in the case of service by mail and the place of mailing is outside the State of California but  
within the United States. Under Code of Civil Procedure section 1013, subdivision (c), the time for responding is extended  
two court days in the case of service by overnight express mail, regardless of whether the place of mailing is within the State  
of California.

1 appeal hearing date, time, and place. Following the hearing, Operator will receive a written  
2 decision that affirms, sets aside, or modifies the Order.

3 **VIII. Court Order and Other Potential Actions to Enforce This Order**

4 Failure to comply with Section VI (Operator's Required Actions) of this Order could  
5 subject Operator to further enforcement action, including an order of the Supervisor directing  
6 Operator to plug and abandon the wells associated with the leases. (Public Resources Code,  
7 § 3237, subd. (a)(3)(C).) The Supervisor may also seek a court order that requires Operator to  
8 pay the civil penalty and/or discontinue production from the Wells until Operator remedies the  
9 violations to the Supervisor's satisfaction and pays the civil penalty. (Public Resources Code,  
10 § 3236.5, subd. (b).) The Supervisor may also deny approval of proposed Well operations until  
11 Operator remedies the violations to the Supervisor's satisfaction and pays the civil penalty.  
12 (Public Resources Code, § 3203, subd. (c).)

13  
14 DATED: June 17, 2014

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16 

17  
18 Steven R. Bohlen  
19 State Oil and Gas Supervisor

20  
21 Certified mail receipt number: 7013 2250 0000 9010 1144  
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# DEPARTMENT OF CONSERVATION

*Managing California's Working Lands*

## DIVISION OF OIL, GAS, & GEOTHERMAL RESOURCES

801 K STREET • MS 20-20 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 445-9686 • FAX 916 / 323-0424 • TDD 916 / 324-2555 • WEBSITE [conservation.ca.gov](http://conservation.ca.gov)

August 11, 2014

Mr. Les Cafaude  
730 Marvin Way  
Dixon, CA 95620

Dear Mr. Cafaude

UNION-SIGNAL-ANCORA-TIPTON STOCKTON WELL NO. 77-34 (API # 029-14681)  
AND CAUZZA ET AL POOL WELL NO. 1-3 (API # 029-72992)

The Division of Oil, Gas & Geothermal Resources ("Division") understands that your company, So Cal Oil & Gas, LLC ("So Cal"), is the intended transferee of the two above-listed wells ("Wells"). As you know, the Division issued an enforcement order (Order No. 1052) to the intended transferor of the Wells, Green Earth Resources, which ordered Green Earth Resources to take remedial actions and pay a \$27,500 civil penalty. This letter is to inform you that the Division will not hold So Cal liable for the civil penalty issued to Green Earth Resources on account of the transfer being completed.

Once the transfer is complete, however, So Cal will have an ongoing obligation to maintain its own compliance with California's oil and gas laws. So Cal will be held responsible for any non-compliance of its own, and the Division may impose civil penalties the extent any violations occur while So Cal is the operator of the Wells.

Please call me at (916) 323-1780 if you have any questions.

Sincerely,



John Geroch  
Chief Deputy



**PROOF OF SERVICE BY CERTIFIED U.S. MAIL**

1) I am at least 18 years of age, not a party to this action, and I am a resident of or employed in the county where the mailing took place.

2) My business address is:

Department of Conservation  
Division of Oil, Gas, and Geothermal Resources  
801 K Street, MS 18-05  
Sacramento, CA 95814-3530

3) I served a copy of the following documents:

**ORDER TO: PLUG AND ABANDON WELL, DECOMMISSION ATTENDANT FACILITIES, AND RESTORE WELL SITE and ORDER NUMBER 1120, OPERATOR: GREEN EARTH RESOURCES, INC. (G3425)**

by enclosing them in an envelope and placing the envelope for collection and mailing by certified U.S. mail on the date and at the place shown in item 4 following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

4) The envelope was addressed and mailed as follows:

a. Name of person(s) served:

Original: Ms. Rosalie Morgan  
6869 Eagle Wing Circle  
Sparks, Nevada 89436  
Cert. mail rec. no.: 7016 0750 0000 3520 2477

Copy: Mr. Lester Cafaude  
790 Marvin Way  
Dixon, CA 95860  
Cert. mail rec. no.: 7016 0750 0000 3520 2491

b. Date mailed: March 23, 2018

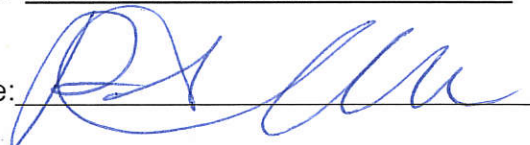
c. Place of mailing: Sacramento, California

5) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: March 23, 2018

Name: RACHAEL TADLOCK

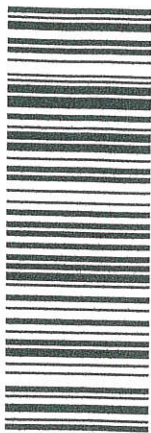
Signature: \_\_\_\_\_



7016 0750 0000 3520 2477

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

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<input type="checkbox"/> Return Receipt (electronic)	\$
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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postmark Here

Postage	\$
Total Postage and Fees	\$

Sent To Rosalie Morgan  
 Street and Apt. No., or PO Box No. Green Earth Resources, Inc.  
 City, State, ZIP+4® Order # 1120

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Rosalie Morgan  
6869 Eagle Wing Circle  
Sparks, Nevada 89436



9590 9402 2617 6336 5747 61

2. Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

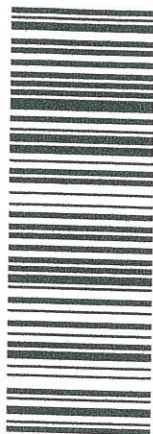
PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Postmark Here

Send To: Mr. Lester Cafaude  
 Street and Apt. No., or PO Box No. Green Earth Resources Inc.  
 City, State, ZIP+4® Order # 1120

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Lester Cafaude  
790 Marvin Way  
Dixon, CA 95860



9590 9402 2617 6336 5748 60

2. Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Rosalie Morgan  
 6869 Eagle Wing Circle  
 Sparks, Nevada 89436



9590 9402 2617 6336 5747 61

2. Article Number (Transfer from service label)

7016 0750 0000 3520 2477

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 X *Kathy Schader*  Agent  Addressee

B. Received by (Printed Name) *Kathy Schader* C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Return Receipt for Merchandise
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

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041M1291234

Return to sender  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD



1750 0000 3520 2491

Rachael Tadlow  
Division of Oil,  
Resources  
Department  
801 K Street  
Sacramento, CA

730  
Mr. Lester Cafaude  
790 Marvin Way  
Dixon, CA 95860

UTF

RECEIVED  
MAR 11 2018  
DIVISION OF OIL, GAS,  
AND GEOTHERMAL RESOURCES