

BEFORE THE OHIO OIL AND GAS BOARD OF REVIEW

TOM WEARS,

:

Appellant.

:

Appeal No. 533

v.

:

Chief's Order No. 93-73

RICHARD J. SIMMERS,  
ACTING CHIEF  
DIVISION OF OIL AND GAS,

:

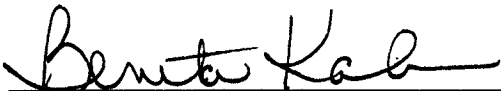
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Appellee.

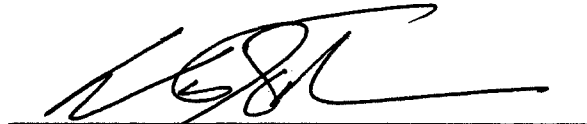
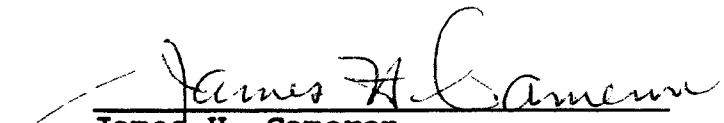
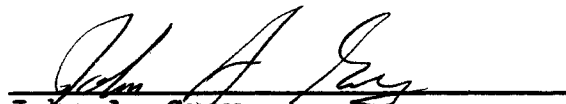
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ORDER

Having read and considered the Joint Motion for Consent Decision filed by Appellant and Appellee, the Board HEREBY DISMISSES Appeal No. 533 with prejudice.



Benita Kahn

  
William J. Taylor  
Gail Ignatz-Hoover  
James H. Cameron  
John A. Gray

Date Issued: 5/23/96

DISTRIBUTION:

Tom Wears  
Ray Studer

**BEFORE THE OIL AND GAS  
BOARD OF REVIEW**

**TOM WEARS**

**Appellant**

**v.**

**RICHARD J. SIMMERS,  
Acting Chief  
Division of Oil and Gas**

**Appellee**

**APPEAL NO. 533**

**CHIEF'S ORDER 93-73**

**CONSENT AGREEMENT**

Now come the parties, Appellant, Tom Wears, and Appellee, Richard J. Simmers, Acting Chief of the Division of Oil and Gas, who, in order to settle the administrative proceeding captioned Tom Wears v. Richard J. Simmers, Acting Chief, Division of Oil and Gas presently pending before the Oil and Gas Board of Review as Appeal No. 533 (Chief's Order 93-73), stipulate to the following facts and conditions.

**FACTS**

1. Tom Wears is the statutory owner of the oil and gas well known as the Robert Melick Lease Well No. 1, Permit 4220, located in Licking County, Mary Ann Township.

2. That well is incapable of producing oil and/or gas in commercial quantities and, pursuant to Revised Code Section 1509.12, must be plugged.

3. Two drilling pits are also presently located at the subject wellsite which, pursuant to Revised Code Section 1509.072, are required to be filled.

### CONDITIONS

In order to settle this matter the parties hereby stipulate the following:

4. By August 10, 1994, the drilling pits shall be filled in accordance with the requirements of R.C. Chapter 1509. and Ohio Administrative Code Chapter 1501.

5. By September 10, 1994, Tom Wears shall plug the well listed above in accordance with the requirements of R.C. Chapter 1509. and of Ohio Administrative Code Chapter 1501. At least 48 hours notice will be given to the Division prior to initiation of plugging.

6. By October 10, 1994 the restoration work required by Chapter 1509 of the Ohio Revised Code and Chapter 1501 of the Ohio Administrative Code will be complete. Tom Wears shall also follow-up at the subject wellsite to insure full compliance with the requirements of R.C. Chapter 1509. and Ohio Administrative Code Chapter 1501., including but not limited to the establishment of vegetative cover to bind the soil and prevent substantial erosion. If necessary, Tom Wears will reseed the site until proper growth occurs.

7. Tom Wears shall complete all work on the wellsite in a prudent and workmanlike manner and in compliance with the requirements of R.C. Chapter 1509 and Chapter 1501 of the Ohio Administrative Code.

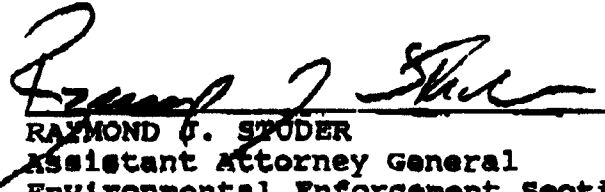
8. Nothing in this **CONSENT AGREEMENT** shall be construed so as to prejudice the right of the Division of Oil and Gas to issue other decisions and orders to enforce the provisions of R.C.

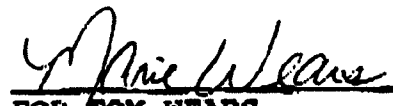
Chapter 1509 and Ohio Administrative Code Chapter 1501.

9. The parties state that they have read this CONSENT AGREEMENT, understand its terms, have the ability to comply with its terms, and agree to comply fully.

Appeal No. 533 is dismissed with prejudice.

RICHARD J. SIMMERS, Acting Chief  
Division of Oil and Gas  
Department of Natural Resources  
Appellee

  
RAYMOND G. STUDER  
Assistant Attorney General  
Environmental Enforcement Section  
Division of Oil and Gas  
4383 Fountain Square, Bldg. B-3  
Columbus, OH 43224  
(614) 265-6939

  
FOR TOM WEARS  
364 S. Clay Street  
Millersburg, OH 44654