

**BEFORE THE
OIL & GAS COMMISSION**

POTTMAYER OIL & GAS,

Appellant,

-vs-

DIVISION OF MINERAL RESOURCES
MANAGEMENT,

Appellee.

Case No. 674

Review of Chief's Order 99-113

**ORDER OF THE
COMMISSION GRANTING
JOINT MOTION FOR
CONSENT DECISION**

The Oil & Gas Commission has received and reviewed the parties' Consent Agreement and finds it well taken. Accordingly, the Commission hereby **ADOPTS** the Consent Agreement. There being no outstanding issues of law or fact, the Commission hereby **DISMISSES** appeal no. 674, with prejudice.

Date Issued:

1/18/02


WILLIAM J. TAYLOR, Chairman


JAMES H. CAMERON


MARILYN ENNIS


JOHN A. GRAY


BENITA KAHN, Secretary

DISTRIBUTION:

Rustin Funk
Cecil Pottmeyer
Raymond Studer

BEFORE THE OIL AND GAS COMMISSION
DEPARTMENT OF NATURAL RESOURCES
STATE OF OHIO

RECEIVED
JUN 18 2001
OIL AND GAS
COMMISSION

POTTMAYER OIL AND GAS)	APPEAL NO. 674
)	
Appellant)	
)	
)	
v.)	
)	
DIVISION OF MINERAL)	
RESOURCES MANAGEMENT)	Chief's Order 99-113
f.k.a. Division of Oil and Gas)	
Ohio Department of Natural Resources,)	
)	
Appellee.)	

CONSENT AGREEMENT

Now come the parties, appellant, Pottmeyer Oil and Gas and the Division of Mineral Resources Management (hereinafter the "Division"), which, in order to settle the above referenced administrative proceeding pertaining to the Pottmeyer No. 1 Well, Permit 4251, located in Washington County, Marietta Township, stipulate to the following facts and conditions:

FACTS

1. Pottmeyer Oil and Gas is the "owner," as that term is defined in Ohio Revised Code 1509.01(K), of the Pottmeyer No. 1 Well.
2. Inspection by the Division found the Pottmeyer No. 1 Well to be not in production and required to be plugged pursuant to R. C. 1509.12.

CONDITIONS

3. By August 31, 2001, Pottmeyer Oil and Gas shall cause the Pottmeyer No. 1 Well to either be in production or to have filed a permit to plug that well as required by R. C. 1509.13.

4. In the event the Pottmeyer No. 1 Well is not placed into production by August 31, 2001, it shall be plugged in accordance with R. C. 1509.12 and restored in accordance with R. C. 1509.072 by October 31, 2001.

RECEIVED
JUN 18 2001

**OIL AND GAS
COMMISSION**

5. If the Pottmeyer No. 1 Well is neither in production nor plugged and its well site restored by October 31, 2001, without just cause for the lack of production or plugging and restoration, the Division may elect to assess Pottmeyer Oil and Gas \$500 for each month or part of a month after October 31, 2001 in which the Pottmeyer No. 1 Well is not in production or plugged and restored.

6. Pottmeyer Oil and Gas shall be responsible to follow-up at the Pottmeyer No. 1 well site to insure full compliance with the requirements of R.C. Chapter 1509 and Ohio Admin. Code Chapter 1501 including but not limited to the establishment of vegetative cover to bind the soil and prevent substantial erosion.

7. All work on the well or well site will be performed in a prudent and workmanlike manner and in compliance with the requirements of R.C. Chapter 1509 and Chapter 1501 of the Ohio Admin. Code.

8. The deadlines set forth above are based upon the fact that the Pottmeyer No. 1 Well and well site are currently not presenting evidence of immediate danger to humans, animals or the environment. In the event conditions are discovered evidencing immediate danger to humans, animals or the environment, the above-established deadlines are not applicable and Pottmeyer Oil and Gas shall take immediate action to eliminate the danger to humans, animals or the environment.

9. 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 Admin. Code Chapter 1501 including the seeking of civil penalties for the failure to comply with this Consent Agreement.

RECEIVED

JUN 18 2001

OIL AND GAS COMMISSION

10. In the event of any default of the terms set forth herein, the Division may elect any and all remedies it deems appropriate.

11. Appeal 674 is dismissed with prejudice.

Cecil Pottmeyer 5/29, 2001
Pottmeyer Oil and Gas
by Cecil Pottmeyer
its Owner
who is authorized to sign and bind
Pottmeyer Oil and Gas

Raymond J. Studer 6/18, 2001
RAYMOND J. STUDER, Esq.
Assistant Attorney General
1930 Belcher Drive, D-2
Columbus, OH 43224
(614) 265-6870
Supreme Court No. 0022913

Rustin J. Fulk 5/29, 2001
Rustin J. Fulk
Attorney For Pottmeyer Oil and Gas
202 WestBanco Building
Post Office Box 747
Marietta, OH 45750
(740) 373-6688
Supreme Court No. 0000345