

BEFORE THE
OIL & GAS COMMISSION

HALWELL COMPANY, INC.,

Appellant,

-vs-

DIVISION OF OIL & GAS,

Appellee.

Appeal No. 659

Review of Chief's Order 98-103


ORDER OF THE
COMMISSION ADOPTING
CONSENT AGREEMENT

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. 659, with prejudice.

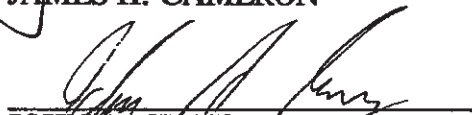
Date Issued: 4/5/99


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BEFORE THE OIL AND GAS BOARD OF REVIEW
DEPARTMENT OF NATURAL RESOURCES
STATE OF OHIO

HALWELL COMPANY)
)
 Appellant,)
)
 v.)
)
 THOMAS G. TUGEND, Acting Chief)
 Division of Oil and Gas)
 Ohio Department of Natural)
 Resources,)
)
 Appellee.)

APPEAL NOS. 658 and 659
CHIEF'S ORDER NOS.
98-102 AND 98-103

RECEIVED
JAN 26 1999
OIL AND GAS
COMMISSION

CONSENT AGREEMENT

Now come the parties, appellant, Halwell Company and appellee, Thomas G. Tugend, Acting Chief of the Division of Oil and Gas, who, in order to settle the presently pending administrative proceedings captioned Halwell Company v. Thomas G. Tugend, Acting Chief, Division of Oil and Gas, Appeal No. 658 (Chief's Order No. 98-102 and Halwell Co. v. Thomas G. Tugend, Acting Chief, Division of Oil and Gas, Appeal No. 659 (Chief's Order No. 98-103), stipulate to the following facts and conditions:

FACTS

1. Halwell Company is the "owner," as that term is defined in Ohio Revised Code 1509.01(K) of the oil and gas wells known as the Taylor-Dixon Well No. 6, Permit 5425 and the Taylor-Dixon No. 4, Permit 6492, located in Waterford Township, Washington County.

2. Inspections by the Division of Oil and Gas found these wells to be incapable of production and, therefore, pursuant to Ohio Revised Code 1509.12 and Ohio Revised Code 1509.072(B), respectively, required to be plugged and restored if not placed into production. Therefore, on September 2, 1998, Chief's Order 98-102 and 98-103 were issued, respectively, for the Taylor No. 6 well and the Taylor No. 4 well requiring these wells to be plugged or placed into production.

3. The subject wells have not been plugged or placed into production as required by the respective Chief's Orders.

CONDITIONS

4. By January 27, 1999, Halwell Company shall put the Taylor No. 6 well into production. If said well is not placed into production by January 27, 1999, it shall be plugged by March 15, 1999 and the final restoration shall be completed by September 15, 1999.

5. By March 15, 1999, the Taylor No. 4 well shall be plugged and the final restoration for that well shall be completed by September 15, 1999.

6. Halwell Company shall be responsible to follow-up at the subject well sites 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. If necessary, Halwell Company will reseed the site until proper growth occurs.


7. All work on the well sites 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.

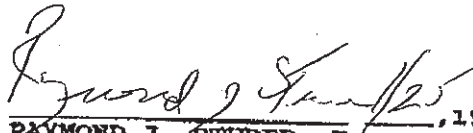
8. Nothing in this CONSENT AGREEMENT shall be construed so as to prejudice the right of the Division of Oil and Gas to issue other decisions and orders to enforce the provisions of R.C. Chapter 1509 and Ohio Admin. Code Chapter 1501. including the seeking of civil penalties for the failure to comply with this Consent Agreement.

9. In the event of any default of the terms set forth herein, the Division may elect any and all remedies it deems appropriate. Further, in the event of default, Halwell Company, its heirs, assigns, and successors-in-interest agree that, in any litigation brought by the Division, to enforce this Consent Agreement: a) venue shall be proper in the Franklin County Ohio Court of Common Pleas; b) service of process and summons thereof are hereby waived.

10. Appeals 658 and 659 are dismissed with prejudice.

11. The Division of Oil and Gas reserves all rights to enforce R.C. Chapter 1509. and Ohio Admin. Code Chapter 1501. including but not to the right to file a civil enforcement action seeking injunctive relief and civil penalty for noncompliance with this Consent Agreement.


_____, 1/25, 1999
HALWELL COMPANY
By Eddy Biehl, its
President and Director who
has authority to enter into
this agreement and bind
Halwell Company


_____, 1999
RAYMOND J. STUDER, Esq.
Assistant Attorney General
Environmental Enforcement Sec.
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