



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

MAY 28 2013

CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7011 3500 0000 0359 9311

Mr. Matthew Acock, Owner
Acock Operating Limited
4201 FM 1960 West, Suite 245
Houston, TX 77068

Re: Administrative Order, Docket Number: CWA-06-2013-1752
Facility Number: TXU010975

Dear Mr. Acock:

Enclosed is an Administrative Order (AO) issued to Acock Operating Limited for violation of the Clean Water Act (CWA), 33 U.S.C. §§ 1251-1387. The violation was identified during a January 17, 2013, inspection conducted by the Environmental Protection Agency, Region 6 (EPA) of your oil field lease known as the Patteson lease, located in Gonzales County, Texas and designated as Facility Number TXU010975. The violation alleged is for the unauthorized discharge of a pollutant, specifically produced wastewater, to waters of the United States.

Effective upon receipt of this AO, you shall immediately comply with all provisions set forth in the enclosed AO. This AO also requires responses to certain information demands. The EPA is committed to ensuring compliance with the requirements of the CWA, and my staff will assist you in any way possible.

You may be eligible to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage for your discharge as outlined in your Texas Railroad Commission permit. If you elect to obtain NPDES authorization for your discharge, you must contact EPA's NPDES Permits Section. If you are eligible for permit coverage and you submit an application for NPDES authorization to discharge within the AO's seventy-five-day compliance period, EPA may revise this order to include a compliance schedule for this action.

If you have any enforcement questions, please contact Jack Arias, Ph.D., of my staff, at (214) 665-6434. For NPDES permit questions, please contact Mr. Brent Larsen (6WQ-P) at (214) 665-7523.

Sincerely,

A handwritten signature in black ink, appearing to read "John Blevins".

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure

Re: Administrative Order
Acock Operating Limited

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cc: Mr. James Huie, Director
Districts 1 and 2
Railroad Commission of Texas
115 East Travis Street, Suite 1610
San Antonio, TX 78205-1689

Mr. Brent Larsen (6WQ-P)
EPA, Region 6

U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION 6
FINDINGS OF VIOLATION AND COMPLIANCE ORDER AND INFORMATION DEMAND

In the Matter of Acock Operating Limited
Docket No. CWA-06-2013-1752; Facility No. TXU010975

STATUTORY AUTHORITY

The following findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Sections 308 and 309(a) of the Clean Water Act ("the Act"), 33 U.S.C. §§ 1318 and 1319(a). The Administrator delegated the authority to issue this Order to the Regional Administrator of EPA Region 6 who further delegated such authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Acock Operating Limited ("Respondent") is a "person" as defined by Section 502(5) of the Act, 33 U.S.C. § 1362(5).
2. At all times relevant to the violation alleged herein ("relevant time period"), Respondent operated an oil field lease known as the Patteson (Carrizo Field) lease located at N29.285851, W97.681501 in Gonzales County, Texas ("facility") and designated as Facility Number TXU010975.
3. On January 17, 2013, an EPA inspector observed that pollutants, specifically produced wastewater recently generated from oil production activities, had been discharged from the Patteson lease to a "water of the United States" as that term is defined by 40 C.F.R. § 122.2. Pollutants were discharged to Little Elm Creek, which is considered a "water of the United States." The inspector determined that water at the discharge point of entry (N29.283503, W97.681288) into the creek was contaminated from produced wastewater discharges that measured 2,300 parts-per-million Total Soluble Salts.
4. Pumps, pipes, hoses, flow lines, production wells, and associated devices located at the facility acted as "point sources" as defined by Section 502(14) of the Act, 33 U.S.C. § 1362(14).
5. At no time during the relevant time period did Respondent have National Pollutant Discharge Elimination System ("NPDES") permit coverage under the Act which authorized the discharge of a pollutant from the facility to waters of the United States.
6. It is unlawful under Section 301(a) of the Act, 33 U.S.C. § 1311(a), for any person to discharge a pollutant from a point source to waters of the United States without a permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

7. On or about January 17, 2013, Respondent discharged or caused the discharge of pollutants from point sources within the facility to waters of the United States without permit coverage under the Act, in violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

SECTION 309(a)(3) COMPLIANCE ORDER

Based on these findings and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), EPA orders that Respondent take the following action upon receipt of this Order:

- a. Within sixty (60) days of the effective date of this Order, Respondent shall cease all discharges of produced wastewater from the Patteson lease to waters of the United States.

SECTION 308 INFORMATION DEMAND

Based on the foregoing Findings and pursuant to the authority of Section 308 of the Act, 33 U.S.C. § 1318 Respondent is required to do the following:

- a. Within seventy-five (75) days of the effective date of this Order, Respondent shall provide written certification to the EPA Region 6 that produced water discharges have ceased or that Respondent has applied to the NPDES Permits Branch for a wastewater discharge permit.
- b. Within seventy-five (75) days of the effective date of this Order, Respondent shall submit to the EPA a copy of any effluent monitoring reports Respondent has submitted to the Railroad Commission of Texas ("RRC") during the last five years as required by the RRC discharge permit No. 00895.
- c. Any information or correspondence submitted by Respondent to EPA under this Order shall be addressed to the following:

Ms. Mary Simmons
Water Enforcement Branch (6EN-WR)
EPA, Region 6
1445 Ross Ave., Suite 1200
Dallas, TX 75202-2733

GENERAL PROVISIONS

Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, which is set forth at <http://uscode.house.gov/download/pls/05C7.txt>, states the scope of such review.

Issuance of this Section 309(a)(3) Compliance Order and the Section 308 Information Demand shall not be deemed an election by EPA to waive any administrative, judicial, civil, or criminal action to seek penalties, fines, or other relief under the Act for the violation alleged herein or other violations which may become known to EPA. EPA reserves the right to seek any remedy available under the law which it deems appropriate.

Failure to comply with this Section 309(a)(3) Compliance Order, Section 308 Information Demand, or the Act may result in the initiation of an administrative penalty action by EPA or a civil judicial penalty action by the U.S. Department of Justice.

Compliance with this Order does not relieve Respondent of its obligation to comply with all applicable federal, state, and local laws.

The effective date of this Order is the date it is received by the Respondent.

5.28.13

Date



John Blevins
Director
Compliance Assurance and
Enforcement Division