

BEFORE THE OIL AND GAS CONSERVATION COMMISSION  
OF THE STATE OF COLORADO

IN THE MATTER OF ALLEGED VIOLATIONS OF THE	)	CAUSE NO. 1V
RULES AND REGULATIONS OF THE COLORADO OIL AND	)	
GAS CONSERVATION COMMISSION BY <b>NOBLE ENERGY</b>	)	DOCKET NO. 1011-OV-11
<b>PRODUCTION, INC.</b> , WELD COUNTY, COLORADO	)	

NOTICE OF ORDER FINDING VIOLATION HEARING

On May 23, 2007, the Colorado Oil and Gas Conservation Commission ("COGCC" or "Commission") approved an Application for Permit-to-Drill ("APD") submitted by Noble Energy Production, Inc. ("Noble") for the Buxman I #26-6 Well (API No. 05-123-23401) (the "Well"), located in the SE¼ NW¼ of Section 26, Township 6 North, Range 67 West, 6<sup>th</sup> P.M.

On April 11, 2007, Weld County Environmental Health Services received a complaint regarding trucks dumping drilling wastes at the Well site, which is adjacent to the Cache la Poudre River. On April 12, 2007, Weld County Staff conducted a site inspection and observed an area of approximately 300,000 ft<sup>2</sup> adjacent to the river where water-based bentonitic drilling mud had been disposed. Weld County Staff referred the matter to COGCC Staff ("Staff") for investigation.

On April 13, 2007, Staff inspected the mud disposal site. Staff identified Noble as one of two parties responsible for the drilling mud disposal. Staff directed Noble and the other responsible party to cease drilling mud disposal at the site and take immediate steps to prevent drilling mud from migrating into the Cache la Poudre River. At Staff's direction, Noble and the other responsible operator constructed earthen berms along portions of the river to prevent additional drilling mud from entering the river. The landowners at the disposal site told Staff they had agreed to the disposal but did not have a written disposal agreement with any party. The landowners also told Staff they did not intend to till the mud into their land, in that trees and brush piles made much of the disposal area unsuitable for tilling.

On April 20, 2007, Staff conducted a second site inspection. During this inspection, Staff observed an area where drilling mud had previously entered the river. Staff estimated that less than five gallons of waste mud had migrated to the river. Corrective actions taken by Noble and the other operator prevented more mud from reaching the river. A surface water sample taken at the point where the mud entered the river contained concentrations of benzene, toluene, ethylbenzene, and xylenes ("BTEX") below the laboratory detection limit. Concentrations of BTEX compounds were trace or non-detect in a drilling fluid sample taken near the point of entry had trace amounts. Acting upon the assessment that site remediation had not yet begun, Staff instructed Noble and the other responsible operator to immediately remove all free liquids from the disposal site for off-site disposal.

On April 26, 2007, the Staff issued a Notice of Alleged Violation ("NOAV") #1175598 to Noble for alleged violations of the following COGCC rules:

a. Rule 324A.a., which requires operators to take precautions to prevent significant adverse environmental impacts to air, water, soil, or biological resources to the extent necessary to protect public health, safety and welfare;

b. Rule 324A.b., which provides that no operator, in the conduct of any oil or gas operation, perform any act or practice which constitutes a violation of water quality standards or classifications established by the Colorado Department of Public Health and Environment ("CDPHE"), Water Quality Control Commission ("WQCC") for waters of the state;

c. Rule 907.a.(1), which provided at the time of the discharge that operators ensure that exploration and production ("E&P") waste is properly stored, handled, transported, treated, recycled, or disposed to prevent threatened or actual significant adverse environmental impacts to air, water, soil or biological resources or to the extent necessary to ensure compliance with allowable concentration levels in Table 910-1, with consideration to WQCC ground water standards and classifications;

d. Rule 907.a.(2), which provides that E&P waste management activities be conducted, and facilities constructed and operated, to protect the waters of the state from significant adverse environmental impacts from E&P waste; and

e. Rule 907.d.(3)B., which requires operators to dispose of water-based bentonitic drilling fluids by acceptable methods of land application, such as production facility construction and maintenance and lease road maintenance. Additionally, operators are required to obtain written authorization from the surface owner prior to land application of water-based bentonitic drilling fluids and to retain records about the disposal.

The NOAV required certain abatement or corrective actions to be taken by the operator by May 10, 2007. The actions required Noble to submit a Spill/Release Report Form 19 and a Site

Investigation and Remediation Workplan, Form 27 to: describe the corrective actions previously taken by Petro-Canada, the other responsible operator; remove the remaining drilling mud; determine the approximate thickness of the mud; determine if shallow ground water at the disposal site was impacted; and provide COGCC copies of the written landowner disposal authorizations.

Rule 523. specifies a base fine of One Thousand dollars (\$1,000) for each day of violation of Rules 324A.a., 324A.b., 907.a.(1), 907.a.(2), and 907.d.(3)B. Rule 523.a.(3) specifies that “the maximum penalty for any single violation shall not exceed Ten Thousand dollars (\$10,000) regardless of the number of days of such violation,” unless the violation results in significant waste of oil and gas resources, damage to correlative rights, or a significant adverse impact on public health, safety or welfare or the environment.

Noble should be found in violation of Rules 324A.a., 324A.b., 907.a.(1), 907.a.(2), and 907.d.(3)B., for its oil and gas operations at the Well, and ordered to pay a fine in accordance with Rule 523.

NOTICE IS HEREBY GIVEN, that the Oil and Gas Conservation Commission of the State of Colorado, pursuant to the above, has scheduled the above-entitled matter for hearing on:

Date: Monday, November 29, 2010  
Tuesday, November 30, 2010

Time: 9:00 a.m.

Place: The Chancery Building, Suite 801  
Denver, Colorado 80203

In accordance with the Americans with Disabilities Act, if any party requires special accommodations as a result of a disability for this hearing, please contact Margaret Humecki at (303) 894-2100 ext. 5139, prior to the hearing and arrangements will be made.

Pursuant to said hearing in the above-entitled matter at the time and place aforesaid, or at any adjourned meeting, the Commission will enter such orders as it deems appropriate to protect the health, safety and welfare of the public and to prevent the waste of oil and gas, either or both, in the operations of said field, and to carry out the purposes of the statute.

**In accordance with Rule 509., any interested party desiring to protest the granting of the application or to intervene on the application should file with the Commission a written protest or intervention no later than November 12, 2010, briefly stating the basis of the protest or intervention.** Such interested party shall, at the same time, serve a copy of the protest or intervention to the person filing the application. An original and 13 copies shall be filed with the Commission. **Anyone who files a protest or intervention must be able to participate in a prehearing conference during the week of November 15, 2010.** Pursuant to Rule 503.g., if a party who has received notice under Rule 503.b. wishes to receive further pleadings in the above-referenced matter, that party must file a protest or intervention in accordance with these rules.

IN THE NAME OF THE STATE OF COLORADO

OIL AND GAS CONSERVATION COMMISSION  
OF THE STATE OF COLORADO

By \_\_\_\_\_  
Carol Harmon, Secretary

Dated at Suite 801  
1120 Lincoln Street  
Denver, Colorado 80203  
September 21, 2010

Noble Address of Record:  
Chris Del Hierro  
Noble Energy Production, Inc.  
1625 Broadway, Suite 2000  
Denver, CO 80202