

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

IN THE MATTER OF NOTICE OF ALLEGED	)	NOAV NO. _200332643_____
VIOLATIONS (NOAV) OF COMMISSION RULES	)	
BY ANTERO RESOURCES PICEANCE IN	)	DOCKET NO. _____-OV-_____
GARFIELD COUNTY, COLORADO	)	(To be completed at a later date)

SIMPLE ANSWER TO NOAV

[Failure to respond to a NOAV can result in an Order Finding Violation entered against you by the Commission by default.]

I. Identifying Information  
Operator: Antero Resources Piceance  
NOAV No. 200332643  
Date of NOAV: 12/12/2011  
Staff Contact Information:  
Linda Spry O'Rourke, Environmental Protection Specialist, Northwest Region  
(970) 625-2497

Operator Contact Information:  
Name: Jerry Alberts  
Title/Capacity: Manager, Environmental & Regulatory  
Address: 1625 17<sup>th</sup> Street, Suite 300, Denver, CO 80202  
Telephone Number: 303-357-7341, cell: 720-201-0160  
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II. Response to Alleged Violations:  
(Failure to deny the allegation will be considered an admission of its validity.)

**Alleged Violation 1. Rule 324A. a**

The operator shall 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, including the environment and wildlife resources, taking into consideration cost-effectiveness and technical feasibility to prevent the unauthorized discharge or disposal of oil, gas, E&P waste, chemical substances, trash, discarded equipment or other oil field waste.

Admitted  
Denied  
(State legal/factual basis for denial)

**Alleged Violation 2. Rule 324A. b**

No operator, in the conduct of any oil or gas operation shall perform any act or practice which shall constitute a violation of water quality standards or classifications established by the Water Quality Control Commission for waters of the state, or any point of compliance established by the Director pursuant to Rule 324D. The Director may establish one or more points of compliance for any event of pollution, which shall be complied with by all parties determined to be a responsible party for such pollution.

Admitted  
Denied  
(State legal/factual basis for denial)

**Alleged Violation 3.            Rule 901.f**

**Sensitive area operations.** Operations in sensitive areas shall incorporate adequate measures and controls to prevent significant adverse environmental impacts and ensure compliance with the concentration levels in Table 910-1, with consideration to WQCC standards and classifications.

Admitted  
    Denied  
    (State legal/factual basis for denial)

**Alleged Violation 4.            Rule 906.b.(3)**

Spills/releases of any size which impact or threaten to impact any waters of the state, residence or occupied structure, livestock, or public byway shall be reported on COGCC Spill/Release Report, Form 19, and shall also be verbally reported to the Director as soon as practicable, but not more than twenty-four (24) hours, after discovery.

Admitted  
    Denied  
    (State legal/factual basis for denial)

**Alleged Violation 5.            Rule 907. a (1)**

**Operator obligations.** Operators shall ensure that 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 the concentration levels in Table 910-1, with consideration to WQCC ground water standards and classifications.

Admitted  
    Denied  
    (State legal/factual basis for denial)

**Alleged Violation 6.            Rule 907.a.(2)**

E&P waste management activities shall be conducted, and facilities constructed and operated, to protect the waters of the state from significant adverse environmental impacts from E&P waste, except as permitted by applicable laws and regulations.

Admitted  
    Denied  
    (State legal/factual basis for denial)

**Alleged Violation 7.            Rule 1002.f.(2)**

Oil and gas operators shall implement and maintain Best Management Practices (BMPs) at all oil and gas locations to control stormwater runoff in a manner that minimizes erosion, transport of sediment offsite, and site degradation. BMPs shall be maintained until the facility is abandoned and final reclamation is achieved pursuant to Rule 1004. Operators shall employ BMPs, as necessary to comply with this rule, at all oil and gas locations, including, but not limited to, well

pads, soil stock piles, access roads, tank batteries, compressor stations, and pipeline rights of way. BMPs shall be selected based on site-specific conditions, such as slope, vegetation cover, and proximity to water bodies, and may include maintaining in-place some or all of the BMPs installed during the construction phase of the facility. Where applicable based on site-specific conditions, operators shall implement BMPs in accordance with good engineering practices, including measures such as:

- A. **Covering materials and activities and stormwater diversion** to minimize contact of precipitation and stormwater runoff with materials, wastes, equipment, and activities with potential to result in discharges causing pollution of surface waters.
- B.  
B. **Materials handling and spill prevention procedures and practices** implemented for material handling and spill prevention of materials used, stored, or disposed of that could result in discharges causing pollution of surface waters.
- C. **Erosion controls** designed to minimize erosion from unpaved areas, including operational well pads, road surfaces and associated culverts, stream crossings, and cut/fill slopes.
- D. **Self-inspection, maintenance, and good housekeeping procedures and schedules** to facilitate identification of conditions that could cause breakdowns or failures of BMPs. These procedures shall include measures for maintaining clean, orderly operations and facilities and shall address cleaning and maintenance schedules and waste disposal practices. In conducting inspections and maintenance relative to stormwater runoff, operators shall consider seasonal factors, such as winter snow cover and spring runoff from snowmelt, to ensure site conditions and controls are adequate and in place to effectively manage stormwater.
- E. **Spill response procedures** for responding to and cleaning up spills. The necessary equipment for spill cleanup shall be readily available to personnel. Spill Prevention, Control, and Countermeasure plans incorporated by reference must be identified in the Post-Construction Stormwater Management Program specified in Rule 1002.f.(3).
- F. **Vehicle tracking control practices** to control potential sediment discharges from operational roads, well pads, and other unpaved surfaces. Practices could include road and pad design and maintenance to minimize rutting and tracking, controlling site access, street sweeping or scraping, tracking pads, wash racks, education, or other sediment controls.

Admitted  
Denied  
(State legal/factual basis for denial)

III. Additional Narrative  
(Optional. Include any affirmative defenses - if any. May attach additional pages if necessary)

IV. Supporting Documentation for denials stated in Section II.

List Attachments.

## VERIFICATION

[This verification does not need to be completed if this Answer to NOAV is signed by a Colorado licensed attorney below.]

STATE OF COLORADO )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, of lawful age, being first duly sworn upon oath, deposes and says that he is \_\_\_\_\_ for \_\_\_\_\_ and that (s)he has read the foregoing Simple Answer to NOAV and that the matters therein contained are true to the best of his/her knowledge, information and belief.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_.

Witness my hand and official seal.

My commission expires:\_\_\_\_\_

Notary Public

If prepared by and signed by a licensed Colorado attorney, the attorney shall sign this pleading in conformance with Rule 11, Colorado Rules of Civil Procedure.

Return to:  
Peter J. Gowen, Acting Hearings Manager  
Colorado Oil & Gas Conservation Commission  
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Denver, Colorado 80203  
[Peter.Gowen@state.co.us](mailto:Peter.Gowen@state.co.us)