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SENT VIA EMAIL (robert.chesson@state.co.us)

November 13, 2012

Mr. Robert Chesson
Colorado Oil & Gas Conservation Commission, Department of Natural Resources
1120 Lincoln Street, Suite 801
Denver, Colorado 80203

RE: Request to Reduce Groundwater Sampling Program
Berger Tank Battery (API Number 05-123-08554)
County Road 11 and County Road 20
Frederick, Weld County, Colorado
Project Number 1007004

Dear Mr. Chesson:


The purpose of this letter is to respond to your September 5, 2012 letter disapproving the request for No-Further Action (NFA) status for the above-referenced site. The September 5, 2012 letter is attached for your convenience. We understand that the disapproval of the NFA request is due to relatively small exceedances of the Colorado Oil and Gas Conservation Commission (COGCC) Concentrations Levels in groundwater samples collected from T-3 and T-4. Your letter mentions the possibility of reducing site monitoring due to a lack of groundwater contamination observed in PMW-1, PMW-2, PMW-3, PMW-4 and T-2. Therefore, we propose that future groundwater sampling events include only trench recovery wells T-3 and T-4. Groundwater sample results from trench recovery well T-5 were not observed above COGCC Concentration Levels during the last five (5) groundwater sample events and we excluded that location as well. Please let us know if the proposed sampling program is acceptable. At this point, we do not anticipate future groundwater sampling at wells PMW-1, PMW-2, PMW-3, PMW-4, T-2 and T-5.


Machii-Ross Petroleum Company – Berger Tank Battery Groundwater Sampling Reduction Request
Project Number 1007004
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If you have any questions or require additional information, please contact us.

Sincerely,
PARAGON CONSULTING GROUP, INC.


Amy Weber, P.E.
Project Engineer


David M. Rau, P.E., BCEE
Principal Engineer

ADW/DMR:adw1

enc: September 5, 2012 COGCC Letter

cc: Ms. Jessica Reale/Misty Mountain Operating, LLC
Mr. Neil Rehkop/SBC Global (via email)
Machii-Ross Petroleum Company
Jennifer Biever, Esq./Hogan Lovells US LLP (via email)

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DEPARTMENT OF NATURAL RESOURCES
John W. Hickenlooper, Governor
1120 Lincoln St. Suite 801
Denver, CO 80203
Phone: (303) 894-2100
FAX: (303) 894-2109
www.colorado.gov/cogcc

September 5, 2012

Ms. Amy Weber, P.E.
Project Engineer
Paragon Consulting Group
1103 Oak Park Drive, Suite 110
Fort Collins, Colorado 80525

RE: Berger Tank Battery
NENE Section 23 – 2 North – Range 68 West
05-123-08554
Weld County, Colorado
COGCC Remediation No. 3858

Dear Ms. Weber:

I have reviewed the recent remediation status report for the Colorado Oil and Gas Conservation Commission (COGCC) remediation number 3858. At this time the COGCC is unable to grant No Further Action (NFA) for remediation 3858 due to the exceedance of the State of Colorado groundwater standard for benzene (5µg/l) in trench samples T-3 & T-4. The COGCC requires a minimum of four consecutive quarterly sampling events demonstrating compliance with state groundwater standards to obtain NFA for groundwater remediations.

Machii-Ross can request for a reduction in site monitoring due to the lack of contamination present in PMW-1, PMW-2, PMW-3, and PMW-4, and for trench sample location T-2 to decrease site investigative work based on the historical data provided in the status report.

Should you have any questions, please call me at (303) 894-2100 ext.5112.

Respectfully,

Robert H. Chesson

Digitally signed by Robert H. Chesson
DN: cn=Robert H. Chesson, o=COGCC, ou,
email=robert.chesson@state.co.us, c=US
Date: 2012.09.05 15:16:27 -06'00'

Robert H. Chesson, C.P.G., P.G.
Environmental Protection Specialist