

Notice of Alleged Violation #200381789**Industrial Gas Services. #42950****Behring #1, API 05-123-05198****Date of Alleged Violation: 6/17/2013****Description of Alleged Violation:**

On June 14, 2013 COGCC Staff discovered oil in an unlined, uncovered earthen pit on the location and verbally notified the Operator to remove the oil within 24 hours. On June 17, 2013 COGCC Staff conducted a followup inspection and discovered the following violations:

1. The storage of oil in two unlined, earthen pits with no fence or net.
2. Less than two feet of freeboard in the earthen pit and no method of monitoring freeboard.
3. One earthen pit has been enlarged and/or a second earthen pit has been added to the location since the original pit permit for a 14' x 14' x 5' unlined earthen pit (Facility ID 118488; Document #658316) and pit inventory (Document #s 2229445 and 2145306). The pits are being used as skim pits or oil storage pits, which is not the original permitted use of the pit.
4. Oily waste is stockpiled on the location with no stormwater controls.
5. Oil stained soils from leaking above ground storage tanks.
6. Oil stained soils around the wellhead and on the ground around the gas engine for the pump jack.
7. An overturned barrel of lubricating oil that had spilled on the ground.
8. Trash on the location.
9. Inadequate secondary containment around the above ground storage tanks with insufficient capacity to hold the largest tank plus precipitation. Inadequate permeability of the secondary containment berm to prevent the migration of spilled fluids.
10. No labels as required by Rule 210.d. are present on the production tanks.

Act, Order, Regulation, Permit Conditions Cited:

210.d.; 323; 324A.a.; 603.j.; 604.a.; 902.a.; 902.b.; 902.c.; 902.d.; 902.h.; 903.a.; 904.c.; 906.a.; 906.b.; 906.e.; 907.a.(1); 907.e.

Abatement or Corrective Action Required to be Performed by Operator:

Immediately remove oil from the earthen pits. Notify COGCC when the oil has been removed and provide documentation for the disposition of the pit fluids.

The following actions are due by July 31, 2013: Perform an assessment of impacts to soil and groundwater by the use of the earthen pits for oil storage. Submit a Form 27 Site Investigation and Remediation Workplan for pre-approval with a proposed soil sampling program for investigation of

environmental impacts related to use of the earthen pit. If a production pit or skim pit is necessary for operation of the well, and no significant environmental impacts are identified during the site assessment of the pit, then the pit can be returned to service by applying for the use of a produced water pit in accordance with Rule 903 Pit Permitting Requirements.

The Form 27 shall also address removal or remediation of impacted soil and oily waste associated with the historic and ongoing spills around the wellhead and gas engine and at the product storage tanks. If oily waste will be land treated on the location, then the submitted Form 27 shall also include plans for actively managing the oily waste to reduce hydrocarbon concentrations, a sampling plan for demonstrating progress of the land treatment, and a description of stormwater controls that will be implemented to prevent precipitation from causing runoff of the oily waste.

Remove and properly dispose all trash and unused equipment, restore secondary containment, and label all tanks.