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## FW: IE Cory Veetch

7 messages

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**Kerry Smith** <ksmith@monumentglobal.com>

Thu, May 16, 2013 at 9:21 AM

To: "Spray - DNR, Karen" <karen.spray@state.co.us>

Cc: Don Freemyer <Don@freemyerlaw.com>, cindy.gray@soudermiller.com, ssmith@monumentglobal.com, Tom Fox <tomfox@beyondbb.com>, Rachael Smith <rsmith@monumentglobal.com>

Karen,

I received a call from Tom Fox concerning the cleanup at the cache Unit from Tom Fox yesterday. I ask him to please send an email explaining that call. Please see that email below. Don Freemyer represents MGRI in the 4-Corners area and is located in Durango. He will be representing it in this matter and any others concerning Mr. Veach.

I spoke with Cindy Gray yesterday and she is sending the cleanup plan for your approval. At this time we will have to wait for instructions from you on how to proceed with the cleanup, especially in dealing with Mr. Veach.

I look forward to your comments.

Best Regards,

Kerry Smith

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**From:** Tom Fox [mailto:[tomfox@beyondbb.com](mailto:tomfox@beyondbb.com)]

**Sent:** Wednesday, May 15, 2013 4:56 PM

**To:** kerry smith; Sue Smith

**Subject:** IE Cory Veetch

Kerry/Sue

I got a phone call around 1030am 5-15-13 from Cory Veetch about the clean up on the cache field. I had picked up waddles to go into the drainages

as per Karen with cogc. I had them sitting on well #9 and Cory saw them on location. He called me and told me not to do anything on the clean up until he approved. I told him that the cogc had told me to put them in place to catch any oil before it went any farther down the creek beds in the event of a storm. Then he said he had to approve of it first. Then he started to say that I had lied about him being the land owner and that was getting very agitated when I hung up on him. Then he called again and I did not pick up and have not called him back.

T Fox 5-15-13

**Spray - DNR, Karen** <karen.spray@state.co.us>

To: Kerry Smith <ksmith@monumentglobal.com>

Cc: Don Freemyer <Don@freemyerlaw.com>, Cindy Gray <cindy.gray@soudermiller.com>, ssmith@monumentglobal.com, Tom Fox <tomfox@beyondbb.com>, Rachael Smith <rsmith@monumentglobal.com>, Alex Fischer <alex.fischer@state.co.us>, Peter Gowen - DNR <peter.gowen@state.co.us>

Thank you Kerry. Mr. Veach also called me yesterday at about 10:45 a.m. and told me he had "run into" Tom Fox and that Tom had told him that I said "you didn't need to consult with the surface owner". That is not entirely correct. COGCC Rule 906.c does require the operator to make a good faith attempt to work with the surface owner and it is up to the operator to be able to demonstrate that this has occurred. So it is in your best interest to get written documentation that this attempt has been made. Mr. Veach has copies of both NOAVs so he should be aware that the COGCC has given you specific timelines to work within.

*906.c. Surface owner notification and consultation. The operator shall notify the affected surface owner or the surface owner's appointed tenant of reportable spills as soon as practicable, but not more than twenty-four (24) hours, after discovery. The operator also shall make good faith efforts to notify and consult with the affected surface owner, or the surface owner's appointed tenant, prior to commencing operations to remediate E&P waste from a spill/release in an area not being utilized for oil and gas operations.*

That said, I know this is a tough situation. I have told Mr. Veach that he needs to allow you to access the site and begin the cleanup per COGCC rules and the NOAV requirements. I do not believe he is very happy with us (me) as he wants us to pursue immediate legal action. I explained that my role is to facilitate assessment and remediation of the spill and that any additional enforcement actions, if any, would come later as described in our 522 series of rules and in cooperation with our Enforcement group in Denver. Mr. Veach does have a legal option to request a hearing before our Commission if he is not happy with how our staff are handling the situation. That is under Rule 522.b.(4), which I presume he will pursue.

I will check with our Denver staff on how we want to proceed with this. We most certainly do not want to put anyone in harms way, but the spills do need to be cleaned up. I will let you know once I get an answer. But please continue forward to meet the timeline requested in the NOAVs and submit the workplan for review and comment as planned. If you cannot access the locations prior to the requested June 1, 2013 deadline, then please submit a request for delay, in writing, describing the situation and we may need to approve a delay while safe access is obtained.

Thank you for notifying me of this situation. I am also copying Alex Fischer, my supervisor, and Peter Gowen, our Enforcement Officer, on this email so they are aware of this situation.

Regards,

Karen

NOAVs - #200379270 & #200379257

[Quoted text hidden]

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***Karen L. Spray, PG***

***SW Environmental Protection Specialist***

Colorado Oil & Gas Conservation Commission

P.O. Box 2651

Durango, CO 81302

970-259-1619 (o) - 970-903-1242 (c)

[karen.spray@state.co.us](mailto:karen.spray@state.co.us)

[www.colorado.gov/cogcc](http://www.colorado.gov/cogcc)



***Please consider the environment before printing this e-mail***

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**Mail Delivery Subsystem** <mailer-daemon@googlemail.com>

Thu, May 16, 2013 at 9:51 AM

To: karen.spray@state.co.us

Delivery to the following recipient failed permanently:

Technical details of permanent failure:

Google tried to deliver your message, but it was rejected by the server for the recipient domain [outbounds9.obsmtplib.com](mailto:outbounds9.obsmtplib.com) by [outbounds9.obsmtplib.com](mailto:outbounds9.obsmtplib.com). [74.125.148.12].

The error that the other server returned was:

550 Neither MX nor MTA found for domain:[freemyerlaw.com](mailto:freemyerlaw.com) - psmtplib

----- Original message -----

X-Google-DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;

d=[google.com](mailto:google.com); s=20120113;

h=x-received:mime-version:x-received:in-reply-to:references:date

:message-id:subject:from:to:cc:content-type:x-gm-message-state;

bh=yyt3t39SSXhMS7dZ7ge8zQedrvOuUYQYfbRq46hh8uk=;

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TrKg==

X-Received: by 10.50.36.199 with SMTP id s7mr9922531igj.56.1368719472751;

Thu, 16 May 2013 08:51:12 -0700 (PDT)

MIME-Version: 1.0

X-Received: by 10.50.36.199 with SMTP id s7mr9922516igj.56.1368719472609; Thu,

16 May 2013 08:51:12 -0700 (PDT)

Received: by 10.50.162.163 with HTTP; Thu, 16 May 2013 08:51:12 -0700 (PDT)

In-Reply-To: <008601ce5249\$117789a0\$34669ce0\$@[monumentglobal.com](mailto:monumentglobal.com)>

References: <1F952E0068FC4FFC9E6446688871239A@tomfoxPC>

<008601ce5249\$117789a0\$34669ce0\$@[monumentglobal.com](mailto:monumentglobal.com)>

Date: Thu, 16 May 2013 09:51:12 -0600

Message-ID: <CAHphSkqGP4hrr3pzmtQsSj3tjw+Xge+GOPc6krHSSm07FJ0fQ@mail.gmail.com>

Subject: Re: FW: IE Cory Veetch

From: "Spray - DNR, Karen" <[karen.spray@state.co.us](mailto:karen.spray@state.co.us)>

To: Kerry Smith <[ksmith@monumentglobal.com](mailto:ksmith@monumentglobal.com)>

Cc: Don Freemyer <[Don@freemyerlaw.com](mailto:Don@freemyerlaw.com)>, Cindy Gray <[cindy.gray@soudermiller.com](mailto:cindy.gray@soudermiller.com)>,

[ssmith@monumentglobal.com](mailto:ssmith@monumentglobal.com), Tom Fox <[tomfox@beyondbb.com](mailto:tomfox@beyondbb.com)>,

Rachael Smith <[rsmith@monumentglobal.com](mailto:rsmith@monumentglobal.com)>, Alex Fischer <[alex.fischer@state.co.us](mailto:alex.fischer@state.co.us)>,

Peter Gowen - DNR <[peter.gowen@state.co.us](mailto:peter.gowen@state.co.us)>

Content-Type: multipart/alternative; boundary=14dae9340d03f65f7304dcd7d57a

X-Gm-Message-State: ALoCoQmaaFmbUhXUeMIOLGWUwUqFeW19/AwIV8xKorbvXX0oxv4ux4HfxqVtyE8s0RcQorNaaCBq  
wEPCBITH6CQGJnJEDVEolxoafURon7DSciFKciSfUtEpBWoyFrXxOKBo3MCys+PDMD8y66brPQUvMNsxWGkg==

Thank you Kerry. Mr. Veach also called me yesterday at about 10:45 a.m. and told me he had "run into" Tom Fox and that Tom had told him that I said "you didn't need to consult with the surface owner". That is not entirely correct. COGCC Rule 906.c does require the operator to make a good faith attempt to work with the surface owner and it is up to the operator to be able to demonstrate that this has occurred. So it is in your best interest to get written documentation that this attempt has been made. Mr. Veach has copies of both NOAVs so he should be aware that the COGCC has given you specific timelines to work within.

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oil and gas operations.\*

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**Spray - DNR, Karen** <karen.spray@state.co.us>  
To: Kerry Smith <ksmith@monumentglobal.com>

Thu, May 16, 2013 at 9:53 AM

Kerry - This email bounced back from Don Freemyers email, so if you could forward it to him please.

Thanks.

[Quoted text hidden]

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**Gowen - DNR, Peter** <peter.gowen@state.co.us>  
To: "Spray - DNR, Karen" <karen.spray@state.co.us>

Thu, May 16, 2013 at 11:00 AM

Karen:

Let me know if/when you want any follow-up action from me on this.

Peter J. Gowen  
Enforcement Officer  
Colorado Oil & Gas Conservation Commission  
1120 Lincoln Street, Suite 801  
Denver, Colorado 80203  
303-894-2100 ext. 5150  
[Peter.Gowen@state.co.us](mailto:Peter.Gowen@state.co.us)

On Thu, May 16, 2013 at 9:51 AM, Spray - DNR, Karen <karen.spray@state.co.us> wrote:

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**Kerry Smith** <ksmith@monumentglobal.com>  
To: "Spray - DNR, Karen" <karen.spray@state.co.us>

Thu, May 16, 2013 at 11:27 AM

Cc: Don Freemyer <Don@freemyerlaw.com>, Cindy Gray <cindy.gray@soudermiller.com>, ssmith@monumentglobal.com, Tom Fox <tomfox@beyondbb.com>, Rachael Smith <rsmith@monumentglobal.com>, Alex Fischer <alex.fischer@state.co.us>, Peter Gowen - DNR <peter.gowen@state.co.us>

Karen,

Thanks for the quick reply. I just spoke with Tom Fox again concerning his incident with Mr. Veach. His account is certainly different than what it sounds was delivered to you by Veach. That is really neither "here nor there" at this point. We have no problem contacted Veach when we are going in to perform the cleanup that you agree to. The problem will be with Veach, as he has just demonstrated. The barriers that you requested we put out were only sitting on a well location. When he found out what we were going to do with them he goes into one of his tirades. So, as of today they are still just sitting there.

I certainly understand from our conversation and your email response that time is of the essence. I responded to you on the same day that you notified our office and met with you in person in two days. I had engaged Souder, Miller and Associates and had them on location for an inspection so that they could write up recommendations concerning the cleanup for your approval on the third day. Furthermore, we have been performing remediation on these spills since they occurred. I think that Souder, Miller, and Associates will attest to that after they were able to inspect. I will admit that we did become lax in continuing that remediation as it was warranted. This was mainly due to Mr. Veach not wanting anymore to happen.

The Cache Unit is a federal unit that has Monument Lands, Indian Lands as well as a small amount of fee land, the Veach property. We have spent millions of dollars cleaning this unit up. We do not mind doing the work. Please feel free to contact any of the other jurisdictions about the work we have done in the last two years. At this time MGRI doing the work is not the problem. I am going to ask that Mr. Freemyer get clarifications on the steps and notifications that we need to follow while doing the work that the COGCC is asking us to do. I will recommend that he do this with help from Souder, Miller and you and the COGCC. This will insure that we are doing our best to follow your instructions.

I look forward to getting this cleaned up in accordance with COGCC rules and getting this issue behind us.

Best regards,

Kerry Smith

**From:** Spray - DNR, Karen [mailto:[karen.spray@state.co.us](mailto:karen.spray@state.co.us)]

**Sent:** Thursday, May 16, 2013 9:51 AM

**To:** Kerry Smith

**Cc:** Don Freemyer; Cindy Gray; [ssmith@monumentglobal.com](mailto:ssmith@monumentglobal.com); Tom Fox; Rachael Smith; Alex Fischer; Peter Gowen - DNR

**Subject:** Re: FW: IE Cory Veetch

Thank you Kerry. Mr. Veach also called me yesterday at about 10:45 a.m. and told me he had "run into" Tom Fox and that Tom had told him that I said "you didn't need to consult with the surface owner". That is not entirely correct. COGCC Rule 906.c does require the operator to make a good faith attempt to work with the surface owner and it is up to the operator to be able to demonstrate that this has occurred. So it is in your best interest to get written documentation that this attempt has been made. Mr. Veach has copies of both NOAVs so he should be aware that the COGCC has given you specific timelines to work within.

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**Spray - DNR, Karen** <[karen.spray@state.co.us](mailto:karen.spray@state.co.us)>  
To: "Gowen - DNR, Peter" <[peter.gowen@state.co.us](mailto:peter.gowen@state.co.us)>

Thu, May 16, 2013 at 1:04 PM

Thanks Peter. I have a feeling that day will come :) I appreciate it!

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