



## Cache Field Spills/NOAVs

1 message

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

Wed, Jul 24, 2013 at 10:54 AM

To: Kerry Smith <ksmith@monumentglobal.com>, Don Freemyer <Don@freemyerlaw.com>, Alex Fischer <alex.fischer@state.co.us>, Peter Gowen - DNR <peter.gowen@state.co.us>

Kerry:

A couple of things -

First, I am going ahead and referring these NOAV's for enforcement. I was hoping to get both sites remediated prior to enforcement actions but I guess that will not be possible. Both spills were going to be referred regardless, due to the fact spills hit waters of the state. Our enforcement procedures are detailed in Rules 522 and 523, including discussions of both aggravating and mitigating factors and how fines are assessed. For specific questions I refer you to our Enforcement Officer, Peter Gowen, in our Denver office at [303-894-2100](tel:303-894-2100) x 5150.

Second, unless access can be gained rather quickly the COGCC is going to have to re-visit the proposed bioremediation process. Bioremediation does not work in cold weather and the process will need to be completed by about October to really get it to work. Both remediation plans called for 3 applications of Simple Green spaced about a month apart. This plan was approved with a June 2013 start date and it is now late July. Remediation needs to begin soon for it to be successful.

Third, as I encourage Mr. Veach to allow access to MGR to begin the remediation, I also encourage MGR to consider his request for a combination of soil removal/bioremediation as detailed in his June 17, 2013 email to Don Freemyer. I recognize you consider this an undue financial burden, but it appears he would agree to this action thereby allowing you the needed access for cleanup. Options are available to address oily waste, including land treatment on site. See Rule 907.e for details.

Finally, the 3rd corrective action listed in both NOAVs was to provide an assessment of the condition of the flow lines and present a plan for repairs/upgrades/replacement. Access issues should not impact proceeding with this assessment and the COGCC would like a formal response/plan as soon as possible. The occurrence of a 3rd flow line spill this summer seems to indicate system-wide issues which will need to be addressed to prevent future spills.

I recognize the access difficulties you are working with, but the process needs to move forward on all fronts. Ultimately there are property damages that need to be remediated by the owner of the crude oil that leaked into the environment. I strongly encourage you to do what is necessary to achieve this objective.

Regards,

Karen

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**Karen L. Spray, PG**

**SW Environmental Protection Specialist**

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