

STATE OF
COLORADO

EnviroScan - DNR, OGCC <dnr_ogcc.enviroscan@state.co.us>

RE: CM Productions: Rice Oily Wastes (REM #8517)

Document 2313552

1 message

James Hix <jhix@olssonassociates.com>

Tue, Dec 23, 2014 at 3:46 PM

To: "Axelson - DNR, John" <john.axelson@state.co.us>

Cc: "Ferrin - DNR, Jeremy" <jeremy.ferrin@state.co.us>, "Curtis Ditzell (curtisd@cmproductionllc.com)" <curtisd@cmproductionllc.com>, "Kirk.mueller@dgsllaw.com" <Kirk.mueller@dgsllaw.com>, Rob Young - DNR <rob.young@state.co.us>, OGCC EnviroScan - DNR <ogcc.enviroscan@state.co.us>

John,

You are correct – the scanned images are the weigh tickets from Gardiner's Go-fers. We can re-scan and send weigh tickets 733711 & 733783. Waste Management is slow to provide the invoice and the manifests. In my experience it usually takes about a month to get those back. Once CM has received them, we will scan and provide the copies of the Waste Manifests to the COGCC to satisfy the requirements of Rule 907.b.(2).

My plan yesterday was to finish up doing construction stormwater inspections for another client in northeastern Weld County, and then drive over and check the monitoring wells at the Rice Lease to see if there was any water in them. I did not get that done with the 20+ construction stormwater sites to inspect and the short daylight hours, but will make arrangements to get the wells gauged, and if there is water in them, I will get them developed. In the event that groundwater is present in the wells, I will let you know the schedule for sampling the wells.

James

James W. Hix, PG | **Olsson Associates**4690 Table Mountain Drive, Suite 200 | Golden, CO 80403 | jhix@olssonassociates.com

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**From:** Axelson - DNR, John [mailto:john.axelson@state.co.us]**Sent:** Monday, December 22, 2014 7:35 AM**To:** James Hix**Cc:** Ferrin - DNR, Jeremy; Curtis Ditzell (curtisd@cmproductionllc.com); Kirk.mueller@dgsllaw.com; Rob Young - DNR; OGCC EnviroScan - DNR**Subject:** Re: CM Productions: Rice Location Sensitive Area Determination

James,

It appears there was a problem with the scan of the manifests. It looks like the weight tickets 733711 & 733783 are stapled and covering up half of the underlying page. Also, COGCC requires all disposal documentation as outlined in Rule 907.b.(2) Waste generator requirements. The weight tickets provide the date of transport, identity of the waste generator and the transporter, but do not include the location of the waste pickup site, the type of waste or the location of the disposal site.

Please provide all of the required information with a specific no further action request (as previously requested) summarizing the waste disposal. For all submittals related to a remediation, reference the Remediation Project #. Let me know if you have any questions.

John E. Axelson, P.G.

East Environmental Supervisor



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Cc. Rem #8517 - Correspondence

On Sun, Dec 21, 2014 at 1:54 PM, James Hix <jhix@olssonassociates.com> wrote:

Jeremy,

Attached are the Waste Management – Waste Manifests from Gardiner’s Go-Fers for the oily waste impacted soil (“tank bottoms”) at the Rice Lease. The soils were disposed on 12/10/14 and 12/11/2014.

James

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From: Ferrin - DNR, Jeremy [mailto:jeremy.ferrin@state.co.us]
Sent: Thursday, December 18, 2014 1:38 PM
To: Mueller, Kirk
Cc: john.axelson@state.co.us; James Hix
Subject: Re: CM Productions: Rice Location Sensitive Area Determination

All,

According to my notes from our last conference call, CM was supposed to submit a plan for the "powerpole" issue at the Warren location and a plan for disposal of the tank bottoms at the Rice location. John and I have not seen a plan addressing either issue.

Please advise.

Jeremy I Ferrin
Enforcement Officer



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On Thu, Dec 4, 2014 at 3:44 PM, Mueller, Kirk <Kirk.Mueller@dgslaw.com> wrote:

Jeremy/John:

Thank you and your staff for visiting with me and James yesterday regarding the NOAV at the Rice Location. James has contacted a vendor, Site Services Drilling, which has a combination probe/solid stem auger rig mounted on a rubber track that we believe can access the locations we want to sample. Site Services also has hollow stem auger rigs which may be able to drill the proposed locations. James has forwarded to them photos and illustrations of the site to determine if they can and to estimate the time to get up there and do the work. James estimates we will need to go to 25 or 30 feet or to auger to refusal; he will coordinate with John Axelson regarding locations and other specifics. If we encounter shallow groundwater, we can set monitoring wells and collect samples for analysis. James is optimistic we can access and drill the wells on or before December 19. The sample results from those wells should be ready on or by December 31, with consideration of the holidays. If water can be collected, we expect sampling and analysis could be completed on or by January 2, 2015.

We have also had discussions CM's operations folks and informed them of your directive that they cease delivery of produced water to all three of the pits. Compliance with this directive will require CM to shut-in the field and cease all production which, in turn, will create a significant hardship for CM and forfeiture of revenues for an apparently indeterminate length of time. Given the hardship, and for the reasons discussed below, CM respectfully has asked if the commission might reconsider its position and allow CM to continue to using just the south pit to contain produced water. Shutting in the field in the winter may cause lines to freeze and break causing releases of produced water that would not occur if the field were operating.

Olsson will provide a work plan and a Form 27 tomorrow that outlines the proposed drilling locations and a description of the rigors of the assessment. Upon approval of the work plan, Olsson will confirm with Site Services the drilling schedule.

Olsson and CM were under the impression that if we collected surface water samples in the drainage and installed the hand auger point down gradient of the pits, that would be sufficient assessment as we had discussed. The piezometer alone was not expected to satisfy the COGCC, but it does extend 10 feet below the base of the main drainage, and was dry in July and again when checked in September.

Given the hardship posed by shutting in the field, the generally promising indications of the sensitive area study thus far, the fact that pits have existed at this location for decades, previous investigations concluded that it was not a sensitive area, and the accelerated schedule we are endeavoring to implement, we would very much appreciate the Commission's permission to utilize just the south pit for an additional 60 days while we complete the sensitive area study.

Thank you for your attention to this, and best regards,

- Kirk

R. KIRK MUELLER ATTORNEY

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