

FORM
2A

Rev
08/13

State of Colorado
Oil and Gas Conservation Commission

1120 Lincoln Street, Suite 801, Denver, Colorado 80203
Phone: (303) 894-2100 Fax: (303) 894-2109



Document Number:

400641110

Date Received:

07/17/2014

Oil and Gas Location Assessment

New Location Refile Amend Existing Location Location#: 437628

Submit signed original form. This Oil and Gas Location Assessment is to be submitted to the COGCC for approval prior to any ground disturbance activity associated with oil and gas operations. Approval of this Oil and Gas Location Assessment will allow for the construction of the below specified Location; however, it does not supersede any land use rules applied by the local land use authority. Please see the COGCC website at <http://cogcc.state.co.us/> for all accompanying information pertinent this Oil and Gas Location Assessment.

Location ID:

437628

Expiration Date:

03/26/2018

This location assessment is included as part of a permit application.

CONSULTATION

- This location is included in a Comprehensive Drilling Plan. CDP # _____
- This location is in a sensitive wildlife habitat area.
- This location is in a wildlife restricted surface occupancy area.
- This location includes a Rule 306.d.(1)A.ii. variance request.

Operator

Operator Number: 46290
 Name: K P KAUFFMAN COMPANY INC
 Address: 1675 BROADWAY, STE 2800
 City: DENVER State: CO Zip: 80202

Contact Information

Name: Susana Lara-Mesa
 Phone: (303) 825-4825
 Fax: (303) 825-4822
 email: Slaramesa@kpk.com

RECLAMATION FINANCIAL ASSURANCE

- Plugging and Abandonment Bond Surety ID: 20010023 Gas Facility Surety ID: _____
- Waste Management Surety ID: _____

LOCATION IDENTIFICATION

Name: Consolidation Number: Unit # 8
 County: WELD
 Quarter: SWNW Section: 1 Township: 1N Range: 67W Meridian: 6 Ground Elevation: 4978

Define a single point as a location reference for the facility location. When the location is to be used as a well site then the point shall be a well location.

Footage at surface: 2262 feet FNL from North or South section line
104 feet FWL from East or West section line
 Latitude: 40.081320 Longitude: -104.848380
 PDOP Reading: 1.2 Date of Measurement: 07/07/2014
 Instrument Operator's Name: E. Davis

RELATED REMOTE LOCATIONS

(Enter as many Related Locations as necessary. Enter the Form 2A document # only if there is no established COGCC Location ID#)

This proposed Oil and Gas Location is:

LOCATION ID # **FORM 2A DOC #**

Production Facilities Location serves Well(s)

318857	_____
318444	_____
328657	_____
318998	_____
335624	_____
318945	_____
318909	_____
318677	_____
317675	_____
328572	_____
318858	_____
318737	_____
318805	_____
328574	_____
318404	_____
318287	_____
318862	_____
318864	_____
317757	_____
318403	_____
318863	_____
318479	_____
318409	_____
328413	_____
318410	_____
326708	_____
318520	_____
317756	_____
317702	_____
332979	_____
318925	_____
335589	_____
318675	_____
335610	_____
329653	_____
317695	_____
318732	_____
329536	_____
333132	_____

Well Site is served by Production Facilities

FACILITIES

Indicate the number of each type of oil and gas facility planned on location

Wells _____ Oil Tanks 2 Condensate Tanks _____ Water Tanks 1 Buried Produced Water Vaults _____
Drilling Pits _____ Production Pits _____ Special Purpose Pits _____ Multi-Well Pits _____ Temporary Large Volume Above Ground Tanks _____
Pump Jacks _____ Separators 1 Injection Pumps _____ Cavity Pumps _____
Gas or Diesel Motors _____ Electric Motors _____ Electric Generators _____ Fuel Tanks _____ Gas Compressors 1
Dehydrator Units _____ Vapor Recovery Unit _____ VOC Combustor 5 Flare _____ LACT Unit _____
Pigging Station _____

OTHER FACILITIES

Other Facility Type

Number

<u>Other Facility Type</u>	<u>Number</u>

Per Rule 303.b.(3)C, description of all oil, gas, and/or water pipelines:

3 oil pipe lines, 3 gas pipe lines, 1 water pipe line. (from COGCC - Operator correspondence) There are 39 wells listed that the Production Facilities serves. These flowlines are existing. Each well has its own flowline coming into the header. Attached is our map and BMP for operations.

CONSTRUCTION

Date planned to commence construction: 06/10/2014 Size of disturbed area during construction in acres: 0.24
Estimated date that interim reclamation will begin: 09/15/2014 Size of location after interim reclamation in acres: 0.85
Estimated post-construction ground elevation: 4978

DRILLING PROGRAM

Will a closed loop system be used for drilling fluids: Yes

Is H₂S anticipated? No

Will salt sections be encountered during drilling: No

Will salt based mud (>15,000 ppm Cl) be used? No

Will oil based drilling fluids be used? No

DRILLING WASTE MANAGEMENT PROGRAM

Drilling Fluids Disposal: _____ Drilling Fluids Disposal Method: _____

Cutting Disposal: _____ Cuttings Disposal Method: _____

Other Disposal Description:

Wells are not planned. Drilling Program Section entries are not applicable

Beneficial reuse or land application plan submitted? No

Reuse Facility ID: _____ or Document Number: _____

Centralized E&P Waste Management Facility ID, if applicable: _____

SURFACE & MINERALS & RIGHT TO CONSTRUCT

Name: Richard Hein

Phone: _____

Address: 5290 E. Yale Circ.

Fax: _____

Address: Ste. 103

Email: _____

City: Denver State: CO Zip: 80222

Surface Owner: Fee State Federal Indian

Check all that apply. The Surface Owner: is the mineral owner

is committed to an oil and Gas Lease

has signed the Oil and Gas Lease

is the applicant

The Mineral Owner beneath this Oil and Gas Location is: Fee State Federal Indian

The Minerals beneath this Oil and Gas Location will be developed from or produced to this Oil and Gas Location: Yes

The right to construct this Oil and Gas Location is granted by: oil and gas lease

Surface damage assurance if no agreement is in place: _____ Surface Surety ID: _____

Date of Rule 306 surface owner consultation 06/15/2014

CURRENT AND FUTURE LAND USE

Current Land Use (Check all that apply):

Crop Land: Irrigated Dry land Improved Pasture Hay Meadow CRP

Non-Crop Land: Rangeland Timber Recreational Other (describe): _____

Subdivided: Industrial Commercial Residential

Future Land Use (Check all that apply):

Crop Land: Irrigated Dry land Improved Pasture Hay Meadow CRP

Non-Crop Land: Rangeland Timber Recreational Other (describe): _____

Subdivided: Industrial Commercial Residential

CULTURAL DISTANCE INFORMATION

Distance to nearest:

Building: 120 Feet

Building Unit: 252 Feet

High Occupancy Building Unit: 5280 Feet

Designated Outside Activity Area: 5280 Feet

Public Road: 63 Feet

Above Ground Utility: 212 Feet

Railroad: 5280 Feet

Property Line: 101 Feet

INSTRUCTIONS:

- All measurements shall be provided from center of nearest Well or edge of nearest Production Facility to nearest of each cultural feature as described in Rule 303.b.(3)A.
- Enter 5280 for distance greater than 1 mile.
- Building - nearest building of any type. If nearest Building is a Building Unit, enter same distance for both.
- Building Unit, High Occupancy Building Unit, and Designated Outside Activity Area - as defined in 100-Series Rules.

DESIGNATED SETBACK LOCATION INFORMATION

Check all that apply. This location is within a: Buffer Zone

Exception Zone

Urban Mitigation Area

- Buffer Zone - as described in Rule 604.a.(2), within 1,000' of a Building Unit.
- Exception Zone - as described in Rule 604.a.(1), within 500' of a Building Unit.
- Urban Mitigation Area - as defined in 100-Series Rules.

Pre-application Notifications (required if location is within 1,000 feet of a building unit):

Date of Rule 305.a.(1) Urban Mitigation Area Notification to Local Government: _____

Date of Rule 305.a.(2) Buffer Zone Notification to Building Unit Owners: 07/15/2014

SOIL

List all soil map units that occur within the proposed location. attach the National Resource Conservation Service (NRCS) report showing the "Map Unit Description" report listing the soil typical vertical profile. This data is to used when segregating topsoil.

The required information can be obtained from the NRCS web site at <http://soildatamart.nrcs.usda.org/> or from the COGCC web site GIS Online map page found at <http://colorado.gov/cogcc>. Instructions are provided within the COGCC web site help section.

NRCS Map Unit Name: 47, Olney fine sandy loam, 1 to 3 percent slopes

NRCS Map Unit Name: 52, Otero sandy loam, 3 to 5 percent slopes

NRCS Map Unit Name: _____

PLANT COMMUNITY:

Complete this section only if any portion of the disturbed area of the location's current land use is on non-crop land.

Are noxious weeds present: Yes No

Plant species from: NRCS or, field observation Date of observation: 07/08/2014

List individual species: _____

Check all plant communities that exist in the disturbed area.

- Disturbed Grassland (Cactus, Yucca, Cheatgrass, Rye)
- Native Grassland (Bluestem, Grama, Wheatgrass, Buffalograss, Fescue, Oatgrass, Brome)
- Shrub Land (Mahogany, Oak, Sage, Serviceberry, Chokecherry)
- Plains Riparian (Cottonwood, Willow, Aspen, Maple, Poplar, Russian Olive, Tamarisk)
- Mountain Riparian (Cottonwood, Willow, Blue Spruce)
- Forest Land (Spruce, Fir, Ponderosa Pine, Lodgepole Pine, Juniper, Pinyon, Aspen)
- Wetlands Aquatic (Bullrush, Sedge, Cattail, Arrowhead)
- Alpine (above timberline)
- Other (describe): _____

WATER RESOURCES

Is this a sensitive area: No Yes

Distance to nearest

downgradient surface water feature: 147 Feet

water well: 451 Feet

Estimated depth to ground water at Oil and Gas Location 12 Feet

Basis for depth to groundwater and sensitive area determination:

Nearby monitoring wells at Wattenberg Disposal

Is the location in a riparian area: No Yes

Was an Army Corps of Engineers Section 404 permit filed No Yes If yes attach permit.

Is the location within a Rule 317B Surface Water Supply Area buffer No zone:

If the location is within a Rule 317B Surface Water Supply Area buffer have all public water supply systems within 15 miles been notified: No

GROUNDWATER BASELINE SAMPLING AND MONITORING AND WATER WELL SAMPLING

Water well sampling required per Rule 318A

DESIGNATED SETBACK LOCATION EXCEPTIONS

Check all that apply:

- Rule 604.a.(1)A. Exception Zone (within 500' of Building Unit)
- Rule 604.b.(1)A. Exception Location (existing or approved Oil & Gas Location now within a Designated Setback as a result of

Rule 604.a.)

- Rule 604.b.(1)B. Exception Location (existing or approved Oil & Gas Location is within a Designated Setback due to Building Unit construction after Location approval)
- Rule 604.b.(2) Exception Location (SUA or site-specific development plan executed on or before August 1, 2013)
- Rule 604.b.(3) Exception Location (Building Units constructed after August 1, 2013 within setback per an SUA or site-specific development plan)

RULE 502.b VARIANCE REQUEST

- Rule 502.b. Variance Request from COGCC Rule or Spacing Order Number _____

ALL exceptions and variances require attached Request Letter(s). Refer to applicable rule for additional required attachments (e.g. waivers, certifications, SUAs).

OPERATOR COMMENTS AND SUBMITTAL

Comments K.P. Kauffman Company, Inc. has added 3 new VOC Combustors to this location as a result of imminent safety concerns following a COGCC inspection of the facility.

I hereby certify that the statements made in this form are, to the best of my knowledge, true, correct and complete.

Signed: _____ Date: 07/17/2014 Email: Slaramesa@kpk.com
Print Name: Susana Lara-Mesa Title: VP Engineering

Based on the information provided herein, this Application for Permit-to-Drill complies with COGCC Rules and applicable orders and is hereby approved.

COGCC Approved:  Director of COGCC Date: 3/27/2015

Conditions Of Approval

All representations, stipulations and conditions of approval stated in this Form 2A for this location shall constitute representations, stipulations and conditions of approval for any and all subsequent operations on the location unless this Form 2A is modified by Sundry Notice, Form 4 or an Amended Form 2A.

COA Type	Description
	To ensure that this Oil and Gas Location does not interfere with future expansion of County Road 23, no Production Facilities shall be placed west of Production Facilities on the Location at the time of approval of this Form 2A (Document #400641110), as shown on the attached Facility Layout Drawing (Doc #400665063).
	The Production Facilities on this Oil and Gas Location shall not be used to treat, store, process or handle production from horizontal well development unless the operator obtains a COGCC Rule 502.b. variance. Neither the Director nor the Commission shall grant such a variance without prior consultation with the City of Fort Lupton.

Best Management Practices

No	<u>BMP/COA Type</u>	<u>Description</u>
1	Planning	604.c.(2) Lighting: KPK will not require permanent lighting equipment. If lighting is required temporarily, it will be installed directed downward and inward and shielded so as to avoid glare on public roads and neighbor's house 252' away.
2	General Housekeeping	Housekeeping will consist of neat and orderly storage of materials and fluids. Wastes will be temporarily stored in sealed containers and regularly collected and disposed of at offsite suitable facilities according to WMP. If spills occur prompt cleanup is required to minimize any commingling of waste materials with storm water runoff. Routine maintenance will be limited to fueling and lubrication of equipment. Drip pans will be used during routine fueling and maintenance to contain spills or leaks. Any waste product from maintenance will be containerized and transported offsite for disposal at a certified facility. There will be no major equipment overhauls conducted onsite. Equipment will be transported offsite for major overhauls. Cleanup of trash and discarded materials will be conducted at the end of each workday. Cleanup will consist of patrolling the roadway, access areas, and other work areas to pick up trash, scrap debris, other discarded materials, any contaminated soil, and dust control on location. Materials will be disposed of properly.
3	General Housekeeping	604.c.(2) P. Trash: KPK will maintain the facility clean of trash, debris, scrap, or discarded material and will dispose of it in a legal manner
4	Storm Water/Erosion Control	Storm water Management Plan (SWMP) will be in place to address construction, drilling and operations associated with oil and gas development throughout the state of Colorado in accordance with Colorado Department of Public Health and Environment (CDPHE) General Permit rules. BMP's used will vary according to location, and will remain in place until the pad reached final reclamation.
5	Material Handling and Spill Prevention	Spill Prevention Control and countermeasure plan (SPCC) is in place to address construction, drilling and operations associated with oil and gas development throughout the state of Colorado in accordance with CFR 112.
6	Dust control	604.c.(2) Dust: In order to minimize fugitive dust, KPK has a reduced speed limitation within the facility and has regular road maintenance scheduled.
7	Construction	Secondary containment will be built with earthen berms and liner for flood control.
8	Construction	604.c.(2) M. Fencing: KPK will install fence around the facility in order to restrict access by unauthorized persons. 604.c.(2) N. : Fire Hazard: KPK will move any material not in use that may constitute a fire hazard a minimum of 25' from the tanks and separator
9	Noise mitigation	A noise protection shed will be built around the compressors for noise mitigation within the Exception Zone All equipment and trucks used to construct the well pad will be registered and equipped with noise suppression mufflers Mufflers will be installed on all equipment during drilling and completion operations to minimize engine noise. Production activities that are known to produce higher than normal noise levels, will be carried out during the day in order to minimize disturbance to neighboring houses.
10	Noise mitigation	604.c.(2) A Noise: KPK will install an engineered sound mitigation around the compressor in order to reduce the noise levels for house located 252' from the compressor.
11	Emissions mitigation	A leak detection plan will be filed with the CDPHE based on current regulations and the facility will be inspected during daily pumper visits to minimize any releases.
12	Odor mitigation	604.c.(2) Odors: KPK will operate the facility in compliance with CDPHE's Air Quality Control Commission following SOP attached. This facility has emission control units.

Total: 12 comment(s)

Attachment Check List

<u>Att Doc Num</u>	<u>Name</u>
1733735	CORRESPONDENCE
1733736	WELL INFORMATION
1733737	INSPECTION PROCEDURES
1733743	SURFACE AGRMT/SURETY
1733745	CORRESPONDENCE
1733751	CORRESPONDENCE
2477570	LOCATION DRAWING
400641110	FORM 2A SUBMITTED
400665041	WASTE MANAGEMENT PLAN
400665043	OTHER
400665045	WELL LOCATION PLAT
400665046	ACCESS ROAD MAP
400665048	HYDROLOGY MAP
400665049	NRCS MAP UNIT DESC
400665059	LOCATION PICTURES
400665063	FACILITY LAYOUT DRAWING
400665070	EXCEPTION LOC REQUEST
400665073	FORM 2A SUBMITTED

Total Attach: 18 Files

General Comments

<u>User Group</u>	<u>Comment</u>	<u>Comment Date</u>
Agency	IN PROCESS - Operator has provided an acceptable Location Drawing.	3/27/2015 9:34:18 AM
Final Review	Final Review finds Location Drawing submitted 2/4/15 does not meet requirement of Rule 303.b.(3)D. requested new Location Drawing from operator. Form remains ON HOLD	3/25/2015 12:08:51 PM
Permit	Final Review Completed. LGD & Public comments addressed (see BMP's & comments).	3/17/2015 7:38:59 AM
OGLA	COGCC has reviewed and considered the comments from the public and from the town of Ft Lupton. COGCC also met with Ft Lupton and the Operator at the Location. Approval of this Form 2A complies with COGCC Rules, which were developed in consideration of public health, safety, and welfare including the environment and wildlife resources.	3/16/2015 2:05:09 PM
OGLA	Well Information attachment is map with related wells that produce to Facility, correct Location Drawing is Doc #1733749, Well Location Plat attachment is of Tank Battery Location, Exception Loc Request attachment is letter request from Operator for 604.b.(1)A Exception Location. Size of disturbed area on Form is area disturbed where VOC Combustors were added.	3/16/2015 1:43:46 PM
OGLA	Operator concurred with Planning COAs, email is attached to this Form 2A as correspondence. Ft Lupton agreed with the Planning COAs via email to COGCC.	3/16/2015 11:32:38 AM
OGLA	COGCC met with City & Operator operator on 3/11/15. COGCC provided proposed COAs developed from that meeting to both parties 3/13/15.	3/13/2015 2:20:26 PM
OGLA	Attached updated Location Drawing that was provided by the Operator via email on 2/4/2015, removed previously submitted Location Drawing	2/5/2015 5:02:28 PM

OGLA	Issues identified during technical addressed by operator via email - attached as correspondence: corrected Facility Count - two oil tanks and one water tank, distance to Building Unit changed to 252' to public road changed to 63', to Building changed to 120' (based on aerial photo measurement from separator to block bldg to west). Added mitigation measure BMPs provided by operator - BMP #7 - #12, Attach updated Location Drawing.	1/19/2015 3:43:18 PM
OGLA	Attached Surface Use Agreement provided by Operator via email	1/19/2015 8:59:44 AM
OGLA	Updated this Form 2A per Operator's request - Correspondence is attached. Updated comment in Pipeline description, Updated Drilling Program and Drilling Waste Management Program Section, Updated Sensitive Area designation, Updated Designated Setback Location Exceptions section. Attached map from Operator that shows the wells that produce to the Facility - Well Information attachment, Attached Inspection SOP from the Operator - titled Inspection Procedures	12/18/2014 2:10:05 PM
OGLA	email sent to operator to address the following concerns: 1. There are 39 wells listed that the Production Facilities serves. The Rule 303.b.3(C) description of pipelines requires additional detail. 2. Wells are not planned, therefore entries in the Drilling Program Section are not applicable. 3. Entries in the Drilling Waste Management Section also not applicable. 4. The Location is a Sensitive Area based on the 12' depth to groundwater. 5. Because the Location is not in an Urban Mitigation Area it is not a Rule 604.a.(1) A Exception Zone Setback. The Location is a Rule 604.b.(1)A Exception Location. 6. The attached Waste Management Plan is not applicable.	10/23/2014 12:37:49 PM
Permit	ON HOLD: addressing Public Comments.	10/6/2014 11:02:42 AM
OGLA	Removed the wells from the list of facilities, no wells are on this location.	9/29/2014 3:13:53 PM
Permit	ON HOLD: requesting confirmation of 40 wells onsite.	9/26/2014 9:35:50 AM
Public	<p>TO:Rob Young, COGCC OGLA Central Location Specialist</p> <p>Email:rob.young@state.co.us</p> <p>FR:Matt Sura, Attorney at Law</p> <p>DT:9/16/2014</p> <p>RE:Comment on From 2A, K.P. Kauffman Consolidation Unit #8, Location ID: 437628</p> <p>Dear COGCC,</p> <p>These comments are submitted on behalf of Len Toews who is urging the COGCC to deny the Form 2A location assessment application for the K.P. Kauffman Consolidation Unit #8.Oil and gas locations are not allowed to be within 500 feet of a home unless they receive an exception or a variance from the COGCC setback rules.In this case, an existing location that is expanding may only receive an exception if it meets the following conditions: (COGCC Rule 604.b.(1)).</p> <p>1)if the Director determines alternative locations outside the applicable setback are technically or economically impracticable; and</p> <p>2)mitigation measures imposed in the Form 2 or Form 2A will eliminate, minimize or mitigate noise, odors, light, dust, and similar nuisance conditions to the extent reasonably achievable; and</p> <p>3)the proposed location complies with all other safety requirements of these</p>	9/16/2014 10:22:31 PM

Commission Rules.

In this case, the Form 2A submittal is incomplete because it does not contain the alternative location analysis. Once the alternative location analysis is complete, it will be clear that there are numerous other, and more appropriate, locations available.

The operator in this case, K.P. Kauffman, has received numerous health and safety citations in the past two years. The Consolidation Unit #8 location poses a persistent and ongoing threat to public health, safety, and welfare. In fact, the location is currently out of compliance with Commission rules. For all of these reasons, the location should be denied.

ALTERNATIVE LOCATION ANALYSIS REQUIRED

The required analysis has not been completed and therefore the Form 2A is incomplete and must be resubmitted. The COGCC Rules require that an exception for an existing location may only be approved if the Director determines that "alternative locations outside the applicable setback are technically or economically impracticable". (COGCC Rule 604.b.(1)). This multi-well production facility must also be "as far as possible" from building units. (Rule 604.c.(2)E.i.)

Clearly, the rules require that some analysis be conducted to determine if there are appropriate alternative sites. No alternative location analysis was conducted here so therefore the Form 2A is insufficient. We respectfully request that the analysis be completed, and the form resubmitted for public review. (See Rule 303e. Incomplete Applications).

LOCAL GOVERNMENT OPPOSES THE EXPANDED SITE

We echo the comments already submitted by the City of Fort Lupton. The current location is at a major intersection in the heart of what is expected to be an expansion of Fort Lupton. The facility will need to be moved for any expansion of CR 23 and is in conflict with the Fort Lupton comprehensive plan. The Fort Lupton Comprehensive Plan is attached.

Governor Hickenlooper has formed a task force with the mandate to look at finding a way to give local governments meaningful input in oil and gas siting decisions. The City of Fort Lupton has gone through an extensive planning process to determine where and how they would like to grow. At the very least, the COGCC has the obligation to follow the exception regulations and require alternative locations to be considered prior to making this decision.

ALTERNATIVE LOCATIONS EXIST

Any evaluation of the area will reveal numerous locations that would serve the industry and the public better than the proposed expanded location. A location near an existing Anadarko location, in an area that is currently not being used for agriculture, could be a good solution for all involved. Rule 604.c.(2)E.i. requires operators to share locations with other operators when "technologically feasible and economically practicable". This alternative location would be nearly 1,500 feet from the nearest home.

We have been given permission by the landowner Dick Hein to state that he would actually prefer to have the production facility moved to our proposed alternative location on his property. He will put his preferences in the form of an affidavit if necessary. To date, Dick Hein has refused to sign a surface use agreement to allow K.P. Kauffman to expand its existing location – as it has already done.

We are confident that an alternative locations analysis will reveal that there are numerous locations, like this one, that could be utilized to meet the current setback regulations.

THE OPERATOR HAS CONSISTENTLY FAILED TO ADEQUATELY PROTECT PUBLIC HEALTH AND SAFETY

The regulation requires that the conditions in the Form 2A will eliminate, minimize or mitigate nuisance conditions.(Rule 604.b.(1)).Neighbors to the facility, the local governments, and the COGCC have been given no evidence that the conditions on the Form 2A will mitigate nuisance and potentially harmful emissions coming from the site.

In the past two years, the location has been the subject of at least five violations of state law – both air quality rules of the Colorado Department of Health and health and safety rules of the COGCC.On November 21, 2013, K.P. Kauffman signed a settlement agreement with the Colorado Department of Public Health and the Environment to pay \$44,800 in fines for air quality violations.After several complaints, an inspection found that K.P. Kauffman had violated two health and safety regulations at the Consolidation Unit #8:

1)K.P. Kauffman failed to minimize leakage of VOCs to the atmosphere from January 18, 2013 to January 21, 2013, violating AQCC Regulation 7, §XII.C.1.b.

2)K.P. Kauffman failed to operate the air pollution control equipment at the facility consistent with manufacturer specifications and good engineering and maintenance practices from January 18, 2013 to January 21, 2013, violating AQCC Regulation 7, §XII.C.1.a.

Shannon McMillan letter to Susan Lara-Mesa, Proposed Early Settlement Agreement in the Matter of K.P. Kauffman Company, Inc. AIRS Nos: 123/9387: 123/4332 Case Nos: 2013-080/081, November 13, 2013, Signed on behalf of K.P.Kauffman, November 21, 2013.

Apparently the fines for the violations were not great enough for the company to clean up the site because six months later, in June of 2014, more complaints resulted in inspections that found the following violations of COGCC rules:

a.a one-day violation of Rule 303.b.(1)(B) because KPK made modifications and expanded the Battery location without an approved Form 2A;

b.a 10-day violation of Rule 605.a.(5) because KPK located three emissions control devices at the Battery within the 75 foot setback from a production tank; and

c.a one-day violation of Rule 605.a.(5) because KPK allowed a flame outside of a controlled emission control device and did not flare as efficiently as possible to provide maximum reduction of contaminants where practicable and without endangering safety.

COGCC Order no 1V-478, Docket No. 1409-OV-66, Administrative Order By Consent, Recommended on August 13, 2014.

Violationsb.and c.above are very serious health and safety violations.The placement of an illegally-flaring emission control device in close proximity to a battery of condensate tanks is extremely dangerous.In fact, after the inspection the COGCC employee told a K.P. Kauffman employee, “you are lucky you did not blow up.”

Violation a.only counted one day of violation of Rule 303.b.(1)(B).In fact, the violation is still continuing today because K.P. Kauffman expanded its facility without applying for a Form 2A location assessment and continues to operate without the required COGCC approval, or even a surface use agreement with the landowner.

The location has not, and is not, meeting the requirement that “the proposed location complies with all other safety requirements of these Commission Rules.” This is not a location that needs or deserves an exception from the setback rules.

CONCLUSION

There is no information online that would indicate when or if the K.P. Kauffman Consolidation Unit #8 was formally approved by the COGCC.However, it is certain that the location was built long after 1902 when the Toews home was built.The industrial location was never appropriate, given its proximity to the home.It is even

	<p>less so today.</p> <p>Given the proximity to the Toew's home, the numerous alternative sites available, the plans of the City of Fort Lupton for the area, and K.P Kauffman's environmental record on the site, this location should not be granted an exception to the setback rules.</p> <p>Sincerely,</p> <p>Matt Sura</p>	
Public	<p>Fort Lupton has reviewed the KPK proposal per document 400641110 and have the following comments. The site is currently located within an area that is within our comprehensive plan and designated as mixed use. CR 23 is designated as an arterial roadway with a total future right-of-way of 120. The existing facilities are located very close to the existing roadway and any expansion will further complicate the ability to obtain additional right-of-way for full buildout of CR 23 in the future. Fort Lupton is currently working with property owners in the area on annexations that will include SH 52 and CR 23. The existing location of the site greatly reduces the property owners ability to develop land uses per the Fort Lupton comprehensive plan. It is our opinion that there may be alternative locations that will consolidate the operations for this area without further impacting property owners surface use or the future expansion of CR 23. We request that the applicant contact us to discuss in person.</p>	3/2/2014 4:44:11 PM
OGLA	Public comment period extended 10 days per LGD Request - from 9/7/2014 to 9/17/14	8/25/2014 9:44:04 AM
OGLA	This 2A should not have passed completeness due to lack of 30 days pre notification to surrounding building unit owners. Push back to draft from in process.	3/7/2014 4:27:59 PM
OGLA	Added the well locations that will be served by these produciton facilities as provided by KPK.	3/4/2014 1:10:32 PM
Permit	Passed Completeness	7/18/2014 2:37:25 PM

Total: 21 comment(s)