



COLORADO

Oil & Gas Conservation
Commission

Department of Natural Resources

1120 Lincoln Street, Suite 801
Denver, CO 80203

June 9, 2015

Via U.S. First Class post and email to lent@greenhousegourmetfoods.com

Mr. Len Toews
5535 Weld County Road 23
Fort Lupton, CO 80621

Mr. Toews,

The Colorado Oil and Gas Conservation Commission (COGCC) is in receipt of your complaint regarding the discovery of an oil spill on your property. The complaint is available on the COGCC's online database and has been assigned document number 200429284.

The COGCC investigated this complaint and the results of our investigation up to this point are contained in field inspection report 670300056, Form 19 spill report 400833949, and Form 27 remediation project 9032. These reports are attached to this letter.

Our investigation entailed the following:

- Discussions between Chris Canfield, COGCC Environmental Protection Specialist, and you on April 13, 2015; April 14, 2015; and April 21, 2015.
- Discussions between Chris Canfield and K.P. Kauffman, operator of Location ID 31827, on April 13, 2015; April 14, 2015; April 15, 2015; April 16, 2015; and April 30, 2015.
- A COGCC site visit and inspection performed by Chris Canfield and COGCC Field Inspection Supervisor Jim Precup on April 14, 2015 (see document number 670300056).
- COGCC required K.P. Kauffman to submit a Form 19 spill report (see document number 400833949) and a Form 27 remediation project (see project number 9032) as a result of the investigation.

K.P. Kauffman's remediation project was approved on April 24, 2015, which included input from you.

The activities subject to the approved remediation project are ongoing as of this writing. The COGCC has determined that an oil spill was identified as a direct result of your written complaint.



Mr. Len Toews
June 9, 2015
Page 2

Per COGCC's internal processes, if a complaint results in the creation of a Form 19 spill report or a Form 27 remediation project, then the complaint will be formally closed and the process will continue through the Form 19 or Form 27. In this case, all future work on this matter, including any potential enforcement matters, will reference the above remediation project and your complaint.

During the completion of the remediation project, if the COGCC determines that the facts require an enforcement action against K.P. Kauffman that was a direct result from your complaint, then you will be notified and have an opportunity to comment during that process.

Please note this letter does not address your other complaint related to spills (document number 200430015), which is being investigated separately.

If you have questions related to the investigation, please contact me or Chris Canfield.

Sincerely,



Dave Kulmann, Deputy Director Field Operations
303-894-2100 ext. 5189
Dave.kulmann@state.co.us

Inspector Name: CANFIELD, CHRIS

FORM
INSP
Rev
05/11

State of Colorado
Oil and Gas Conservation Commission

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



DE	ET	OE	ES
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Inspection Date:
04/15/2015

Document Number:
670300056

Overall Inspection:

ACTION REQUIRED

FIELD INSPECTION FORM

Location Identifier	Facility ID	Loc ID	Inspector Name:	On-Site Inspection	2A Doc Num:
	241109	318327	CANFIELD, CHRIS	<input type="checkbox"/>	

Operator Information:

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

- THIS IS A FOLLOW UP INSPECTION
- FOLLOW UP INSPECTION REQUIRED
- NO FOLLOW UP INSPECTION REQUIRED
- INSPECTOR REQUESTS FORM 42 WHEN CORRECTIVE ACTIONS ARE COMPLETED

Contact Information:

Contact Name	Phone	Email	Comment
Susana Lara-Mesa	(303) 825-4822	slaramesa@kpk.com	

Compliance Summary:

QtrQtr: SENE Sec: 2 Twp: 1N Range: 67W

Insp. Date	Doc Num	Insp. Type	Insp Status	Satisfactory /Action Required	PA P/F/I	Pas/Fail (P/F)	Violation (Y/N)
05/01/2014	668301458	PR	PR	SATISFACTORY	P		No
01/18/2011	200295268	PR	PR	ACTION REQUIRED			Yes
01/19/1999	500163580	PR	PR			Pass	No
06/26/1996	500163579	PR	PR				

Inspector Comment:

Joint inspection by the Environmental and Field Inspection Units in response to complaint #200429284.

Related Facilities:

Facility ID	Type	Status	Status Date	Well Class	API Num	Facility Name	Insp Status
241109	WELL	PR	03/20/1995	OW	123-08897	FRANK J VOGL NAV 2	PR

Equipment:

Location Inventory

Special Purpose Pits: _____	Drilling Pits: _____	Wells: _____	Production Pits: _____
Condensate Tanks: _____	Water Tanks: _____	Separators: _____	Electric Motors: _____
Gas or Diesel Mortors: _____	Cavity Pumps: _____	LACT Unit: _____	Pump Jacks: _____
Electric Generators: _____	Gas Pipeline: _____	Oil Pipeline: _____	Water Pipeline: _____
Gas Compressors: _____	VOC Combustor: _____	Oil Tanks: _____	Dehydrator Units: _____
Multi-Well Pits: _____	Pigging Station: _____	Flare: _____	Fuel Tanks: _____

Location

Emergency Contact Number (S/AV): _____ Corrective Date: _____
 Comment: _____

Inspector Name: CANFIELD, CHRIS

Corrective Action: _____

Spills:

Type	Area	Volume	Corrective action	CA Date

Multiple Spills and Releases?

Venting:

Yes/No	Comment

Flaring:

Type	Satisfactory/Action Required	Comment	Corrective Action	CA Date

Predrill

Location ID: 241109

Site Preparation:

Lease Road Adeq.: _____ Pads: _____ Soil Stockpile: _____

S/AV: _____

Corrective Action: _____ Date: _____ CDP Num.: _____

Form 2A COAs:

S/AV: _____ **Comment:** _____

CA: _____ **Date:** _____

Wildlife BMPs:

S/AV: _____ **Comment:** _____

CA: _____ **Date:** _____

Stormwater:

Comment: _____

Staking:

On Site Inspection (305):

Surface Owner Contact Information:

Name: _____ Address: _____

Phone Number: _____ Cell Phone: _____

Operator Rep. Contact Information:

Landman Name: _____ Phone Number: _____

Date Onsite Request Received: _____ Date of Rule 306 Consultation: _____

Request LGD Attendance: _____

LGD Contact Information:

Name: _____ Phone Number: _____ Agreed to Attend: _____

Summary of Landowner Issues:

Summary of Operator Response to Landowner Issues:

Onsite Inspection Memorandum Summarizing Discussions at Inspection as Attachment:

Environmental

Spills/Releases:

Type of Spill: OIL Description: Surface expression of a Estimated Spill Volume: _____

Comment: Form 27 to be submitted for COGCC review and approval prior to investigating to determine the source of the release and the extent of the impacts. Operator will make good faith efforts to notify and consult with the Surface Owner as per Rule 906.c.(2).

Corrective Action: Submit Form 27 for COGCC review & approval Date: 04/24/2015

Reportable: _____ GPS: Lat _____ Long _____

Proximity to Surface Water: _____ Depth to Ground Water: _____

Water Well:

DWR Receipt Num: _____ Owner Name: _____ GPS : _____ Lat _____ Long _____

Field Parameters:

Sample Location: _____

Complaint:

Tracking Num	Category	Assigned To	Description	Incident Date
200373841	ODOR	Precup, Jim	complained of odor from operating equipment.	01/29/2013
200373841	SETBACKS	Precup, Jim	complainant believes that KPK does not have the required setbacks on their battery.	01/29/2013
200429284	SPILLS	Canfield, Chris	<p>My wife and I came across an oil spill on our farm this weekend. I have attached 3 photos of the same oil spill. I measured the entire area that was wet at the time. It was basically 15 feet x 5 feet. At first we believed that this was an oil spill from the recent work that KPK did on the well located in the middle of our property as we had several other similar oil spills from that work. (I will be filing a separate complaint on that matter with pictures later today)</p> <p>Since there is a cone shaped hole where the oil started, I believe that the oil is coming from underground. As the previous oil spills on our property were dealt with by covering them up with dirt, I am insisting that this area is not disturbed without me on site. Please call me immediately regarding this issue and confirm that this is a valid complaint accepted by the COGCC.</p> <p>The oil has entered the west side of our organic field. Any soil removed or placed on our land needs to be agreed upon with Len Toews. My cell phone number is 303 919-7568.</p> <p>Len Toews</p>	04/13/2015

Emission Control Burner (ECB): _____

Comment: _____

Pilot: _____ Wildlife Protection Devices (fired vessels): _____

Reclamation - Storm Water - Pit

Interim Reclamation:

Date Interim Reclamation Started: _____ Date Interim Reclamation Completed: _____

Land Use: _____

Inspector Name: CANFIELD, CHRIS

Comment: _____

1003a. Debris removed? _____ CM _____
 CA _____ CA Date _____
 Waste Material Onsite? _____ CM _____
 CA _____ CA Date _____
 Unused or unneeded equipment onsite? _____ CM _____
 CA _____ CA Date _____
 Pit, cellars, rat holes and other bores closed? _____ CM _____
 CA _____ CA Date _____
 Guy line anchors removed? _____ CM _____
 CA _____ CA Date _____
 Guy line anchors marked? _____ CM _____
 CA _____ CA Date _____

1003b. Area no longer in use? _____ Production areas stabilized? _____

1003c. Compacted areas have been cross ripped? _____

1003d. Drilling pit closed? _____ Subsidence over on drill pit? _____

Cuttings management: _____

1003e. Areas no longer needed for drilling or subsequent operations for have been re-vegetated to 80% of pre-existing? _____

Production areas have been stabilized? _____ Segregated soils have been replaced? _____

RESTORATION AND REVEGETATION

Cropland

Top soil replaced _____ Recontoured _____ Perennial forage re-established _____

Non-Cropland

Top soil replaced _____ Recontoured _____ 80% Revegetation _____

1003 f. Weeds Noxious weeds? _____

Comment: _____

Overall Interim Reclamation

Final Reclamation/ Abandoned Location:

Date Final Reclamation Started: _____ Date Final Reclamation Completed: _____

Final Land Use: _____

Reminder: _____

Comment: _____

Well plugged _____ Pit mouse/rat holes, cellars backfilled _____

Debris removed _____ No disturbance /Location never built _____

Access Roads Regraded _____ Contoured _____ Culverts removed _____

Gravel removed _____

Location and associated production facilities reclaimed _____ Locations, facilities, roads, recontoured _____

Compaction alleviation _____ Dust and erosion control _____

Non cropland: Revegetated 80% _____ Cropland: perennial forage _____

Weeds present _____ Subsidence _____

Inspector Name: CANFIELD, CHRIS

Comment: _____
Corrective Action: _____ Date _____
Overall Final Reclamation _____ Well Release on Active Location Multi-Well Location

Storm Water:						
Loc Erosion BMPs	BMP Maintenance	Lease Road Erosion BMPs	Lease BMP Maintenance	Chemical BMPs	Chemical BMP Maintenance	Comment

S/A/V: _____ Corrective Date: _____
Comment: _____
CA: _____

Pits: NO SURFACE INDICATION OF PIT

COGCC Comments		
Comment	User	Date
The subject inspection was done in response to complaint #200429284.	canfield	04/15/2015

Attached Documents

You can go to COGCC Images (<https://cogcc.state.co.us/weblink/>) and search by document number:

Document Num	Description	URL
670300057	Photo depicts surface expression of a hydrocarbon release.	http://ogccweblink.state.co.us/DownloadDocumentPDF.aspx?DocumentId=3591446
670300058	Photo depicts stained soils subsurface.	http://ogccweblink.state.co.us/DownloadDocumentPDF.aspx?DocumentId=3591447
670300059	Photo depicts stained soils subsurface.	http://ogccweblink.state.co.us/DownloadDocumentPDF.aspx?DocumentId=3591448

ACTION REQUIRED

ANY ACTION REQUIRED items listed on this report indicate that the oil and gas facility or the oil and gas operations listed on the report may be in violation of the rules and regulations of the Colorado Oil and Conservation Commission (“COGCC”) and corrective action is required.

There is reasonable cause to believe that a violation of the Oil and Gas Conservation Act, or of any rule, regulation, or order of the Commission, or of any permit issued by the Commission, has occurred. The Operator’s compliance with this Inspection Report is required to resolve these alleged violations. This document requires the Operator to timely respond to the COGCC and to comply with directives as listed by the **Corrective Action Deadline Date**. Failure to do so will result in the issuance of a Notice of Alleged Violation and initiation of enforcement proceedings in which COGCC will seek monetary penalties for the alleged violations pursuant to § 34-60-121, C.R.S. and Rule 523, COGCC Rules of Practice and Procedure, 2 CCR 404-1. (Please note that the COGCC's penalty authority was recently increased to a maximum of \$15,000 per day and penalties are no longer capped at a maximum of \$10,000 per violation.)

FORM
19
Rev 8/13

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:

400833949

Date Received:

05/01/2015

SPILL/RELEASE REPORT (INITIAL /w SUPPLEMENTAL)

This form is to be submitted by the party responsible for the oil and gas spill or release. Any spill or release which may impact waters of the State must be reported as soon as practicable; any spill over 20 bbls must be reported within 24 hours and all spills over five bbls must be reported within ten days. Submit a Site Investigation and Remediation Workplan (Form 27) when requested by the Director.

Spill report taken by:

CANFIELD, CHRIS

Spill/Release Point ID:

441632

OPERATOR INFORMATION

Name of Operator: K P KAUFFMAN COMPANY INC Operator No: 46290 Phone Numbers
Address: 1675 BROADWAY, STE 2800 Phone: (303) 825-4822
City: DENVER State: CO Zip: 80202 Mobile: (303) 825-4822
Contact Person: Susana Lara-Mesa Email: slaramesa@kpk.com

INITIAL SPILL/RELEASE REPORT

Initial Spill/Release Report Doc# 400833949

Initial Report Date: 04/30/2015 Date of Discovery: 04/30/2015 Spill Type: Historical Release

Spill/Release Point Location:

Location of Spill/Release: QTRQTR SENE SEC 2 TWP 1N RNG 67W MERIDIAN 6

Latitude: 40.082300 Longitude: -104.851390

Municipality (if within municipal boundaries): County: WELD

Reference Location:

Facility Type: FLOWLINE Facility/Location ID No
No Existing Facility or Location ID No.
Well API No. (Only if the reference facility is well) 05- -

Fluid(s) Spilled/Released (please answer Yes/No):

Was one (1) barrel or more spilled outside of berms or secondary containment? Yes

Secondary containment, including walls & floor regardless of construction material, must be sufficiently impervious to contain any discharge from primary containment until cleanup occurs.

Were Five (5) barrels or more spilled? No

Estimated Total Spill Volume: use same ranges as others for values

Estimated Oil Spill Volume(bbl): 0 Estimated Condensate Spill Volume(bbl): Unknown

Estimated Flow Back Fluid Spill Volume(bbl): 0 Estimated Produced Water Spill Volume(bbl): Unknown

Estimated Other E&P Waste Spill Volume(bbl): 0 Estimated Drilling Fluid Spill Volume(bbl): 0

Specify:

Land Use:

Current Land Use: CROP LAND Other(Specify):

Weather Condition: Clear Sky, Sunny, Warm; 77 deg F

Surface Owner: FEE Other(Specify):

Check if impacted or threatened by spill/Release (please answer Yes/No to all that apply):

Waters of the State Residence/occupied Structure Livestock Public Byway Surface Water Supply Area

As defined in COGCC 100-Series Rules

Describe what is known about the spill/release event (what happened -- including how it was stopped, contained, and recovered):

On April 14, 2015, the Colorado Oil and Gas Conservation Commission (COGCC) notified K.P. Kauffman Company, Inc. (KPK) of a flowline leak following the property owner's formal complaint. On April 15, 2015, KPK meet with the property owner to investigate the flowline leak from the ground surface and to discuss remediation efforts. Due to heavy precipitation expected that over the nex few days, KPK removed the contaminated top soil present and installed booms around the area in order to prevent the contamination to extend outside the leak area. Such work was performed in the presence of the surface owner, his consultant, and KPK's consultant.

List Agencies and Other Parties Notified:

OTHER NOTIFICATIONS

Date	Agency/Party	Contact	Phone	Response
4/14/2015	Property Owner	Len Toews	720-384-5131	
4/14/2015	COGCC	Chris Canfield	303-894-2109	
5/1/2015	Weld County	Heather Barbare	970-304-6415	email attached

SPILL/RELEASE DETAIL REPORTS

#1 Supplemental Report Date: 05/01/2015

FLUIDS	BBL's SPILLED	BBL's RECOVERED	Unknown
OIL	<u>0</u>	<u>0</u>	<input type="checkbox"/>
CONDENSATE	<u> </u>	<u> </u>	<input checked="" type="checkbox"/>
PRODUCED WATER	<u> </u>	<u> </u>	<input checked="" type="checkbox"/>
DRILLING FLUID	<u>0</u>	<u>0</u>	<input type="checkbox"/>
FLOW BACK FLUID	<u>0</u>	<u>0</u>	<input type="checkbox"/>
OTHER E&P WASTE	<u>0</u>	<u>0</u>	<input type="checkbox"/>

specify: _____

Was spill/release completely contained within berms or secondary containment? NO Was an Emergency Pit constructed? NO

Secondary containment, including walls & floor regardless of construction material, must be sufficiently impervious to contain any discharge from primary containment until cleanup occurs.

A Form 15 Pit Report shall be submitted within 30 calendar days after the construction of an emergency pit

Impacted Media (Check all that apply) Soil Groundwater Surface Water Dry Drainage Feature

Surface Area Impacted: Length of Impact (feet): _____ Width of Impact (feet): _____

Depth of Impact (feet BGS): _____ Depth of Impact (inches BGS): _____

How was extent determined?

excavation could not begin until April 30, 2015, to investigate the size of the flowline leak and confirm the location of the flowline failure. Excavation began at 9:00 am on April 30, 2015. A trench was dug, roughly fifteen (15) feet (ft.) long, six (6) ft. wide, and four (4) ft. deep, exposing contaminated soil and the location of the flowline failure. Excavation of the contaminated soil around the flowline was halted as the endpoint of soil contamination could not be determined without causing excessive surface damage. The volume of released fluids is unknown, as the extent of soil contamination could not be concluded.

Soil/Geology Description:

Olney fine sandy loam, 1 to 3 percent slopes

Depth to Groundwater (feet BGS) 12 Number Water Wells within 1/2 mile radius: 21

If less than 1 mile, distance in feet to nearest

Water Well	<u>792</u>	None	<input type="checkbox"/>	Surface Water	<u>1460</u>	None	<input type="checkbox"/>
Wetlands	<u> </u>	None	<input checked="" type="checkbox"/>	Springs	<u> </u>	None	<input checked="" type="checkbox"/>
Livestock	<u> </u>	None	<input checked="" type="checkbox"/>	Occupied Building	<u>726</u>	None	<input type="checkbox"/>

Additional Spill Details Not Provided Above:

Soil borings will be required in order to determine the extent of the contamination. The surface owner has expressed the need to irrigate his field, so this activity will take place after irrigation. A 1 ton rig will be used to drill these borings.

REQUEST FOR CLOSURE

Spill/Release Reports should be closed when impacts have been remediated or when further investigation and corrective actions will take place under an approved Form 27.

Basis for Closure: Corrective Actions Completed (documentation attached)

Work proceeding under an approved Form 27

Form 27 Remediation Project No: 9032

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

Signed: _____ Print Name: Susana Lara-Mesa

Title: VP of Engineering Date: 05/01/2015 Email: slarames@kpk.com

<u>COA Type</u>	<u>Description</u>

Attachment Check List

<u>Att Doc Num</u>	<u>Name</u>
400833949	FORM 19 SUBMITTED
400834024	SITE MAP
400834177	OTHER

Total Attach: 3 Files

General Comments

<u>User Group</u>	<u>Comment</u>	<u>Comment Date</u>

Total: 0 comment(s)

State of Colorado
Oil and Gas Conservation Commission



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

FOR OGCC USE ONLY
Document 2142946
Received 4/24/2015
REM 9032

SITE INVESTIGATION AND REMEDIATION WORKPLAN

This form shall be submitted to the Director for approval prior to the initiation of site investigation and remediation activities. Form 27 is intended to be used whenever possible. Additional documentation will be required when large volumes of soil and groundwater have been impacted or involve large facilities with multiple source areas. See Rule 910. Attach as many pages as needed to fully describe the proposed work.

OGCC Employee:
 Spill Complaint
 Inspection NOAV
Tracking No:

CAUSE OF CONDITION BEING INVESTIGATED AND REMEDIATED

Spill or Release Plug & Abandon Central Facility Closure Site/Facility Closure Other (describe): Flowline Leak

OGCC Operator Number: <u>46290</u>	Contact Name and Telephone: <u>Susana Lara-Mesa</u>
Name of Operator: <u>K.P. Kauffman Company, Inc.</u>	No: <u>303-825-4822</u>
Address: <u>1675 Broadway, Suite 2800</u>	Fax: <u>303-825-4825</u>
City: <u>Denver</u> State: <u>CO</u> Zip: <u>80202</u>	

API Number: <u>05-123-08897</u>	County: <u>Weld</u>
Facility Name: _____	Facility Number: _____
Well Name: <u>Frank J Vogl</u>	Well Number: <u>2</u>
Location: (QtrQtr, Sec, Twp, Rng, Meridian): <u>SENE Sec. 2 T1N R67W</u>	Latitude: <u>40.082268</u> Longitude: <u>-104.851380</u>

TECHNICAL CONDITIONS

Type of Waste Causing Impact (crude oil, condensate, produced water, etc): Comingled Fluid (Condensate & Produced Water)

Site Conditions: Is location within a sensitive area (according to Rule 901e)? Y N If yes, attach evaluation.

Adjacent land use (cultivated, irrigated, dry land farming, industrial, residential, etc.): Dry Land Farming

Soil type, if not previously identified on Form 2A or Federal Surface Use Plan: Olney Fine Sandy Loam, 1 to 3 Percent Slopes

Potential receptors (water wells within 1/4 mi, surface waters, etc.): Seven (7) water wells within 1/4 mi of flowline leak.

Description of Impact (if previously provided, refer to that form or document):

Impacted Media (check):	Extent of Impact:	How Determined:
<input checked="" type="checkbox"/> Soils	<u>TBD</u>	_____
<input type="checkbox"/> Vegetation	_____	_____
<input type="checkbox"/> Groundwater	_____	_____
<input type="checkbox"/> Surface Water	_____	_____

REMEDIATION WORKPLAN

Describe initial action taken (if previously provided, refer to that form or document):

April 15, 2015, K.P. Kauffman Company, Inc. (KPK) held consultation with surface owner to find an agreeable work plan to investigate and remediate the Frank J Vogl No. 2 flowline leak. KPK was agreeable to the demands of the surface owner to contract a third party. Apex Consulting Services, Inc. was retained by KPK to conduct investigation and remediation work. A follow-up field consultation meeting was held with KPK's consultant, the surface owner consultant, and the surface owner on April 20, 2015. Prior to contracting third party, surface owner was agreeable to allow KPK to berm and boom around surface staining in order to prevent further surface contamination in preparation of wet weather that had been forecasted.

Describe how source is to be removed:

Soil will be excavated to expose the location of the flowline leak. All excavated material will be removed from location and brought to a certified waste disposal facility. See attached work plan prepared by APEX Consulting Services.

Describe how remediation of existing impacts is to be accomplished, including removal and disposal at an injection well or licensed facility, land treatment on site, removal of impacted groundwater, insitu bioremediation, burning of oily vegetation, etc.:

Excavated soil will be tested using a photoionization detector to determine the extent of soil contamination. Once clean soil is confirmed, soil samples will be collected and sent to a independent laboartory for full analysis in accordance wil Rule 910.b.(3) and surface owner requests described in attached work plan prepared by APEX. Soil manifests will be submitted upon remediation completion as demostration of proper contaminated soil disposal.

FORM
27
Rev 6/99

State of Colorado
Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801, Denver, Colorado 80203
(303)894-2100 Fax:(303)894-2109



Tracking Number: _____
Name of Operator: _____
OGCC Operator No: _____
Received Date: _____
Well Name & No: _____
Facility Name & No: _____

Page 2

REMEDIATION WORKPLAN (Cont.)

OGCC Employee: _____

If groundwater has been impacted, describe proposed monitoring plan (# of wells or sample points, sampling schedule, analytical methods, etc.):

If groundwater is encountered, water samples will be collected from the open excavation and tested per Rule 910.b.(4). If groundwater is not encountered during excavation, KPK has agreed to drill a boring to collect a water sample as described in work plan attached.

Describe reclamation plan. Discuss existing and new grade recontouring; method and testing of compaction alleviation; and reseeding program, including location of new seed, seed mix and noxious weed prevention. Attach diagram or drawing. Use additional sheet for description if required.

The contaminated soil near the flowline failure will be excavated and disposed of at a certified facility. The line will be replaced with poly line. Further details of the reclamation plan can be found in the attached work plan generated by Apex Consulting Services, Inc.

Attach samples and analytical results taken to verify remediation of impacts. Show locations of samples on an onsite schematic or drawing.

Is further site investigation required? Y N If yes, describe:

Excavation of soil around the flowline leak area will be required to verify the extent of fluids released. Samples will be collected and analyzed to verify excavation limits as described in work plan attached prepared by APEX and reviewed and agreed upon by the surface owner representative.

Final disposition of E&P waste (landtreated and disposed onsite, name of licensed disposal facility, recycling, reuse, etc.):

Contaminated soil will be disposed of at a certified disposal facility. Soil manifests will be provided with the Notice of Completion.

IMPLEMENTATION SCHEDULE

Date Site Investigation Began: 04-15-2015 Date Site Investigation Completed: _____ Date Remediation Plan Submitted: 04-24-2014
Remediation Start Date: _____ Anticipated Completion Date: 05-31-2015 Actual Completion Date: _____

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

Print Name: Susana Lara-Mesa

Signed: _____

Title: VP of Engineering

Date: 04-24-2015

OGCC Approved: Chris Canfield, P.G.

Title: _____

Date: _____

Digitally signed by Chris Canfield, P.G.
DN: cn=Chris Canfield, P.G., ou=Colorado Oil & Gas Conservation Commission, ou=Environmental Protection, email=Chris.Canfield@ogcc.state.co.us, c=US
Date: 2015.04.24 10:45:02 -0500

FRANK J VOGL #2
FLOW LINE LEAK WORK PLAN

Apex Consulting Services, Inc. (APEX) will serve as the environmental professional (EP) and will direct and will be present during all investigative and/or remedial activities performed at the Property. Excavation services will be performed by Kauffman Well Service, Inc. (KWS), a wholly owned subsidiary of K.P. Kauffman Company, Inc. (KPK), with KWS personnel and KWS equipment.

The Utility Notification Center of Colorado will be contacted to identify utilities in the vicinity of the spill at the Property prior to commencing with investigative and/or remedial operations.

Soils in the vicinity of the spill and flow line will be excavated. The excavated soils and soils in the excavation will be screened for petroleum compounds using the following field screening techniques:

- Visual Observations (discoloration/staining);
- Olfactory observations (petroleum odors); and
- Use of a hand held photoionization detector (PID) to measure for the presence of volatile Vapors with a 10.8 mv lamp. Ambient temperature headspace screening of the soils will be performed.

Soils exhibiting discoloration/staining, petroleum odors and/or volatile vapors shall be classified as contaminated and shall be stockpiled separately on and covered with plastic sheeting. The stockpile shall be bermed and placed appropriately at the Property to contain direct precipitation on the stockpiled soils and prevent the material from impacting storm water runoff. Contaminated soil will be hauled to a permitted waste disposal facility. Soil disposal manifests will be submitted with the final report of completion once remediation operations are complete in order to demonstrate appropriate disposal of contaminated soil.

Soil shall be classified as clean based on the lack of any discoloration/staining, petroleum odors and PID headspace sample results (greater than background). Clean soils shall be stockpiled on native soils at the Property and bermed to contain direct precipitation on the stockpiled soils. The clean soil shall be used as backfill.

If field screening techniques indicate that contaminated soils are localized and have been excavated, confirmatory samples will be collected from the excavation (clean soils) and submitted to Accutest Laboratories in Wheat Ridge, Colorado for analysis. Analytical testing will be in accordance with Rule 910.b.(3).

The landowner has requested a 5 ug/kg benzene and 50 mg/kg total volatile and extractable petroleum hydrocarbon (TPH) standard in soils, including DRO, GRO, and ORO (C₆-C₃₆). A background soil sample (location to be determined by the land owner and/or representative) will be collected and analyzed for benzene and TPH in accordance with Rule 910.b.(3). The aforementioned standards will be applied above the background concentrations. Additionally, the landowner has requested the collection of a groundwater sample from the spill area even if the contamination does not come in contact with groundwater. A boring will be installed in the vicinity of the spill using a truck mounted percussion-hammer drilling rig. A temporary sampling piezometer will be completed in the boring. The temporary sampling piezometer will be constructed of poly-vinyl chloride (PVC) well screen and riser pipe. The sampling piezometer will be sampled with a bailer or a low flow peristaltic pump. The groundwater sample from the sampling piezometer will be analyzed for BTEX compounds.

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If analytical testing of soil indicates that contaminated soils have been successfully excavated, then the excavation will be backfilled and compacted with clean imported fill.

If field screening techniques indicate that contaminated soils are not localized, the excavation will be backfilled with clean imported fill. Thereafter, a subsurface investigation will be initiated. The investigation will include drilling borings to the north, south, east and west of the backfilled excavation. The borings will be installed using a truck mounted percussion-hammer drilling rig. The soil borings will be advanced to a depth of 12 feet, bedrock refusal or until aforementioned field screening techniques indicate soils are clean. Soil samples (continuous core) will be collected using a two-inch diameter, four-foot long, core barrel lined with acetate sleeves. The borings will continue in an outward direction (north, south, east and west) until field screening techniques indicate that soils are clean. Confirmatory samples will be collected from each boring and analyzed in accordance with Rule 910.b.(3). Additionally, each boring will be completed as a temporary sampling piezometer. The temporary sampling piezometer will be constructed of poly-vinyl chloride (PVC) well screen and riser pipe. The sampling piezometer will be sampled with a bailer or a low flow peristaltic pump. Groundwater samples from the sampling piezometer will be analyzed for BTEX compounds.

Following the collection of soil and groundwater samples, each boring will be backfilled with the soils collected during drilling and/or with bentonite chips (hydrated) and resurfaced to match the surrounding area.

The results from the analytical testing of soil and groundwater samples from the borings will be used to develop a remedial plan in accordance with Rule 909.

The landowner acknowledges receipt of this Work Plan and has no revisions or additional requests regarding the investigation and/or remediation activities outlined herein.