



STATE OF
COLORADO

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

Fwd: Documentation and Dispute Resolution, Docket 12-CV-10

1 message

Fischer - DNR, Alex <alex.fischer@state.co.us>

Wed, Oct 7, 2015 at 10:51 AM

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

Please upload the attached with the following information:

Unique identifier (REM/Spill/NOAV #, etc.): Location ID: 324634, Pit Facility IDs 112265, 112266, 112267, 112268, 112269, and 115241, and REM 7058

Document number (leave blank if one needs to be assigned):

Date received: September 22, 2015

Is data entry needed (Y/N): N

Notes: September 22, 2015 email from CDPHE

Thanks!

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Alex Fischer, P.G.

Environmental Supervisor, Western Colorado



P 303.894.2100 x5138 | F 303.894.2109

1120 Lincoln Street, Suite 801, Denver, CO 80203

| alex.fischer@state.co.us www.colorado.gov/cogcc

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From: **Fischer - DNR, Alex** <alex.fischer@state.co.us>

Date: Wed, Oct 7, 2015 at 10:45 AM

Subject: Fwd: Documentation and Dispute Resolution, Docket 12-CV-10

To: Britta Beckstead <Britta.K.Beckstead@state.co.us>

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From: **Fischer - DNR, Alex** <alex.fischer@state.co.us>

Date: Thu, Sep 24, 2015 at 11:18 AM
Subject: Fwd: Documentation and Dispute Resolution, Docket 12-CV-10
To: Peter Gowen - DNR <peter.gowen@state.co.us>

FYI

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From: **Morgan - CDPHE, Kelly** <kelly.morgan@state.co.us>
Date: Tue, Sep 22, 2015 at 2:41 PM
Subject: Fwd: Documentation and Dispute Resolution, Docket 12-CV-10
To: "Alex.Fischer@state.co.us" <Alex.Fischer@state.co.us>

FYI

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From: **Jerry Goad** <Jerry.Goad@state.co.us>
Date: Thu, Sep 17, 2015 at 10:56 AM
Subject: RE: Documentation and Dispute Resolution, Docket 12-CV-10
To: Keith Burron <kburron@crowleyfleck.com>
Cc: "michael.harris@state.co.us" <michael.harris@state.co.us>, "Kelly Morgan - CDPHE (kelly.morgan@state.co.us)" <kelly.morgan@state.co.us>

Keith – Thanks for the affidavits and associated documentation.

My clients have looked them over and discussed the matter with staff of the OGCC. Unfortunately, many of the expenses do not appear to qualify for being applied to the BEP (§14.c of the consent order). However, we wanted to give you/Lone Pine the opportunity to clarify some things about the expenses. To that end, please see the attached affidavits of Soliz and Hix which includes questions and comments by my clients. Their comments are generally set forth as follows:

[illegible]

As far as the costs identified in James Hix's affidavit, the activities generally fell into the following categories:

1. Permitting activities- this includes activities required by the permit (including DMRs, flow meter, sampling, and overall treatment compliance) as well as activities required by the permit, ORC regulations, and CM Production COC (ie., permit transfer and termination, requirement to have certified operator). These are separate and distinct activities unrelated to pond decommissioning and therefore the costs associated with the activities cannot be applied to the BEP.
2. Groundwater monitoring- groundwater monitoring was initiated after the 2010 release when COGCC ordered Lone Pine to cease using the treater overflow pit (aka holding pit, slop pit) and directed Lone Pine to monitor the impact from the pit and ponds to groundwater and analyze the influence to groundwater and the site from the upstream ditch. The purpose of groundwater monitoring was not to direct or guide pond decommissioning plans and therefore none of these costs can be applied to the BEP.
3. Permitting the UIC well- activities associated with the UIC permitting/ approval process are unrelated to actual work to decommission the ponds. These activities were required under separate compliance requirements in the CM Production COC. None of these costs can be applied to the BEP.
4. Remediation- there were a handful of costs associated with these activities that are relevant to pond decommissioning and therefore were accepted as noted on the invoices.

- As far as the costs identified in Fred Soliz's affidavit- we need clarification on the work activities notes as "Labor and equipment to dewater lower pits" listed on the July, August, and September 2014 invoices. The comments on each invoice specify what we need clarification or additional documentation on. I also suggest that the staff who conducted this work provide an affidavit verifying that they were compensated for this work. In addition, we need more information on the MicroClean chemical invoice from July 2013 (again, see comments on the invoice).

>>>>>>>>>>>>>>>>>>>

Thanks

Jerry

From: Keith Burron [mailto:kburron@crowleyfleck.com]
Sent: Wednesday, August 26, 2015 4:24 PM
To: Jerry Goad; Kelly Morgan - CDPHE (kelly.morgan@state.co.us)
Cc: 'Freeman, Roger'
Subject: Documentation and Dispute Resolution, Docket 12-CV-10

Kelly and Jerry,

Please see the attached documents. I will also mail a copy of the documents to Kelly. Should you have any questions, please let me know.

Regards,

Keith

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Kelly Morgan
Environmental Protection Specialist
Enforcement Unit



COLORADO
Water Quality Control Division
Department of Public Health & Environment

P 303.692.3634
4300 Cherry Creek Drive South, Denver, CO 80246
kelly.morgan@state.co.us | www.colorado.gov/cdphe/wqcd

24-hr Environmental Release/Incident Report Line: [1.877.518.5608](tel:18775185608)

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Alex Fischer, P.G.

Environmental Supervisor, Western Colorado



COLORADO
Oil & Gas Conservation
Commission
Department of Natural Resources

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2 attachments

 **Fred Soliz Affidavit & Attachments (with CDPHE comments).pdf**
2081K

 **James Hix Affidavit & Attachments with CDPHE comment.pdf**
2310K