



05/28/2003

1121172

\*\*\* NOTICE OF ALLEGED VIOLATION \*\*\*

OGCC Operator Number: 38560  
Name of Operator: HAUG\* WANDA  
Address: 5 CRESTWOOD DRIVE  
City: KIMBALLL State: NE Zip: 69145  
Company Representative: WANDA HAUG

Date Notice Issued:

05/28/2003

Well Name: KERN Well Number: 43-33 Facility Number: 242477  
Location (QtrQtr, Sec, Twp, Rng, Meridian): NESE 33 12N 62W 6 County: WELD  
API Number: 05 123 10268 00 Lease Number:

COGCC Representative: FERGUSON RANDALL

Phone Number: 303 894-2100

THE FOLLOWING ALLEGED VIOLATION WAS FOUND BY THE COGCC REPRESENTATIVE FOR THE SITE LISTED

Date of Alleged Violation: 02/19/2003

Approximate Time of Violation:

Description of Alleged Violation:

ON OR ABOUT 6/6/97, A REPORTABLE SPILL/RELEASE FROM A LEAKING FLOWLINE WAS OBSERVED BY COGCC FIELD STAFF. NO SPILL REPORT HAS BEEN FILED. ON 2/19/03, A SOIL SAMPLE WAS COLLECTED FROM THE SPILL AREA LOCATED NORTH OF THE SEPARATOR AND WITHIN AN UNNAMED ADJACENT DRAINAGE (SEE ATTACHED PHOTOGRAPH). THIS UNNAMED DRAINAGE IS CONSIDERED TO BE A SENSITIVE AREA. LABORATORY RESULTS INDICATED A TOTAL RECOVERABLE PETROLEUM HYDROCARBON (TRPH) CONCENTRATION AT 22,000 MG/KG. THIS SIGNIFICANTLY EXCEEDS THE COGCC ALLOWABLE CONCENTRATIONS FOR ORGANICS IN SOILS FOR SENSITIVE AREAS AT 1,000 MG/KG.

Act, Order, Regulation, Permit Conditions Cited:

Rules 324A.a., 906.a., 906.b., 906.d., 907.a.(1)

Abatement or Corrective Action Required to be Performed by Operator:\*

SUBMIT A FORM 19 - SPILL/RELEASE REPORT FOR THE 1997 EVENT. ALSO SUBMIT A FORM 27 - SITE INVESTIGATION AND REMEDIATION WORKPLAN FOR THE SPILL AREA. IMPACTED SOILS MAY BE REMEDIATED ONSITE IN ACCORDANCE WITH RULE 907.e.(2).

Abatement or Corrective Action to be Completed by (date): 06/30/2003

\* Proper and timely abatement does not necessarily preclude the assessment of penalties and an Order Finding Violation.

TO BE COMPLETED BY OPERATOR - When alleged violation is corrected, sign this notice and return to above address:

Company Representative Name: Title:  
Signature: Date:  
Company Comments:

\*\*\* THIS NOTICE CONSTITUTES A SEPARATE NOTICE OF ALLEGED VIOLATION FOR EACH VIOLATION LISTED \*\*\*

WARNING

Abatement and reporting time frames for Notices of Alleged Violation begin upon receipt of the Notice or five days after the date it is mailed, whichever is earlier. Each violation must be abated within the prescribed time upon receipt of this Notice, reported to the Colorado Oil and Gas Conservation Commission at the address shown above, and postmarked no later than the next business day after the prescribed time for abatement. Should abatement or corrective action fail to occur, the Director may make application to the Commission for an Order Finding Violation. Proper and timely abatement does not necessarily preclude the assessment of penalties and an Order Finding Violation.

PENALTY PROPOSED BY THE DIRECTOR PER RULE 523

The Director may propose a penalty as listed in the table below, not to exceed a maximum of \$1,000.00 per day per violation. Such proposed penalty amount will be limited to \$10,000.00 per violation if the violation does not result in significant waste of oil and gas resources, damage to correlative rights, or a significant adverse impact on public health, safety, or welfare. Such proposed penalty amount may be increased if aggravating factors indicate the violation: was intentional or reckless; had, or threatened to have, a significant negative impact on public health, safety, or welfare; resulted in significant waste of oil and gas resources; had a significant negative impact on correlative rights of other parties; resulted in, or threatened to result in, significant loss or damage to public or private property; involved recalcitrance or recidivism upon the part of the violator; involved intentional false reporting or record keeping; resulted in economic benefit to the violator. Such proposed penalty amount may be decreased if mitigating factors indicate the violator: self-reported; promptly, effectively and prudently responded to the violation; cooperated with the Commission or other agencies with respect to the violation; could not reasonably control, or be responsible for, the cause of the violation; made a good faith effort to comply with applicable requirements prior to the Commission learning of the violation; had any economic benefit reduced or eliminated due the cost of correcting the violation; has demonstrated a history of compliance with Commission rules, regulations and orders. The Commission has final authority over the penalty amount assessed.

BASE FINE \$250.00 PER DAY PER VIOLATION: RULES 210, 307, 311, 312, 313, 314A, 315, 403, 405, 803, 804  
BASE FINE \$500.00 PER DAY PER VIOLATION: RULES 205, 206, 207, 208, 302, 308, 309, 310, 316A, 321, 322, 328, 329, 330, 331, 332, 401  
BASE FINE \$750.00 PER DAY PER VIOLATION: RULES 605, 606A, 606B, 607  
BASE FINE \$1,000.00 PER DAY PER VIOLATION: RULES 209, 301, 303, 305, 306, 316B, 317, 317A, 318, 319, 320, 323, 324, 325, 326, 327, 333, 404, 602, 603, 604, 703, 704, 705, 706, 707, 708, 709, 711, 802, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 1002, 1003, 1004, 1101, 1102, 1103

In accordance with Rule 523.a.(4), fines for violations for which no base fine is listed shall be determined by the Commission at its discretion.

Signature of COGCC Representative: Randall H. Ferguson Date: 05/28/2003 Time:

Resolution Approved by: Date:

01121172

FORM  
**NOAV**  
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



FOR OGCC USE ONLY

05/28/2003

1121172

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		Zip:	69145
Company Representative:	WANDA HAUG		

**Date Notice Issued:**

05/28/2003

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API Number: <b>05 123 10268 00</b>	Lease Number:	

COGCC Representative:	FERGUSON RANDALL	Phone Number:	303 894-2100
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<b>Description of Alleged Violation:</b>		
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**TO BE COMPLETED BY OPERATOR - When alleged violation is corrected, sign this notice and return to above address:**

Company Representative Name: _____	Title: _____
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**PENALTY PROPOSED BY THE DIRECTOR PER RULE 523**

The Director may propose a penalty as listed in the table below, not to exceed a maximum of \$1,000.00 per day per violation. Such proposed penalty amount will be limited to \$10,000.00 per violation if the violation does not result in significant waste of oil and gas resources, damage to correlative rights, or a significant adverse impact on public health, safety, or welfare. Such proposed penalty amount may be increased if aggravating factors indicate the violation: was intentional or reckless; had, or threatened to have, a significant negative impact on public health, safety, or welfare; resulted in significant waste of oil and gas resources; had a significant negative impact on correlative rights of other parties; resulted in, or threatened to result in, significant loss or damage to public or private property; involved recalcitrance or recidivism upon the part of the violator; involved intentional false reporting or record keeping; resulted in economic benefit to the violator. Such proposed penalty amount may be decreased if mitigating factors indicate the violator: self-reported; promptly, effectively and prudently responded to the violation; cooperated with the Commission or other agencies with respect to the violation; could not reasonably control, or be responsible for, the cause of the violation; made a good faith effort to comply with applicable requirements prior to the Commission learning of the violation; had any economic benefit reduced or eliminated due to the cost of correcting the violation; has demonstrated a history of compliance with Commission rules, regulations and orders. The Commission has final authority over the penalty amount assessed. The Commission or other agencies with respect to the violation; could not reasonably control, or be responsible for, the cause of the violation; made a good faith effort to comply with applicable requirements prior to the Commission learning of the violation; had any economic benefit reduced or eliminated due to the cost of correcting the violation; has demonstrated a history of compliance with Commission rules, regulations, and orders. The Commission has final authority over the penalty amount assessed.

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In accordance with Rule 523.a.(4), fines for violations for which no base fine is listed shall be determined by the Commission at its discretion.

Signature of COGCC Representative: \_\_\_\_\_ Date: 05/28/2003 Time: \_\_\_\_\_

Resolution Approved by: RANDALL FERGUSON Date: 03/20/2006

FORM 27 SUBMITTED TO COGCC ON 3/9/06. CONDITIONALLY APPROVED ON 3/20/06.

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

7000 0520 0017 5009 3043

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark  
Here

Recipient's Name (Please Print Clearly) (To be completed by mailer)

Wanda Haug  
 Street, Apt. No.; or PO Box No.  
 5 Crestwood Dr  
 City, State, ZIP+4  
 Kimball NE 69145

PS Form 3800, February 2000

See Reverse for Instructions

SENDER: C

PLACE STICKER AT TOP OF ENVELOPE  
 TO THE RIGHT OF RETURN ADDRESS.

ION ON DELIVERY

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Wanda Haug  
 5 Crestwood Dr.  
 Kimball, NE 69145

A. Signature

*Wanda Haug Madden*

- ☐ Agent  
☐ Addressee

B. Received by (Printed Name)

Wanda Haug Madden

C. Date of Delivery

5-30-03

D. Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7000 0520 0017 5009 3043

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540