

Remediation Project Number: 9837 (Document #200440344)**Location ID: 322131****Kinder Morgan CO₂ Co., Lot 7 Section 18, T40N, R17W, N PM, Dolores County, Colorado, Form 27
Conditions of Approval (COAs)****Conditions of Approval:**

Conditionally approved, however, additional information or activities may be required during the course of remediation/reclamation.

COGCC approval is contingent on operator providing notice to SW Environmental Protection Specialist Jim Hughes, jimo.hughes@state.co.us or 970-903-4072 a minimum of 72 hours prior to conducting field operations.

The operator shall collect discrete soil samples to adequately characterize impacted material. Composite samples will NOT be accepted for this purpose. Current COGCC Rules and Regulations regarding pit closures and clean-up standards shall be applied, specifically, but not limited to, the 900 and 1000 series rules. Given that there is no evidence or documentation of pit closure, the current COGCC Rules and Regulations effective May 1, 2009 on federal lands and April 1, 2009 on fee surface shall apply.

Should impacted material be discovered, regardless of size, the operator shall document the source and location, the impacted media and the extent of impact, how and when the operator plans to remediate the impacts, the final disposition of any impacted material removed from the location, as well as analytical results from confirmation samples.

Review of Colorado Division of Water Resources water well information indicates that the nearest domestic water well (approximately 0.75 miles SE from the former Pit Facility location) has a static water level of 40 ft. bgs. This location is also located 0.25 miles from a mapped drainage feature. The Dolores River is approximately 2.5 miles east of this location. Kinder Morgan shall advance an additional boring to a depth of 50 ft. bgs at the location to evaluate the potential for shallow groundwater in the area. If groundwater is present in this 50 ft. boring, a water sample will be collected and submitted for analysis by the current COGCC Table 910-1 constituents. After discussion with KM representative Aaron Hale, the results of this groundwater investigative boring will be considered in the approval process for the DC-8 location.

Boreholes shall be abandoned per the Colorado Division of Water Resources Water Well Construction Rules.

If any impacted material generated during investigation is temporarily stored on adjacent well pad per COGCC rules and regulations, a Form 4 Sundry Notice shall be submitted by the Operator stating the reason and estimated timeline proposed for the storage of impacted material.

Surface reclamation must meet the COGCC 1000 series rules. Approval of this Form 27 does not imply approval of the reclamation plan submitted by the operator. The operator shall contact the COGCC regional reclamation specialist (Catherine Roy) regarding compliance with 1000 series Rules.

After discussions with KM representatives, it is the understanding of the COGCC that PAHs have not been encountered in other site investigations that have been conducted by the operator thus far. An abbreviated Table

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910-1 constituent list, excluding PAHs, shall be accepted at this location. Laboratory results, documenting non-detect of PAHs in previous investigations, shall be provided to COGCC SW EPS prior to commencing sampling for this closure project.