

STATE OF  
COLORADO

Mah - DNR, Steven &lt;steven.mah@state.co.us&gt;

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**COGCC NOAV 401245081**

2 messages

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**Paul Herring** <paul.herring@topoperating.com>

Tue, May 2, 2017 at 5:39 PM

To: john.axelson@state.co.us

Cc: Steven Mah - DNR &lt;steven.mah@state.co.us&gt;, Rod Herring &lt;rod.herring@topoperating.com&gt;

Mr. Axleson,

TOP Operating Co. (TOP) has received an NOAV referenced above for the Hays 1 well (API=05-123-11229-00). One of the alleged violations is of Rule 906.a Spills and Release - General.

In 2015, the Hays 1 location was illegally used as a staging area for material by the nearby rail road. TOP made multiple attempts to contact the the rail road until the material was removed nearly a month later. While the rail road ties were on location, a spill of some type of creosote like material was made. TOP was unaware of the spill until notified of it by the COGCC inspector. TOP made multiple attempts to re-contact the rail road to remove the spill with no success as of yet. TOP did cause a rudimentary chemical analysis to be done by a third party that is attached. This analysis compares the hydrocarbons in the soil with the hydrocarbons in the well.

In order to comply with the NOAV, TOP has submitted a Form 27. We are requesting technical and procedural assistance from the COGCC - Environmental in order to understand the best course of action.

Please feel free to reach me at the numbers listed below or via email. I will be calling you to find an suitable time to discuss next steps.

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Paul Herring  
TOP Operating  
3609 S. Wadsworth Blvd.  
Lakewood, CO 80235  
[303-727-9915](tel:303-727-9915) (office)  
[720-663-1698](tel:720-663-1698) (cell)

**Hays1 NOAV Exhibit E.pdf**

410K

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**Axelson - DNR, John** <john.axelson@state.co.us>

Wed, May 3, 2017 at 9:32 AM

To: Paul Herring &lt;paul.herring@topoperating.com&gt;

Cc: Steven Mah - DNR &lt;steven.mah@state.co.us&gt;, Rod Herring &lt;rod.herring@topoperating.com&gt;, "Allison, Rick" &lt;Rick.Allison@state.co.us&gt;, "EnviroScan, OGCC" &lt;ogcc.enviroscan@state.co.us&gt;

Paul,

I'm sorry to hear about the issue with the rail road. Based on my review of the information, I believe the corrective actions required are clear and appropriate. Because this is an oil & gas location, and there has been an oil stained soil pile on site, we have to pursue cleanup of the material from the operator of the oil & gas location. The sample results demonstrate that the material is oily waste that exceeds COGCC Table 910-1 standards for TPH.

I have repeated the corrective action from the NOAV (#401245081) below:

*Operator shall properly treat or dispose of oily waste in accordance with Rule 907.e. Submit an eForm 27 with disposal documentation and confirmation sample results verifying compliance with Table 910-1. Attach disposal documents, sample location diagram, summary table with sample results compared to Table 910-1 standards and laboratory report to eForm 27.*

My suggestion is to complete the required corrective actions as soon as possible. This might require one or two loads of waste that would need to be loaded, transported and disposed at an approved, licensed disposal facility. Collect confirmation soil samples from the area after the oily waste is removed to verify compliance with Table 910-1. Analyze the samples for TPH - GRO, DRO & ORO and BTEX. Provide the disposal documentation, sample location diagram, summary table and lab report via supplemental eForm 27. Last, restore the surface where the waste is removed.

If you think this waste was generated by the rail road, you should pursue damages from them for the cleanup. You may want to consider site control such as fencing to prevent additional occurrences of dumping in the future, if that is what happened.

I've copied Rick Allison on this email who is the area EPS for this location. Please feel free to call if you would like to discuss further.

Thank you,

John E. Axelson, P.G.  
East Environmental Supervisor



P 303.894.2100 x5115 | F 303.894.2109 | C 303-916-0527  
1120 Lincoln Street, Suite 801, Denver, CO 80203  
[john.axelson@state.co.us](mailto:john.axelson@state.co.us) | [www.colorado.gov/cogcc](http://www.colorado.gov/cogcc)

Cc. NOAV #401245081 - Correspondence

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