

STATE OF
COLORADO

EnviroScan - DNR, OGCC <dnr_ogcc.enviros

NOAV# 401245081
Doc# 2227121
Date: 05/31/2017**Re: COGCC NOAV 401245081**

1 message

Paul Herring <paul.herring@topoperating.com>

Wed, May 31, 2017 at 3:50 PM

To: "Axelson - DNR, John" <john.axelson@state.co.us>

Cc: Steven Mah - DNR <steven.mah@state.co.us>, Rod Herring <rod.herring@topoperating.com>, "Allison, Rick" <Rick.Allison@state.co.us>, "EnviroScan, OGCC" <ogcc.envirosan@state.co.us>

John,

TOP believes it has completed the steps outlined below and has submitted a supplemental Form 27 that includes the disposal documentation, confirmation sample results that I believe show the results compared to the COGCC 910-1 standards.

At this time we have left the pit where we dug the sample open. If you can confirm that we are in compliance, I will have a roustabout crew close the pit and perform some other house keeping items related to the last inspection.

What I believe to be the required documentation is attached to the Supplemental Form 27. It is also attached here for your convenience. Please confirm if these results meet the standards.

Thank you,

Paul

On 5/3/2017 9:32 AM, Axelson - DNR, John wrote:

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](tel:303-916-0527)
1120 Lincoln Street, Suite 801, Denver, CO 80203
john.axelson@state.co.us | www.colorado.gov/cogcc

Cc. NOAV #401245081 - Correspondence

On Tue, May 2, 2017 at 5:39 PM, Paul Herring <paul.herring@topoperating.com> wrote:
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.

--

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)

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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)

3 attachments



Hays 1 - Disposal Manifest.pdf
198K



Hays 1 Soil Sample Analysis.pdf
3138K



Hays 1 Soil Sample Location Diagram.pdf
201K



1227790

North Weld Landfill
40000 WCR 25
AULT, CO, 80610
Ph: (970) 686-2800

Original
Ticket# 1618309

Customer Name WRIGHTCHOICEINC WRIGHT CHOICE Carrier WRIGHT CHOICE WRIGHT CHOICE
Ticket Date 05/15/2017 Vehicle# 1009 Volume
Payment Type Credit Account Container
Manual Ticket# Driver
Hauling Ticket# Check#
Route Billing # 0010431
State Waste Code Gen EPA ID
Manifest 218329 Grid
Destination
PO
Profile 12118500 (DRILL CUTTING CONTAMINATED WITH OIL)
Generator 125-VARIOUS VARIOUS

Time
In 05/15/2017 15:41:20
Out 05/15/2017 15:41:20

Scale
Scale 4

Operator
RL
RL

Inbound

Gross 55500 lb
Tare 22720 lb
Net 32780 lb
Tons 16.39

Comments

WASTE MANAGEMENT

Product	LD%	Dty	UOM	Rate	Tax	Amount	Origin
---------	-----	-----	-----	------	-----	--------	--------

1	Cont Soil Pet-Tons 100	16.39	Tons				
2	RCR-P-Regulatory C 100		%				
3	FUEL-Fuel Surcharg 100		%				
4	EVF-L-Standard Env 100	1	Load				

Total Tax
Total Ticket

404WM-N

Driver's Signature



NON-HAZARDOUS WASTE MANIFEST		1. Generator ID Number	2. Page 1 of	3. Emergency Response Phone 800-424-9300	4. Waste Tracking Number 218329
5. Generator's Name and Mailing Address <i>Wright Choice Inc</i>			Generator's Project Address (if different than mailing address) <i>2200 W. 1st Ave</i>		
Generator's Phone:					
6. Transporter 1: Complete Company Name and Address <i>Wright Choice Inc</i>				Transporter Phone <i>720-555-0000</i>	
7. Transporter 2: Complete Company Name and Address				Transporter Phone	
8. Designated Disposal Facility Name and Site Address <i>NORTH WELD LANDFILL 40000 WELD COUNTY ROAD 25 AULT CO 80610 970-686-2800</i>			Facility's Phone: <i>(970)686-2800</i>		
9. Waste Shipping Name, Description, & Profile Number		10. Containers		11. Total Quantity	12. Unit Wt./Vol.
		No.	Type		
1. NON REGULATED SOLID (DRILL CUTTINGS CONTAMINATED WITH OIL) <i>12118500</i>				<i>10.37</i>	
2. <i>Hays 1</i>					
13. Regulatory Agency: Colorado Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, Co 80222-1530				Emergency Notification: <i>4</i> CHEMTREC (800) 424-9300 24-hour Toll Free Number <i>Ton</i>	
14. Bill to & Account Number: <i>Customer Acct.# 308-10431 Customer Name: WRIGHT CHOICE</i>					
15. Contractor/Generator Certification: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/ placarded, and are in all respects in proper condition for transportation according to applicable national and state governmental regulations. I hereby certify that the above described waste is not a hazardous waste defined by federal, state or local regulations and does not contain regulated quantities of PCB's or radioactive materials.					
Generator's/Officer's Printed/Typed Name <i>John S. ...</i>		Signature <i>[Signature]</i>		Month Day Year <i>5 15 17</i>	
16. Transporter Acknowledgement of Receipt of Materials					
Transporter 1 Printed/Typed Name <i>John S. ...</i>		Signature <i>[Signature]</i>		Month Day Year <i>5 15 17</i>	
Transporter 2 Printed/Typed Name		Signature		Month Day Year	
17. Special Handling Instructions					
18. Discrepancy Indication Space:				19. Ticket # <i>1617301</i>	
Initials of Person noting discrepancy		Signature		Date	
20. Management Method/Location Landfill <i>[initials]</i> Monofill <i>[initials]</i> Location:					
21. Designated Facility Owner or Operator: Certification of receipt of materials covered by the manifest except as noted in Item 18					
Printed/Typed Name <i>[Signature]</i>		Signature <i>[Signature]</i>		Month Day Year <i>5 15 17</i>	

Summit Scientific

741 Corporate Circle – Suite I ♦ Golden, Colorado 80401

303.277.9310 - laboratory ♦ 303.277.9531 - fax

May 22, 2017

Jeff Freitas
Top Operating Co
3609 South Wadsworth BLVD Suite 340
Lakewood, CO 80235
RE: Hays 1

Enclosed are the results of analyses for samples received by Summit Scientific on 05/17/17 13:47. If you have any questions concerning this report, please feel free to contact me.

Sincerely,



Paul Shrewsbury
President

S₂

Top Operating Co
3609 South Wadsworth BLVD Suite 340
Lakewood CO, 80235

Project: Hays 1
Project Number: [none]
Project Manager: Jeff Freitas

Reported:
05/22/17 14:40

ANALYTICAL REPORT FOR SAMPLES

Sample ID	Laboratory ID	Matrix	Date Sampled	Date Received
Hays 1 Soil	1705177-01	Soil	05/17/17 10:05	05/17/17 13:47

Summit Scientific



The results in this report apply to the samples analyzed in accordance with the chain of custody document. This analytical report must be reproduced in its entirety.

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Top Operating Co
3609 South Wadsworth BLVD Suite 340
Lakewood CO, 80235

Project: Hays 1
Project Number: [none]
Project Manager: Jeff Freitas

Reported:
05/22/17 14:40

Summit Scientific

S₂

741 Corporate Circle, Suite J ♦ Golden, Colorado 80401
303-277-9310 ♦ 303-374-5933

1705177

Client: Top Operating Co. Project Manager: Jeff Freitas Page 1 of 1
Address: 3609 South Wadsworth Blvd Ste. 340 E-Mail: jeff.freitas@topoperating.com
City/State/Zip: Lakewood CO 80235
Phone: (303) 727-9915 Fax: _____ Project Name: HAYS 1 SOIL
Sampler Name: Jeff Freitas Project Number: _____

ID	Sample Description	Date Sampled	Time Sampled	# of containers	Preservative				Matrix			Analysis Requested					Special Instructions	
					HCl	HNO ₃	None	Other (Specify)	Groundwater	Soil	Air-Canister #	Other (Specify)	BTEX	ORO	TPH-GRO	DRO		
1	HAYS 1 SOIL	5/17/17	10:05 AM	1						X								
2																		
3																		
4																		
5																		
6																		
7																		
8																		
9																		
10																		

Relinquished by: <u>[Signature]</u>	Date/Time: <u>5/17/17 13:47</u>	Received by: <u>[Signature]</u>	Date/Time: <u>5/17/17 13:47</u>	Turn Around Time (Check)	Notes: <u>on ice</u>
Relinquished by:	Date/Time:	Received by:	Date/Time:	Same Day <input type="checkbox"/> 72 hours <input checked="" type="checkbox"/>	
				24 hours <input type="checkbox"/> Standard <input type="checkbox"/>	
				48 hours <input type="checkbox"/>	
Relinquished by:	Date/Time:	Received by:	Date/Time:	Sample Integrity:	
				Temperature Upon Receipt: <u>88°C</u>	
				Intact: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

www.s2scientific.com

Summit Scientific

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Top Operating Co
3609 South Wadsworth BLVD Suite 340
Lakewood CO, 80235

Project: Hays 1
Project Number: [none]
Project Manager: Jeff Freitas

Reported:
05/22/17 14:40

Sample Receipt Checklist

S2 Work Order: 1705177

Client: Top Operating Co

Client Project ID: HAYS 1 soil

Shipped Via: Hand

(UPS, FedEx, Hand Delivered, Pick-up, etc.)

Airbill #: _____

Matrix (check all that apply): ☐ Air ☒ Soil/Solid ☐ Water ☐ Other: _____ (Describe)

Cooler ID					
Temp (°C)	8.8				

Thermometer ID: 61857155-K

	Yes	No	N/A	Comments (if any)
If samples require cooling, was the temperature just above 0°C to ≤ 6°C ⁽¹⁾ ?				
NOTE: If samples are delivered the same day of sampling, this requirement is waived provided that there is evidence that cooling has begun.	✓			only
Were all samples received intact ⁽¹⁾ ?	✓			
Was adequate sample volume provided ⁽¹⁾ ?	✓			
If custody seals are present, are they intact ⁽¹⁾ ?				
Are short holding time analytes or samples with HTs due within 48 hours present?			✓	
Is a chain-of-custody (COC) form present and filled out completely ⁽¹⁾ ?	✓			
Does the COC agree with the number and type of sample bottles received ⁽¹⁾ ?	✓			
Do the sample IDs on the bottle labels match the COC ⁽¹⁾ ?	✓			
Is the COC properly relinquished by the client w/ date and time recorded ⁽¹⁾ ?	✓			
For volatiles in water – is there headspace present? If yes, contact client and note in narrative.			✓	
Are samples preserved that require preservation (excluding cooling) ⁽¹⁾ ?			✓	
Note the type of preservative in the Comments column – HCl, H ₂ SO ₄ , NaOH, HNO ₃ , ect			✓	
If samples are acid preserved for metals, is the pH ≤ 2 ⁽¹⁾ ? Record the pH in Comments.			✓	
If dissolved metals are requested, were samples field filtered?			✓	
Additional Comments (if any):				

⁽¹⁾ If NO, then contact the client before proceeding with analysis and note in case narrative.Dakita
Custodian Printed Name

Signature of Initials of Custodian

5/17/17 1350
Date/Time

S₂

Top Operating Co
3609 South Wadsworth BLVD Suite 340
Lakewood CO, 80235

Project: Hays 1
Project Number: [none]
Project Manager: Jeff Freitas

Reported:
05/22/17 14:40

Hays 1 Soil
1705177-01 (Soil)

Summit Scientific

Extractable Petroleum Hydrocarbons by 8015

Date Sampled: **05/17/17 10:05**

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
C10-C28 (DRO)	ND	50	mg/kg	1	1705200	05/18/17	05/19/17	8015M	
C28-C36 (ORO)	ND	50	"	"	"	"	"	"	

Date Sampled: **05/17/17 10:05**

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Surrogate: o-Terphenyl		106 %	70-130		"	"	"	"	

Volatile Organic Compounds by EPA Method 8260B

Date Sampled: **05/17/17 10:05**

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Benzene	ND	0.0020	mg/kg	1	1705199	05/18/17	05/19/17	EPA 8260B	
Toluene	ND	0.0050	"	"	"	"	"	"	
Ethylbenzene	ND	0.0050	"	"	"	"	"	"	
Xylenes (total)	ND	0.0050	"	"	"	"	"	"	
Gasoline Range Hydrocarbons	ND	0.50	"	"	"	"	"	"	

Date Sampled: **05/17/17 10:05**

Analyte	Result	Reporting Limit	Units	Dilution	Batch	Prepared	Analyzed	Method	Notes
Surrogate: 1,2-Dichloroethane-d4		99.2 %	23-173		"	"	"	"	
Surrogate: Toluene-d8		99.7 %	20-170		"	"	"	"	
Surrogate: 4-Bromofluorobenzene		95.2 %	21-167		"	"	"	"	

Summit Scientific

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Top Operating Co
3609 South Wadsworth BLVD Suite 340
Lakewood CO, 80235

Project: Hays 1
Project Number: [none]
Project Manager: Jeff Freitas

Reported:
05/22/17 14:40

Extractable Petroleum Hydrocarbons by 8015 - Quality Control
Summit Scientific

Analyte	Reporting			Spike	Source	%REC		RPD	
	Result	Limit	Units	Level	Result	%REC	Limits	RPD	Limit

Batch 1705200 - EPA 3550A

Blank (1705200-BLK1)

Prepared: 05/18/17 Analyzed: 05/19/17

C10-C28 (DRO) ND 50 mg/kg
C28-C36 (ORO) ND 50 "

Surrogate: o-Terphenyl 13.9 " 12.5 111 70-130

LCS (1705200-BS1)

Prepared: 05/18/17 Analyzed: 05/19/17

C10-C28 (DRO) 564 50 mg/kg
C28-C36 (ORO) 7.81 50 "

Surrogate: o-Terphenyl 12.9 " 12.5 103 70-130

Matrix Spike (1705200-MS1)

Source: 1705174-01

Prepared: 05/18/17 Analyzed: 05/19/17

C10-C28 (DRO) 622 50 mg/kg
C28-C36 (ORO) 9.53 50 "

Surrogate: o-Terphenyl 13.7 " 12.5 109 70-130

Matrix Spike Dup (1705200-MSD1)

Source: 1705174-01

Prepared: 05/18/17 Analyzed: 05/19/17

C10-C28 (DRO) 589 50 mg/kg 499 ND 118 50-150 5.45 20
C28-C36 (ORO) 7.86 50 " ND 50-150 19.2 20

Surrogate: o-Terphenyl 13.3 " 12.5 107 70-130

Summit Scientific

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Top Operating Co
3609 South Wadsworth BLVD Suite 340
Lakewood CO, 80235

Project: Hays 1
Project Number: [none]
Project Manager: Jeff Freitas

Reported:
05/22/17 14:40

Volatile Organic Compounds by EPA Method 8260B - Quality Control
Summit Scientific

Analyte	Reporting			Spike	Source		%REC		RPD	
	Result	Limit	Units	Level	Result	%REC	Limits	RPD	Limit	Notes

Batch 1705199 - EPA 5030 Soil MS

Blank (1705199-BLK1)

Prepared & Analyzed: 05/18/17

Benzene	ND	0.0020	mg/kg							
Toluene	ND	0.0050	"							
Ethylbenzene	ND	0.0050	"							
Xylenes (total)	ND	0.0050	"							
Gasoline Range Hydrocarbons	ND	0.50	"							
Surrogate: 1,2-Dichloroethane-d4	0.0380		"	0.0400		95.1	23-173			
Surrogate: Toluene-d8	0.0376		"	0.0400		93.9	20-170			
Surrogate: 4-Bromofluorobenzene	0.0395		"	0.0400		98.7	21-167			

LCS (1705199-BS1)

Prepared & Analyzed: 05/18/17

Benzene	0.0838	0.0020	mg/kg	0.100		83.8	58-130			
Toluene	0.0900	0.0050	"	0.100		90.0	61-134			
Ethylbenzene	0.0896	0.0050	"	0.0992		90.3	74-139			
m,p-Xylene	0.177	0.010	"	0.200		88.9	73-137			
o-Xylene	0.0925	0.0050	"	0.0980		94.4	73-141			
Xylenes (total)	0.270	0.0050	"				30-150			
Gasoline Range Hydrocarbons	0.354	0.50	"				30-150			
Surrogate: 1,2-Dichloroethane-d4	0.0399		"	0.0400		99.7	23-173			
Surrogate: Toluene-d8	0.0395		"	0.0400		98.8	20-170			
Surrogate: 4-Bromofluorobenzene	0.0399		"	0.0400		99.8	21-167			

Matrix Spike (1705199-MS1)

Source: 1705174-01

Prepared: 05/18/17 Analyzed: 05/19/17

Benzene	0.0842	0.0020	mg/kg	0.100	0.0103	74.0	30-131			
Toluene	0.0804	0.0050	"	0.100	ND	80.4	30-134			
Ethylbenzene	0.0758	0.0050	"	0.0992	ND	76.4	22-153			
m,p-Xylene	0.220	0.010	"	0.200	0.0843	67.8	10-159			
o-Xylene	0.324	0.0050	"	0.0980	0.306	17.8	31-151			
Xylenes (total)	0.543	0.0050	"		0.391		30-150			
Gasoline Range Hydrocarbons	3.97	0.50	"		5.90		30-150			
Surrogate: 1,2-Dichloroethane-d4	0.0415		"	0.0400		104	23-173			
Surrogate: Toluene-d8	0.0391		"	0.0400		97.7	20-170			
Surrogate: 4-Bromofluorobenzene	0.0460		"	0.0400		115	21-167			

Summit Scientific

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Top Operating Co
3609 South Wadsworth BLVD Suite 340
Lakewood CO, 80235

Project: Hays 1
Project Number: [none]
Project Manager: Jeff Freitas

Reported:
05/22/17 14:40

Volatile Organic Compounds by EPA Method 8260B - Quality Control
Summit Scientific

Analyte	Reporting			Spike	Source		%REC		RPD	
	Result	Limit	Units	Level	Result	%REC	Limits	RPD	Limit	Notes

Batch 1705199 - EPA 5030 Soil MS

Matrix Spike Dup (1705199-MSD1) **Source: 1705174-01** Prepared: 05/18/17 Analyzed: 05/19/17

Benzene	0.0836	0.0020	mg/kg	0.100	0.0103	73.4	30-131	0.715	34	
Toluene	0.0554	0.0050	"	0.100	ND	55.4	30-134	36.7	30	
Ethylbenzene	0.0364	0.0050	"	0.0992	ND	36.7	22-153	70.2	24	
m,p-Xylene	0.261	0.010	"	0.200	0.0843	88.4	10-159	17.2	68	
o-Xylene	0.417	0.0050	"	0.0980	0.306	113	31-151	25.2	38	
Xylenes (total)	0.678	0.0050	"		0.391		30-150	22.0	20	
Gasoline Range Hydrocarbons	6.82	0.50	"		5.90		30-150	52.8	20	
Surrogate: 1,2-Dichloroethane-d4	0.0414		"	0.0400		103	23-173			
Surrogate: Toluene-d8	0.0388		"	0.0400		96.9	20-170			
Surrogate: 4-Bromofluorobenzene	0.0542		"	0.0400		135	21-167			

Summit Scientific

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Top Operating Co
3609 South Wadsworth BLVD Suite 340
Lakewood CO, 80235





Project: Hays 1
Project Number: [none]
Project Manager: Jeff Freitas

Reported:
05/22/17 14:40

Notes and Definitions

DET	Analyte DETECTED
ND	Analyte NOT DETECTED at or above the reporting limit
NR	Not Reported
dry	Sample results reported on a dry weight basis
RPD	Relative Percent Difference



<div>Soil Sample Location</div> <div>Wellhead (~295 feet from Separator)</div>		<p>DISCLAIMER : This Geographic Information System (GIS) and its components are designed as a source of reference for answering inquiries, for planning and for modeling. GIS is not intended, nor does it replace legal description information in the chain of title and other information contained in official government records such as the County Clerk and Records office or the courts. In addition, the representations of locations in this GIS cannot be substituted for actual legal surveys.</p>	
<div>COGCC DOC # 410268923</div> <div>Date: 5/9/2017</div>	<div>Detailed Site Map Hays #1 Weld County, Colorado NWNW 32 5N65W 6 PM</div>	<div></div> <div>3609 South Blvd Ste. 340 Lakewood, Colorado 80235</div>	<div>Figure</div> <div>1</div>