

State of Colorado  
Oil and Gas Conservation Commission

1120 Lincoln Street, Suite 801, Denver, Colorado 80203  
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401241213  
Date Issued:  
03/23/2017  
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02/01/2018

**NOTICE OF ALLEGED VIOLATION - RESOLVED**

Per Rule 522, the Director has reasonable cause to believe that a violation of the Act, or of any Commission rule, order, or permit has occurred, the Director will require the operator to remedy the violation and may commence an enforcement action seeking penalties by issuing a Notice of Alleged Violation (NOAV). Per Rule 523, an operator who violates the Act, or a Commission rule, order, or permit may be subject to a penalty imposed by Commission order.

**OPERATOR INFORMATION**

OGCC Operator Number: 200077  
Name of Operator: CHARLES P DUNNING LLC  
Address: PO BOX 1365  
City: FORT MORGAN State: CO Zip: 80701

Contact Name and Telephone:

Name: Charles Dunning  
Phone: (303) 408-2574 Fax: ( )  
Email: chuck.dunning@me.com

**Well Location, or Facility Information (if applicable):**

API Number: 05-001-06031-00 Facility or Location ID:  
Name: JOLLY-PLATTS Number: 1  
QtrQtr: SWSW Sec: 34 Twp: 3S Range: 58W Meridian: 6  
County: ADAMS

**ALLEGED VIOLATION**

Rule: 329

Rule Description: Measurement of Gas

Initial Discovery Date: Was this violation self-reported by the operator? No  
Date of Violation: Approximate Time of Violation:  
Was this a discrete violation of obvious duration? No

Description of Alleged Violation:

Pursuant to Rule 329.d., Charles P Dunning LLC (Operator) is required to report heating value of produced natural gas on Form 7, Monthly Reports of Operations. Operator failed to ever report heating value of produced natural gas from the Jolly-Platts 1 well, API 001-06031, (Well), violating Rule 329.d.

Abatement or Corrective Action Required to be Performed by Operator: Corrective Action Due Date: 04/24/2017

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

Operator shall perform a gas analysis by April 24, 2017 to establish the heating value of the produced natural gas from the well and will include that value on future Form 7, Monthly Reports of Operations, submissions. A gas analysis shall be performed annually unless more frequent sampling is required by contractual obligations or by the Director, as required by Rule 329.d.

Rule: 912.b

Rule Description: Venting or Flaring Natural Gas - Notice and Prior Approval Required

Initial Discovery Date: Was this violation self-reported by the operator? No  
Date of Violation: Approximate Time of Violation:  
Was this a discrete violation of obvious duration? No

Description of Alleged Violation:

Pursuant to Rule 912.b., except for gas flared or vented during an upset condition, well maintenance, well stimulation flowback, purging operations, or a productivity test, gas from a well shall be flared or vented only after notice has been given and approval obtained from the Director on a Form 4, Sundry Notice, stating the estimated volume and content of the gas. Based on records

submitted by Charles P Dunning LLC (Operator) for the Jolly-Platts 1 well, API 001-06031, (Well) gas was flared from the Well from July 2016 through January 2017, but COGCC records do not reflect that Operator submitted a Form 4, Sundry Notice, requesting approval to flare. Operator flared gas from the Well without Director approval, violating Rule 912.b.

Abatement or Corrective Action Required to be Performed by Operator:

Corrective Action Due Date: 04/24/2017

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

Operator shall submit a Form 4, Sundry Notice, stating the estimated volume being flared, the reason for flaring, description and economics of what would be required for gas infrastructure and a gas analysis for the Well that specifically includes H2S content of the gas.

## PENALTY

Penalties for violations alleged in this NOAV will be calculated pursuant to Rule 523, with daily penalties accruing pursuant to Section 34-60-121(1), C.R.S.

## ANSWER

Pursuant to Rule 522.d.(2), the operator must file an Answer to this NOAV within 28 days of its receipt, or a default judgement may be entered. Hard copy answers are filed with the Commission Secretary at the Commission's Denver office and should also be emailed to [dnr\\_cogccenforecment@state.co.us](mailto:dnr_cogccenforecment@state.co.us).

## NOAV ISSUED

NOAV Issue Date: 03/23/2017

COGCC Representative Signature:

COGCC Representative: Diana Burn

Title: East Region Engineering S

Email: [diana.burn@state.co.us](mailto:diana.burn@state.co.us)

Phone Num: (303) 894-2100x5106

## CORRECTIVE ACTION COMPLETED

Rule: 329

Rule Description: Measurement of Gas

Corrective Action Start Date:

Corrective Action Complete Date: 12/11/2017

Has corrective action for this violation been performed as required? Yes

Description of Actual Corrective Action Performed by Operator

See Order.

Rule: 912.b

Rule Description: Venting or Flaring Natural Gas - Notice and Prior Approval Required

Corrective Action Start Date:

Corrective Action Complete Date: 12/11/2017

Has corrective action for this violation been performed as required? Yes

Description of Actual Corrective Action Performed by Operator

See Order.

## FINAL RESOLUTION

Cause #: 1V

Order #: 650

Docket #: 170900311

Enforcement Action: Administrative Order of Consent

Final Resolution Date: 12/11/2017

Final Resolution Comments:

Resolved by Order 1V-650.

## ATTACHMENT LIST

View Attachments in Imaged Documents on COGCC website (<http://ogccweblink.state.co.us/>) - Search by Document Number.

<u>Document Number</u>	<u>Description</u>
401241213	NOAV APPROVED
401241253	NOAV COVER LETTER
401241345	NOAV CERTIFIED MAIL RECEIPT
401241397	NOAV ISSUED
401241401	NOAV IN PROCESS
401272266	NOAV CERTIFIED MAIL RETURN RECEIPT

Total Attach: 6 Files