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## Re: HRM - Soil Sampling Reports and Extension Request

1 message

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

Tue, May 8, 2018 at 11:31 AM

To: "Fulcher, Jill" <jfulcher@bwenergyllaw.com>

Cc: "Rittenhouse, Joby" <JRittenhouse@bwenergyllaw.com>, "Deranleau - DNR, Greg" <greg.deranleau@state.co.us>, Rob Young - DNR <rob.young@state.co.us>

Jill,

Based on review of the information provided to COGCC on May 3, 2018, the extension request for ongoing land treatment of oily waste, at the six locations listed in your email, is not approved as discussed below.

As HRM is aware, all of these remediation projects were conditionally approved as follows:

*The land treatment of soils on the location will be strictly limited to a three year completion timetable. All soils in the land treatment area will be required to be removed by the end of May 2018. An aggressive and diligent effort will be expected with regard to tilling, application of fertilizer, other soil amendments and water to ensure that bioremediation of the impacted soil is fostered and enhanced to meet the deadline.*

Due to the elevated concentrations of Total Petroleum Hydrocarbons remaining in the waste and the variability in the sample results indicating both increases and decreases in concentration over time, COGCC does not believe that an additional year of treatment, as performed over the past three years, will be sufficient to meet the Table 910-1 standards. COGCC has also been consistent with other operators with similar projects in the past requiring removal of any waste that doesn't comply after a three year treatment period.

HRM shall comply with the remediation plans as conditionally approved and originally agreed to. Because HRM does not have a permitted Centralized Waste Management facility for the land treatment of oily waste, the only remaining option under Rule 907.e. is disposal at a commercial solid waste facility by May 31, 2018.

Because no liners were used to separate the oily waste from underlying soils, HRM is required to perform additional confirmation sampling after waste removal to verify remaining soils comply with Table 910-1 standards. This is required to be performed and reported within 60-days after removal of the waste.

After the oily waste is properly disposed, please remit all disposal documentation to COGCC required by Rule 907.b.(2).

If you have any questions or require additional information, please feel free to contact me.

Thank you,

John

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



**COLORADO**  
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Commission  
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Cc. Rem #s 9049, 9050, 9053, 9055, 9058, 9063 - Extension Request Correspondence

On Thu, May 3, 2018 at 4:07 PM, Fulcher, Jill <[jfulcher@bwenerylaw.com](mailto:jfulcher@bwenerylaw.com)> wrote:

John,

Thank you again for your time on the phone yesterday concerning HRM's informal request for an extension on land treatment operations at the following sites:

No.	Lease	COGCC Remediation No.
1	Anderson #1	9050
2	Barfknecht #1	9049
3	Cowles 1	9053
4	Herzberg "P" #1	9055
5	Lippelmann #1	9058
6	Scheetz B-2 & B-4	9063

I've spoken with HRM, and we would appreciate your consideration of HRM's most recent soil sample analysis at these locations in conjunction with our request to extend land treatment operations at these sites for a period of one year. As you will see in each analytic summary, these sites have made significant progress in meeting Table 910-1 standards. Based on HRM's review of this information, HRM is confident that with diligent work, each of these sites will meet Table 910-1 standards within the year.

Conversely, there are two sites which, based on recent soil sampling, do not appear to have made progress. Accordingly, HRM is immediately discontinuing land treatment operations and hauling the material to a landfill. Copies of the most recent sampling reports for these locations are also attached. I spoke with HRM today, and the remaining dirt on the Marick site will be hauled off within a week or so. These locations are as follows:

No.	Lease	COGCC Remediation No.	Status
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7	Marick #1A	9015	Haul to landfill and backfill
8	Hickert #1-A	9065	Haul to landfill and backfill

Finally, the Parr #1 Location and Scheetz "P" 2-23 Location have achieved Table 910-1 standards based on HRM's work to date. I do not have copies of the final soil sampling for these locations, but can get them to you if you do not already have them available.

Ultimately, HRM has made good progress on land treatment operations to date. Two of the ten locations have achieved 910-1 standards, six of the ten are close, and two are not adequately progressing triggering HRM's decision to cease land treatment operations at those sites. In light of the foregoing, we are hoping that you will permit HRM to conduct landfarming operations on the six locations referenced above for an additional year. I welcome your comments, questions or suggestions.

With respect to your email concerning HRM's surface owner authorization for land treatment at the six sites referenced above (subject to our extension request), please be advised that landfarming for each of these sites is occurring in existing surface disturbance used for oil and gas operations. Accordingly, pursuant to Rule 907.e.(2)G, no prior written surface owner approval is required. This is further supported by the existing Form 27s, none of which reference a requirement that the surface owners give prior written consent prior to land treatment occurring.

In regards to the Marick location, HRM obtained Mr. Jefferson's consent to landfarming on or about June 12, 2015. While there is no formal agreement between Mr. Jefferson and HRM, attached is an email chain between representatives of HRM documenting an oral agreement with Mr. Jefferson whereby HRM would pay Mr. Jefferson a one-time payment of \$3,000 in exchange for land treatment operations associated with pit remediation. A check was issued to Mr. Jefferson on June 15, 2015 consistent with this agreement. Moreover, through HRM's contractor, Mr. Jefferson was informed in March of this year that landfarming would cease on his land this month. As I mentioned above, all remaining dirt will be removed from his property within approximately one week (the rain delayed final dirt hauling). I hope this information proves helpful. Please let me know if you have other questions or concerns.

Thanks again,

Jill

**Jill Fulcher** | Shareholder

**Beatty & Wozniak, P.C.**

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----- Forwarded message -----

From: Roger Hutson <[lrhutson@hrmres.com](mailto:lrhutson@hrmres.com)>  
To: "Fulcher, Jill" <[jfulcher@bwenenergylaw.com](mailto:jfulcher@bwenenergylaw.com)>  
Cc:  
Bcc:  
Date: Thu, 3 May 2018 20:59:12 +0000  
Subject: Fw: Marick

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----- Forwarded Message -----

**From:** David Flake <[dflake@hrmres.com](mailto:dflake@hrmres.com)>  
**To:** terry pape <[tpape@hrmres.com](mailto:tpape@hrmres.com)>  
**Sent:** Friday, June 12, 2015 9:26 AM  
**Subject:** Re: Marick

Terry, I'll get a check out today.

Dave

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**From:** terry pape <[tpape@hrmres.com](mailto:tpape@hrmres.com)>  
**To:** Dave Flake <[dflake@hrmres.com](mailto:dflake@hrmres.com)>  
**Sent:** Friday, June 12, 2015 8:22 AM  
**Subject:** Marick

Dave, the land owner on the Marick called. He wants \$3000.00 for loss of crop land due to the pit remediation. His name is Harold Jefferson, [16702 County RD DD Akron, CO 80720](#).

We need to pay him for this. The dirt contractor is going to credit us back for this due to the fact his crew went out into the crop land.

Thanks,

Terry