

State of Colorado
Oil and Gas Conservation Commission

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Document Number:
401781593

Date Issued:
10/05/2018

NOTICE OF ALLEGED VIOLATION - ISSUED

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: 49407
Name of Operator: KUGLER* DEAN & JOE DBA D-J OIL COMPANY
Address: P O BOX 72
City: NEW RAYMER State: CO Zip: 80742

Contact Name and Telephone:
Name: Dean Kugler
Phone: (970) 768-5419 Fax: ()
Email: dlkug@yahoo.com

Well Location, or Facility Information (if applicable):

API Number: 05-123-10334-00 Facility or Location ID: _____
Name: MYERS Number: F-1
QtrQtr: NWNW Sec: 27 Twp: 8N Range: 58W Meridian: 6
County: WELD

ALLEGED VIOLATION

Rule: 302.b
Rule Description: Form 1A Designation of Agent

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 302.b., KUGLER* DEAN & JOE DBA D-J OIL COMPANY ("Operator") shall submit a Designation of Agent ("Form 1A") listing employees approved to submit documents to COGCC on behalf of the Operator. The Form 1A requires identification of a Principal Agent designated to accept and be served notices from COGCC. Operator shall immediately report all changes to reported agent information by submitting a new Form 1A.

On October 3, 2018, COGCC Staff conducted an audit ("Audit") of Operator's records, and discovered that Operator has not filed a Form 1A and has not identified a Principal Agent designated to accept and be served notices from COGCC, violating Rule 302.b.

Abatement or Corrective Action Required to be Performed by Operator: _____ Corrective Action Due Date: 11/05/2018

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

Operator shall submit an accurate and up-to-date Form 1A Designation of Agent to COGCC. The Form 1A shall name a Principal Agent designated to accept and be served notices from COGCC, and list employees approved to submit documents to COGCC on behalf of the Operator. Operator shall include all pertinent information including name, valid email address, mailing address, and direct phone number. The Form 1A shall be signed, dated, and approved by an officer or principal of the company.

Rule: 326.b

Rule Description: Shut-in Wells

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 326.b., KUGLER* DEAN & JOE DBA D-J OIL COMPANY ("Operator") is required to perform a Mechanical Integrity Test ("MIT") on Shut-in ("SI") wells within two (2) years of the initial shut-in date and then at five (5) year intervals after an initial successful MIT. COGCC Rules do not permit placing a well back on production to fulfill, or in lieu of, the requirements to conduct an MIT.

COGCC Staff had reason to believe Operator had committed one or more violations of COGCC Rules, and issued Warning Letter No. 401621619 to Operator on April 26, 2018, requiring Operator to conduct MIT or plug and abandon delinquent wells by July 31, 2018.

On September 14, 2018, COGCC Staff conducted an audit ("Audit") of Operator's records for the well(s) in the attached table ("Well"). The Audit included reviewing records such as Operator's Form 7 Monthly Reports of Operations and Field Inspection Reports filed by COGCC Staff after inspecting the Well to determine the dates the Well was SI, and the COGCC database to determine whether Operator reported MIT(s) for the Well. Through this Audit, COGCC Staff determined that at least one Well in the attached table was overdue for performance of an MIT on a SI well.

Operator failed to conduct timely MIT(s) for at least one SI Well, violating Rule 326.b.

Abatement or Corrective Action Required to be Performed by Operator: _____

Corrective Action Due Date: 11/05/2018

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

In its Rule 522.d.(2) Answer, due within 28 days of the Operator's receipt of the NOAV, Operator shall provide the following to COGCC:

- Operator shall perform an audit of its Mechanical Integrity Testing and MIT reporting for all its wells in Colorado. Operator shall submit a detailed report to COGCC which shows the following information for each of its wells which has been in SI or TA status for at least one month starting 24 months prior to September 14, 2018. Operator shall email a copy of this report as an unlocked (editable) spreadsheet to the COGCC Enforcement email address indicated in the Answer section below.

- (1.) API and Well name
- (2.) SI or TA status by month, for each month the Well was SI or TA
- (3.) Date of last MIT ("n/a" if no MIT performed for that Well)
- (4.) Due date of next required MIT, according to Rules 319 and 326. If the Well is delinquent on required MIT as of NOAV issuance, indicate the due date of the most recent missed MIT.
- (5.) Date Operator has scheduled to resolve the delinquency (such as by MIT or plug and abandon), if applicable. ("n/a" if the Well is not delinquent; "none" if Well is delinquent, but Operator has not yet scheduled operations to resolve the delinquency)
- (6.) (If TA) Whether Operator is current on the Form 4 TA Sundry submittal required by Rule 319.b.(1) & (3).

- A proposed compliance plan to resolve all delinquencies identified in Operator's audit. The proposed compliance plan will be subject to modification by the COGCC Engineering unit.

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_cogccenforcement@state.co.us.

NOAV ISSUED

NOAV Issue Date: 10/05/2018

COGCC Representative Signature: 

COGCC Representative: Kira Gillette

Title: NOAV Specialist

Email: kira.gillette@state.co.us

Phone Num: (303) 894-2100

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>
401783980	NOAV COVER LETTER
401783981	NOAV CERTIFIED MAIL RECEIPT
401783982	NOAV DOCUMENTATION

Total Attach: 3 Files