

State of Colorado  
Oil and Gas Conservation Commission

1120 Lincoln Street, Suite 801, Denver, Colorado 80203  
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Document Number:  
402465163

Date Issued:  
08/12/2020

## 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: <u>10379</u>	Contact Name and Telephone:
Name of Operator: <u>HARBURG* RUDOLPH W</u>	Name: <u>RUDY HARBURG</u>
Address: <u>1020 MAPLETON AVE</u>	Phone: <u>(303) 931-8099</u> Fax: <u>( )</u>
City: <u>BOULDER</u> State: <u>CO</u> Zip: <u>80304</u>	Email: <u>rudy.harburg@gmail.com</u>

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

API Number: 05- - -00 Facility or Location ID: 216916  
Name: WESTWARD Number: 2  
QtrQtr: SWSE Sec: 25 Twp: 5N Range: 69W Meridian: 6  
County: LARIMER

### ALLEGED VIOLATION

Rule: 34-60-121(1) CRS-b  
Rule Description: Statutory Violation - Permit Violation  
Initial Discovery Date: 04/06/2020 Was this violation self-reported by the operator? No  
Date of Violation: 04/06/2020 Approximate Time of Violation: \_\_\_\_\_  
Was this a discrete violation of obvious duration? Unknown

#### Description of Alleged Violation:

Pursuant to 34-60-121(1)(a), any operator that violates this article, any rule or order of the commission, or any permit is subject to a penalty of not more than fifteen thousand dollars for each act of violation per day that such violation continues.

Pursuant to Rule 207.b., the Director may designate specific fields or portions of fields as bradenhead test areas. By Order 1-232, the Director established a bradenhead monitoring area for wells drilled in the Denver Julesburg Basin in the following counties: Adams, Arapahoe, Boulder, Broomfield, Denver, Jefferson, Larimer, and Weld. Order 1-232 imposed certain testing and reporting requirements.

According to COGCC records, Harburg\* Rudolph W ("Operator") has not submitted a bradenhead test for Operator's Westward #2 well, violating Order 1-232. A Warning Letter (document # 402362476), indicating the violation of Order 1-232 and the request for the required Bradenhead Test results, was sent on April 06, 2020.

Abatement or Corrective Action Required to be Performed by Operator: \_\_\_\_\_ Corrective Action Due Date: 09/11/2020

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

Operator shall review its records to verify if any bradenhead test Form 17 is missing, inaccurate, or incomplete for the referenced

well. If the bradenhead test mandated by Order 1-232 was performed in 2019, Operator shall submit the required documentation by the corrective action deadline.

In its Rule 522.d.(2) Answer, due within 28 days of the Operator's receipt of the NOAV, Operator shall include a compliance plan detailing an internal procedure for timely compliance with Rule 207.b., or a plan that includes the plugging and abandonment of the well following the requirements of Rules under 314.

### 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](mailto:dnr_cogccenforcement@state.co.us).

### NOAV ISSUED

NOAV Issue Date: 08/12/2020

COGCC Representative Signature: 

COGCC Representative: Trent Lindley

Title: NOAV Specialist

Email: trent.lindley@state.co.us

Phone Num: (303) 894-2100x5143

### 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>
402465167	NOAV ISSUED
402465168	NOAV CERTIFIED MAIL RECEIPT

Total Attach: 2 Files