

State of Colorado  
Oil and Gas Conservation Commission

1120 Lincoln Street, Suite 801, Denver, Colorado 80203  
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Document Number:  
402498973  
Date Issued:  
09/28/2020  
Date Resolved:

## 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: 79905  
Name of Operator: SMITH OIL PROPERTIES INC  
Address: PO BOX 219  
City: BYERS State: CO Zip: 80103

Contact Name and Telephone:

Name: VICKI J SHELLEY  
Phone: (303) 825-7405 Fax: ( )  
Email: smithoilprop@aol.com

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

API Number: 05- - -00 Facility or Location ID: 202777  
Name: COAN Number: 1  
QtrQtr: NWNW Sec: 3 Twp: 1S Range: 64W Meridian: 6  
County: ADAMS

### ALLEGED VIOLATION

Rule: 324A.a

Rule Description: General Environmental Protection

Initial Discovery Date: 07/31/2020

Was this violation self-reported by the operator? No

Date of Violation: 07/31/2020

Approximate Time of Violation:

Was this a discrete violation of obvious duration? Unknown

Description of Alleged Violation:

Pursuant to Rule 324A.a., Smith Oil Properties Inc ("Operator") shall take precautions to prevent significant adverse environmental impacts to air, water, soil, or biological resources to the extent necessary to protect public health, safety, and welfare, including the environment and wildlife resources, taking into consideration cost-effectiveness and technical feasibility to prevent the unauthorized discharge or disposal of oil, gas, E&P waste, and chemical substances, or other oilfield waste.

Adams County Staff performed a routine inspection (document # 700900280) of Operator's Coan #1 well on July 31, 2020, and observed inadequate wildlife protections on the open top produced water tanks, specifically the netting on the tanks contained large gaps. Staff observed multiple avian fatalities in the tanks (document # 700900281).

Operator failed to take precautions to prevent significant adverse impacts to wildlife resources, resulting in wildlife mortality at Operator's produced water tank, violating Rule 324A.a.

Abatement or Corrective Action Required to be Performed by Operator:

Corrective Action Due Date: 10/28/2020

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

Operator shall install and maintain precautions to protect wildlife resources. Operator shall provide documentation of specific

precautions implemented at the Coan #1 well and procedures, policies and practices implemented to prevent adverse impacts to wildlife resources in the future.

Operator shall carry out all other corrective actions from the July 31, 2020 inspection (document # 700900280).

### 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: 09/28/2020

COGCC Representative Signature: \_\_\_\_\_

COGCC Representative: Trent Lindley

Email: trent.lindley@state.co.us

Title: NOAV Specialist

Phone Num: (303) 894-2100x5143

### CORRECTIVE ACTION COMPLETED

Rule: 324A.a

Rule Description: General Environmental Protection

Corrective Action Start Date: \_\_\_\_\_

Corrective Action Complete Date: \_\_\_\_\_

Has corrective action for this violation been performed as required? \_\_\_\_\_

Description of Actual Corrective Action Performed by Operator

### FINAL RESOLUTION

Cause #: \_\_\_\_\_ Order #: \_\_\_\_\_ Docket #: \_\_\_\_\_

Enforcement Action: \_\_\_\_\_ Final Resolution Date: \_\_\_\_\_

Final Resolution Comments:

### ATTACHMENT LIST

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

Document Number	Description
402499003	NOAV ISSUED
402499004	NOAV CERTIFIED MAIL RECEIPT

Total Attach: 2 Files