



RE: COAs for Beneficial Reuse of Drill Cuttings

1 message

Holly Hill <hhill@caerusoilandgas.com>

Mon, Mar 1, 2021 at 6:36 PM

To: "Fischer, Alex" <Alex.Fischer@state.co.us>

Cc: Steven Arauza - DNR <steven.arauza@state.co.us>, "Deranleau - DNR, Greg" <greg.deranleau@state.co.us>

Alex -

To clarify the issue, Caerus questions the two COAs because the former pits were constructed, operated, and closed by another operator more than a year and a half before Caerus acquired the locations. The Oil and Gas Conservation Act limits the Commission's authority to require "investigation or monitoring" or to order "mitigation" to "responsible parties." C.R.S. §§ 34-60-124(6)(b) & (7). For this purpose, the Act defines "responsible party" to mean "any person who conducts an oil and gas operation in a manner which is in contravention of any then-applicable provision" of the Act, or any rule, order, or permit, "that threatens to cause, or actually causes, a significant adverse environmental impact." C.R.S. § 34-60-124(8)(a). The COAs are inconsistent with this statutory requirement. Because Caerus never operated the former pits, we are not a responsible party for them, and because Caerus is not a responsible party for the former pits, we cannot legally be required to investigate, monitor, or mitigate their potential impacts.

As set forth in the Form 4, Sundry Notices referenced below, Caerus has proposed to beneficially reuse drill cuttings at the locations, but not in, near or on the formerly closed pits. The potential environmental effects of our reuse of the drill cuttings are already addressed by our proposal and by other COAs which Caerus does not question. Therefore, the two COAs in question applied to the beneficial re-use Form 4s do not address the potential impacts of our proposed action and their impacts do not justify the COAs.

Nevertheless, we appreciate the information you have provided as well as your statement that the COGCC will allow a 90-day extension to address the COAs. As suggested, Caerus has today submitted Form 4, Sundry Notices to request extensions of the COAs until the matter is resolved. The documents numbers for these submittals are: 402613203 and 402613230.

Respectfully,

Holly Hill

Regulatory Manager

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From: "Fischer - DNR, Alex" <alex.fischer@state.co.us>
Date: February 26, 2021 at 4:25:18 PM MST
To: Holly Hill <hhill@caerusoilandgas.com>
Cc: Steven Arauza - DNR <steven.arauza@state.co.us>, Greg Deranleau - DNR <greg.deranleau@state.co.us>
Subject: Re: COAs for Beneficial Reuse of Drill Cuttings

Holly,

When Operators bring projects to the COGCC for review, my Staff and I complete a thorough review of the proposed project. Additionally, we review the following: compliance issues from Inspections, Complaints, NOAVs, Spills/Releases, Remediations, and the past use and history of the Locations and Facilities. Included under the General Comment section on Document #402473553 and Document #402431254, you will see the COGCC's reasoning for the COAs referenced in your February 24, 2021 letter which are also outlined below. The fact that Caerus has waited 182 days (5 months, 29 days) as it relates to Document #402431254 (SG L27 496 Pad, Pit #414443) and 169 days (5 months, 16 days) as it relates to Document #402473553 (NPR A03-596 Pad, Pit #414549) to bring their questions to the COGCC limits their ability to comply with COGCC conditions of approval.

Given the weather and snow cover, the COGCC will allow a 90 day extension to address the COAs on the referenced Documents. Caerus will need to request that extension in writing via Sundry Form 4 and should submit those extensions on or by March 1, 2021 to avoid further compliance delays. Please let Steven or I know when those two Sundries have been submitted so that we may review in a timely manner.

Regards,

Alex

Document #402473553 (NPR A03-596 Pad, Pit #414549)

* COGCC Comment on the document comes from the Environmental Workgroup and outlines the technical basis for the soil boring and monitoring well COAs: Sundry #400787375 and Report doc #400787386 document pit closure with Sample ID Pit Bottom South - SW Bottom (collected 7/18/2011) exhibiting a TPH concentration of 34,020 mg/kg and numerous samples exceeding 500 mg/kg. See COAs above.

* This pit was closed under REM #7741 with Form 27A doc #200424776, which included the following COGCC comment: Based on review of the data presented, it appears that no further action is necessary at this time at this site. However, should future conditions at this site be discovered of contaminant concentrations in soils exceeding COGCC standards or if groundwater is found to be significantly impacted, COGCC may require that further investigation and/or remediation be conducted.

[image.png]

Facility ID #4141279, which is used to reference the pit at the L27-496 location does not exist. The Pit Facility ID is #414443.

Document #402431254 (SG L27 496 Pad, Pit #414443)

* COGCC Comment #4 comes from the Environmental Workgroup and outlines the technical basis for the soil boring and monitoring well COAs: Sundry #400813559 and Report doc #400813563 document pit closure with Sample ID S pit - S center Low Point, collected 6/10/11 has [TPH] at 10,001.9 mg/kg and numerous samples exceeding 500 mg/kg. See COAs above.

Document #400938573 (SG L27 496 Pad, Pit #414443)

* COGCC Comment #1 indicates that "No Further Action is Required regarding the closure of this pit. [per Paragraph 2 of your letter] REM #9214 has been closed"

* REM #9214, was closed with a Form 27A, doc #200437995 with the following COGCC comment: Based on review of information presented it appears that no further action is necessary at this time. However, should future conditions at the site indicate contaminant concentrations in soils exceeding COGCC standards or if ground water is found to be significantly impacted, further investigation and/or remediation activities may be required at this site.

[image.png]

On Thu, Feb 25, 2021 at 2:34 PM Holly Hill <hhill@caerusoilandgas.com<<mailto:hhill@caerusoilandgas.com>>> wrote:
Good Afternoon Alex,

Please find attached a letter in response to the Conditions of Approval (COAs) that were applied to the approvals for Beneficial Reuse of Drill Cuttings on Form 4 Document Nos. 402473553 and 402431254. We feel that this matter is really important to address as soon as possible. We look forward to engaging further on this matter.

Thank you in advance for your time!

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Alex Fischer, P.G.

Environmental Supervisor, Western Colorado

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