

State of Colorado  
Oil and Gas Conservation Commission

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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: 10661  
Name of Operator: BISON OIL & GAS II LLC  
Address: 518 17TH STREET #1800  
City: DENVER State: CO Zip: 80202

Contact Name and Telephone:  
Name: J AUSTIN AKERS  
Phone: (720) 644-6997 Fax: ( )  
Email: aakers@bisonog.com

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

API Number: 05- - -00 Facility or Location ID: 452871  
Name: Castor 8-59 Number: 19  
QtrQtr: NESE Sec: 19 Twp: 8N Range: 59W Meridian: 6  
County: WELD

**ALLEGED VIOLATION**

Rule: 1002.f  
Rule Description: Stormwater Management

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 1002.f.(2), Operator shall implement and maintain Best Management Practices ("BMPs") at the Location to control stormwater runoff in a manner that minimizes erosion, transport of sediment offsite, and site degradation; and shall maintain BMPs until the facility is abandoned and final reclamation is achieved pursuant to Rule 1004. BMPs shall be selected based on site-specific conditions, such as slope, vegetation cover, and proximity to water bodies, and may include maintaining in-place some or all of the BMPs installed during the construction phase of the facility. Where applicable based on site specific conditions, Operator shall implement BMPs in accordance with good engineering practices, including such measures as: A. Covering materials and activities, and stormwater diversion; B. Materials handling and spill prevention procedures and practices; C. Erosion controls; D. Self-inspection, maintenance, and good housekeeping procedures and schedules.

On March 8, 2019, COGCC Staff inspected the Location and observed that the stormwater and erosion control BMPs were insufficient for the size of the pad, missing, or not installed in accordance with good engineering practices; presence of erosion degradation; and chemical containers that were not stored in secondary containment. COGCC Staff required Operator to take corrective actions to analyze the sufficiency of the installed BMPs, and submit a Form 4 Sundry Notice to COGCC by March 26, 2019, which provides either: calculations demonstrating that the BMPs are sufficient, or a site specific stormwater plan to install BMPs that are sufficient to comply with the requirements of Rule 1002.f.(2). COGCC Staff further required Operator to properly store materials in accordance with good housekeeping and proper materials management by March 26, 2019; and to install and/or repair stormwater and erosion control BMPs in accordance with good engineering practices by April 12, 2019. (Field Inspection Report No. 682504582).

On April 17, 2019, after the corrective action due date, Operator submitted a Form 4 Sundry Notice with stormwater calculations

(Document No. 402013044, "Sundry"). COGCC Staff conducted a followup inspection on April 27, 2019, and observed that stormwater and erosion control BMPs had been installed and appeared to be in proper functioning condition on the Location. In the corresponding Field Inspection Report, COGCC Staff reminded Operator that ongoing maintenance of effective BMPs was required to stay in compliance with Rule 1002.f. (Field Inspection Report No. 682504817).

Between July 8 and December 9, 2019, Operator submitted two Field Inspection Report Resolution forms ("FIRR"), and COGCC Staff conducted four followup inspections (documented on Field Inspection Reports, "FIR"). In its FIRRs, Operator reported that BMPs were repaired and/or corrective actions were completed. (FIRR Nos. 402138298 on 8/8/2019 and 402213784 on 10/17/2019). In its inspections, COGCC Staff observed erosion degradation on Location; inadequacy of stormwater and erosion control BMPs; barrels with various chemicals stored without secondary containment; various chemicals spills on the soil surface of the Location; and E&P waste discharge into the perimeter stormwater diversion ditch. COGCC Staff required Operator to take corrective actions to ensure stormwater and erosion were adequately controlled and BMPs were adequate and maintained in good condition; and to implement or modify BMPs for improved material handling and spill prevention. (FIR Nos. 696200364 for 7/8/2019, 696200606 for 8/16/2019, 696200786 for 9/20/2019, and 696200878 for 12/9/2019).

Operator failed to employ and maintain best management practices to control stormwater runoff, erosion degradation, sediment transport, and proper materials management/spill prevention procedures on the Location, violating Rule 1002.f.(2).

Abatement or Corrective Action Required to be Performed by Operator: \_\_\_\_\_ Corrective Action Due Date: 03/08/2019

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

Comply with 1002.f Rules.

### 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. An answer will, at a minimum, discuss the allegations contained in the NOAV, responding to each; identify corrective actions taken in response to the NOAV, if any; and identify facts known to the operator at the time that are relevant to the operator's response to the alleged violations. 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: 01/09/2020

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

COGCC Representative: Aaron Trujillo Title: Area (143) Reclamation In

Email: aaron.trujillo@state.co.us Phone Num: (970) 867-0808x

### CORRECTIVE ACTION COMPLETED

Rule: 1002.f

Rule Description: Stormwater Management

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

Has corrective action for this violation been performed as required? No

Description of Actual Corrective Action Performed by Operator

NOAV closed pursuant to Order 1v-751.

### FINAL RESOLUTION

Cause #: <u>1v</u>	Order #: <u>751</u>	Docket #: <u>201000251</u>
Enforcement Action: <u>Administrative Order of Consent</u>		Final Resolution Date: <u>03/09/2021</u>
Final Resolution Comments:		
<div style="border: 1px solid black; padding: 2px;"> NOAV closed pursuant to Order 1v-751. </div>		

### 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>
402281377	NOAV COVER LETTER
402281378	NOAV CERTIFIED MAIL RECEIPT
402281380	NOAV ISSUED
402281388	NOAV IN PROCESS

Total Attach: 4 Files