

State of Colorado  
Oil and Gas Conservation Commission

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Document Number:  
402778100

Date Received:  
08/18/2021

## FIR RESOLUTION FORM

Overall Status: CAC

CA Summary:

13 of 13 CAs from the FIR responded to on this Form

13 CA Completed  
0 Factual Review Request

### OPERATOR INFORMATION

OGCC Operator Number: 10515

Name of Operator: GUNNISON ENERGY LLC

Address: 1801 BROADWAY #1150

City: DENVER State: CO Zip: 80202

Contact Name and Telephone:

Name: \_\_\_\_\_

Phone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_

Email: \_\_\_\_\_

Additional Operator Contact:

Contact Name

Phone

Email

Tyson Johnston

tyson.johnston@oxbow.com

Heather Lang

heather.lang@oxbow.com

Jessica Donahue

jdonahue@ardorenvironmental.com

### COGCC INSPECTION SUMMARY:

FIR Document Number: 696203017

Inspection Date: 08/03/2021

FIR Submit Date: 08/11/2021

FIR Status: \_\_\_\_\_

### Inspected Operator Information:

Company Name: GUNNISON ENERGY LLC

Company Number: 10515

Address: 1801 BROADWAY #1150

City: DENVER State: CO Zip: 80202

### LOCATION - Location ID: 453805

Location Name: Trail Gulch Unit 1090 Number: 30 County: \_\_\_\_\_

Qtrqr: SWSE Sec: 30 Twp: 10S Range: 90W Meridian: 6

Latitude: 39.157036 Longitude: -107.477597

### FACILITY - API Number: 05-051- -00 Facility ID: 453805

Facility Name: Trail Gulch Unit 1090 Number: 30

Qtrqr: SWSE Sec: 30 Twp: 10S Range: 90W Meridian: 6

Latitude: 39.157036 Longitude: -107.477597

### CORRECTIVE ACTIONS:

1 CA# 154694

Corrective Action: Comply with 605 Rules

Date: 07/28/2021

Response: CA COMPLETED

Date of Completion: 08/12/2021

Operator  
Comment:

In accordance with Rule 605.h.(1) - Enclosed tanks of less than 10bbls are not required to have an operator-provided label.

In accordance with Rule 605.h.(3) - All contents stored on location are in compliance with DOT Hazardous

Material Regulation.

Inspector has been asked to have a qualified representative accompany him on his inspection so he is aware of what any unknown materials are. However inspector is unwilling to accommodate such requests. Additionally, if the inspector would give Gunnison Energy a couple hours notice of his arrival, Operator would be able to have the correct qualified representative on location to identify all materials. Completion date of 8/12/2021 is the last date any issue was corrected, however Gunnison Energy and its contractors have readily addressed any potential non-compliance on a daily basis. See photos: 1090-30 Rule 605 Materials Labeling a-d.

COGCC Decision: \_\_\_\_\_

COGCC  
Representative:

**2** CA# 154695

Corrective Action: Per good engineering practices, replace tanks and any equipment improperly placed in or upon stormwater control BMPs.

Date: 07/29/2021

Response: CA COMPLETED

Date of Completion: 08/06/2021

Operator Comment: Tanks are not placed in Stormwater BMPs; any free equipment layed in BMPs or otherwise have been removed. USFS, as surface owner, has requested an onsite meeting with inspector and Operator. Gunnison Energy has requested such onsite with the COGCC inspector in FIRR 402723294 submitted 6/18/21 for the Federal 30-4 location (which is one and the same location as the TGU 1090 30 per BLM permitting, despite separate permitting by COGCC per COGCC request) with no response from COGCC inspector. A followup email on 6/24/21 again conveyed the request to meet on location with Operator, USFS, and COGCC inspector with no response. Once inspector did consult with someone on location, it was with the rig clerk who is not qualified to speak on behalf of any of the issues identified herein. Gunnison Energy is again requesting an onsite meeting with the inspector, BLM inspector, and USFS surface manager to review stormwater BMPs for solutions adequate to inspector. Thus far all stormwater management has been adequate to the BLM inspector as well as USFS surface manager. Our inability to communicate with the COGCC inspector is not allowing Gunnison Energy to resolve alleged issues to the mutual satisfaction of COGCC, BLM, and USFS. See photos: 1090-30 Rule 1002.f Stormwater Management a-h.

COGCC Decision: \_\_\_\_\_

COGCC  
Representative:

**3** CA# 154696

Corrective Action: Comply with Rule 1002.f; install or repair BMP in accordance with good engineering practices.

Date: 07/28/2021

Response: CA COMPLETED

Date of Completion: 08/06/2021

Operator Comment: The storm events accounted for immediately prior to the inspector's arrival were large, extraordinary storm events. Enough rain was encountered to fill the detention pond in 3 days. That being said, all stormwater BMPs were adequate in preventing any discharge off location. The inspector chose to visit site immediately following said storm events, not providing adequate time to maintain BMPs that worked as they were supposed to. USFS, as surface owner, has requested an onsite meeting with inspector and Operator. Gunnison Energy has requested such onsite with the COGCC inspector in FIRR 402723294 submitted 6/18/21 for the Federal 30-4 location (which is one and the same location as the TGU 1090 30 per BLM permitting, despite separate permitting by COGCC per COGCC request) with no response from COGCC inspector. A followup email on 6/24/21 again conveyed the request to meet on location with Operator, USFS, and COGCC inspector with no response. Once inspector did consult with someone on location, it was with the rig clerk who is not qualified to speak on behalf of any of the issues identified herein. Gunnison Energy is again requesting an onsite meeting with the inspector, BLM inspector, and USFS surface manager to review stormwater BMPs for solutions adequate to inspector. Thus far all stormwater management has been adequate to the BLM inspector as well as USFS surface manager. Our inability to communicate with the COGCC inspector is not allowing Gunnison Energy to resolve alleged issues to the mutual satisfaction of COGCC, BLM, and USFS. See photos: 1090-30 Rule 1002.f Stormwater Management a-h.

COGCC Decision: \_\_\_\_\_

COGCC  
Representative:

**4** CA# 154697

Corrective Action: Comply with Rule 1002.f and install or repair required BMPs in accordance with good engineering practices to manage runoff and allow for sediment laden-free stormwater discharge.

Date: 06/20/2021

Response: CA COMPLETED

Date of Completion: 08/06/2021

Operator Comment: The storm events accounted for immediately prior to the inspector's arrival were large, extraordinary storm events. Enough rain was encountered to fill the detention pond in 3 days. That being said, all stormwater BMPs were adequate in preventing any discharge off location. The inspector chose to visit site immediately following said storm events, not providing adequate time to maintain BMPs that worked as they were supposed to. USFS, as surface owner, has requested an onsite meeting with inspector and Operator. Gunnison Energy has requested such onsite with the COGCC inspector in FIRR 402723294 submitted 6/18/21 for the Federal 30-4 location (which is one and the same location as the TGU 1090 30 per BLM permitting, despite separate permitting by COGCC per COGCC request) with no response from COGCC inspector. A followup email on 6/24/21 again conveyed the request to meet on location with Operator, USFS, and COGCC inspector with no response. Once inspector did consult with someone on location, it was with the rig clerk who is not qualified to speak on behalf of any of the issues identified herein. Gunnison Energy is again requesting an onsite meeting with the inspector, BLM inspector, and USFS surface manager to review stormwater BMPs for solutions adequate to inspector. Thus far all stormwater management has been adequate to the BLM inspector as well as USFS surface manager. Our inability to communicate with the COGCC inspector is not allowing Gunnison Energy to resolve alleged issues to the mutual satisfaction of COGCC, BLM, and USFS. See photos: 1090-30 Rule 1002.f Stormwater Management a-h.

COGCC Decision: \_\_\_\_\_

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

**5** CA# 154698

Corrective Action: Comply with Rule 1002.f and remove fluids/spills. Clean up impacted soils per Rule 912.a. and remediate to Table 915-1 Cleanup Concentrations by 7/28/2021; for non-E&P waste comply with Rules 906.a-d

Date: 07/22/2021

Response: CA COMPLETED

Date of Completion: 07/28/2021

Operator Comment: All spills, fluids, and solids on location have been cleaned up in accordance with rule 912.a, 915-1 and 906.a-d. See photos: 1090-30 Rule 1002.f Materials Management a-e.

COGCC Decision: \_\_\_\_\_

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

**6** CA# 154699

Corrective Action: Comply with Rule 1002.f and install or repair BMPs in accordance with good engineering practices.

Date: 07/28/2021

Response: CA COMPLETED

Date of Completion: 08/06/2021

Operator Comment: The storm events accounted for immediately prior to the inspector's arrival were large, extraordinary storm events. Enough rain was encountered to fill the detention pond in 3 days. That being said, all stormwater BMPs were adequate in preventing any discharge off location. The inspector chose to visit site immediately following said storm events, not providing adequate time to maintain BMPs that worked as they were supposed to. USFS, as surface owner, has requested an onsite meeting with inspector and Operator. Gunnison Energy has requested such onsite with the COGCC inspector in FIRR 402723294 submitted 6/18/21 for the Federal 30-4 location (which is one and the same location as the TGU 1090 30 per BLM permitting, despite separate permitting by COGCC per COGCC request) with no response from COGCC inspector. A followup email on 6/24/21 again conveyed the request to meet on location with Operator, USFS, and COGCC inspector with no response. Once inspector did consult with someone on location, it was with the rig clerk who is not qualified to speak on behalf of any of the issues identified herein. Gunnison Energy is again requesting an onsite meeting with the inspector, BLM inspector, and USFS surface manager to review stormwater BMPs for solutions adequate to inspector. Thus far all stormwater management has been adequate to the BLM inspector as well as USFS surface manager. Our inability to communicate with the COGCC inspector is not allowing Gunnison Energy to resolve alleged issues to the mutual satisfaction of COGCC, BLM, and USFS. See photos: 1090-30 Rule 1002.f Stormwater Management a-h.

COGCC Decision: \_\_\_\_\_

COGCC  
Representative:

7 CA# 154700

Corrective Action: Comply with Rule 1002.f.(2)B

Date: 07/28/2021

Response: CA COMPLETED

Date of Completion: 08/06/2021

Operator Comment: Porta-Johns secured. See photo: 1090-30 Rule 1002.f.(2).B Porta-john secure.

COGCC Decision:

COGCC  
Representative:

8 CA# 154701

Corrective Action: Comply with Rule 1002.f and implement secondary containment.

Date: 07/28/2021

Response: CA COMPLETED

Date of Completion: 08/06/2021

Operator Comment: This location is in active drilling status. A berm has been constructed around the location to act as secondary containment for all the temporary materials currently on location.

The storm events accounted for immediately prior to the inspector's arrival were large, extraordinary storm events. Enough rain was encountered to fill the detention pond in 3 days. That being said, all stormwater BMPs were adequate in preventing any discharge off location. The inspector chose to visit site immediately following said storm events, not providing adequate time to maintain BMPs that worked as they were supposed to. USFS, as surface owner, has requested an onsite meeting with inspector and Operator. Gunnison Energy has requested such onsite with the COGCC inspector in FIRR 402723294 submitted 6/18/21 for the Federal 30-4 location (which is one and the same location as the TGU 1090 30 per BLM permitting, despite separate permitting by COGCC per COGCC request) with no response from COGCC inspector. A followup email on 6/24/21 again conveyed the request to meet on location with Operator, USFS, and COGCC inspector with no response. Once inspector did consult with someone on location, it was with the rig clerk who is not qualified to speak on behalf of any of the issues identified herein. Gunnison Energy is again requesting an onsite meeting with the inspector, BLM inspector, and USFS surface manager to review stormwater BMPs for solutions adequate to inspector. Thus far all stormwater management has been adequate to the BLM inspector as well as USFS surface manager. Our inability to communicate with the COGCC inspector is not allowing Gunnison Energy to resolve alleged issues to the mutual satisfaction of COGCC, BLM, and USFS. See photos: 1090-30 Rule 1002.f Stormwater Management a-h.

COGCC Decision:

COGCC  
Representative:

9 CA# 154702

Corrective Action: This corrective action has not been addressed and remains applicable; Comply with Rule 1002.f and Rule 1002.c.

Date: 05/21/2021

Response: CA COMPLETED

Date of Completion: 08/06/2021

Operator Comment: The storm events accounted for immediately prior to the inspector's arrival were large, extraordinary storm events. Enough rain was encountered to fill the detention pond in 3 days. That being said, all stormwater BMPs were adequate in preventing any discharge off location. The inspector chose to visit site immediately following said storm events, not providing adequate time to maintain BMPs that worked as they were supposed to. USFS, as surface owner, has requested an onsite meeting with inspector and Operator. Gunnison Energy has requested such onsite with the COGCC inspector in FIRR 402723294 submitted 6/18/21 for the Federal 30-4 location (which is one and the same location as the TGU 1090 30 per BLM permitting, despite separate permitting by COGCC per COGCC request) with no response from COGCC inspector. A followup email on 6/24/21 again conveyed the request to meet on location with Operator, USFS, and COGCC inspector with no response. Once inspector did consult with someone on location, it was with the rig clerk who is not qualified to speak on behalf of any of the issues identified herein. Gunnison Energy is again requesting an onsite meeting with the inspector, BLM inspector, and USFS surface manager to review stormwater BMPs for solutions adequate to inspector. Thus far all stormwater management has been adequate to the BLM inspector as well as USFS surface manager. Our inability to communicate with the COGCC inspector is not allowing Gunnison Energy to resolve alleged issues to the mutual satisfaction of COGCC, BLM, and USFS. See photos: 1090-30 Rule 1002.f Stormwater Management

a-h.

COGCC Decision: \_\_\_\_\_

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

**10** CA# 154703

Corrective Action: Comply with Rule 1002.f.(2)B. Clean up impacted soils per Rule 912.a. and remediate to Table 915-1 Cleanup Concentrations; for non-E&P waste comply with Rules 906.a-d Date: 07/28/2021

Response: CA COMPLETED Date of Completion: 07/28/2021

Operator Comment: All storage in compliance with Rule 1002.f.(2)B. All spills, fluids, and solids on location have been cleaned up in accordance with rule 912.a, 915-1 and 906.a-d. See photos: 1090-30 Rule 1002.f Materials Management a-e.

COGCC Decision: \_\_\_\_\_

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

**11** CA# 154704

Corrective Action: Comply with Rule 1002.f.(2)A Date: 07/28/2021

Response: CA COMPLETED Date of Completion: 08/06/2021

Operator Comment: Materials management items have been corrected and stored properly. See photos: 1090-30 Rule 1002.f Materials Management a-e.

COGCC Decision: \_\_\_\_\_

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

**12** CA# 154705

Corrective Action: Comply with Rule 1002.f and install BMPs to protect and stabilize the cut and fill slopes of the Location. Date: 06/18/2021

Response: CA COMPLETED Date of Completion: 08/06/2021

Operator Comment: Stormwater BMPs installed for protections of cut and fill slopes done under the direction of USFS (surface owner). USFS, as surface owner, has requested an onsite meeting with inspector and Operator. Gunnison Energy has requested such onsite with the COGCC inspector in FIRR 402723294 submitted 6/18/21 for the Federal 30-4 location (which is one and the same location as the TGU 1090 30 per BLM permitting, despite separate permitting by COGCC per COGCC request) with no response from COGCC inspector. A followup email on 6/24/21 again conveyed the request to meet on location with Operator, USFS, and COGCC inspector with no response. Once inspector did consult with someone on location, it was with the rig clerk who is not qualified to speak on behalf of any of the issues identified herein. Gunnison Energy is again requesting an onsite meeting with the inspector, BLM inspector, and USFS surface manager to review stormwater BMPs for solutions adequate to inspector. Thus far all stormwater management has been adequate to the BLM inspector as well as USFS surface manager. Our inability to communicate with the COGCC inspector is not allowing Gunnison Energy to resolve alleged issues to the mutual satisfaction of COGCC, BLM, and USFS. See photos: 1090-30 Rule 1002.f Stormwater Management a-h.

COGCC Decision: \_\_\_\_\_

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

**13** CA# 154706

Corrective Action: Comply with Rule 1002.f and install BMPs to protect/stabilize slopes, and to manage runoff and allow for sediment laden-free stormwater discharge. Date: 06/19/2021

Response: CA COMPLETED Date of Completion: 08/06/2021

Operator Comment: All stormwater BMPs have been adequate in preventing any discharge off location. The inspector chose to visit site immediately following said storm events, not providing adequate time to maintain BMPs that worked as they were supposed to. USFS, as surface owner, has requested an onsite meeting with inspector and Operator. Gunnison Energy has requested such onsite with the COGCC inspector in FIRR 402723294 submitted 6/18/21 for the Federal 30-4 location (which is one and the same location as the TGU 1090 30 per BLM permitting, despite separate permitting by COGCC per COGCC request) with no response from COGCC inspector. A followup email on 6/24/21 again conveyed the request to meet on location with Operator, USFS, and COGCC inspector with no response. Once inspector did consult with someone on location, it was with the rig clerk who is not qualified to speak on behalf of any of the issues identified herein. Gunnison Energy is again requesting an onsite meeting with the inspector, BLM inspector, and USFS surface manager to review stormwater BMPs for solutions adequate to inspector. Thus far all stormwater management has been adequate to the BLM inspector as well as USFS surface manager. Our inability to communicate with the COGCC inspector is not allowing Gunnison Energy to resolve alleged issues to the mutual satisfaction of COGCC, BLM, and USFS. See photos: 1090-30 Rule 1002.f Stormwater Management a-h.

COGCC Decision: \_\_\_\_\_

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

#### OPERATOR COMMENT AND SUBMITTAL

Comment: Gunnison Energy, the USFS and BLM are again requesting an onsite visit to discuss solutions to "inadequate" stormwater management. Please contact me immediately to schedule a visit.

I hereby certify that the statements made in this form are, to the best of my knowledge, true, correct, and complete.

Print Name: Tyson Johnston

Signed: \_\_\_\_\_

Title: Vice President

Date: 8/18/2021 12:10:37 PM

### **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>
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402784730	Photo PDF Portfolio
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Total Attach: 1 Files