

State of Colorado  
Oil and Gas Conservation Commission

1120 Lincoln Street, Suite 801, Denver, Colorado 80203  
Phone: (303) 894-2100 Fax: (303) 894-2109



Document Number:  
402827947  
Date Issued:  
09/30/2021  
Date Resolved:

**NOTICE OF ALLEGED VIOLATION - ISSUED**

Per Rule 523, 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 525, 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>10705</u>	Contact Name and Telephone:
Name of Operator: <u>EVERGREEN NATURAL RESOURCES LLC</u>	Name: <u>CHRIS SANCHEZ</u>
Address: <u>1875 LAWRENCE ST STE 1150</u>	Phone: <u>(719) 846-7898</u> Fax: <u>( )</u>
City: <u>DENVER</u> State: <u>CO</u> Zip: <u>80202</u>	Email: <u>chris.sanchez@enrllc.com</u>

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

API Number: 05-071-07766-00 Facility or Location ID: \_\_\_\_\_  
Name: SONOMA Number: 43-4  
QtrQtr: NESE Sec: 4 Twp: 32S Range: 67W Meridian: 6  
County: LAS ANIMAS

**ALLEGED VIOLATION**

Rule: 1002.f  
Rule Description: Stormwater Management  
Initial Discovery Date: 10/08/2020 Was this violation self-reported by the operator? No  
Date of Violation: 10/08/2020 Approximate Time of Violation: \_\_\_\_\_  
Was this a discrete violation of obvious duration? Unknown

Description of Alleged Violation:

Pursuant to Rule 1002.f.(2). Evergreen Natural Resources, LLC ("Operator") shall implement and maintain Best Management Practices ("BMPs") at the SONOMA 43-4 ("Location") to control stormwater runoff in a manner that minimizes erosion, transport of sediment offsite, and site degradation. Operator shall employ BMPs, as necessary to comply with this rule, at all oil and gas locations, including, but not limited to, well pads, soil stock piles, access roads, tank batteries, compressor stations, and pipeline rights of way. 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.

COGCC staff conducted an inspection on October 8, 2020 (document no. 690200735), and observed insufficient BMPs for the control of stormwater runoff from the access road in a manner that minimizes erosion, transport of sediment, and site degradation. Staff observed transported sediment from erosion channels along the road filling stormwater culverts, resulting in stormwater diverting away from proper stormwater channels and causing additional erosion along the access road.

COGCC staff conducted a follow-up inspection on September 16, 2021 (document no. 690202072), and observed insufficient BMPs for the control of stormwater runoff from the access road.

Operator failed to implement and maintain BMPs to control stormwater runoff in a manner that minimizes erosion, transport of sediment offsite, and site degradation, violating Rule 1002.f.

Abatement or Corrective Action Required to be Performed by Operator:

Corrective Action Due Date: 10/03/2021

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

Operator shall implement and maintain required stormwater and erosion control BMPs in accordance with good engineering practices per Rule 1002.f.(2), to manage stormwater runoff and erosion degradation and control sediment discharges from the access roads, well pads, and other unpaved surfaces.

**PENALTY**

Penalties for violations alleged in this NOAV will be calculated pursuant to Rule 525, with daily penalties accruing pursuant to Section 34-60-121(1), C.R.S.

**ANSWER**

Pursuant to Rule 523.c.(2), the operator must file an Answer to this NOAV within 28 days of its receipt, or a default judgment may be entered. Answers are filed by email to [dnr\\_cogccenforcement@state.co.us](mailto:dnr_cogccenforcement@state.co.us).

**NOAV ISSUED**

NOAV Issue Date: 09/30/2021

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

COGCC Representative: Trent Lindley

Title: NOAV Specialist

Email: trent.lindley@state.co.us

Phone Num: (303) 894-2100 x5143

**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? \_\_\_\_\_

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.

<b>Document Number</b>	<b>Description</b>
402828113	NOAV CERTIFIED MAIL RECEIPT
402828115	NOAV ISSUED

Total Attach: 2 Files