

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:  
402840853  
Date Issued:  
10/13/2021  
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: 96850  
Name of Operator: TEP ROCKY MOUNTAIN LLC  
Address: PO BOX 370  
City: PARACHUTE State: CO Zip: 81635

Contact Name and Telephone:

Name: JEFFREY KIRTLAND  
Phone: (970) 263-2736 Fax: ( )  
Email: jkirtland@terraep.com

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

API Number: 05- -00 Facility or Location ID: 436610  
Name: Starkey Cuttings Trench Number: Facility  
QtrQtr: NENE Sec: 32 Twp: 6S Range: 96W Meridian: 6  
County: GARFIELD

### ALLEGED VIOLATION

Rule: 303.b.

Rule Description: Form 2A, Oil and Gas Location Assessment

Initial Discovery Date: 11/04/2020

Was this violation self-reported by the operator? No

Date of Violation: 11/04/2020

Approximate Time of Violation:

Was this a discrete violation of obvious duration? Unknown

Description of Alleged Violation:

Pursuant to Rule 303.b.(1)A., a completed and approved Form 2A, Oil and Gas Location Assessment is required for TEP Rocky Mountain, LLC ("Operator"), for any new Oil and Gas Location - including a Centralized Waste Management Facility.

Operator submitted a Form 2A, Oil and Gas Location Assessment on March 20, 2020 (document no. 401587706).

COGCC staff conducted an environment field inspection on November 4, 2020 (document no. 699700220), for the proposed Starkey Gulch Centralized Waste Management Facility, and observed active construction and construction equipment at the location.

Operator began construction of a new Oil and Gas Location prior to the approval of the Form 2A, violating Rule 303.b.(1)A.

Abatement or Corrective Action Required to be Performed by Operator:

Corrective Action Due Date: 10/13/2021

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

Operator's Form 2A was approved on January 13, 2021.

Rule: 908

Centralized E&P Waste Management Facilities

Rule Description: \_\_\_\_\_

Initial Discovery Date: 11/04/2020 Was this violation self-reported by the operator? No

Date of Violation: 11/04/2020 Approximate Time of Violation: \_\_\_\_\_

Was this a discrete violation of obvious duration? Unknown

Description of Alleged Violation:

Pursuant to Rule 908.b., before TEP Rocky Mount, LLC ("Operator") shall commence construction of a centralized E&P waste management facility, Operator shall file with the Director an application on Form 28 and pay a filing and service fee established by the Commission, and obtain the Director's approval.

Operator submitted a Form 28, Centralized E&P Waste Management Facility Permit on March 31, 2020 (document no. 2573070).

COGCC staff conducted an environment field inspection on November 4, 2020 (document no. 699700220), for the proposed Starkey Gulch Centralized Waste Management Facility, and observed active construction and construction equipment at the location.

As of October 11, 2021, Operator's Form 28 has not been approved and COGCC staff are waiting for Operator to provide documentation before the Form 28 can be approved.

Operator commenced construction of a centralized E&P waste management facility without prior approval from the Director, violating Rule 908.b.

Abatement or Corrective Action Required to be Performed by Operator: \_\_\_\_\_ Corrective Action Due Date: 11/12/2021

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

Operator shall immediately cease construction and provide any outstanding documentation necessary for the approval of the Form 28.

### 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: 10/13/2021

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: 303.b.

Rule Description: Form 2A, Oil and Gas Location Assessment

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

Rule: 908

Rule Description: Centralized E&P Waste Management Facilities

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.

<u>Document Number</u>	<u>Description</u>
402840874	NOAV CERTIFIED MAIL RECEIPT
402840876	NOAV ISSUED

Total Attach: 2 Files