

State of Colorado  
Oil and Gas Conservation Commission

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Document Number:  
403104457  
Date Issued:  
07/13/2022  
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: 10163

Name of Operator: NONSUCH NATURAL GAS INC

Address: P O BOX 110066

City: NAPLES State: FL Zip: 34108

Contact Name and Telephone:

Name: DAVID LEE

Phone: (239) 289-9046 Fax: ( )

Email: dlee@nng.us.com

Additional Operator Contacts

Email

Steve Nagy

snagy@bflaw.com

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

API Number: 05-045-07928-00

Facility or Location ID:

Name: CSOC 697-22

Number: 1

QtrQtr: NENE Sec: 22

Twp: 6S

Range: 97W

Meridian: 6

County: GARFIELD

### ALLEGED VIOLATION

Rule: 1002.f

Rule Description: Stormwater Management

Initial Discovery Date: 08/23/2021

Was this violation self-reported by the operator? No

Date of Violation: 08/23/2021

Approximate Time of Violation:

Was this a discrete violation of obvious duration? Unknown

Description of Alleged Violation:

Pursuant to Rule 1002.f(2), Nonsuch Natural Gas Inc. ("Operator") shall implement and maintain Best Management Practices ("BMPs") at the CSOC 697-22 1 ("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 August 23, 2021 (document no. 696203083), and observed insufficient BMPs for the control of stormwater runoff at the access road in a manner that minimizes erosion, transport of sediment, and site degradation. Staff observed site degradation to the access road due to stormwater runoff, resulting in off-site sediment transport.

COGCC staff conducted follow-up inspections on November 1, 2021 (document no. 696203322) and March 28, 2022 (document no. 696203530), and each time observed corrective actions to comply with Rule 1002.f were not taken by the Operator, resulting in persistent erosion degradation at the access road and transport of sediment offsite.

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: 07/16/2022

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

Comply with Rule 1002.f and implement control measures, per good engineering practices, to control stormwater runoff in a manner that minimizes erosion, transport of sediment offsite and site degradation.

Rule: 1003.e

Rule Description: Interim Reclamation - Restoration and Revegetation

Initial Discovery Date: 08/04/2020

Was this violation self-reported by the operator? No

Date of Violation: 08/04/2020

Approximate Time of Violation:

Was this a discrete violation of obvious duration? Unknown

Description of Alleged Violation:

Pursuant to Rule 1003.e, when a well is completed for production, Nonsuch Natural Gas Inc. ("Operator") shall restore and revegetate all disturbed areas no longer needed as soon as practicable. Interim reclamation of all disturbed areas no longer in use shall be considered complete when all ground surface disturbing activities at the site have been completed, and all disturbed areas have been either built on, compacted, covered, paved, or otherwise stabilized in such a way as to minimize erosion to the extent practicable, or a uniform vegetative cover has been established that reflects pre-disturbance or reference area forbs, shrubs, and grasses with total percent plant cover of at least eighty percent (80%) of pre-disturbance levels or reference areas, excluding noxious weeds. Re-seeding alone is not sufficient.

COGCC staff conducted an inspection on August 4, 2020 (document no. 696201613) of the CSOC 697-22 1 ("Location"), and observed the Location was out of compliance with 1003 Rules, specifically disturbed areas of the Location no longer in use were bare and not revegetated in accordance with Rule 1003.e.(2). Staff required corrective actions for Operator to conduct additional reclamation and establish vegetation of at least eighty percent of pre-disturbance levels or reference areas in compliance with 1003 rules.

COGCC staff conducted follow-up inspections on September 16, 2020 (document no. 696201795), November 2, 2020 (document no. 696201986), June 14, 2021 (document no. 701101602), July 12, 2021 (document no. 696202914), August 23, 2021 (document no. 696203083), November 1, 2021 (document no. 696203322), March 28, 2022 (document no. 696203530), and each time observed corrective actions to comply with 1003 rules had not been taken.

Operator failed to restore and revegetate areas of the Location no longer needed for production, violating Rule 1003.e.

Abatement or Corrective Action Required to be Performed by Operator:

Corrective Action Due Date: 08/12/2022

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

Operator shall comply with Rule 1003 and conduct additional reclamation to establish vegetation with total perennial, non-invasive uniform plant cover of at least eighty (80) percent of pre-disturbance or reference area levels. Ensure erosion controls are implemented to stabilize the seeded soils, and continue to monitor and manage this site until Final Reclamation has passed.

Operator shall submit an interim reclamation plan, to be approved by COGCC staff for the establishment of vegetation for disturbed areas no longer in use. The plan will include Operator's approach to monitoring the growth and establishment of vegetation after re-seeding and reporting to staff on a bi-annual basis the monitoring data until interim reclamation is complete.

Upon completion of work, Operator shall submit documentation of work performed attached to a Field Inspection Report Resolution Form. Documentation shall include, at the least, invoices, the seed mixture provided by surface owner, and date-stamped photographs of the reclamation in sufficiently high resolution so that details are readily discerned.

Rule: 902.

Rule Description: Pollution

Initial Discovery Date: 11/01/2021

Was this violation self-reported by the operator? No

Date of Violation: 11/01/2021

Approximate Time of Violation:

Was this a discrete violation of obvious duration? Unknown

Description of Alleged Violation:

Pursuant to Rule 902.b. Nonsuch Natural Gas Inc. ("Operator") will prevent adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations and will protect and minimize adverse impacts to public health, safety,

welfare, the environment, and wildlife resources.

COGCC staff conducted an inspection on November 1, 2021 (document no. 696203322) of the CSOC 697-22 1 ("Location"), and observed wildlife protection devices were missing from the secondary containment of two (2) methanol tanks on-site. Staff issued corrective actions requiring Operator to install or repair wildlife protection equipment.

COGCC staff conducted a follow-up inspection on March 28, 2022 (document no. 696203530), and observed corrective actions to comply with Rule 902.b were not taken by Operator; wildlife protection devices remained missing from the secondary containment of two (2) methanol tanks on-site.

Operator failed to protect and minimize adverse impacts to the environment and wildlife resources, violating Rule 902.b.

Abatement or Corrective Action Required to be Performed by Operator:

Corrective Action Due Date: 07/16/2022

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

Comply with Rule 902.b. and install or repair wildlife protection equipment.

## 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: 07/13/2022

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

COGCC Representative: Trent Lindley

Title: NOAV Specialist

Email: [trent.lindley@state.co.us](mailto: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

Rule: 1003.e

Rule Description: Interim Reclamation - Restoration and Revegetation

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: 902. \_\_\_\_\_

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

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>
403104482	NOAV CERTIFIED MAIL RECEIPT
403104484	NOAV ISSUED

Total Attach: 2 Files