

State of Colorado  
Oil and Gas Conservation Commission

1120 Lincoln Street, Suite 801, Denver, Colorado 80203  
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Document Number:  
403112053  
Date Issued:  
07/21/2022  
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: <u>46290</u>	Contact Name and Telephone:
Name of Operator: <u>KP KAUFFMAN COMPANY INC</u>	Name: <u>ROSS WATZMAN</u>
Address: <u>1700 LINCOLN ST STE 4550</u>	Phone: <u>(303) 825-4822</u> Fax: <u>( )</u>
City: <u>DENVER</u> State: <u>CO</u> Zip: <u>80203</u>	Email: <u>rwatzman@kpk.com</u>

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

API Number: 05-123-07775-00 Facility or Location ID: \_\_\_\_\_  
Name: HLADKY-O'GORMAN Number: 3  
QtrQtr: NWSW Sec: 21 Twp: 2N Range: 66W Meridian: 6  
County: WELD

**ALLEGED VIOLATION**

Rule: 1002.f  
Rule Description: Stormwater Management  
Initial Discovery Date: 10/27/2021 Was this violation self-reported by the operator? No  
Date of Violation: 10/27/2021 Approximate Time of Violation: \_\_\_\_\_  
Was this a discrete violation of obvious duration? Unknown

**Description of Alleged Violation:**

Pursuant to Rule 1002.f.(2).F., KP Kauffman Company Inc ("Operator") shall implement and maintain Best Management Practices (BMPs) at all oil and gas locations to control stormwater runoff in a manner that minimizes erosion, transport of sediment offsite, and site degradation. BMPs shall be maintained until the facility is abandoned and final reclamation is achieved pursuant to Rule 1004. Operators shall employ BMPs, as necessary to comply with this rule, at all oil and gas locations, including, but not limited to, well pads, soil stockpiles, 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, operators shall implement BMPs in accordance with good engineering practices, including measures such as:

F. Vehicle tracking control practices to control potential sediment discharges from operational roads, well pads, and other unpaved surfaces, including road and pad design and maintenance to minimize rutting and tracking, controlling site access, street sweeping or scraping, tracking pads, wash racks, education, or other sediment controls.

COGCC staff received a complaint on October 24, 2021 (document no. 402852771), regarding Operator's Hladky O'Gorman #3 well. COGCC staff conducted a field inspection on October 27, 2021 (document no. 693505679), and observed the cattle guard used for vehicle tracking control was not adequately maintained to control sediment discharge offsite.

COGCC staff conducted a follow-up field inspection on March 22, 2022 (document no. 693506857), and observed Operator failed to adequately maintain the cattle guard to control sediment discharge offsite, violating Rule 1002.f.(2)F.

Abatement or Corrective Action Required to be Performed by Operator: \_\_\_\_\_ Corrective Action Due Date: 07/21/2022

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

Operator shall implement and maintain vehicle tracking BMPs  
Operator shall provide stormwater procedures and maintenance documentation.

Rule: 606

Rule Description: Equipment, Weeds, Waste, and Trash Requirements

Initial Discovery Date: 10/27/2021 Was this violation self-reported by the operator? No

Date of Violation: 10/27/2021 Approximate Time of Violation: \_\_\_\_\_

Was this a discrete violation of obvious duration? Unknown

Description of Alleged Violation:

Pursuant to Rule 606.a., KP Kauffman Company Inc ("Operator") will properly dispose of all trash, rubbish, and other waste materials as nonhazardous/non-E&P solid waste, pursuant to Rule 906.c.

COGCC staff received a complaint on October 24, 2021 (document no. 402852771), regarding Operator's Hladky O'Gorman #3 well. COGCC staff conducted a field inspection on October 27, 2021 (document no. 693505679), and observed trash at the well's location.

COGCC staff conducted a follow-up field inspection on March 22, 2022 (document no. 693506857), and observed Operator failed to remove the trash, violating Rule 606.d.

Abatement or Corrective Action Required to be Performed by Operator: \_\_\_\_\_ Corrective Action Due Date: 07/21/2022

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

Operator shall remove trash from Location.

Rule: 606

Rule Description: Equipment, Weeds, Waste, and Trash Requirements

Initial Discovery Date: 10/27/2021 Was this violation self-reported by the operator? No

Date of Violation: 10/27/2021 Approximate Time of Violation: \_\_\_\_\_

Was this a discrete violation of obvious duration? Unknown

Description of Alleged Violation:

Pursuant to Rule 606.a., the storage, placement, or maintenance of equipment, vehicles, trailers, commercial products, Chemicals, drums, totes, Containers, materials, and all other supplies not necessary for use on an Oil and Gas Locations by KP Kauffman Company, Inc. ("Operator") is prohibited.

COGCC staff received a complaint on October 24, 2021 (document no. 402852771), regarding Operator's Hladky O'Gorman #3 well. COGCC staff conducted a field inspection on October 27, 2021 (document no. 693505679), and observed unused equipment.

COGCC staff conducted a follow-up field inspection on March 22, 2022 (document no. 693506857), and observed Operator failed to remove the equipment, violating Rule 606.a.

Abatement or Corrective Action Required to be Performed by Operator: \_\_\_\_\_ Corrective Action Due Date: 07/21/2022

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

Operator shall remove unused equipment from the Hladky O'Gorman #3 well location.

Rule: 913.

Rule Description: Site Investigation, Remediation, and Closure

Initial Discovery Date: 09/15/2021 Was this violation self-reported by the operator? No

Date of Violation: 09/15/2021 Approximate Time of Violation: \_\_\_\_\_

Was this a discrete violation of obvious duration? Unknown

Description of Alleged Violation:

Pursuant to Rule 913.b.(5).B.iv., during remediation KP Kauffman Company Inc ("Operator") will properly store, handle, and manage all E&P Waste to prevent contamination of stormwater, surface water, Groundwater, and soil.

COGCC staff conducted a remediation inspection of Operator's Hladky O'Gorman #3 well on September 15, 2021 (document no. 697601571), and observed E&P Waste staged on a liner, excavated from a recent spil (spill ID no. 480738), with no erosion or stormwater controls to prevent migration away from the E&P Waste stockpile.

COGCC staff received a complaint for the Hladky O'Gorman #3 well on October 24, 2021 (document no. 402852771), and conducted a field inspection on October 27, 2021 (document no. 693505679), and observed E&P Waste migrating from the stockpile, off the liner and no erosion or stormwater controls present.

COGCC staff conducted a follow-up field inspection on March 22, 2022 (document no. 693506857), and observed the E&P Waste continued to migrate from the stockpile, off the liner and no erosion or stormwater controls present.

Operator failed to properly store, handle, and manage E&P waste from remediation excavation, violating Rule 913.b.(5).B.iv.

Abatement or Corrective Action Required to be Performed by Operator: \_\_\_\_\_ Corrective Action Due Date: 07/21/2022

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

Operator shall properly store, handle, and manage all E&P waste to prevent contamination of stormwater, surfacewater, Groundwater, and soil.

### 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: 07/21/2022

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

Rule: 606

Rule Description: Equipment, Weeds, Waste, and Trash Requirements

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: 606

Rule Description: Equipment, Weeds, Waste, and Trash Requirements

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: 913.

Rule Description: Site Investigation, Remediation, and Closure

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>
403112089	NOAV CERTIFIED MAIL RECEIPT
403112090	NOAV ISSUED

Total Attach: 2 Files