

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:

403118424

Date Issued:

07/27/2022

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: 10626

Name of Operator: DOVER ATWOOD CORPORATION

Address: 1875 HARSH AVENUE SE

City: MASSILLON State: OH Zip: 44646

Contact Name and Telephone:

Name: JOHN LEVENGOOD

Phone: (330) 809-0630 Fax: ( )

Email: jlevengood07@gmail.com

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

API Number: 05- -00

Facility or Location ID: 438617

Name: S. Bear Creek Compressor & Treater

Number:

QtrQtr: SWSE Sec: 15

Twp: 31S

Range: 43W

Meridian: 6

County: BACA

### ALLEGED VIOLATION

Rule: 210.

Rule Description: Corrective Action

Initial Discovery Date: 01/31/2022

Was this violation self-reported by the operator? No

Date of Violation: 01/31/2022

Approximate Time of Violation:

Was this a discrete violation of obvious duration? Unknown

Description of Alleged Violation:

Pursuant to Rule 210, the Director or Commission will require correction of any condition necessary to protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources. The Director or Commission may exercise its discretion to set forth the manner in which the condition is to be remedied.

COGCC staff conducted an inspection on January 31, 2022 (document no. 690202540) of Dover Atwood Corporation's ("Operator") S. Bear Creek Compressor & Treater ("Facility") and observed an open-top tank filled to near capacity with unknown produced fluids, stained soils around the base of the tank, and missing secondary containment. Staff required the Operator to reduce the amount of fluids contained within the tank, and to repair or install berms or other secondary containment devices by March 2, 2022.

COGCC Staff conducted a follow-up inspection on May 6, 2022 (document no. 690202875), and observed the stained soils remained at the base of the tanks, berms or other secondary containment devices remained missing, and the tank remained near-capacity with unknown fluids.

Operator failed to implement corrective actions necessary to protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources and repair or install berms or other secondary containment devices at the tank battery facility, and reduce the level of unknown produced fluids in the tank to prevent similar spills or releases, violating Rule 210.

Abatement or Corrective Action Required to be Performed by Operator:

Corrective Action Due Date: 07/27/2022

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

Operator shall repair or install berms or other secondary containment devices at the tank battery facility and reduce the level of unknown produced fluids in the tank.

Rule: 605.h.

Rule Description: Tank and Container Labels

Initial Discovery Date: 01/31/2022

Was this violation self-reported by the operator? No

Date of Violation: 01/31/2022

Approximate Time of Violation:

Was this a discrete violation of obvious duration? Unknown

Description of Alleged Violation:

Pursuant to Rule 605.h., Dover Atwood Corporation ("Operator") shall label or post all tanks with a capacity of 10 Barrels or greater with the following information:

- A. Name of Operator;
- B. Operator's emergency contact telephone number;
- C. Tank capacity;
- D. Tank contents; and
- E. NFPA label or equivalent globally harmonized label.

COGCC staff conducted an inspection on January 31, 2022 (document no. 690202540) and a follow-up inspection on May 6, 2022 (document no. 690202875), of the S. Bear Creek Compressor & Treater ("Facility") and observed that required labeling information was missing or illegible from two (2) open top tanks located at the Facility.

Operator failed to label or post required information for tanks with a capacity of 10 Barrels or greater, violating Rule Rule 605.h.

Abatement or Corrective Action Required to be Performed by Operator:

Corrective Action Due Date: 08/10/2022

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

Operator shall comply with the requirements of Rule 605.h. and label or post all tanks with a capacity of 10 Barrels or greater with:

- A. Name of Operator;
- B. Operator's emergency contact telephone number;
- C. Tank capacity;
- D. Tank contents; and
- E. NFPA label or equivalent globally harmonized label.

Rule: 608.

Rule Description: Oil and Gas Facilities

Initial Discovery Date: 01/31/2022

Was this violation self-reported by the operator? No

Date of Violation: 01/31/2022

Approximate Time of Violation:

Was this a discrete violation of obvious duration? Unknown

Description of Alleged Violation:

Pursuant to Rule 606.a. and d.(3), Dover Atwood Corporation ("Operator") shall keep the S. Bear Creek Compressor & Treater ("Facility") free from 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 Location; and d.(3) Operator shall properly contain all trash, rubbish, and other waste material until removed from the Oil and Gas Location. At no time will trash, debris, or rubbish be placed or remain on the ground.

COGCC staff conducted an inspection on January 31, 2022 (document no. 690202540) and a follow-up inspection on May 6, 2022 (document no. 690202875), of the Facility and observed various unused supplies, pipes, fittings, containers, trash, and an unused compressor stored on location.

Operator failed to keep the Facility free of unused equipment, supplies, trash, rubbish, and materials not necessary for use on the Oil and Gas Location, violating Rule 606.a. and Rule 606.d.(3).

Abatement or Corrective Action Required to be Performed by Operator:

Corrective Action Due Date: 08/10/2022

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

Operator shall remove all unused equipment, supplies, trash, rubbish, and materials not necessary for use on the Oil and Gas Location.

Rule: 608.a.

Rule Description: Production Liquid Storage Tanks

Initial Discovery Date: 01/31/2022

Was this violation self-reported by the operator? No

Date of Violation: 01/31/2022

Approximate Time of Violation:

Was this a discrete violation of obvious duration? Unknown

Description of Alleged Violation:

Pursuant to Rule 608.a.(13), Dover Atwood Corporation ("Operator") shall equip all open-topped Tanks with screens or other appropriate equipment to prevent entry by wildlife, including birds and bats.

COGCC staff conducted an inspection on January 31, 2022 (document no. 690202540) and a follow-up inspection on May 6, 2022 (document no. 690202875), of the S. Bear Creek Compressor & Treater ("Facility") and observed the netting on the two open-top tanks were inadequate to prevent wildlife entry. Specifically, staff observed holes in the netting or the netting had fallen to the bottom of the open-top tank.

Operator did not protect and minimize adverse impacts to wildlife resources, failing to install or repair wildlife protection equipment for the open top tanks, violating Rule 608.a.(13).

Abatement or Corrective Action Required to be Performed by Operator:

Corrective Action Due Date: 07/27/2022

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

Operator shall protect and minimize adverse impacts to wildlife resources and install and repair the netting required for the open top tanks.

Rule: 912.a.

Rule Description: Spills and Releases - General

Initial Discovery Date: 01/31/2022

Was this violation self-reported by the operator? No

Date of Violation: 01/31/2022

Approximate Time of Violation:

Was this a discrete violation of obvious duration? Unknown

Description of Alleged Violation:

Pursuant to Rule 912.a.(1), Dover Atwood Corporation ("Operator") shall Immediately upon discovering any Spills or Releases of E&P Waste, produced Fluids, or unauthorized Releases of natural gas that meet the criteria of Rules 912.b.(1).H, I, or J, regardless of size or volume, Operators will control and contain the Spill or Release to protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources; and (2) Operator will investigate, clean up, and document impacts resulting from Spills and Releases as soon as the impacts are discovered.

COGCC staff conducted an inspection on January 31, 2022 (document no. 690202540) of the S. Bear Creek Compressor & Treater ("Facility") and observed stained soils at the base of the two tanks. Staff required the Operator to remove the stained soils from around the tanks.

COGCC Staff conducted a follow-up inspection on May 6, 2022 (document no. 690202875), and observed the stained soil impacts remained at the base of the tanks.

Operator failed to control and contain the Spill or Release and investigate, clean up, and document impacts resulting from Spills and Releases as soon as the impacts were discovered, violating Rule 912.a.(1) and (2).

Abatement or Corrective Action Required to be Performed by Operator:

Corrective Action Due Date: 07/27/2022

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

Operator shall investigate and clean up the stained soils on location and document impacts resulting from the Spill/Release.

## 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: 07/27/2022

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: 210.

Rule Description: Corrective Action

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: 605.h.

Rule Description: Tank and Container Labels

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: 608.

Rule Description: Oil and Gas 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

Rule: 608.a.

Rule Description: Production Liquid Storage Tanks

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: 912.a.

Rule Description: Spills and Releases - General

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>
403118474	NOAV CERTIFIED MAIL RECEIPT
403118476	NOAV ISSUED
403118478	NOAV IN PROCESS

Total Attach: 3 Files