

State of Colorado  
Oil and Gas Conservation Commission

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



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Date Issued:

04/26/2023

## 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: 10150

Name of Operator: BLACK HILLS PLATEAU PRODUCTION LLC

Address: 1515 WYNKOOP ST STE 500

City: DENVER State: CO Zip: 80202

Contact Name and Telephone:

Name: RANDY HARRIS

Phone: (605) 721-4217 Fax: ( )

Email: randy.harris@blackhillscorp.com

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

API Number: 05-077-08156-00

Facility or Location ID:

Name: BLAIR

Number: 1

QtrQtr: SWNE

Sec: 1

Twp: 10S

Range: 97W

Meridian: 6

County: MESA

### ALLEGED VIOLATION

Rule: 1002.f

Rule Description: Stormwater Management

Initial Discovery Date: 10/11/2022

Was this violation self-reported by the operator? No

Date of Violation: 10/11/2022

Approximate Time of Violation:

Was this a discrete violation of obvious duration? Unknown

Description of Alleged Violation:

Pursuant to Rule 1002.f.(2), Black Hills Plateau Production, LLC ("Operator") shall implement and maintain Best Management Practices ("BMPs") 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. 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 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, Operator shall implement BMPs in accordance with good engineering practices including measures such as: C. Erosion controls designed to minimize erosion from unpaved areas, including operational well pads, road surfaces and associated culverts, stream crossings, and cut/fill slopes.

COGCC staff conducted an inspection on October 11, 2022 (document no. 696204247), of Operator's Blair #1 well ("Location") and observed erosion of the cut and fill slopes and gully erosion along the access road, resulting in degradation and sediment transport. Staff directed Operator to install required stormwater and erosion control BMPs at the Location and access road by October 27, 2022.

COGCC staff conducted a follow-up inspection on April 17, 2023 (document no. 696204845) and observed corrective actions to install stormwater and erosion control BMPs at the Location and access road were not taken, and erosion, sediment transport, and site degradation persisted.

Operator failed to implement and maintain BMPs to control stormwater runoff in a manner that minimizes erosion, transport of sediment, and site degradation, violating Rule 1002.f.(2).

Abatement or Corrective Action Required to be Performed by Operator:

Corrective Action Due Date: 05/01/2023

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

Operator shall comply with Rule 1002.f. and implement stormwater and erosion control BMPs, to control stormwater runoff in a manner that minimizes erosion, transport of sediment offsite, and site degradation at the Location and access road. Operator shall maintain BMPs in proper functioning condition per good engineering practices until the Location receives a passing final reclamation inspection.

Rule: 1004.a

Rule Description: Final Reclamation - Well Sites Reclamation

Initial Discovery Date: 05/10/2022

Was this violation self-reported by the operator? No

Date of Violation: 07/27/2008

Approximate Time of Violation:

Was this a discrete violation of obvious duration? Unknown

Description of Alleged Violation:

Pursuant to Rule 1004.a, Black Hills Plateau Production, LLC ("Operator") shall, upon the plugging and abandonment of a well, all pits, mouse and rat holes and cellars shall be backfilled. All debris, abandoned gathering line risers and flowline risers, and surface equipment shall be removed within three (3) months. All access roads to plugged and abandoned wells and associated production facilities shall be closed, graded and recontoured. Culverts and any other obstructions that were part of the access road(s) shall be removed. Well locations, access roads and associated facilities shall be reclaimed. As applicable, compaction alleviation, restoration, and revegetation of well sites, associated production facilities, and access roads shall be performed to the same standards as established for interim reclamation under Rule 1003. All other equipment, supplies, weeds, rubbish, and other waste material shall be removed. All such reclamation work shall be completed within twelve (12) months on non-crop land after plugging a well or final closure of associated production facilities.

On July 27, 2007, the Blair #1 well ("Location") was plugged and abandoned.

COGCC staff conducted an inspection on May 10, 2022 (document no. 6936203693), of the Location, and observed that reclamation of the Location was not complete. Specifically, staff observed the Location and access road were not decompacted, recontoured, regraded, and reclaimed. Staff directed Operator to remove gravel, decompact, recontour, and regrade the access road by July 31, 2022 and complete revegetation activities by November 15, 2022.

COGCC staff conducted follow-up inspections on October 11, 2022 (document no. 696204247), and April 17, 2023 (document no. 696204845), and each time observed the Location and access road were not decompacted, recontoured, regraded, and reclaimed.

Operator failed to complete final reclamation activities on the Location and access road within twelve (12) months after plugging the well, violating Rule 1004.a.

Abatement or Corrective Action Required to be Performed by Operator:

Corrective Action Due Date: 05/26/2023

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

Operator shall conduct final reclamation activities in accordance with Rule 1004.a. on the Location and access road.

## 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: 04/26/2023

COGCC Representative Signature: 

COGCC Representative: Trent Lindley

Title: NOAV Specialist

Email: trent.lindley@state.co.us

Phone Num: (303) 894-2100x5143

## 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>
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403384710	NOAV CERTIFIED MAIL RECEIPT
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Total Attach: 1 Files