



Allison - DNR, Rick &lt;rick.allison@state.co.us&gt;

## Prospect Energy spill follow-up

Allison - DNR, Rick &lt;rick.allison@state.co.us&gt;

Thu, Nov 9, 2023 at 2:19 PM

To: Kathyne Marko &lt;kmarko@fcgov.com&gt;, apineda@eatonditch.com

Cc: ward giltner <prospectenergy@icloud.com>, Kim Nelson <knelson@eatonditch.com>, Autumn Penfold <apenfold@eatonditch.com>, Susan Strong <SSTRONG@fcgov.com>, Andrew Crecca <acrecca@fcgov.com>, Amy Dolinger <adolinger@fcgov.com>, Kirk Longstein <klongstein@fcgov.com>, Cassie Archuleta <carchuleta@fcgov.com>, "Sydney McLeod (mcleodsg@co.larimer.co.us)" <mcleodsg@co.larimer.co.us>, "schneils@co.larimer.co.us" <schneils@co.larimer.co.us>, "laffermn@co.larimer.co.us" <laffermn@co.larimer.co.us>, "tom.peterson@state.co.us" <tom.peterson@state.co.us>, spill <spill@fcgov.com>, "kate.fury@state.co.us" <kate.fury@state.co.us>, "Ryan Donovan - Lawrence Jones Custer Grasmick LLP (ryan@lcwaterlaw.com)" <ryan@lcwaterlaw.com>, "dave@erccolorado.net" <dave@erccolorado.net>, Kyle Waggoner - DNR <kyle.waggoner@state.co.us>, "Deranleau, Greg" <Greg.Deranleau@state.co.us>

Kathyne - thank you for responding.

Andrew and others - yesterday afternoon and today ECMC was given preliminary laboratory results for samples collected by the Operator on October 31, 2023 during the initial response/prior to water recovery and on November 3, 2023. Initial results provide evidence that produced water entered the ditch, but appears to have been a low enough volume that it was diluted by mixing with groundwater that discharges into the ditch and other freshwater in the ditch such that none of the samples collected from the impacted reach of ditch or downstream from the dam appear to contain constituents analyzed over any health based standards.

There are a few parameters that exceed either the drinking water/domestic supply standards, which are aesthetic based, or the agricultural standard:

- Iron and manganese exceed the WQCC Regulation 31 (statewide surface water) and WQCC Regulation 41 (statewide groundwater) for drinking water. It is difficult to ascertain the relationship of the exceedances to the spill at this time without more data in hand. That said, it would not appear these parameters present an immediate threat to public health or the environment.
- Boron slightly exceeded the Regulation 31 and 41 agricultural standard of 0.75 mg/l immediately below the dam (0.777 mg/l), and midstream between the outfall and dam (0.806 mg/l) in the October 31 samples, but is in compliance in the November 3 samples - that is below 0.75 mg/l.

I have attached a summary table provided by the Operator. We are directing the Operator to submit laboratory reports of all analytical data received to date with their Supplemental Spill Report (Form 19) due tomorrow November 10. The Spill has been assigned ID# 485394 and all documents can be accessed at this [Doc link](#) and the Scout Card for Spill ID [485394](#).

ECMC will now require the Operator to focus its efforts on the source area investigation and remediation, the assessment of any impact to groundwater at the source, and the normally required root cause/spill prevention analysis. Some continued ditch monitoring will be required to ensure there are no lasting impacts to the ditch.

Please let me know if there are any questions.

Rick

**Richard Allison, P.G.**

**Northeast Area EPS and Groundwater Investigation Lead**

My pronouns: he/him/his



**COLORADO**  
**Energy & Carbon Management  
Commission**  
Department of Natural Resources

C 970-461-2970  
1120 Lincoln Street, Suite 801, Denver, CO 80203  
[rick.allison@state.co.us](mailto:rick.allison@state.co.us) | [www.colorado.gov/ecmc](http://www.colorado.gov/ecmc)

On Wed, Nov 8, 2023 at 12:38 PM Kathrynne Marko <[kmarko@fcgov.com](mailto:kmarko@fcgov.com)> wrote:

Andrew,

Please feel free to continue to reach out with any question and we will definitely share whatever information we have. However, the City is not the primary response lead for the remediation of the ditch area. Rick Allison, from the Energy and Carbon Management Commission (ECMC) is directing remediation from the State side. Ward Giltner from Prospect Energy is sending out daily updates. I've added him to this email chain so he can add you to the email distribution and attached all the updates so far.

Ward,

Could you please work with Andrew on his concerns below.

**KATHRYNE MARKO, PE**  
Pronouns: she, her, hers  
Environmental Regulatory Affairs Manager

City of Fort Collins  
303-638-3209 (mobile)

970-416-4357 (office)

[KMarko@fcgov.com](mailto:KMarko@fcgov.com)

---

**From:** Andrew Pineda <[apineda@eatonditch.com](mailto:apineda@eatonditch.com)>

**Sent:** Wednesday, November 8, 2023 9:53 AM

**To:** Kathrynne Marko <[kmarko@fcgov.com](mailto:kmarko@fcgov.com)>

**Cc:** Kim Nelson <[knelson@eatonditch.com](mailto:knelson@eatonditch.com)>; Autumn Penfold <[apenfold@eatonditch.com](mailto:apenfold@eatonditch.com)>; Susan Strong <[SSTRONG@fcgov.com](mailto:SSTRONG@fcgov.com)>; Andrew Crecca <[acrecca@fcgov.com](mailto:acrecca@fcgov.com)>; Amy Dolinger <[adolinger@fcgov.com](mailto:adolinger@fcgov.com)>; Kirk Longstein <[klongstein@fcgov.com](mailto:klongstein@fcgov.com)>; Cassie Archuleta <[carchuleta@fcgov.com](mailto:carchuleta@fcgov.com)>; Sydney McLeod ([mcleodsg@co.larimer.co.us](mailto:mcleodsg@co.larimer.co.us)) <[mcleodsg@co.larimer.co.us](mailto:mcleodsg@co.larimer.co.us)>; [schneils@co.larimer.co.us](mailto:schneils@co.larimer.co.us); [rick.allison@state.co.us](mailto:rick.allison@state.co.us); [laffermn@co.larimer.co.us](mailto:laffermn@co.larimer.co.us); [tom.peterson@state.co.us](mailto:tom.peterson@state.co.us); [spill@fcgov.com](mailto:spill@fcgov.com); [kate.fury@state.co.us](mailto:kate.fury@state.co.us); Ryan Donovan - Lawrence Jones Custer Grasmick LLP ([ryan@lcwaterlaw.com](mailto:ryan@lcwaterlaw.com)) <[ryan@lcwaterlaw.com](mailto:ryan@lcwaterlaw.com)>; [dave@erccolorado.net](mailto:dave@erccolorado.net)

**Subject:** [EXTERNAL] Prospect Energy spill follow-up

Hello Kathrynne,

WRCC and Larimer & Weld Irrigation Company (the Companies) are very concerned about the water quality and soil contamination in the No. 8 Outlet Ditch as a result of the oil spill. As you likely know, containment dams were installed in the ditch to keep the contamination from traveling further south to the Larimer & Weld Canal. It is our understanding that the oil company is pumping contaminated water from the spill site and the Outlet Ditch. We continue to be concerned about the level of contamination of ditch soils, water, pipeline infrastructure and the extent to which the contaminants have migrated.

We have been told that a number of water and soil samples were taken in the Outlet Ditch and on the Country Club Reserve site. Please provide us with any test results, including the locations of the sampling. It is important that samples be taken throughout the contaminated portion of the Outlet Ditch as well as downstream of the containment dams to understand if the spill has migrated further down ditch.

Additionally, please also provide us with any mitigation plans for the site, including how the rain garden pond, which we're told contained most of the spill, will be cleaned up. Further, we will require information related to cleaning or replacement of the pipeline from the rain garden to the detention basin as it is the flow path for the spill and ultimately connects to the Outlet Ditch. There is also a groundwater gradient from the Country Club Reserve area to the Outlet Ditch that is a known condition, and which will provide a flow path for any contaminants that reach the groundwater.

Most importantly, we are currently diverting water from the Poudre River via the Larimer & Weld Canal. The No. 8 Outlet Ditch discharges to the L&W Canal just east of Timberline Road. It is imperative that the spill and any contaminants do not migrate to the L&W Canal.

The Companies have engaged Dave Blauch with Environmental Resource Consultants (ERC) on the matter. Dave Blauch will be the main point of contact going forward with copies to Kimberly Nelson ([knelson@eatonditch.com](mailto:knelson@eatonditch.com)), Autumn Penfold ([apenfold@eatonditch.com](mailto:apenfold@eatonditch.com)) and myself. Mr. Blauch's contact information is as follows:

David Blauch, V.P., Senior Ecologist  
Ecological Resource Consultants, LLC.  
303-679-4820 x102 (office)  
[dave@erccolorado.net](mailto:dave@erccolorado.net)

Feel free to contact us with any further questions or concerns.

Andy

Larimer & Weld Irrigation Companies

**Andrew M. Pineda, P.E.** | Agricultural Engineer

106 Elm Ave. | Eaton, CO 80615

Office: (970) 454-3377

Cell: (970) 218-4538

---

 **DRAFTOperatorSummaryTableRRAedits.pdf**  
107K