

STATE OF  
COLORADO

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

## Prospect Energy spill follow-up

**Allison - DNR, Rick** <rick.allison@state.co.us>

Mon, Nov 13, 2023 at 3:34 PM

To: Dave@erccolorado.net

Cc: Kyle Waggoner - DNR &lt;kyle.waggoner@state.co.us&gt;, "Deranleau, Greg" &lt;Greg.Deranleau@state.co.us&gt;

Hello, Dave.

Please see responses to your questions below. Let us know if you have further questions or concerns.

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 Mon, Nov 13, 2023 at 12:01 PM Dave Blauch <[Dave@erccolorado.net](mailto:Dave@erccolorado.net)> wrote:

Good day Rick, I am following up on my phone message from Friday.

I am assisting Larimer and Weld Irrigation Companies (LWIC), owners of the No8 Ditch that has been subject to the Prospect Spill.

We have reviewed the preliminary water and soil data as well as coordinating with Prospect.

From your previous email (below) we would like to get some clarification from ECMC on the matter and process.

1. It is our understanding that Prospect has ceased pumping water from the No8 based on ECMC approval.

- We understand that ECMC has no further concerns that the spill could be contaminating the No8 Ditch? It is ECMC understanding that the Spill from the flowline (injection line) was stopped on the day of discovery, October 31, 2023. Based on initial results it appears water in the ditch at the initial impact on October 31, 2023 largely complied with ECMC and WQCC standards with the exceptions noted below. That said, a threat to the ditch may persist due to ongoing groundwater discharge until the full extent of the Spill is assessed and remediation measures are in place, including at the source area.
- Is the email below the only correspondence between ECMC and Prospect on clearance? There is additional correspondence in the Spill file discussed below that largely states the same as the email below. To be clear ECMC did not require or order Prospect to pump water from the ditch. ECMC Rules require the Operator to control and contain Spills upon discovery. The methodology for that control is largely up to the Operator, and Prospect began water

pumping from the No8 Ditch on their own. ECMC will consider a Spill resolved when the Operator demonstrates all soil and groundwater complies with ECMC Rule 915 (Concentrations and Sampling for Soil and Groundwater) - or when the Operator has moved to a long term approved Site Investigation and Remediation Plan. As such, ECMC is not granting approval to continue or discontinue pumping water from the ditch. However, initial and early followup sampling appears to justify Prospect's desire to stop pumping water from the ditch, and ECMC has not seen evidence to require further pumping of water from the ditch. However, additional monitoring of the ditch is warranted.

2. The sampling test results confirmed there is no soil contamination in the drainage west of Turnberry and downstream of the dam in the No8 Ditch. There are no confirmation soil samples in the No8 Ditch east of Turnberry to the dam.
  - Is ECMC confident no residual contamination exists in this section of No8 Ditch? ECMC's interpretation of water quality is based on the data provided to us (and all parties) to date. Based on the results of the water samples collected the day of the release when impacts would be most severe it does not appear there are/will be impacts to soil that warrant any remediation or soil sampling in the No8 Ditch. ECMC will require additional water sampling of the ditch to ensure concentrations remain below ECMC or WQCC standards.
3. The source contamination still remains upgradient of No8 Ditch. LWIC has concern that prior to remediation, potential stormflows could move contamination downstream into No8 ditch.
  - Is ECMC requiring Prospect to temporarily contain the source? ECMC Rule 912.a. requires Operators to control and contain all Spills or Releases upon discovery. The specifics of how that is accomplished are often largely up to the Operator and site-specific conditions. If ECMC discovers an Operators actions are insufficient to mitigate ongoing impacts, ECMC may require additional action by the Operator. At this site, ECMC has required Prospect to submit a Site Investigation and Remediation Workplan for investigation of the extent of impacts to the source area. It is in everyone's best interest for Prospect to begin investigating the source area as soon as possible so that the extent of soil and groundwater impacts around the rain garden can be evaluated and remediation implemented.

Thank you for your assistance and any clarifications.

**David Blauch, V.P., Senior Ecologist**



Ecological Resource Consultants, LLC.

2820 Wilderness Place, Suite A, Boulder, CO 80301

303-679-4820 x102 (office)

720-273-7743 (cell)

[www.erccolorado.net](http://www.erccolorado.net)

---

**From:** Allison - DNR, Rick <[rick.allison@state.co.us](mailto:rick.allison@state.co.us)>

**Sent:** Thursday, November 9, 2023 2:19 PM

**To:** Kathryn Marko <[kmarko@fcgov.com](mailto:kmarko@fcgov.com)>; [apineda@eatonditch.com](mailto:apineda@eatonditch.com)

**Cc:** ward giltner <[prospectenergy@icloud.com](mailto:prospectenergy@icloud.com)>; 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>; Sydney McLeod (mcleodsg@co.larimer.co.us) <mcleodsg@co.larimer.co.us>; schneils@co.larimer.co.us; laffermn@co.larimer.co.us; tom.peterson@state.co.us; spill <spill@fcgov.com>; kate.fury@state.co.us; Ryan Donovan - Lawrence Jones Custer Grasmick LLP (ryan@lcwaterlaw.com) <ryan@lcwaterlaw.com>; Dave Blauch <Dave@erccolorado.net>; Kyle Waggoner - DNR <kyle.waggoner@state.co.us>; Deranleau, Greg <Greg.Deranleau@state.co.us>  
**Subject:** Re: Prospect Energy spill follow-up

[EXTERNAL]

Kathryne - 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:** Kathryn 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)>; <[laffermin@co.larimer.co.us](mailto:laffermin@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 Kathryn,

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