

State of Colorado
Energy & Carbon Management Commission



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

Document Number:
403587302

Date Received:
11/13/2023

FIR RESOLUTION FORM

Overall Status: CAC

CA Summary:

4 of 4 CAs from the FIR responded to on this Form

4 CA Completed
0 Factual Review Request

OPERATOR INFORMATION

OGCC Operator Number: 52530
Name of Operator: MAGPIE OPERATING INC
Address: 2707 SOUTH COUNTY RD 11
City: LOVELAND State: CO Zip: 80537

Contact Name and Telephone:
Name: _____
Phone: () _____ Fax: () _____
Email: _____

Additional Operator Contact:

Contact Name	Phone	Email
<u>Warner, Ryan</u>	<u>720-233-0875</u>	<u>magpieoil@yahoo.com</u>
<u>Heibel, Krystal</u>		<u>krystal.heibel@state.co.us</u>
<u>Waggoner, Kyle</u>		<u>kyle.waggoner@state.co.us</u>
<u>WARNER, JAMES</u>	<u>970-669-6308</u>	<u>jwarner105@gmail.com</u>
		<u>dnr_cogccenforcement@state.co.us</u>
<u>Hansen, Logan</u>		<u>logan.hansen@state.co.us</u>

COGCC INSPECTION SUMMARY:

FIR Document Number: 708200559
Inspection Date: 09/18/2023 FIR Submit Date: 09/20/2023 FIR Status: _____

Inspected Operator Information:

Company Name: MAGPIE OPERATING INC Company Number: 52530
Address: 2707 SOUTH COUNTY RD 11
City: LOVELAND State: CO Zip: 80537

LOCATION - Location ID: 312143

Location Name: WARNECKE-68N53W Number: 30SESE County: _____
Qtrqtr: SESE Sec: 30 Twp: 8N Range: 53W Meridian: 6
Latitude: 40.625638 Longitude: -103.337188

FACILITY - API Number: 05-075-00 Facility ID: 312143

Facility Name: WARNECKE-68N53W Number: 30SESE
Qtrqtr: SESE Sec: 30 Twp: 8N Range: 53W Meridian: 6
Latitude: 40.625638 Longitude: -103.337188

CORRECTIVE ACTIONS:

1 CA# 181650

Corrective Action: Comply with Rule 606 and remove all debris/trash. Location will remain out of compliance until the corrective action has been resolved.

Date: 09/18/2023

Response: CA COMPLETED

Date of Completion: 09/18/2023

Operator Comment: Trash and debris around former wellhead has been removed.

COGCC Decision: Approved pending re-inspection

COGCC Representative: Approved pending re-inspection of this FIR resolution acknowledges the document was received. It is not an acknowledgement that the corrective action has been passed. Operator has provided no documentation attached to this resolution to show work has been conducted per corrective action(s). A field inspection will be conducted at a future date to evaluate compliance with ECMC rules.

2 CA# 181651

Corrective Action: Properly dispose of oily waste in accordance with 905.e. Corrective action date is being backdated to when the location was originally observed to be out of compliance. Date: 08/03/2023

Response: CA COMPLETED Date of Completion: 08/03/2023

Operator Comment: Stained soil has been field tested 10/4/2023, and did not indicate that stains are hydrocarbons. Per landowner compliant filed on 10/18/2022, he had supplied manure for the Operator to use for the amendment of the pit area.

COGCC Decision: Not Approved

COGCC Representative: ECMC Decision "Not Approved". Operator response of "Corrective Action Complete" is a notification to the State that the corrective action has been addressed in its entirety. Based on operator comments corrective action does not appear to have been completed. Operator has provided no documentation attached to this resolution to show work has been conducted per corrective action(s); e.g. no photo documentation of stained soil removal, or PID/analytical results or data to support that stained soil has been field tested. Original corrective action and date remains applicable. Note to Operator: Refer to Inspection Photos log (doc #708200561); Photo 5 for specific documentation of stained soil. ECMC staff is not referencing the manure pile when referring to the corrective action for stained soil observed on the western part of the location.

3 CA# 181652

Corrective Action: Operator shall provide documentation of approval from Washington County Landfill and associated waste manifests (w/ total cubic yard count of impacted material) via Form 27 Supplemental, route to area EPS. Date: 09/28/2023

In accordance with Rule 913.e.(3), Operator shall continue quarterly reporting until the site investigation is complete and the implementation schedule can be updated. The most recent Form 27 Supplemental submission was received on May 11, 2023, and the following quarterly update was due August 9, 2023. ECMC has not received a quarterly update at this time, as of September 20, 2023.

Response: CA COMPLETED Date of Completion: 09/28/2023

Operator Comment: Magpie continued its remedial activities with further delineation and excavation work in October 2023 and submitted a progress report along with a proposed further delineation plan in referenced Supplemental Form 27 document # 403568061 on October 24th. Magpie is waiting for ECMC approval to proceed with further remediation activities. Another Supplemental Form 27 will be submitted with the Washington County Landfill manifests and documentation.

COGCC Decision: Not Approved

COGCC Representative: ECMC Decision "Not Approved". Operator response of "Corrective Action Complete" is a notification to the State that the corrective action has been addressed in its entirety. Based on operator comments corrective action does not appear to have been completed. As of 11/30/2023, ECMC Staff has not received a Form 27 (S) for documenting Washington County landfill approval for accepting E&P waste, and/or the associated waste manifests from the pit excavation. The Operator did submit Form 27(S) (doc # 403568061) as part of the quarterly reporting half of the corrective action. An FIRR shall be submitted once the corrective action has been addressed in it's entirety. Original corrective action and date remains applicable.

4 CA# 181653

Corrective Action: Comply with 1004 Rules immediately. Corrective action date is being back dated to when final reclamation activities should have been completed. Date: 07/22/2019

Response: CA COMPLETED Date of Completion: 10/24/2023

When the well was plugged in April 2019, the Operator decompacted around the wellhead and 50% of the road.

Operator Comment: The remaining 50% is still in use for the continued remedial activities. Magpie continued its remedial activities with further delineation and excavation work in October 2023 and submitted a progress report along with a proposed further delineation plan in referenced Supplemental Form 27 document # 403568061 on October 24th. Magpie is waiting for ECMC approval to proceed with further remediation activities. Magpie can not conduct final reclamation until receipt of No Further Action from the Director per Rule 913.b.(6).

Rule 913.b.(6) Surface Reclamation. If the Director approves the closure of a Remediation project, the Operator will reclaim the site(s) pursuant to the Commission's 1000 Series Rules.

Once all remedial activities are completed, and received No Further Action from the Director Magpie will proceed with development of a reclamation plan in accordance with ECMC 1000 Series rules and in consultation with the landowner.

COGCC Decision: **Not Approved**

COGCC Representative: ECMC Decision "Not Approved". Operator response of "Corrective Action Complete" is a notification to the State that the corrective action has been addressed in its entirety. Based on operator comments corrective action does not appear to have been completed. FIR (doc #708200559) final reclamation comment/corrective action stated that "Areas not impacted by active remediation will need to be reclaimed ASAP, in accordance with 1004 Rules". Original corrective action and date remains applicable.

OPERATOR COMMENT AND SUBMITTAL

Comment: When the well was plugged in April 2019, the Operator decompacted around the wellhead and 50% of the road. The remaining 50% is still in use for the continued remedial activities. Magpie continued its remedial activities with further delineation and excavation work in October 2023 and submitted a progress report along with a proposed further delineation plan in referenced Supplemental Form 27 document # 403568061 on October 24th. Magpie is waiting for ECMC approval to proceed with further remediation activities. Magpie can not conduct final reclamation until receipt of No Further Action from the Director per Rule 913.b.(6).

Rule 913.b.(6) Surface Reclamation. If the Director approves the closure of a Remediation project, the Operator will reclaim the site(s) pursuant to the Commission's 1000 Series Rules.

Once all remedial activities are completed, and received No Further Action from the Director Magpie will proceed with development of a reclamation plan in accordance with ECMC 1000 Series rules and in consultation with the landowner.

I hereby certify that the statements made in this form are, to the best of my knowledge, true, correct, and complete.

Print Name: Amber Barnett Signed: _____
 Title: Compliance Specialist Date: 11/13/2023 12:43:19 PM

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>
403587302	FIR RESOLUTION SUBMITTED
403587408	Field photos of Manure
403593405	Wellhead location photos

Total Attach: 3 Files