

State of Colorado  
Energy & Carbon Management Commission



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Document Number:  
403616750

Date Received:  
12/06/2023

## FIR RESOLUTION FORM

### Overall Status:

#### CA Summary:

1 of 1 CAs from the FIR responded to on this Form

0 CA Completed  
1 Factual Review Request

### OPERATOR INFORMATION

OGCC Operator Number: 10456

Name of Operator: CAERUS PICEANCE LLC

Address: 1001 17TH STREET #1600

City: DENVER State: CO Zip: 80202

Contact Name and Telephone:

Name: \_\_\_\_\_

Phone: ( ) Fax: ( )

Email: \_\_\_\_\_

#### Additional Operator Contact:

Contact Name

Romana Cowden

Phone

720-951-5895

Email

COGCC.inspections@caerusoilandgas.com

### COGCC INSPECTION SUMMARY:

FIR Document Number: 708301283

Inspection Date: 11/28/2023

FIR Submit Date: 12/01/2023

FIR Status: \_\_\_\_\_

#### Inspected Operator Information:

Company Name: CAERUS PICEANCE LLC

Company Number: 10456

Address: 1001 17TH STREET #1600

City: DENVER State: CO Zip: 80202

#### LOCATION - Location ID: 335390

Location Name: PUCKETT-66S96W Number: 31SWNE County: \_\_\_\_\_

Qtrqtr: SWNE Sec: 31 Twp: 6S Range: 96W Meridian: 6

Latitude: 39.481110 Longitude: -108.148670

#### FACILITY - API Number: 05-045-00 Facility ID: 335390

Facility Name: PUCKETT-66S96W Number: 31SWNE

Qtrqtr: SWNE Sec: 31 Twp: 6S Range: 96W Meridian: 6

Latitude: 39.481110 Longitude: -108.148670

### CORRECTIVE ACTIONS:

1 CA# 188809

Corrective Action: Repair and maintain lease road to comply with rule 204.

Date: 12/06/2023

Response: FACTUAL REVIEW REQUEST

Basis for Review: Action requested was already completed prior to the inspection

Operator  
Comment:

Rule 204 states that the Director has the right at all reasonable times to go upon and inspect any Oil and Gas Location, Oil and Gas Facility, disposal facility, or transporter facility, and any associated records, for the purpose of making any investigation or conducting any tests to ascertain compliance with the provisions of the Act or the Commission's Rules or any special Field rules. Any findings of a Commission Rule violation will be reported to the Commission.

The Statement of Basis and Purpose for Rule 204 states: "the Maralex Court noted with approval that 'Rule 204 imposes a reasonableness requirement that circumscribes COGCC's authority to conduct random inspections.' Id. at 665. Consistent with the Maralex Court's decision, the Commission maintained the reasonableness requirement in Rule 204, and did not make any substantial changes to Rule 204 that would impact the Maralex Court's decision about the constitutionality of Rule 204. Accordingly, the Commission determined that the revised version of Rule 204 remains constitutional and consistent with the Colorado Court of Appeals' decision in Maralex.

The subject Inspection improperly imposes an absolute accessibility requirement under Rule 204 and does not acknowledge the plain language of Rule 204 that states that the right to inspect is subject to a reasonableness requirement. Caerus will provide access for inspections upon reasonable notice and at reasonable times during winter months when snow conditions limit access to sites via a snowmobile. Caerus maintains that such notice and coordination efforts are reasonable and adhere to the plain language and intent of Rule 204.

COGCC Decision: \_\_\_\_\_

COGCC  
Representative:

**OPERATOR COMMENT AND SUBMITTAL**

Comment:

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

Print Name: Romana Cowden

Signed: \_\_\_\_\_

Title: EHS

Date: 12/6/2023 2:26:29 PM

**ATTACHMENT LIST**

View Attachments in Imaged Documents on COGCC website (<http://ogccweblink.state.co.us/>) - Search by Document Number.

**Document Number**      **Description**

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Total Attach: 0 Files