

State of Colorado
Energy & Carbon Management Commission

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Document Number:
402952059
Date Issued:
02/09/2022
Date Resolved:

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: 8005	Contact Name and Telephone:
Name of Operator: BERRY* WALTER V DBA BERRY ENERGY INC	Name: MICHAEL CRUSON
Address: 1717 WASHINGTON AVE	Phone: (719) 688-1093 Fax: ()
City: GOLDEN State: CO Zip: 80401-1928	Email: mgcruson@gmail.com

Well Location, or Facility Information (if applicable):

API Number: 05-099-06354-00	Facility or Location ID:
Name: FANNIE B	Number: 1
QtrQtr: SWSE Sec: 11	Twp: 26S Range: 45W Meridian: 6
County: PROWERS	

ALLEGED VIOLATION

Rule: 1004.a	
Rule Description: Final Reclamation - Well Sites Reclamation	
Initial Discovery Date: 02/23/2021	Was this violation self-reported by the operator? No
Date of Violation: 02/23/2021	Approximate Time of Violation:
Was this a discrete violation of obvious duration? Unknown	
Description of Alleged Violation:	
<p>Pursuant to Rule 1004.a, Berry* Walter V dba Berry Energy, Inc. ("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.</p> <p>According to Operator's Form 6, Subsequent Report of Abandonment, submitted on July 9, 2008 (document no. 2006478), the FANNIE B #1 ("Location") was plugged and abandoned on June 11, 2008.</p> <p>COGCC staff conducted an inspection on February 23, 2021 (document no. 690201208), of the Location and observed that final reclamation requirements were not performed in accordance with Rule 1004.a. Specifically, staff observed soil piles have not been recontoured and reclaimed, pits have not been backfilled and reclaimed, and Operator has not removed the pit liner from one of the pits. The Location exists approximately 150ft. from Middle Plum Creek. COGCC staff required Operator to complete final reclamation requirements in compliance with Rule 1004.</p>	

COGCC staff conducted a follow-up inspection on November 30, 2021 (document no. 690202328), and observed that corrective actions to complete final reclamation requirements have not been performed.

Operator failed to complete final reclamation requirements for the Location 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: 05/10/2022

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

Conduct final reclamation activities in accordance with Rule 1004.a on the Location. Operator shall comply with 900 and 1000 series Rules for Location and Pit Closure.

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_ecmc_enforcement@state.co.us.

NOAV ISSUED

NOAV Issue Date: 02/09/2022

COGCC Representative Signature:

COGCC Representative: Trent Lindley

Email: trent.lindley@state.co.us

Title: NOAV Specialist

Phone Num: (303) 894-2100 x5143

CORRECTIVE ACTION COMPLETED

Rule: 1004.a

Rule Description: Final Reclamation - Well Sites Reclamation

Corrective Action Start Date:

Corrective Action Complete Date:

Has corrective action for this violation been performed as required? No

Description of Actual Corrective Action Performed by Operator

NOAV resolved pursuant to Order 1V-896.

FINAL RESOLUTION

Cause #: 1V Order #: 896 Docket #: 230700241

Enforcement Action: Order Finding Violation

Final Resolution Date: 09/27/2023

Final Resolution Comments:

NOAV resolved pursuant to Order 1V-896.

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>
402952083	NOAV CERTIFIED MAIL RECEIPT
402952087	NOAV ISSUED
402952090	NOAV IN PROCESS

Total Attach: 3 Files