

State of Colorado
Energy & Carbon Management Commission

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Document Number:
402952033
Date Issued:
02/09/2022
Date Resolved:
12/12/2023

NOTICE OF ALLEGED VIOLATION - RESOLVED

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

Well Location, or Facility Information (if applicable):

API Number: 05-099-06255-00 Facility or Location ID: _____
Name: BAILEY'S INC Number: 1-14
QtrQtr: SENW Sec: 14 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:

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.

According to Operator's Form 6, Subsequent Report of Abandonment, submitted on July 9, 2008 (document no. 2006477), the BAILEY'S INC #1-14 ("Location") was plugged and abandoned on June 11, 2008.

COGCC staff conducted an inspection on February 23, 2021 (document no. 690201210), of the Location and observed that final reclamation requirements were not performed in accordance with Rule 1004.a. Specifically, staff observed abandoned and unused pipe risers and a uniform vegetation cover has not been established at the Location. COGCC staff determined the gathering pipeline terminates at the Location and does not serve other wells. The Location exists approximately 2000ft. from Middle Plum Creek. COGCC staff required Operator to complete final reclamation requirements in compliance with Rule 1004.

COGCC Staff conducted a follow-up inspection on November 30, 2021 (document no. 690202326), and observed that corrective actions to complete final reclamation requirements have not been performed.

Operator failed to remove abandoned gathering/flowline risers within three (3) months of plugging the well, and complete final reclamation 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, including safely and properly removing abandoned gathering pipelines and risers per Rule 1004.a.

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

Title: NOAV Specialist

Email: trent.lindley@state.co.us

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>
402952033	NOAV APPROVED
402952049	NOAV ISSUED
402952051	NOAV CERTIFIED MAIL RECEIPT
402952055	NOAV IN PROCESS

Total Attach: 4 Files