

State of Colorado  
Energy & Carbon Management Commission

1120 Lincoln Street, Suite 801, Denver, Colorado 80203  
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Document Number:  
403659700  
Date Issued:  
01/18/2024  
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: <u>10589</u>	Contact Name and Telephone:
Name of Operator: <u>WINDY HILL WATER OPERATIONS LLC</u>	Name: <u>BURKE EDWARDS</u>
Address: <u>3001 RR 620 SOUTH STE 321 ATTN: F LEE ROBINSON</u>	Phone: <u>(512) 965-1141</u> Fax: <u>( )</u>
City: <u>AUSTIN</u> State: <u>TX</u> Zip: <u>78738</u>	Email: <u>bedwards@bte-energy.com</u>

#### Well Location, or Facility Information (if applicable):

API Number: 05- - -00 Facility or Location ID: \_\_\_\_\_

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

QtrQtr: \_\_\_\_\_ Sec: \_\_\_\_\_ Twp: \_\_\_\_\_ Range: \_\_\_\_\_ Meridian: \_\_\_\_\_

County: \_\_\_\_\_

#### ALLEGED VIOLATION

Rule: 702.

Rule Description: Financial Assurance Plan

Initial Discovery Date: 02/01/2023 Was this violation self-reported by the operator? No

Date of Violation: 02/01/2023 Approximate Time of Violation: \_\_\_\_\_

Was this a discrete violation of obvious duration? Yes

Description of Alleged Violation:

Pursuant to Rule 702.b., your entity was required to file a Form 3, Financial Assurance Plan by no later than 2/1/2023.

As of today's date, CECMC Records indicate that your entity has not filed a Form 3, Financial Assurance Plan, violating Rule 702.b.

CECMC Representative Signature for Issued NOAV: /S/ Trent Lindley

Abatement or Corrective Action Required to be Performed by Operator: \_\_\_\_\_ Corrective Action Due Date: 01/18/2024

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

Your entity must file a Form 3, Financial Assurance Plan immediately.

## 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](mailto:dnr_ecmc_enforcement@state.co.us).

## NOAV ISSUED

NOAV Issue Date: 01/18/2024

COGCC Representative Signature: \_\_\_\_\_

COGCC Representative: Trent Lindley

Title: NOAV Specialist

Email: trent.lindley@state.co.us

Phone Num: (303) 894-2100x5143

## CORRECTIVE ACTION COMPLETED

Rule: 702.

Rule Description: Financial Assurance Plan

Corrective Action Start Date: \_\_\_\_\_

Corrective Action Complete Date: \_\_\_\_\_

Has corrective action for this violation been performed as required? \_\_\_\_\_

Description of Actual Corrective Action Performed by Operator

## FINAL RESOLUTION

Cause #: \_\_\_\_\_ Order #: \_\_\_\_\_ Docket #: \_\_\_\_\_

Enforcement Action: \_\_\_\_\_

Final Resolution Date: \_\_\_\_\_

Final Resolution Comments:

## 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>
403659706	NOAV CERTIFIED MAIL RECEIPT
403659721	NOAV ISSUED

Total Attach: 2 Files