



# COLORADO

## Energy & Carbon Management Commission

Department of Natural Resources

1120 Lincoln Street, Suite 801  
Denver, CO 80203

[www.colorado.gov/ecmc](http://www.colorado.gov/ecmc)

### WARNING LETTER # 403692987

02/22/2024

EVERGREEN NATURAL RESOURCES LLC (#10705)

MICHAEL JOY

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DENVER, CO 80202

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NENE, 33, 34S, 65W, LAS ANIMAS

**This Warning Letter is to inform you that EVERGREEN NATURAL RESOURCES LLC (“Operator”) may be in violation of the rules and regulations of the Colorado Energy and Carbon Management Commission (“ECMC”) and corrective action is required.**

ECMC has reasonable cause to believe that Operator has committed one or more violations of the Oil and Gas Conservation Act, or of a rule, regulation, or order of the Commission, or of a permit issued by the Commission. Operator is required to comply with this Warning Letter by the **Corrective Action Deadline Date(s)** to resolve the alleged violation(s). Failure to do so will result in the issuance of a Notice of Alleged Violation and initiation of enforcement proceedings in which ECMC will seek monetary penalties for the alleged violations pursuant to § 34-60-121, C.R.S. and Rule 525, ECMC Rules of Practice and Procedure, 2 CCR 404-1.

#### **Alleged Violation(s) and Required Corrective Action(s):**

##### 912.b. Reporting Spills or Releases of E&P Waste, Gas, or Produced Fluids

Violation Date: 11/12/2023

Violation Discovery Date: 11/12/2023

Description of Alleged Violation: Pursuant to Rule 912.b.(6), no later than 90 days after a Spill or Release is discovered, Evergreen Natural Resources LLC (“Operator”) will have submitted, and obtained the Director’s approval of either: A. A Form 19 – Supplemental requesting closure pursuant to Rule 913.h and supported by adequate documentation to demonstrate that the Spill or Release has been fully cleaned up and complies with Table 915-1; or B. A Form 27 if any of the criteria listed in Rules 912.b.(6).B.i–iii apply. If Remediation will continue under an approved Form 27, the Operator will also submit a Form 19 – Supplemental which requests closure of the Spill or Release and includes the Remediation project number assigned by the Director.

On August 17, 2023, Operator submitted Form 19 Initial Spill/Release Reports for Spill ID 485003. In the Form 19, Operator reported the Spill date of discovery as August 14, 2023.

As of February 20, 2024, no Form 19 Supplemental Spill/Release Report demonstrating closure has been submitted and approved for Spill ID 485003.



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Operator failed to submit a Form 19 - Supplemental Spill/Release Report demonstrating closure no later than 90 days after the discovery of a Spill or Release, violating Rule 912.b.(6).

Required Corrective Action: Operator shall submit a Form 19 Supplemental Spill/Release Report demonstrating closure of Spill ID 485003.

Corrective Action Deadline Date: 02/29/2024

#### **How to Comply with Warning Letter:**

Operator shall complete the Required Corrective Action(s) above within the deadline(s) provided. Upon completion of the Corrective Action(s), Operator shall provide notice and evidence of completion to the ECMC staff identified below by the Corrective Action Deadline Date(s):

COGCC Representative: Kari Brown  
Email: [kari.oakman@state.co.us](mailto:kari.oakman@state.co.us)

Title: NE Environmental Protection  
Phone Num: (720) 355-3135x

If you have any questions about this Warning Letter, please contact the ECMC Representative identified above.

#### **Failure to Comply with Warning Letter:**

If Operator fails to perform Required Corrective Action(s) on or before the Corrective Action Deadline Date(s) stated above ECMC will issue a Notice of Alleged Violation and seek penalties pursuant to § 34-60-121, C.R.S. and Rule 525, ECMC Rules of Practice and Procedure, 2 CCR 404-1.

#### **Disclaimers:**

If the alleged violation(s) in this Warning Letter are the subject of previously issued Notice(s) of Alleged Violation ("NOAV") or Enforcement Order(s) ("Order"), Operator's obligations and the corrective actions and deadlines in such NOAV or Order stand and are not affected by this Warning Letter.

If issued in error, the Enforcement Unit reserves the right to rescind this Warning Letter prior to the ECMC Representative's receipt of Operator's notice and evidence of completion of the Corrective Action.

All well data, rules and forms are available on our website at [www.colorado.gov/cogcc](http://www.colorado.gov/cogcc).

Sincerely,

Kari Brown  
NE Environmental Protection

#### **Attachments**

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

#### **Document Number    Description**

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Total Attach: 0 Files