

State of Colorado  
Energy & Carbon Management Commission

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Document Number:  
403640801

Date Received:  
12/31/2023

## FIR RESOLUTION FORM

Overall Status: CAC

CA Summary:

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

1 CA Completed  
0 Factual Review Request

### OPERATOR INFORMATION

OGCC Operator Number: 10764  
Name of Operator: NUEVIDA RESOURCES LLC  
Address: 5950 CEDAR SPRINGS RD STE #100  
City: DALLAS State: TX Zip: 75235  
Contact Name and Telephone:  
Name: \_\_\_\_\_  
Phone: ( ) \_\_\_\_\_ Fax: ( ) \_\_\_\_\_  
Email: \_\_\_\_\_

Additional Operator Contact:

Contact Name	Phone	Email
<u>Arthur, Denise</u>		<u>denise.arthur@state.co.us</u>
<u>Pate, Richard</u>	<u>(303) 945-2868</u>	<u>dpate@nuevidaresources.com</u>

### COGCC INSPECTION SUMMARY:

FIR Document Number: 714000099  
Inspection Date: 11/23/2023 FIR Submit Date: 11/15/2023 FIR Status: \_\_\_\_\_

### Inspected Operator Information:

Company Name: NUEVIDA RESOURCES LLC Company Number: 10764  
Address: 5950 CEDAR SPRINGS RD STE #100  
City: DALLAS State: TX Zip: 75235

### LOCATION - Location ID: 484496

Location Name: Ardourel 33081718 Number: \_\_\_\_\_ County: \_\_\_\_\_  
Qtrqr: Lot 3 Sec: 18 Twp: 33N Range: 8W Meridian: N  
Latitude: 37.101193 Longitude: -107.767596

### FACILITY - API Number: 05-067-00 Facility ID: 484496

Facility Name: Ardourel 33081718 Number: \_\_\_\_\_  
Qtrqr: Lot 3 Sec: 18 Twp: 33N Range: 8W Meridian: N  
Latitude: 37.101193 Longitude: -107.767596

### CORRECTIVE ACTIONS:

1 CA# 188209

Corrective Action: Refer to the Inspectors/Comments section at the end of this report. Date: 10/23/2023

Response: CA COMPLETED Date of Completion: 12/30/2023

Operator Comment: NueVida Resources (NVR) respectfully disagrees with the ECMC that it is "not in compliance" with its current permit under the OGD #483343. The ECMC analysis concerning the amount of Topsoil stored at both the Ardourel Well Pad and Water (TUA) Pad Areas states that there is only 5,793.5 cubic yards vs the permitted amount of 16,845 cubic yards. NVR's cursory review has determined that the ECMC has significantly underestimated the amount of topsoil stored at each pad site. NVR will undertake an "as-built" survey of both pads addressing the actual amount of topsoil stored at each well pad. NVR will submit these results to the ECMC for

their review and then determine what, if any, further mitigation will be required for NVR to be in compliance under its' existing OGDG permit (#483343). NVR is currently restricted from conducting operations under its permit from December 1 through April 30 of each year due to mule deer wildlife restrictions. If any mitigation is required by the ECMC after their review, then this work can be completed during the operational window from May 1 through December 1, 2024.

With respect to the ECMC's determination that twelve (12) inches of Topsoil should have been removed from both pad areas, NVR is definitively in disagreement with the ECMC concerning this assessment. The following are the basis of NVR's rebuttal:

1. NVR submitted a Topsoil Report under its' OGDG permit (#483343), which was approved on May 16, 2023. NVR's Topsoil Report noted respected sources from the NCRS combined with soil analysis from specific areas in and around the Ardourel pads noting only six (6) inches of Topsoil would be required for removal and storage at its well pads. If the ECMC had required additional Topsoil removal, this should have been addressed during the time of permit approval. NVR has been operating under this permitted requirement of six (6) inches of Topsoil removal/storage and NVR does not agree with the ECMC that NVR is in "non-compliance" with respect to its approved permit.
2. The ECMC review does not reference NVR's permitted Topsoil report and why this analysis and cited sources (NCRS) are not reliable or adequate. NVR again notes that the ECMC approved the Topsoil report and subsequent requirement to the removal and storage of six (6) inches of Topsoil under OGDG #483323.
3. The ECMC has not addressed how and why they are in essence "overriding" an existing/approved ECMC permit and the basis for this opinion. NVR has been entirely open with the ECMC during its permitting with respect to the data and analysis representation for the Topsoil in this area. If NVR was required under its existing permit to remove and store twelve (12) inches of Topsoil, NVR would have accomplished this during the time of building each pad, along with determining adequate storage sites. The inference by the ECMC is that NVR has "violated" its permit and is therefore "not in compliance". NVR respectfully and adamantly disagrees with this assessment.
4. There are no additional COA's or BMP's cited in NVR's approved OGDG (#483343) with respect to Topsoil removal of additional or up twelve (12) inches in lieu of the permitted six (6) inches.
5. NVR wishes/proposes to engage with the ECMC to determine what are the appropriate sources, analysis, etc. that will be necessary/acceptable to the ECMC in order to ensure that the proper Topsoil determination (and storage) is addressed at the Ardourel site and in any future permitting. NVR's goal with the ECMC is to eliminate uncertainty and vagaries concerning Topsoil determination.

COGCC Decision: **Not Approved**

COGCC  
Representative:

Reasons for denial –

1. No information has been provided to the ECMC from Nuevida Resources to suggest/prove compliance with topsoil salvage requirements for the location. ECMC cannot accept corrective action completed forms that indicate corrective actions will be completed at a future date.
2. Implementation of a plan or a plan approval on a 2A does not alleviate the requirement for compliance with ECMC rules and cannot be used as a replacement for the topsoil salvage requirements. Corrective actions or potential enforcement will be based on compliance with ECMC rules and not whether the subject plan was approved or implemented.
3. An Operator response of "Corrective Action Complete" is a notification to the State that the corrective action has been addressed in its entirety. The FIRR, Corrective action complete section, is not a forum for OPERATOR to disagree/argue with the corrective actions. ECMC is unable to approve this resolution as the corrective actions have not been completed Operator remains out of compliance.

#### 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: Richard Pate

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

Title: COO - VP Engr/Opns

Date: 12/31/2023 10:47:54 AM

### 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>
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403640801	FIR RESOLUTION SUBMITTED
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Total Attach: 1 Files