

State of Colorado  
Energy & Carbon Management Commission

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402598967

Date Issued:

02/12/2021

Date Resolved:

08/27/2024

## NOTICE OF ALLEGED VIOLATION - RESOLVED

Per Rule 522, 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 523, 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

ECMC Operator Number: 34105

Name of Operator: GILBERT-STEWART OPERATING LLC

Address: 1801 BROADWAY STE 200

City: DENVER State: CO Zip: 80202

Contact Name and Telephone:

Name: KENT L GILBERT

Phone: (303) 534-1686 Fax: ( )

Email: kgoil@msn.com

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

API Number: 05-017-07224-00

Facility or Location ID:

Name: AKERS

Number: 2

QtrQtr: NESE Sec: 1

Twp: 15S

Range: 45W

Meridian: 6

County: CHEYENNE

### ALLEGED VIOLATION

Rule: 210.b

Rule Description: Signs & Markers- Wells & Batteries

Initial Discovery Date: 12/01/2020

Was this violation self-reported by the operator? No

Date of Violation: 12/01/2020

Approximate Time of Violation:

Was this a discrete violation of obvious duration? Unknown

Description of Alleged Violation:

Pursuant to Rule 210.b., within 60 days after the completion of a well or the installation of a battery, Gilbert Stewart Operating, LLC ("Operator") shall install permanent signage at the wellhead and/or battery. This signage shall provide, among other required information, a phone number at which Operator can be reached at all times.

On December 1, 2020, COGCC staff inspected (Field Inspection No. 700600225) the Akers #2 location (API No. 05-073-06393, the "Location") and observed methane gas venting. The sign located at the wellhead did not provide an emergency contact number for the Operator. COGCC staff called Operator's emergency contact number posted at an alternate location on December 1, 2020 and on December 2, 2020 and received no answer. On both occasions COGCC left voicemails for Operator. At the time of submission of the inspection report (December 2, 2020), Operator had not responded to calls from COGCC staff.

On December 7, 2020, Operator submitted a FIR Resolution Form (FIR Resolution Form No. 402547463) stating, incorrectly, that a 24-hour contact number was being posted at the location the week of December 7, 2020.

On December 14, 2020, COGCC staff performed a follow-up inspection (Field Inspection No. 700600239) and observed that Operator had not yet posted an emergency contact number for the Operator at the wellhead.

Operator failed to install permanent signage with the required information at the Well, violating Rule 210.b.

Abatement or Corrective Action Required to be Performed by Operator:

Corrective Action Due Date: 02/12/2021

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

Operator shall install signage at the Well including a phone number at which Operator can be reached at all times, and all other information required by Rule 210.b. Operator shall submit an eForm 4 Sundry Notice which provides photographic evidence of the updated signage. Operator shall include an explanation of how Operator will ensure the required signage at the Well location will be kept up to date, and how Operator will ensure that the posted phone number will reach Operator at all times.

**PENALTY**

Penalties for violations alleged in this NOAV will be calculated pursuant to Rule 523, with daily penalties accruing pursuant to Section 34-60-121(1), C.R.S.

**ANSWER**

Pursuant to Rule 522.d.(2), the operator must file an Answer to this NOAV within 28 days of its receipt, or a default judgement may be entered. Hard copy answers are filed with the Commission Secretary at the Commission's Denver office and should also be emailed to [dnr\\_ecmc\\_enforcement@state.co.us](mailto:dnr_ecmc_enforcement@state.co.us).

**NOAV ISSUED**

NOAV Issue Date: 02/12/2021

ECMC Representative Signature: \_\_\_\_\_

ECMC Representative: Trent Lindley

Title: NOAV Specialist

Email: [trent.lindley@state.co.us](mailto:trent.lindley@state.co.us)

Phone Num: (303) 894-2100x5143

**CORRECTIVE ACTION COMPLETED**

Rule: 210.b

Rule Description: Signs & Markers- Wells & Batteries

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

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

Has corrective action for this violation been performed as required? Yes

Description of Actual Corrective Action Performed by Operator

NOAV Resolved pursuant to Order 1V-915.

**FINAL RESOLUTION**

Cause #: 1V Order #: 915 Docket #: 231200379

Enforcement Action: Administrative Order of Consent

Final Resolution Date: 08/27/2024

Final Resolution Comments:

NOAV Resolved pursuant to Order 1V-915.

**ATTACHMENT LIST**

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

<u>Document Number</u>	<u>Description</u>
402598967	NOAV APPROVED
402598973	NOAV ISSUED

402598974	NOAV CERTIFIED MAIL RECEIPT
402598975	NOAV IN PROCESS

Total Attach: 4 Files