

State of Colorado
Energy & Carbon Management Commission

1120 Lincoln Street, Suite 801, Denver, Colorado 80203
Phone: (303) 894-2100 Fax: (303) 894-2109



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Date Issued:
07/22/2025
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

ECMC Operator Number: <u>10071</u>	Contact Name and Telephone:
Name of Operator: <u>HIGHPOINT OPERATING CORPORATION</u>	Name: <u>NATHAN S BENNETT</u>
Address: <u>555 17TH ST STE 3700</u>	Phone: <u>(303) 312-8166</u> Fax: <u>()</u>
City: <u>DENVER</u> State: <u>CO</u> Zip: <u>80202</u>	Email: <u>nbennett@civiresources.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: 207.

Rule Description: Reports

Initial Discovery Date: 12/04/2024 Was this violation self-reported by the operator? No

Date of Violation: 12/04/2024 Approximate Time of Violation: _____

Was this a discrete violation of obvious duration? Unknown

Description of Alleged Violation:

Pursuant to Rule 207, any report required under the Commission's Rules or requested by the Director or the Commission will be timely filed, accurate, complete, and comply with the requirements set forth in the Commission's Rules or any requirement set by the Director or the Commission.

On December 4, 2024, ECMC Staff was notified that Highpoint Operating Corporation ("Operator") had submitted falsified data in previously submitted records. The falsified data were submitted in multiple Forms 27 and pertained to analytical results which affected soil, groundwater, and inorganic and organic contaminant data.

Operator failed to file accurate and complete reports, violating Rule 207.

Abatement or Corrective Action Required to be Performed by Operator: _____ Corrective Action Due Date: 08/19/2025

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

Within 28 days, deliver a prioritized plan to comply with direction provided by Staff on May 20, 2025 to reassess and remediate all remediation projects affected by falsified data. The plan will achieve reassessment and delineation of all falsified data locations within 6 months under approved Forms 27 workplans. Operator will fully remediate all soil only contamination locations within 1 year.

Rule: 602

Rule Description: General Safety Requirements

Initial Discovery Date: 12/04/2024

Was this violation self-reported by the operator? No

Date of Violation: 12/04/2024

Approximate Time of Violation:

Was this a discrete violation of obvious duration? Unknown

Description of Alleged Violation:

Pursuant Rule 602.a, Highpoint Operating Corporation ("Operator") will familiarize their employees, contractors, and subcontractors with the Commission's Rules as they relate to the person's job functions. Pursuant to Rule 602.c., Operator is responsible for ensuring that operations are conducted with due regard for the safety of employees, for the preservation and conservation of property, and for protecting and minimizing adverse impacts to public health, safety, welfare, the environment, and wildlife resources.

Operator notified ECMC Staff on December 4, 2024, to report the manipulation of data in previously submitted records. The falsified analytical results, submitted by Operator's contractor, were used in multiple Form 27 reports, affecting soil, groundwater, and inorganic and organic contaminant data.

The contaminated soil, groundwater, and inorganic and organic contaminants remained in-situ as a result of the submission of falsified data, because Operator failed to ensure its contractor understood the requirements of the Commission's Rules and failed to ensure that timely and accurate records were submitted with due regard for protecting and minimizing adverse impacts to public health, safety, welfare, the environment, and wildlife resources.

Operator failed to train and supervise its contractor to ensure its contractor understood the requirements of the Commission's Rules, and failed to ensure that records were submitted with due regard for protecting and minimizing adverse impacts to public health, safety, welfare, the environment, and wildlife resources, violating Rule 602.a. and c.

Abatement or Corrective Action Required to be Performed by Operator:

Corrective Action Due Date: 08/19/2025

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

Within 28 days, deliver a prioritized plan to comply with direction previously provided by Staff on May 20, 2025 (document no. 2193454) to reassess and remediate all remediation projects affected by falsified data. The plan will achieve reassessment and delineation of all falsified data locations within 6 months under approved Forms 27 workplans. Operator will fully remediate all soil only contamination locations within 1 year.

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: 07/22/2025

ECMC Representative Signature:

ECMC Representative: Trent Lindley

Title: NOAV Specialist

Email: trent.lindley@state.co.us

Phone Num: (720) 765-0031

CORRECTIVE ACTION COMPLETED

Rule: 207.

Rule Description: Reports

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

Rule: 602

Rule Description: General Safety Requirements

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 ECMC website (<http://ecmcweblink.state.co.us/>) - Search by Document Number.

<u>Document Number</u>	<u>Description</u>
404290010	NOAV CERTIFIED MAIL RECEIPT
404290024	NOAV ISSUED

Total Attach: 2 Files