



DEPARTMENT OF NATURAL RESOURCES

John W. Hickenlooper, Governor

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www.colorado.gov/cogcc

January 17, 2012

Mr. Dana Wreath
Beren Corporation
2020 N Bramblewood Street
Wichita, KS 67206

Re: Notice of Alleged Violation #200337810
Spill Tracking #2221914
Cook 1-X Tank Battery
Sec 12, T-4-S, R-54-W
Washington County

Dear Mr. Wreath,

As you are aware, Colorado Oil & Gas Conservation Commission (COGCC) staff documented a release at the subject location on November 30, 2011. The release had not been reported to COGCC at that time. On December 2, 2011, I provided information to you via email regarding spill reporting and response requirements. I also included a copy of the applicable rules and a copy of the Form 19 Spill/Release Report. On December 12, 2011, you submitted a Form 19 without the required topographic map. The Form 19 stated that the release occurred on November 27, 2011, and consisted of an estimated 20-bbbls oil and 50-bbbls water.

COGCC Rule 906 requires that all spills, including those contained within lined or unlined berms, shall be reported on the Form 19 within 10-days after discovery. Rule 906 also requires that spills which exceed 20-bbbls of an E&P waste shall also be verbally reported to the Director as soon as practicable, but not more than 24 hours after discovery. Beren Corporation (Beren) did not provide the required verbal notification, and did not submit the Form 19 within 10-days of discovery.

On January 5, 2012, I made another request for the complete Form 19 and received the same copy without the required topographic map. In the email you provided in response to my request on January 5, 2012, you stated, "Please note there was no release from the diked area and the affected soils have been transported to a landfill." COGCC staff inspected the location again on January 6, 2012. There was no indication that the impacted soil had been excavated and removed from the location. The inspection documented that some clean dirt had been spread over the affected soil at the tank battery. Pictures from the November 30, 2011 and January 6, 2012 inspections are provided as a reference.

DEPARTMENT OF NATURAL RESOURCES: Mike King, Executive Director

COGCC COMMISSION: Richard Alward – Thomas L. Compton – DeAnn Craig – Mark Cutright – Michael Dowling – Joshua B. Epel – Mike King – Martha Rudolph
COGCC STAFF: David Neslin, Director – Margaret Ash, Field Inspection Manager – Debbie Baldwin, Environmental Manager – Stuart Ellsworth, Engineering Manager

Mr. Dana Wreath
Beren Corporations
January 17, 2012

Beren is in violation of several rules in addition to the release notification requirements. Due to the inconsistency in your email notification on January 5, 2012, regarding disposition of the oily waste, COGCC has issued the enclosed Notice of Alleged Violation (NOAV). The NOAV has several required corrective actions to be completed no later than April 17, 2012. If complete documentation of the corrective actions is not provided by the required due date, COGCC may proceed with an Order Finding Violation including the proposal of a fine.

If you have any questions, please contact me via email at John.Axelson@state.co.us, or by phone at 303-637-7178.

Sincerely,



John Axelson, P.G.
Environmental Protection Specialist

Enclosures

Cc. David Neslin – COGCC Director
Debbie Baldwin – COGCC Environmental Manager
Steve Lindblom – COGCC Environmental Supervisor
Peter Gowen – COGCC Enforcement Officer

Beren Corporation – Cook Tank Battery 121-09791
Spill Tracking # 2221914, NOAV #200337810



COGCC Inspection Performed on 11/30/11



COGCC Inspection performed on 1/6/12