

- Staff is not, “generally impressed with Beren’s level of cooperation.” Cooperation has come from the enforcement procedures initiated to bring them into compliance with basic COGCC rules that most other operators comply with voluntarily.
- Staff is not, “impressed with Beren’s level of cooperation and plans regarding the modification of existing skim pits on its leases.” Staff will be satisfied if Beren follows through with plans to bring the skim pits into compliance.
- Staff is not, “pleased with the work performed by Beren in remediating certain contaminated areas at the Cook lease.” The Form 27 documenting cleanup of the release and historic impacts was submitted on May 7, 2012, over five months after the release. The Form 27 documented that soils exceeding 910-1 standards remain in place at the tank battery and recommended over-excavation and additional sampling. Several stockpiles of oily soil from excavation remain on location. The Form 27 was conditionally approved on May 8th. Among other things it required a formal plan for landfarming on site and additional sampling of stockpiles prior to any reuse on site. If additional soil segregation and analyses were not performed, it required immediate disposal of all remaining oily waste in accordance with Rule 907.e. by June 11, 2012. No additional work has been performed at the location to date.
- Staff does not support continuance of the enforcement action to the August hearing or later. Staff would like to resolve the AOC with them so there is agreement that they will perform the required corrective actions and pay an appropriate fine for the documented rule violations.
- Staff is not in favor of any relief regarding the proposed fine amount for the violations related to the failure to report and clean up the spill. Staff is opposed to any projects in lieu of or in reduction of fine amounts. Staff would only consider reduction of the fine regarding the pit violations if Beren brings their unlined skim pits into compliance.
- Beren has done nothing yet to go above and beyond anything in staff’s opinion. If they follow through with their plan, they will basically be bringing the locations into compliance.

Beren Corporation – Operator #7800
Cook 1-X, API #05-121-09791
NOAV #200337810
COGCC Response to Beren Update July 2, 2012

- Regarding the proposed work schedule:
 - o The timeline and completion dates are acceptable;
 - o In general, land farming is not a suitable remediation for heavy crude oil contaminated soils. Any landfarming will require a detailed, well engineered plan. They would be better off to properly dispose off site.
 - o Regarding the Cook lease proposal to landfarm oily waste. All pit closure, remediation of E&P waste and surface reclamation needs to be performed within three months after plugging on crop land. If they want to submit a formal variance request to land farm oily waste on site and not finish final reclamation in accordance with 1004.a., staff would consider it if they had a formal land use agreement in place with the landowner and an approved remediation plan. It would be preferable if they would properly dispose of the waste and complete final reclamation in accordance with 1004.a. like other operators.