

## Dave Kubeczko - DNR

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**From:** Dave Kubeczko - DNR  
**Sent:** Friday, September 26, 2014 10:21 AM  
**To:** Dave Kubeczko - DNR  
**Subject:** FW: Debeque Pond Reclamation Estimate for Financial Assurance

**Importance:** High

**Categories:** Miscellaneous

**Scan No 2107109**

**ADDITIONAL OPERATOR INFORMATION**

**2A#400556701**

**15#400639898**

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**From:** Dave Kubeczko - DNR [mailto:[dave.kubeczko@state.co.us](mailto:dave.kubeczko@state.co.us)]  
**Sent:** Friday, September 26, 2014 10:19 AM  
**To:** Greg Deranleau - DNR  
**Cc:** Alex Fischer - DNR; Steve Jenkins - DNR  
**Subject:** RE: Debeque Pond Reclamation Estimate for Financial Assurance  
**Importance:** High

Greg,

I have addressed Point Nos. 1, 2, 3, 4, 5, and 6. Steve Jenkins has addressed Point No. 7. All attachments have been attached to the Form 15 and Form 2A.

If you have any questions, please do not hesitate to call me at (970) 309-2514 (cell), or email. Thanks.

Dave

David A. Kubeczko, PG  
Oil and Gas Location Assessment Specialist  
Western Colorado



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**From:** Deranleau - DNR, Greg [mailto:[greg.deranleau@state.co.us](mailto:greg.deranleau@state.co.us)]  
**Sent:** Tuesday, September 23, 2014 4:42 PM  
**To:** Dave Kubeczko - DNR

Cc: Fischer - DNR, Alex; Jenkins - DNR, Steve

Subject: Re: Debeque Pond Reclamation Estimate for Financial Assurance

Dave,

Jessica contacted me today to ask about the status of this Form 15. After reviewing the COAs in eForms, I have a few additional questions/clarification requests.

1. I propose the following COA be changed from "*No portion of any pit that will be used to hold liquids shall be constructed on fill material, unless the pit and fill slope are designed and certified by a Professional Engineer (P.E.), subject to review and approval by the Director prior to construction of the pit. The construction and lining of the pit shall be supervised by a P.E., or their agent. The entire base of the pit must be in cut. Operators must submit a P.E. approved/stamped as-built drawing (plan view and cross sections) of the pit within 14 days of construction.*" to "*The construction and lining of the pit shall be supervised by a P.E., or their agent. The entire base of the pit must be in cut.*" The review required by the first sentence has been completed and the last sentence is redundant to the previous COA in the list requiring an as built.

**Yellow highlighted text has been removed.**

2. The addition of a proposed "alternative option" to the COA requiring fencing and netting renders the COA ineffective, and I do not support the change. "*The multi-well pit must be fenced and netted. Alternative options to netting can be used instead of netting, as long as wildlife can be kept from contacting the fluid surface of the pit. The operator must maintain the fencing and netting/alternative barrier until the pit is closed.*" Further, the following COA was already approved on the related Form 2A: "*The multi-well pit must be fenced and netted. The operator must maintain the fencing and netting until the pit is closed.*" after completion of consultation with CPW. The following comment has been made in the Pit Design and Construction Information section: "*Pit will not be netted, but will be equipped with floating hextiles to deter waterfowl.*" This should have been included as a Best Management Practice and COGCC should have received input from CPW as to the efficacy of the proposal. If CPW advises COGCC that this is an effective BMP, then the Form 2A conditions should be modified at the request of the operator with a Form 4 Sundry Notice; if CPW advises against this BMP, then the pit must be netted.

**The floating hextile issue had been discussed by CPW and the operator in February 2014. CPW agreed to their use and encouraged it. Correspondence from CPW has been added as an attachment. COA will remain as is. Operator has been notified to send a Form 4 Sundry requesting a change in the netting COA.**

3. In the previously circulated list of COAs, there was a requirement for dust control during construction due to the soil type at the site. This COA should be reinstated for this pit; this COA was already approved on the Form 2A for the Location: "*Due to the very fine-grained nature of surface soils and materials in the area, strategically apply fugitive dust control measures, including enforcing established speed limits on private roads, to reduce fugitive dust and coating of vegetation and deposition in water sources.*"

**Green highlighted text has been added.**

4. In the previously circulated list of COAs, there was a requirement for slope stabilization. This COA should be reinstated for the pit; this COA was already approved on the Form 2A for the Location: "*Operator shall stabilize exposed soils and slopes as an interim measure during operations at this pit site.*"

**Green highlighted text has been added.**

5. There are two additional COAs (one referenced in #1 above) that are duplicative to COAs elsewhere in the list. These should be removed (they were placed on by COGCC Engineering review, but then also incorporated into Dave's list).

**COA has been entirely removed under the Engineer COA. The remaining COA has been edited as requested in Point No. 1 above.**

6. COGCC Environmental Protection Specialist made a comment that there is a discrepancy between the Form 15 and Form 2A with respect to depth to water at the site. Although the Form 2A and Form 15 now have the same estimated depth to water, that depth is significantly different from the original data provided on the Forms, and no information is provided as to how the depth to water was determined.  
**Based on COGCC's discussions with the operator and their consultant concerning sampling of nearby domestic water wells, operator shall sample three domestic water wells; these wells are screened between 220' below ground surface (bgs) and 410' bgs; static water levels range from 27' bgs to 106' bgs. Operator and their consultant have indicated that based on the pit site location in relation to these domestic water wells, estimated depth to the first water-bearing groundwater zone is approximately 300' bgs, and therefore, the depth to groundwater on the Form 15 and Form 2A has been corrected.** This explanation has been placed on the Submit Tab of the Form 15.
7. COGCC Engineering has added the following COA with respect to the issue of jurisdictional dams:  
*"Operator shall submit a letter from the Colorado State Engineers Office verifying that Pit 1 does not fall under the rules and regulations pertaining to Jurisdictional Size Dams."* We need to determine if this requirement must be met prior to construction or prior to filling the pit. Please follow up with Steve Jenkins.  
**See Steve Jenkins below addressing Point No. 7.**

Let me know if you need anything from me to finalize these items, when you have taken care of them, I should be able to review the Form 15 for Final Approval.

Thanks.

On Tue, Sep 23, 2014 at 1:47 PM, Jenkins - DNR, Steve <[steve.jenkins@state.co.us](mailto:steve.jenkins@state.co.us)> wrote:  
Alex et al:

**I have added the SEO letter request as a COA on the form 15.**

Steve

On Tue, Sep 23, 2014 at 1:08 PM, Fischer - DNR, Alex <[alex.fischer@state.co.us](mailto:alex.fischer@state.co.us)> wrote:  
Dave- Please attached email and the attached Reclamation Cost Estimate to the Form 15 Document Number 400639898.

**Reclamation Coat Estimate has been attached. Email has been attached as "Correspondence"**

Martha- Please attach this information to the Form 3.

Steve- Please include the COA regarding jurisdictional dam.

Thanks  
Alex

----- Forwarded message -----

From: **Donahue, Jessica** <[Jessica.Donahue@blackhillscorp.com](mailto:Jessica.Donahue@blackhillscorp.com)>  
Date: Tue, Sep 23, 2014 at 11:49 AM  
Subject: Debeque Pond Reclamation Estimate for Financial Assurance  
To: "Fischer, Alex" <[Alex.Fischer@state.co.us](mailto:Alex.Fischer@state.co.us)>

Alex,  
As per our conversation yesterday, please find attached the reclamation estimate to accompany the financial assurance bond amount.  
Let me know if you need anything else.

Jessica Donahue  
Regulatory Technician  
Black Hills Exploration and Production  
1515 Wynkoop St.  
Suite 500  
Denver, CO 80202  
Phone: [720-210-1333](tel:720-210-1333)  
Cell: [303-888-4862](tel:303-888-4862)

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**From:** dpearson [mailto:[dpearson@wwcengineering.com](mailto:dpearson@wwcengineering.com)]  
**Sent:** Tuesday, September 23, 2014 11:12 AM  
**To:** Donahue, Jessica  
**Cc:** Shawn Higley  
**Subject:** Pond 1 Reclamation Cost Estimate

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Jessica,

Attached is the Pond 1 reclamation cost estimate for the financial assurance bond.

Drew

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**Drew Pearson, P.E., L.S.I. | Civil Engineer/Land Surveyor**  
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**Alex Fischer, P.G.**

**Environmental Supervisor, Western Colorado**



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North Central Area Engineer



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Environmental Manager



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