

Dave Kubeczko - DNR

From: Dave Kubeczko - DNR
Sent: Friday, October 31, 2014 1:18 PM
To: dave.kubeczko@state.co.us
Subject: FW: FW: EE3 400654565

Categories: Operator Correspondence

Scan No 2107126 CORRESPONDENCE, SURFACE OWNER WAIVER TO 1000 SERIES RULES
2A#400654565

From: Ann Stephens [mailto:astephens@petro-fs.com]
Sent: Friday, October 31, 2014 12:05 PM
To: Dave Kubeczko - DNR
Subject: RE: FW: EE3 400654565

Noted. Thanks, Dave. I will coordinate with EE3 on this issue.
a

Ann Stephens
Regulatory Manager
[Petroleum Field Services, LLC](#)
7535 Hilltop Circle
Denver, Colorado 80221
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From: Dave Kubeczko - DNR [mailto:dave.kubeczko@state.co.us]
Sent: Friday, October 31, 2014 12:00 PM
To: Ann Stephens
Subject: FW: FW: EE3 400654565

Ann,

Please see the additional requirements needed for the Form 4 Sundry Notice and surface owner waiver.

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



Colorado Oil & Gas Conservation Commission
Northwest Area Office
796 Megan Avenue, Suite 201
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FAX: (970) 625-5682
Cell: (970) 309-2514
dave.kubeczko@state.co.us | www.colorado.gov/cogcc

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From: Ash - DNR, Margaret [mailto:margaret.ash@state.co.us]
Sent: Friday, October 31, 2014 11:27 AM
To: Diana Burn - DNR; Dave Kubeczko - DNR; John Noto - DNR
Subject: Re: FW: EE3 400654565

Dave,

If they are not planning on doing interim reclamation (or even final?) then having a 1001.c. COA makes sense. However, we need to provide some additional clarification.

Surface owner waiver includes:

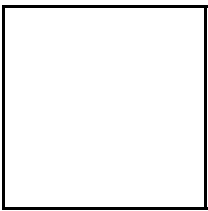
1. Agreement between land owner and operator specific to topsoil protection and reclamation. A modified SUA may or may not be sufficient.
2. The operator has to demonstrate to the satisfaction of the Director that compliance with reclamation rules are not necessary to protect public health safety and welfare including the environment and wildlife resources.
3. The operator needs to understand that they cannot waive compliance with 900 series, the stormwater rules, or some of the surface disturbance rules - 1002.e(1)(4).
3. It is a formal variance process so without this data and information there is a possibility that the waiver will be denied.

1001.c.

Surface owner waiver of 1000-Series Rules. The Commission shall not require compliance with Rules 1002. (except Rules 1002.e.(1), 1002.e.(4), and 1002.f, for which compliance will continue to be required), Rule 1003, or Rule 1004 (except Rules 1004.c.(4) and 1004.c.(5), for which compliance will continue to be required), if the operator can demonstrate to the Director's or the Commission's satisfaction both that compliance with such rules is not necessary to protect the public health, safety and welfare, including prevention of significant adverse environmental impacts, and that the operator has entered into an agreement with the surface owner regarding topsoil protection and reclamation of the land. Absent bad faith conduct by the operator, penalties may only be imposed for non-compliance with a Commission order issued after a determination that, notwithstanding such agreement, compliance is necessary to protect public health, safety and welfare. Prior to final reclamation approval as to a specific well, the operator shall either comply with the rules or obtain a variance under Rule 502.b. This rule shall not have the effect of relieving an operator from compliance with the 900 Series Rules.

Margaret Ash

Field Inspection Manager



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On Fri, Oct 31, 2014 at 11:05 AM, Diana Burn - DNR <diana.burn@state.co.us> wrote:

From: Dave Kubeczko - DNR [mailto:dave.kubeczko@state.co.us]
Sent: Friday, October 31, 2014 10:39 AM
To: Diana Burn - DNR
Cc: John Noto - DNR
Subject: FW: EE3 400654565

Diana,

I have updated the facilities tab as you requested and placed the following COA on the Form 2A:

COA 93 - After completion of the well, operator shall submit a Form 4 Sundry Notice with a waiver request to the 1000 Series Rules, signed by the surface owner. The Sundry shall adhere to:
Rule 1001.c. Surface owner waiver of 1000-Series Rules. The Commission shall not require compliance with Rules 1002. (except Rules 1002.e.(1), 1002.e.(4), and 1002.f, for which compliance will continue to be required), Rule 1003, or Rule 1004 (except Rules 1004.c.(4) and 1004.c.(5), for which compliance will continue to be required), if the operator can

demonstrate to the Director's or the Commission's satisfaction both that compliance with such rules is not necessary to protect the public health, safety and welfare, including prevention of significant adverse environmental impacts, and that the operator has entered into an agreement with the surface owner regarding topsoil protection and reclamation of the land. Absent bad faith conduct by the operator, penalties may only be imposed for non-compliance with a Commission order issued after a determination that, notwithstanding such agreement, compliance is necessary to protect public health, safety and welfare. Prior to final reclamation approval as to a specific well, the operator shall either comply with the rules or obtain a variance under Rule 502.b. This rule shall not have the effect of relieving an operator from compliance with the 900 Series Rules.

The Sundry should also attach details about the hay stack yard, a drawing showing its relation to the wellhead and equipment, and the signed amendment to the SUA.

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: Ann Stephens [mailto:astephens@petro-fs.com]
Sent: Friday, October 31, 2014 10:33 AM
To: Dave Kubeczko - DNR
Cc: Jennifer Grosshans; Jeffrey Annable
Subject: RE: EE3 400654565

Dave,

Please proceed with adding the COA to the permit. I will make sure we get the proper surface owner waiver and documentation and submit via sundry.

Thank you so much for all your efforts on this permit.
Respectfully,

Ann Stephens
Regulatory Manager
[Petroleum Field Services, LLC](http://www.petro-fs.com)
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Denver, Colorado 80221
Office: [303-928-7128](tel:303-928-7128)

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From: Dave Kubeczko - DNR [<mailto:dave.kubeczko@state.co.us>]

Sent: Friday, October 31, 2014 10:24 AM

To: Ann Stephens

Cc: Jennifer Grosshans; Jeffrey Annable

Subject: FW: EE3 400654565

Ann,

As we discussed, per the final reviewer's statement below, there either needs to be a 1001 waiver request as part of this application or a COA to that effect. If EE3 wants/needs this permit today, they I can place the following COA on the Form 2A; otherwise, EE3 needs to submit a waiver request to Rule 1001, signed by the surface owner, to be attached to this Form 2A prior to approval. Please let me know how you wish to proceed.

COA 93 - After completion of the well, operator shall submit a Form 4 Sundry Notice with a waiver request to Rule 1001, signed by the surface owner. The Sundry should also attach details about the hay stack yard, a drawing showing its relation to the wellhead and equipment, and the signed amendment to the SUA.

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: Diana Burn - DNR [mailto:diana.burn@state.co.us]
Sent: Friday, October 31, 2014 9:35 AM
To: Dave Kubeczko - DNR
Cc: John Noto - DNR
Subject: EE3 400654565

Hi Dave – this 2A is talking about the site being a stack yard and so no interim reclamation. There either needs to be a 1001 waiver request as part of this application or a COA to that effect.

The equipment and pit listings under OTHER FACILITIES, with the exception of the Meter, can be moved up into the grid – treater(separator), pit (pit), dual product tank (appropriate tanks).

Thanks,
Diana