

## LAW OFFICE OF MATTHEW SURA

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Matthew Sura LLC • 7354 Cardinal Lane, Longmont, CO 80503 • Phone: 720-563-1866 • mattsura.law@gmail.com

Greg Deranleau, Environmental Manager  
Megan Adamczyk, COGCC Complaint Specialist  
Colorado Oil and Gas Conservation Commission  
[megan.adamczyk@state.co.us](mailto:megan.adamczyk@state.co.us)  
[greg.deranleau@state.co.us](mailto:greg.deranleau@state.co.us)  
[dnr\\_cogcc.complaints@state.co.us](mailto:dnr_cogcc.complaints@state.co.us)

RE: Formal complaint and report of suspected spill or release

2/24/2022

Dear Colorado Oil and Gas Conservation Commission,

Please accept this email as a formal complaint of behalf of my client, YES Communities, LLC and its affiliates (collectively, “YES” or the “Surface Owner”).

YES is the owner of a vacant parcel at 7781 Mountain View Drive, Frederick, CO. The legal description is Section 31 SE/4, 2 North, 67 West of the 6<sup>th</sup> Meridian.

On or about January 10, 2022, while conducting pot holing to locate utilities, employees discovered some soil and water that appeared to be contaminated with oil. Please see photos 1 and 2 attached.

Two samples were collected and were found to be contaminated with what appears to be unrefined oil. The attached analysis by DHL Analytical found the soil samples contained total hydrocarbons of 3,160 mg/kg – well above the acceptable total petroleum hydrocarbon concentrations limit of 500mg/kg found in COGCC Table 915. (See Exhibit 1, page 15).

After some research, the Surface Owner learned that Kerr McGee Oil and Gas (now wholly owned by Occidental Petroleum) plugged the HSR Grant Brothers 19-31 well on 1/3/2019 and removed the associated flow line on 1/17/2019. (COGCC Doc# 401955131). The Kerr McGee flow line passed through the exact location of the contaminated soil. The black contaminated soil should have been evident to Kerr McGee when the flowline was removed. The locations of the flowline and the contaminated soil can be seen on the attached maps below.

The Surface Owner respectfully requests the COGCC to investigate the release and is filing this formal complaint on this matter. From what they discovered onsite and their subsequent research, it appears that there may be violations of the following COGCC Rules:

### 2019 Rules:

- Rule 324A.a. failing to take proper environmental precautions to prevent contamination of soil and ground water.
- Rule 1102.i. failing to maintain and repair a flowline.
- Rule 906.a. failing to immediately control and contain a known spill/release

- Rule 906.b. failing to report a spill to the COGCC and notify other required parties including Surface Owner.
- Rule 910 impacts to soil and groundwater exceeding Table 910-1
- Rule 1104.f failure to preform integrity management requirements for off location flowlines.
- Rule 1104.i failure to use continuous monitoring program to detect and repair leaks.

### 2022 Rules

- Rule 902 failure to prevent pollution; failure to prevent unauthorized discharge of oil.
- Rule 911.b failure to report a spill of release found during closure on a Form 19
- Rule 912.a failure to investigate or clean up a spill or release
- Rule 912.b. failure to report spill or release to COGCC or Surface Owner
- Rule 915. impacts to soil and groundwater exceeding Table 915-1
- Rule 1104.f failure to preform integrity management requirements for off location flowlines.
- Rule 1104.i failure to use continuous monitoring program to detect and repair leaks.
- Rule 1104.k failure to investigate continuous monitoring failure

We appreciate your assistance on this issue.

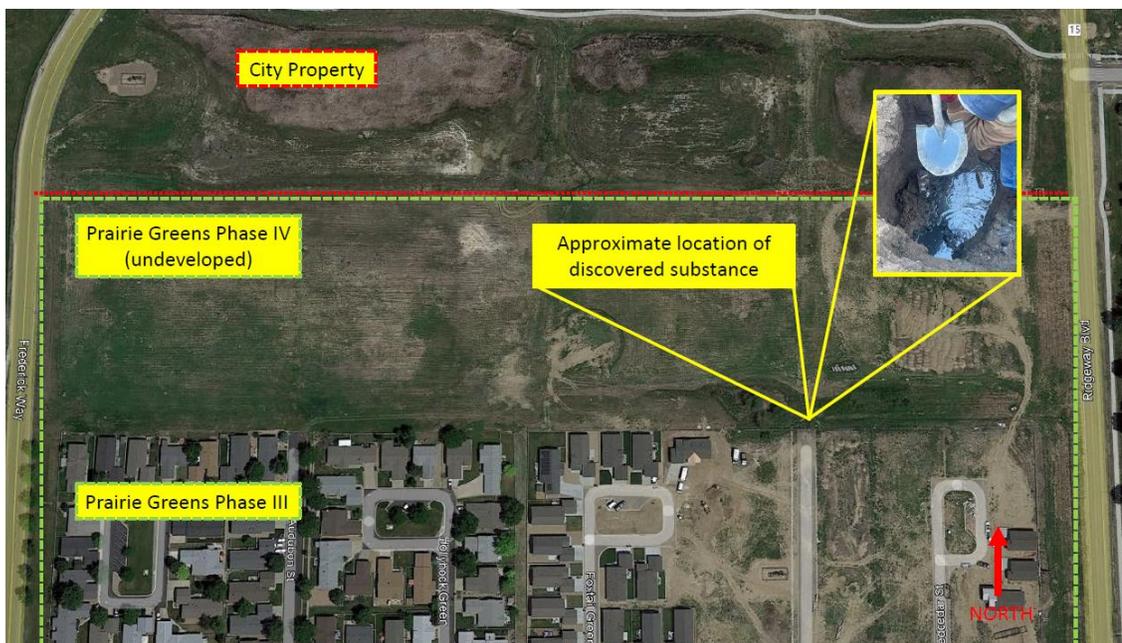
Sincerely,

Matt Sura  
Counsel for Yes Management, LLC.

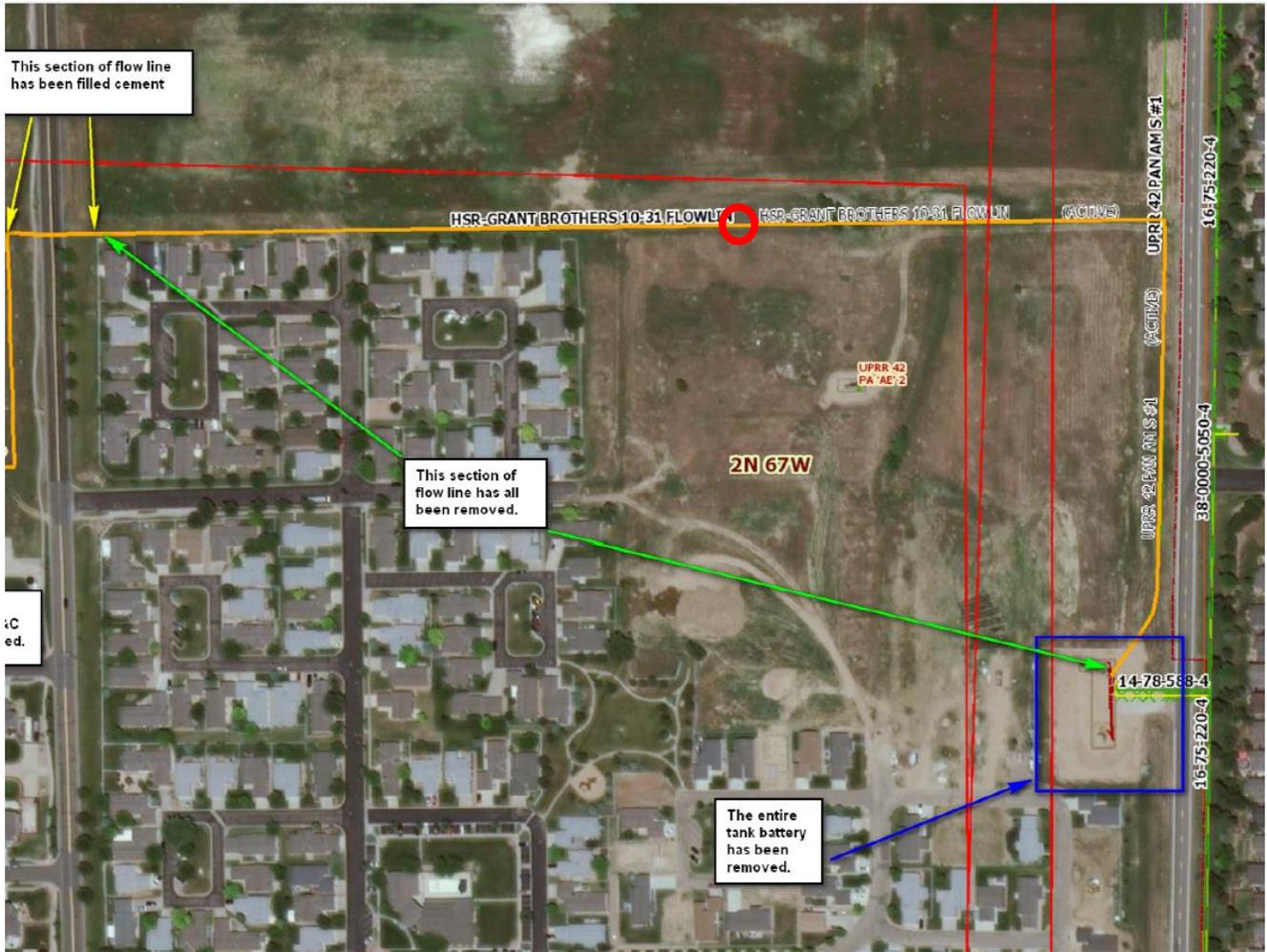
Cc: Mike Askins, Director of Acquisitions and Development  
Brian Dougherty, Development Manager  
Josh Sonne, Vice President of Legal / General Counsel  
YES Management, LLC  
5050 S Syracuse St, Suite 1200  
Denver, CO 80237  
e: maskins@yescommunities.com  
e: bdougherty@yescommunities.com  
e: JSonne@yescommunities.com



*Photos 1 and 2. Photos taken upon discovery of the suspected soil and water contamination on or about January 10, 2022.*



*Map 1. General location of the oil contamination.*



Map 2. Map of Kerr McGee flowline route from the HSR Grant Brothers 19-31 well to the tank battery. The red circle is the approximate location of the oil contamination.