

**FORM
INSP**Rev
X/20**State of Colorado
Oil and Gas Conservation Commission**1120 Lincoln Street, Suite 801, Denver, Colorado 80203
Phone: (303) 894-2100 Fax: (303) 894-2109

Inspection Date:

09/06/2023

Submitted Date:

09/15/2023

Document Number:

708200543

FIELD INSPECTION FORMLoc ID 477495 Inspector Name: Edwardson, Dylan On-Site Inspection ☐ 2A Doc Num: _____**Operator Information:**

OGCC Operator Number: 10814

Name of Operator: MDS ENERGY DEVELOPMENT LLC

Address: 409 BUTLER RD SUITE A

City: KITTANNING State: PA Zip: 16201

Status Summary:

- ☒ THIS IS A FOLLOW UP INSPECTION
- ☒ FOLLOW UP INSPECTION REQUIRED
- ☐ NO FOLLOW UP INSPECTION REQUIRED

Findings:

9 Number of Comments

6 Number of Corrective Actions

☒ Corrective Action Response Requested**ANY CORRECTIVE ACTION(S) FROM
PREVIOUS INSPECTIONS THAT HAVE NOT
BEEN ADDRESSED ARE STILL APPLICABLE****Contact Information:**

Contact Name	Phone	Email	Comment
SAADEH, RICHARD		richard.saadeh@mdsed.com	
		logan.hansen@state.co.us	
CHAPARRO, SIJI		siji.chaparro@iptwell.com	

Inspected Facilities:

Facility ID	Type	Status	Status Date	Well Class	API Num	Facility Name	Insp Status
477495	LOCATION	AC	07/30/2020		-	Daffy Pad	CI

General Comment:

This is a follow-up Construction and Stormwater Inspection to FIR (Doc #708200369 and #708200393).

The following Compliance Issues were observed during this inspection:

- Location Construction
- Reclamation
- Stormwater

Location Construction

Location ID: 477495 CDP: _____

Comment: Location signs have been installed at the former entrance, however, per Operator submitted Form 4 (doc #403486997) Weld County requested that the Operator move the access road entry point further south (see doc #403506289 for updated access road). Location signs must be installed at the entrance to the location. Refer to attached inspection photos.

Corrective Action: Install sign to comply with Rule 605.a. Corrective action date is the date the location was observed out of compliance.

Date: 09/06/2023**Form 2A COAs:**

Comment: Previous FIR (doc #708200369 and #708200393) corrective actions required the Operator to provide any updated documents to ECMC via Form 4 Sundry. Operator submitted Form 4 Sundry (doc #403486997) with revised construction layout drawings and updated access road map.

Corrective Action: _____**Date:** _____**Wildlife BMPs:**

Comment: Previous FIR (doc #708200369 (07/07/2023) and #708200393 (07/20/2023)) corrective actions required the Operator to provide documentation of pre-construction nesting migratory bird survey via Form 4 Sundry by COB 07/12/2023. Operator submitted FIRR (doc #403460533; received 07/12/2023) stating that an Operator representative walked and surveyed the perimeter of the disturbance area prior to any dirt moving construction activities; no documentation was provided to ECMC via Form 4 at that time. The FIRR was denied (e.g. CA not completed) and ECMC reiterated that the Operator needed to submit documentation via Form 4. Operator submitted Form 4 Sundry (doc #403506498; received 08/23/2023) with attachment (doc #403506506) indicating that a survey was conducted on 07/19/2023; at that time, the location was approximately 95% constructed based on ECMC Staff Field Inspection Report (doc #708200393).

Corrective Action: Per Rule 1202.a.8, Operators will conduct pre-construction nesting migratory bird surveys within the approved disturbance area prior to any vegetation removal during the nesting season (April 1 to August 31). The Operator submitted report (doc #403506506) does not conform to the requirements of Rule 1202.a.8 based on the protocol performed in the report and that it was performed on 07/19/2023, after the location was approximately 95% constructed. This location is out of compliance with Rule 1202.a.8, and is being referred to Enforcement.

Date: _____**Comment:** _____**Corrective Action:** _____**Date:** _____**On Site Inspection (305):**Surface Owner Contact Information:

Name: _____ Address: _____

Phone Number: _____ Cell Phone: _____

Operator Rep. Contact Information:

Landman Name: _____ Phone Number: _____

Date Onsite Request Received: _____ Date of Rule 306 Consultation: _____

Request LGD Attendance: _____

LGD Contact Information:

Name: _____ Phone Number: _____ Agreed to Attend: _____

Summary of Landowner Issues:

Summary of Operator Response to Landowner Issues:

Onsite Inspection Memorandum Summarizing Discussions at Inspection as Attachment:



Reclamation - Storm Water - Pit**Interim Reclamation:**

Date Interim Reclamation Started: _____ Date Interim Reclamation Completed: _____

Land Use: RANGELAND

Comment: _____

1002 SITE PREPARATION AND STABILIZATION

1002a. FENCING _____

Comment _____

Corrective Action _____

Date _____

1002b. SOIL REMOVAL AND SEGREGATION Fail

Comment This location does not comply with Rule 1002.b. During this inspection, Staff observed that the revised/new access road (illustrated in doc #403506289) does not appear to have had topsoil salvaged. Refer to attached inspection photos.

Corrective Action Comply with Rule 1002.b. Location will remain out of compliance until the corrective action has been resolved.

Date **09/06/2023**1002c. PROTECTION OF SOILS Fail

Comment This location does not comply with Rule 1002.c. During this inspection, Staff observed that the topsoil stockpile and other portions of the production areas (e.g. cut/fill slopes, access roads, and stormwater BMPs) do not appear to be adequately stabilized with evidence of improper equipment tracking (e.g. parallel to grade/slopes) for short-term stabilization. Equipment tracking for short-term stabilization should be performed perpendicular to grade to prevent erosion degradation. Operator shall implement long-term stabilization BMPs (i.e., seeding when appropriate) when stabilizing all stockpiles to ensure compliance under Rule 1002.c. See "Stormwater" section for additional information and refer to attached inspection photos.

Corrective Action Comply with Rule 1002.c. Location will remain out of compliance until the corrective action has been resolved.

Date **09/06/2023**

1002E. SURFACE DISTURBANCE MINIMIZATION _____

Comment _____

Corrective Action _____

Date _____

1003a. Waste and Debris removed? Fail

Comment Trash and debris was observed on the east side of the topsoil stockpile. Refer to attached inspection photos.

Corrective Action Comply with Rule 606. Location will remain out of compliance until the corrective action has been resolved.

Date **09/06/2023**Unused or unneeded equipment onsite? Pass

Comment _____

Corrective Action _____

Date _____

Pit, cellars, rat holes and other bores closed? _____

Comment _____

Corrective Action _____

Date _____

Guy line anchors marked? _____

Comment _____

Corrective Action _____

Date _____

1003b. Area no longer in use? _____ Production areas stabilized ? _____

1003c. Compacted areas have been cross ripped? _____

1003d. Drilling pit closed? _____ Subsidence over on drill pit? _____

Cuttings management: _____

1003e. Areas no longer needed for drilling or subsequent operations for have been re-vegetated to 80% of pre-existing? _____

Production areas have been stabilized? _____ Segregated soils have been replaced? _____

RESTORATION AND REVEGETATIONCropland

Top soil replaced _____ Recontoured _____ Perennial forage re-established _____

Non-Cropland

Top soil replaced _____ Recontoured _____ 80% Revegetation _____

1003e. INTERIM VEGETATION TRANSECT

TRANSECT RESULTS OF DISTURBED AREA% _____

TRANSECT RESULTS OF REFERENCE AREA% _____

TOTAL % OF DESIRABLE VEGETATION COVER _____

VEGETATIVE COVER _____

1003 f. Weeds Noxious weeds? _____

Comment This location currently has four Form 2: Application for Permit to Drill in draft form with ECMC. Operator shall comply with interim reclamation timing requirements. Refer to "Notice to Operators: Interim Reclamation Procedures for Delayed Operations" found on ECMC website under the following tabs "Regulation" -> "Policies" for additional information.

Corrective Action _____ Date _____

Overall Interim Reclamation

Final Reclamation/ Abandoned Location:

Date Final Reclamation Started: _____ Date Final Reclamation Completed: _____

Final Land Use: RANGELAND

Reminder: _____

Comment: _____

Well plugged _____ Pit mouse/rat holes, cellars backfilled _____

Debris removed _____ No disturbance /Location never built _____

Access Roads Regraded _____ Contoured _____ Culverts removed _____

Gravel removed _____

Location and associated production facilities reclaimed _____ Locations, facilities, roads, recontoured _____

Compaction alleviation _____ Dust and erosion control _____

Non cropland: Revegetated 80% _____ Cropland: perennial forage _____

Weeds present _____ Subsidence _____

1004.d. FINAL VEGETATION TRANSECT

TRANSECT RESULTS OF DISTURBED AREA% _____

TRANSECT RESULTS OF REFERENCE AREA% _____

TOTAL % OF DESIRABLE VEGETATION COVER _____

VEGETATIVE COVER _____

Comment: _____

Corrective Action: _____ Date _____

Overall Final Reclamation _____

Well Release on Active Location ☐Multi-Well Location ☐**Storm Water:**

Loc Erosion BMPs	BMP Maintenance	Lease Road Erosion BMPs	Lease BMP Maintenance	Chemical BMPs	Chemical BMP Maintenance	Comment

Comment: This location does not comply with Rule 1002.f. During this inspection, Staff observed that erosion degradation (e.g. rilling and sediment transport) has occurred throughout the location- including the access roads, cut/fill slopes within the production areas, and the topsoil stockpile. Stormwater control measures/BMPs are inadequate for this location as evidence of improper equipment tracking and sediment transport off location was evident. Implementation of more robust stormwater control measures/BMPs are required in order to comply with Rule 1002.f. Refer to attached inspection photos for documentation.

Corrective Action: Comply with Rule 1002.f. Location will remain out of compliance until the corrective action has been resolved.

Date: 09/06/2023

Pits: ☐ NO SURFACE INDICATION OF PIT**Attached Documents**You can go to COGCC Images (<https://cogcc.state.co.us/weblink/>) and search by document number:

Document Num	Description	URL
708200557	Inspection Photos	http://ogccweblink.state.co.us/DownloadDocumentPDF.aspx?DocumentId=6253200