

# **COGCC 900-Series Rules E&P WASTE MANAGEMENT**

**Garfield County Energy Advisory Board  
February 2, 2012**

# What are “spills” and “releases”?

- **SPILL** shall mean any unauthorized sudden discharge of E&P waste to the environment.
- **RELEASE** shall mean any unauthorized discharge of E&P waste to the environment over time.

## 906. Spills and Releases

- **Rule 906.a. Reporting requirements.**
  - Spills/releases of E&P waste shall be controlled & contained immediately upon discovery.
  - Impacts shall be investigated & cleaned up as soon as practicable.
  - COGCC may require additional activities.

## 906. Spills and Releases (Cont'd)

- **Rule 906.b. (1) Reporting requirements.**
  - COGCC Spill/Release Report (Form 19) must be submitted for all spills and releases exceeding 5 bbl, including any contained within lined or unlined berms.

## 906. Spills and Releases (Cont'd)

- **Rule 906.b. (2) Reporting requirements.**
  - Spills and releases exceeding 20 bbl spills must be:
    - Reported verbally as soon as practicable,
    - Verbal notification must be within 24 hours of discovery, and
    - Form 19 must be submitted.

## 906. Spills and Releases (Cont'd)

- **Rule 906.b. (3) Reporting requirements.**
  - Spills/releases of any size that impact or threaten to impact waters of the state, structures, livestock, public byways must be:
    - Reported verbally as soon as practicable,
    - But not more than 24 hours after discovery; and
    - Reported on a Form 19.

# What are “Waters of the State”?

- Any and all surface and subsurface waters which are contained in or flow in or through this state, but does not include waters in sewage systems, waters in treatment works of disposal systems, water in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed.

## What are “Waters of the State”? (Cont’d)

- Waters of the state include, but are not limited to, all streams, lakes, ponds, impounding reservoirs, wetlands , watercourses, waterways, wells, springs, irrigation ditches or canals, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the State.

## 906. Spills and Releases (Cont'd)

- **Rule 906.b. (4) Reporting requirements.**
  - Spills/releases of any size that impact or threaten to impact any surface water supply area must be reported to the Director & the Environmental Release/Incident Report Hotline (1-877-518-5608) immediately after discovery.

## 906. Spills and Releases (Cont'd)

- **Rule 906.b. (4) Reporting requirements.**
  - Spills/releases that impact or threaten a surface water intake must be reported to the emergency contact for that facility immediately after discovery.

## 906. Spills and Releases (Cont'd)

- **Rule 906.b. (5) Reporting requirements.**
  - Form 19 Must be submitted within 10 days of discovery.
  - Must include a topographic map showing location spill/release.
  - Must describe initial response, investigation, and remediation.
  - Director may require additional information.

## 906. Spills and Releases (Cont'd)

- **What happens once a Form 19 is submitted?**
  - The form is reviewed for completeness.
  - It's compared with the verbal notification for consistency.
  - Surrounding area is screened for potential points of exposure.
  - Decision made regarding Form 27.

## 906. Spills and Releases (Cont'd)

- **What happens once a Form 19 is submitted?**
  - Form 19 entered into COGCC database.
  - Spill/release tracking number is assigned.
  - Subsequent documents are indexed to the tracking number.
  - Communication and coordination with other agencies.

## 906. Spills and Releases (Cont'd)

- **Rule 906.b. (6) Reporting requirements.**
  - Chemical spills & releases shall be reported in accordance with other applicable state & federal laws.

## 906. Spills and Releases (Cont'd)

- **Rule 906.c. Reporting requirements.**
  - The operator must notify the affected surface owner or the surface owner's appointed tenant of reportable spills as soon as practicable, but not more than 24 hours after discovery.
  - Those contacts are shown on the Form 19.

## 906. Spills and Releases (Cont'd)

- **Rule 906.c. Reporting requirements.**
  - The operator must make good faith efforts to notify and consult with the affected surface owner, or the surface owner's appointed tenant, prior to commencing operations to remediate E&P waste from a spill/release in an area not being used for O&G operations.

## 906. Spills and Releases (Cont'd)

- **Rule 906.d. Remediation of spills/releases.**
  - When threatened or actual significant adverse environmental impacts on any air, water, soil or other environmental resource from a spill/release exists or when necessary to ensure compliance with the concentration levels in Table 910-1, with consideration to WQCC ground water standards and classifications, the Director may require operators to submit a Site Investigation and Remediation Work Plan, Form 27. Such spills/releases shall be remediated in accordance with Rules 909. and 910.

## 906. Spills and Releases (Cont'd)

- **Rule 906.e. (2) Spill/release evaluation.**
  - Operators shall determine, and report to COGCC, the cause of a spill/release.
  - Operators shall implement measures to prevent spills/releases due to similar causes in the future.

# Enforcement

- Just because a spill or release occurs and is reported to us does not mean that a fine is automatically assessed.
- If a spill or release is associated with a regulatory violation, we can issue a notice of alleged violation requiring corrective action under Rule 522.
- In appropriate cases, we can pursue monetary penalties under Rule 523.

## Enforcement (Cont'd)

- Information on spills and releases, notices of alleged violation, and enforcement actions are included in a statistical table in the monthly report prepared by the Commission staff and available on the COGCC website ([www.cogcc.state.co.us](http://www.cogcc.state.co.us)).

## Enforcement (Cont'd)

- Detailed information including the actual spill and remediation reports, notices of alleged violation, and enforcement action documents, are also available on the COGCC website ([www.cogcc.state.co.us](http://www.cogcc.state.co.us)).

# Questions?

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