

BEFORE THE OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF ALLEGED VIOLATIONS OF THE) CAUSE NO. 1V
RULES AND REGULATIONS OF THE COLORADO OIL AND)
GAS CONSERVATION COMMISSION BY **BENCHMARK**) DOCKET NO. 1307-OV-19
ENERGY LLC, LOGAN COUNTY, COLORADO)

NOTICE OF ORDER FINDING VIOLATION HEARING

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

Pursuant to Rule 522.c., the Colorado Oil and Gas Conservation Commission ("Commission" or "COGCC") Staff will apply to the Commission at its July 29, 2013 hearing for an Order Finding Violation ("OFV") against Benchmark Energy LLC ("Benchmark") (Operator No. 10380).

Benchmark operates the Logan J Sand Unit #4-19 Well ("Site") (API # 05-075-06043) located in the NE $\frac{1}{4}$, SE $\frac{1}{4}$, Section 1, Township 8 North, Range 54 West, 6th P.M.

Commission Staff inspected the Site on October 13, 2011, August 1, 2012, and October 30, 2012, related to Remediation Project #5656, for a produced water pit closure. Numerous Rule violations were observed and corrective actions were required to be performed by specified dates.

On March 14, 2013, Commission Staff issued a Notice of Alleged Violation ("NOAV") (No. 200376569) citing alleged violations of the following Rules: 1) Rule 308B; 2) Rule 309; 3) Rule 324A.a; 4) Rule 907.b.; 5) Rule 907.e.; 6) Rule 1002.f.; and 7) Rule 1004. Staff has voluntarily dismissed the alleged violations of Rule 308B, Rule 324A.a, and Rule 907.

Rule 523. specifies a base fine of One Thousand dollars (\$1,000) for each day of violation of Rules 309, Rule 1002.f., and Rule 1004. Rule 523.a.(3) specifies that the maximum penalty for any single violation shall not exceed \$10,000 regardless of the number of days of such violation, unless the violation results in significant waste of oil and gas resources, damage to correlative rights, or a significant adverse impact on public health, safety or welfare or the environment. Staff has calculated a base fine of \$30,000 based on violations of Rule 309, Rule 1002.f, and Rule 1004.c. for 10 days and no significant impact.

NOTICE IS HEREBY GIVEN, pursuant to: 1) the general jurisdiction granted to the Oil and Gas Conservation Commission of the State of Colorado (Commission) under § 34-60-105 C.R.S.; 2) specific powers granted pursuant to § 34-60-106 C.R.S.; 3) the Colorado Administrative Procedures Act at § 24-4-105 C.R.S.; and 4) the Commission's Series 500 Rules at 2CCR 404-1, that the Commission has scheduled the above-entitled matter for hearing on:

Date: Monday, July 29, 2013
Tuesday, July 30, 2013

Time: 9:00 a.m.


Place: Colorado Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, Colorado 80203

In accordance with the Americans with Disabilities Act, if any party requires special accommodations as a result of a disability for this hearing, please contact Margaret Humecki at (303) 894-2100 ext. 5139, prior to the hearing and arrangements will be made.

Pursuant to said hearing in the above-entitled matter at the time and place aforesaid, or at any adjourned meeting, the Commission will enter such orders as it deems appropriate to protect the health, safety and welfare of the public and to prevent the waste of oil and gas, either or both, in the operations of said field, and to carry out the purposes of the statute.

In accordance with Rule 509., any interested party desiring to protest the granting of the application or to intervene on the application should file with the Commission a written protest or intervention no later than July 15, 2013, briefly stating the basis of the protest or intervention. One electronic, one original and two copies shall be filed with the Commission. Anyone who files a protest or intervention must be able to participate in a prehearing conference during the week of July 15, 2013. Pursuant to Rule 503.g., if a party who has received notice under Rule 503.b. wishes to receive further pleadings in the above-referenced matter, that party must file a protest or intervention in accordance with these rules.

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

By 

Robert J. Frick, Secretary

Dated: July 2, 2013

Colorado Oil and Gas Conservation Commission
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