

STATE OF COLORADO
OIL & GAS CONSERVATION COMMISSION

1120 Lincoln Street, Suite 801
Denver, CO 80203
303-894-2100 fax: 303-894-2109

*** NOTICE OF ALLEGED VIOLATION ***

Operator Name & Mailing Address / Company Representative:

Mr. Robert J. Desmond Jr.
Philpott Oil & Gas Company
1615 California Suite 401
Denver, CO. 80202

Date Notice Issued:

October 28, 1998

Well/Site/Facility Gardels #3	Legal Description (1/4 1/4, Section, Township, Range, P.M.): NW NE 19 5 N 68 W	County: Larimer
Lease Number: 26668	API Number: 05-069-6187	
COGCC Representative: Dave Shelton	Phone Number: 303-894-2100 ext 108	Date of Alleged Violation: October 27, 1998
		Apprx Time of Violation:

THE FOLLOWING ALLEGED VIOLATION WAS FOUND BY THE COGCC REPRESENTATIVE FOR THE SITE LISTED

Describe Alleged Violation:	Oil on disposal pit. Thick weeds at well site and tank battery site. No production reported since 12/97.

Act, Order, Regulation, Permit Conditions Cited:	Rules 309, 603.g, and 902.d

Abatement or Corrective Action to be Completed by:	Upon receipt of notice.
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Abatement or Corrective Action Required to be Performed by Operator *:	(1) Remove all oil and oil stained soil from disposal pit. Take action to eliminate reoccurrence. (2) Cut weeds at well and tank battery sites. (3) Submit COGCC Form 7 production reports.

This is the second NOAV that has been sent due to violations of Rules 309 and 902.d. Further violations of these rules will result in the issuance of an Administrative Order by Consent and a fine recommendation.

* Proper and timely abatement does not necessarily preclude the assessment of penalties and an order finding violation.

TO BE COMPLETED BY OPERATOR: When alleged violation is corrected, sign this notice and return to above address		
Print Company Representative Name & Title:	Signature:	Date:
Company Comments:		

*** This Notice constitutes a separate notice of alleged violation for each violation listed ***

WARNING

Abatement and reporting time frames for Notices of Alleged Violation begin upon receipt of the Notice or 5 days after the date it is mailed, whichever is earlier. Each violation must be abated within the prescribed time upon receipt of this Notice, reported to the Colorado Oil and Gas Conservation Commission at the address shown above, and postmarked no later than the next business day after the prescribed time for abatement. Should abatement or corrective action fail to occur, the Director may make application to the Commission for an Order Finding Violation. Proper and timely abatement does not necessarily preclude the assessment of penalties and an Order Finding Violation.

PENALTY PROPOSED BY THE DIRECTOR PER RULE 523

The Director may propose a penalty as listed in the table below, not to exceed a maximum of \$1000.00 per day per violation. Such proposed penalty amount will be limited to \$10,000 per violation if the violation does not result in significant waste of oil and gas resources, damage to correlative rights, or a significant adverse impact on public health, safety, or welfare. Such proposed penalty amount may be increased if aggravating factors indicate the violation: was intentional or reckless; had, or threatened to have, a significant negative impact on public health, safety, or welfare; resulted in significant waste of oil and gas resources; had a significant negative impact on correlative rights of other parties; resulted in, or threatened to result in, significant loss or damage to public or private property; involved recalcitrance or recidivism upon the part of the violator; involved intentional false reporting or record keeping; resulted in economic benefit to the violator. Such proposed penalty amount may be decreased if mitigating factors indicate the violator: self-reported; promptly, effectively, and prudently responded to the violation; cooperated with the Commission or other agencies with respect to the violation; could not reasonably control, or be responsible for, the cause of the violation; made a good faith effort to comply with applicable requirements prior to the Commission learning of the violation; had any economic benefit reduced or eliminated due to the cost of correcting the violation; has demonstrated a history of compliance with Commission rules, regulations, and orders. The Commission has final authority over the penalty amount assessed.

BASE FINE \$250.00 PER DAY PER VIOLATION: RULES 210, 307, 311, 312, 313, 314A, 315, 403, 405, 803, 804

BASE FINE \$500.00 PER DAY PER VIOLATION: RULES 205, 206, 207, 208, 302, 308, 309, 310, 316A, 321, 322, 328, 329, 330, 331, 332, 401


BASE FINE \$750.00 PER DAY PER VIOLATION: RULES 605, 606A, 606B, 607

BASE FINE \$1000.00 PER DAY PER VIOLATION: RULES 209, 301, 303, 305, 306, 316B, 317, 317A, 318, 319, 320, 323, 324, 325, 326, 327, 333, 404, 602, 603, 604, 703, 704, 705, 706, 707, 708, 709, 711, 802, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 1002, 1003, 1004, 1101, 1102, 1103

In accordance with Rule 523.a.(4), fines for violations for which no base fine is listed shall be determined by the Commission at its discretion.

Signature of COGCC Representative:	Date:	Time:
	10/28/98	1500

FOR OFFICE USE ONLY

Resolution Approved by:	Date:	Resolution Action:
	11/19/98	WORK DONE

