

**From:** [Mike Gardner](#)  
**To:** [shaun.kellerby@state.co.us](mailto:shaun.kellerby@state.co.us); [Scott Ramsey - DNR](#); [corey.depaolo@state.co.us](mailto:corey.depaolo@state.co.us); [Mike Longworth - DNR](#)  
**Cc:** [Brandon Baker](#); [Eric DeKam](#); [Jeff Kirtland](#)  
**Subject:** Labeling Requirements for Production Separators  
**Date:** Wednesday, August 18, 2021 2:47:00 PM  
**Attachments:** [Ethylene glycol.pdf](#)  
[Propylene glycol.pdf](#)

---

Recently, TEP has received multiple COGCC Field Inspection Reports that identify “compliance issues” and corrective actions for production separators that are not labeled per COGCC Rule 605.h.

TEP disagrees that production separators must be labeled for the following reasons:

- COGCC Rule 605.h – Tank and Container labels. This rule lays out the labeling requirements for *tanks and containers*. However, a production separator does not meet the regulatory definition of either a tank or a container per COGCC Rules.
- COGCC Rule 100 – Definitions:
  - **TANK** shall mean a stationary vessel constructed of non-earthen materials (e.g., concrete, steel, plastic) that provides structural support and is designed and operated to store produced fluids or E&P waste. Examples include, but are not limited to, condensate tanks, crude oil tanks, produced water tanks, and gun barrels. Exclusions include Containers and process vessels such as separators, heater treaters, free water knockouts, and slug catchers.
  - **CONTAINER** shall mean any portable device in which a hazardous material is stored, transported, treated, disposed of, or otherwise handled. Examples include, but are not limited to, drums, barrels, totes, carboys, and bottles.

Per COGCC Rule 100 – Definitions: A production separator does not meet the definition of a “tank” because it does not function to store produced fluids or E&P waste. The rules specifically gives examples of vessels that meet this definition, and include condensate tanks, crude oil tanks, produced water tanks, etc.. Further the COGCC definition of a tank specifically excludes process vessels such as separators, heater treaters, free water knockouts, and slug catchers.

Per COGCC Rule 100 – Definitions: a production separator does not meet the definition of a “container” which is any *portable device* such as a drum, barrel, tote, carboy, etc. that is used for the storage, treatment, disposal, or handling of a *hazardous material*. A production separator is not a “portable device”, nor is it used for the storage, treatment, disposal, or handling of “hazardous materials.” TEP uses Ethylene glycol or Propylene glycol in the water baths of our separators. Both Ethylene and Propylene glycol are NOT DOT-controlled, hazardous materials as is clearly stated within the attached MSDSs.

Therefore, per COGCC Rule 100 – Definitions, the labeling requirements identified at COGCC Rule “605.h Tank and Container labels” do not apply to production separators, and a separator without a label is not a “compliance issue.” If this is not a correct interpretation of the Rules, please provide TEP with specific language from within the rules that clearly demonstrates the specific regulatory

requirement / need for labeling production separators. Otherwise, TEP does not intend to install labels on production separators, and any future corrective actions requiring labels on production separators will not be addressed.

Mike Gardner

Cell: (970) 623-4875

Office: (970) 263-2760

[mgardner@terraep.com](mailto:mgardner@terraep.com)