

**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:

10/20/2023

Submitted Date:

10/27/2023

Document Number:

708200645

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:

10 Number of Comments

5 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	
Hansen, Logan		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	RI

General Comment:

This is a follow-up Construction and Stormwater Inspection to FIR (Doc #708200369, #708200393, and #708200543).

The following Compliance Issues were observed during this inspection:

- Location Construction
- Reclamation
- Stormwater

Location Construction

Location ID: 477495 CDP: _____

Comment: Location signage is in compliance with Rule 605.a. No further action required for this corrective action.

Corrective Action: _____

Date: _____

Form 2A COAs:

Comment: _____

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
SEGREGATIONPass

Comment

At the time of this inspection, Staff observed that a new access road was constructed according to the revised access road map (doc #403506289). Onsite Operator representative (S. Chaparro) informed staff that topsoil was salvaged from the new access road and redistributed throughout the former access road for subsequent reclamation. Fill material was excavated from the production area and used as fill for the new access road.

Corrective Action _____

Date _____

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). Onsite crews (M&M Excavation) acknowledged that equipment tracking was improper and advised Staff that the entire location was going to be seeded/mulched in the next couple of weeks. This location will remain out of compliance until the location is properly stabilized.

Corrective Action

Comply with Rule 1002.c. Location will remain out of compliance until the corrective action has been resolved. Corrective action date is being backdated to when the location was first observed out of compliance.

Date 09/12/20231002E. SURFACE DISTURBANCE MINIMIZATION Fail

Comment

The former access roads, located north and south of the new access road, have been disturbed by vehicle traffic and heavy equipment activities associated with the construction of this location. All land disturbances resulting from the new access road alignment must be reclaimed per the 1000 series rules. Refer to attached inspection photos for documentation.

Corrective Action

Comply with Rule 1002.e. The location will remain out of compliance until the corrective action has been resolved.

Date 10/20/20231003a. Waste and Debris removed? Fail

Comment

Trash was observed on the southeastern portion of the location.

Corrective Action

Comply with Rule 606. The location will remain out of compliance until the corrective action has been resolved.

Date 10/20/2023

Unused or unneeded equipment onsite? _____

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: [Refer to ECMC/Inspector Comments Section for additional.](#)

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

Corrective action date is being backdated to when the location was originally observed out of compliance.

Date: 09/06/2023

Pits: ☐ NO SURFACE INDICATION OF PIT**COGCC Comments**

Comment	User	Date
<p>Stormwater Comments:</p> <p>This location does not comply with Rule 1002.f. At the time of this inspection, it was apparent that some portions of erosion degradation previously documented had been repaired. However, temporary stabilization of soils (e.g. equipment tracking) has not been adequately implemented as tracks are parallel to grade as opposed to perpendicular. Additionally, portions of the perimeter stormwater controls (e.g. ditch and berms) are comprised of unconsolidated material, which can become a source of pollution itself if not properly stabilized.</p> <p>Erosion degradation (e.g. rilling) is occurring south of the topsoil stockpile, and on the east and west sides of the topsoil stockpile itself, with evidence of sediment transport. This was previously documented in FIR (doc #708200543) but does not appear to have been repaired. Additional stormwater controls measures/BMPs should be selected around the perimeter of the topsoil stockpile as there are currently no BMPs installed that would prevent topsoil (e.g. sediment transport) from entering the stormwater ditch on the west side of the stockpile. Appropriate stormwater control measures should be implemented to prevent mixing of topsoil with fill material located immediately adjacent to the stormwater ditch.</p> <p>The northern/center portion of the location does not have any apparent stormwater controls (e.g ditch and berm, sediment basin, etc) to prevent sediment laden stormwater from exiting off location into adjacent areas. It also does not appear that erosion degradation previously documented has been repaired. More robust stormwater controls measures/BMPs need to be installed as this area appears to be a low spot in the topography where a majority of stormwater run off could potentially accumulate.</p> <p>Staff also observed that there are no apparent stormwater controls within the stormwater ditches that would help to control and/or slow the velocity of stormwater (e.g. check dams, erosion control logs, rip rap, etc).</p> <p>Refer to the attached inspection photos for documentation of stormwater related issues.</p>	edwardsond	10/25/2023

Attached DocumentsYou can go to COGCC Images (<https://cogcc.state.co.us/weblink/>) and search by document number:

Document Num	Description	URL
403574792	INSPECTION SUBMITTED	http://ogccweblink.state.co.us/DownloadDocumentPDF.aspx?DocumentId=6300243
708200646	Inspection Photos	http://ogccweblink.state.co.us/DownloadDocumentPDF.aspx?DocumentId=6300242

