



COGCC GUIDANCE

FIR FACTUAL RESOLUTION REQUEST PROCESS

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Background

Purpose of this Document:

The purpose of this guidance is to document an operator initiated process detailing how operators can request a formal COGCC Supervisor/Manager (“Supervisor”) review of findings or corrective action timeframes documented in a Field Inspection Report (FIR) that the operator believes are factually inaccurate.

This is an optional process that occurs prior to the FIR posting to the COGCC website. The operator has three business days from receiving the FIR to initiate the process.

Introduction:

At times, operators have factual disagreements with findings documented in a FIR. Currently, the COGCC does not have a formal process for how an operator can dialogue with the COGCC to resolve these factual disagreements, which include the following:

1. The location is not owned or operated by the operator.
2. The equipment is not owned or operated by the operator.
3. The equipment belongs to the surface owner and a waiver exists.
4. Findings were tied to multiple wells when it should have been tied to either a single well or the location.
5. The corrective action date is not per the established guidelines.

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6. The corrective action dates are not attainable due to recent or current weather conditions or seasonal limitations.
7. Requested documentation was submitted prior to the inspection (Attached documentation is required to verify).
8. Action was already completed prior to inspection (Attached documentation is required to verify).

Process Scope:

This process will provide operators a formal avenue to request a review of FIR findings that fall into one of the eight categories above. Operator disagreements of rule interpretations will not be allowed to go through this process.

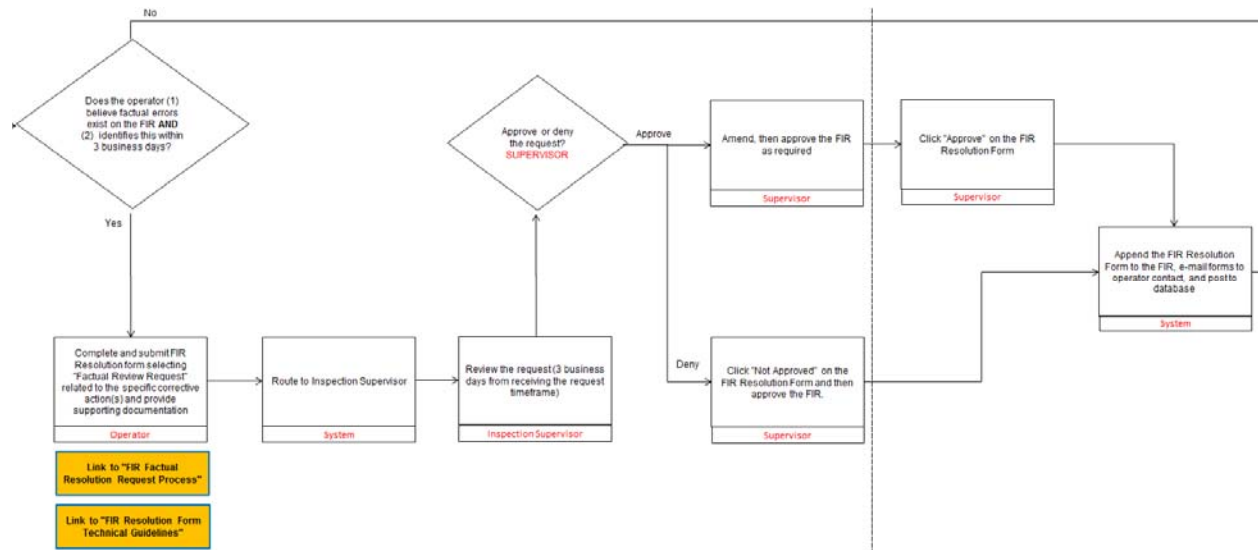
Important Points:

1. If an operator disputes any of the findings or required corrective action dates in a FIR, the clock on the corrective action(s) date(s) does not stop nor will the dates change if the request is denied. In addition, any request by the Operator to seek an extension of a corrective action date will not be approved by the Director.
2. The burden of proof is on the Operator and it is expected that the Operator will provide, in the request, COGCC with adequate factual information and documentation to clearly demonstrate the error.
3. Nothing in this process shall prohibit or otherwise prevent an Operator from requesting a hearing before the Colorado Oil and Gas Conservation Commission in accordance with Rule 503.b.

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Overview of the Process

The process is comprised of either five or six high level steps with one key decision point as outlined in the below flowchart. The below section will provide further guidance to these steps as required.



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Process Details

Steps 1 and 2 - Complete Request Form and Route (Operator and System)

The operator will have **five business days** from initial transmission (not including the transmission date) of the FIR to request a factual review of a documented finding in the FIR. This is done by preparing and submitting the FIR Resolution Form which outlines the details. See the “*FIR resolution Form Technical Guidelines*” SOP for details on how to complete this form.

Any request must contain one of the eight items listed above as the basis for review and must contain appropriate supporting documentation via comments and attachments.

Once submitted, this form will automatically route to the supervisor or manager of the COGCC employee who performed the inspection.

Steps 3-6-Review and Decide on the Request (COGCC Supervisor)

COGCC Supervisor will have **five business days** from receipt of the request (not including the date received) to make a decision, not including the date of submittal. Supervisor will work with the inspector and operator contact to address questions or concerns before a final decision is made.

Supervisor must review all comments and attachments sent by the operator via the FIR Resolution Form before a final decision is made.

If the request is approved:

1. Supervisor will amend the FIR as required, which may include deleting the FIR entirely.
2. For each CA approved, supervisor will select “Approved” on the FIR Resolution Form and enter comments as appropriate. Once the Supervisor does this, the system will automatically append the FIR response form to the FIR, e-mail the form to the operator, and post the FIR to the COGCC database.

If the request is denied:

1. For each CA denied, supervisor will select “Not Approved” on the FIR Resolution Form and enter comments as appropriate. Once the Supervisor does this, the system will automatically append the FIR response form to the FIR, e-mail the form to the operator, and post the FIR to the COGCC database.

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Document Change Log

Change Date	Description of Changes
December 16, 2015	Document created and finalized