

### 337. COGCC Form 19. SPILL/RELEASE REPORT

All spills and or releases of E&P waste or produced fluids exceeding five (5) barrels shall be reported to the Director on a Spill/Release Report, Form 19. ~~Form 19 shall be filed with the Director~~ pursuant to the reporting requirements in Rule 906.

### 906. SPILLS AND RELEASES

a. ~~General.~~ Operators shall, immediately upon discovery, control and contain all spills/releases of E&P waste, including or produced fluids, shall be controlled and contained immediately upon discovery to protect the environment, public health, safety, and welfare, and wildlife resources. Operators shall impacts resulting from spills/releases shall be investigated, and cleaned up, and document impacts resulting from spills/releases as soon as practicable. The Director may require additional activities to prevent or mitigate threatened or actual significant adverse environmental impacts on any air, water, soil or biological resource, or to the extent necessary to ensure compliance with the concentration levels in Table 910-1, with consideration to WQCC ground water standards and classifications.

b. ~~Reportable spills and Reporting spills or releases requirements for of E&P Waste or produced fluids~~ spills/releases.

(1) ~~Report to the Director.~~ Operators shall report a Spills or /releases of E&P Wwaste or produced fluids that meet any of the following criteria to the Director verbally or in writing as soon as practicable, but not more than twenty-four (24) hours after discovery (the "Initial Report"). exceeding five (5) barrels, including those contained within lined or unlined berms, shall be reported on COGCC Spill/Release Report, Form 19.

A. A spills/release of any size that impacts or threatens to impact any waters of the state, a residence or occupied structure, livestock, or public byway;

B. A spill/release in which one (1) barrel or more of E&P Waste or produced fluids is spilled or released outside of berms or other secondary containment;

C. A spill/release of greater than five (5) barrels regardless of whether the spill/release is completely contained within berms or other secondary containment.

The Initial Report to the Director shall include, at a minimum, the location of the spill/release and any information available to the Operator about the type and volume of waste involved.

If the Initial Report was not made by submitting a COGCC Spill/Release Report, Form 19 the Operator must submit a Form 19 with the Initial Report information within 48 hours after discovery of the spill/release.

In addition to the Initial Report to the Director, the Operator shall make a supplemental report on Form 19 not more than 10 calendar days after the spill/release is discovered that includes an 8 1/2 x 11 inch topographic map showing the governmental section and location of the spill; all pertinent information about the spill/release known to the Operator that has not been reported previously; and information relating to the initial mitigation, site investigation, and remediation measures conducted by the Operator.

The Director may require further supplemental reports or additional information.

(2) Notification to the local government. In addition to the Initial Report to the Director, as soon as practicable, but not more than 24 hours after discovery of a spill/release of E & P Waste or produced fluids reportable under Rule 906.b.(1)A or B, above, an Operator shall provide verbal notification to the entity with jurisdiction over emergency response within the local municipality if the spill/release occurred within a municipality or the local county if the spill/release did not occur within a municipality. The verbal notification shall include, at a minimum, the information provided in the Initial Report to the Director.

(3) Notification to the Surface Owner. In addition to the Initial Report to the Director, within 24 hours after discovery of a spill/release of E & P Waste or produced fluids reportable under Rule 906.b.(1)A or B, an Operator shall provide verbal notification to the affected Surface Owner or the Surface Owner's appointed tenant. If the Surface Owner cannot be reached within 24 hours, the Operator shall continue good faith efforts to notify the Surface Owner until notice has been provided. The verbal notification shall include, at a minimum, the information provided in the Initial Report to the Director.

~~(2) Spills/releases which exceed twenty (20) barrels of an E&P waste shall be reported on COGCC Spill/Release Report, Form 19, and shall also be verbally reported to the Director as soon as practicable, but not more than twenty-four (24) hours after discovery.~~

~~(3) Spills/releases of any size which impact or threaten to impact any waters of the state, residence or occupied structure, livestock, or public byway shall be reported on COGCC Spill/Release Report, Form 19, and shall also be verbally reported to the Director as soon as practicable, but not more than twenty-four (24) hours, after discovery.~~

~~(4) Report to Environmental Release/Incident Report Hotline. A Spills/releases of any size which impact or threaten to impact any surface water supply area shall be reported to the Director and to the Environmental Release/Incident Report Hotline (1-877-518-5608). Spills and releases that impact or threaten a surface water intake shall be verbally reported to the emergency contact for that facility immediately after discovery.~~

~~(5) For all reportable spills, operators shall submit a Spill/Release Report, Form 19, within ten (10) days after discovery. An 8 1/2 x 11 inch topographic map showing the governmental section and location of the spill shall be included. Such report shall also include information relating to initial mitigation, site investigation, and remediation. The Director may require additional information.~~

(56) Reporting chemical spills or releases. Chemical spills and releases shall be reported in accordance with applicable state and federal laws, including the Emergency Planning and Community Right-to-Know Act, the Comprehensive Environmental Response, Compensation, and Liability Act, the Oil Pollution Act, and the Clean Water Act, as applicable.

~~c. **Surface owner notification and consultation.** The operator shall notify the affected surface owner or the surface owner's appointed tenant of reportable spills as soon as practicable, but not more than twenty-four (24) hours, after discovery. The operator also shall make good faith efforts to notify and consult with the affected surface owner, or the surface owner's appointed tenant, prior to commencing operations to remediate E&P waste from a spill/release in an area not being utilized for oil and gas operations.~~

cd. Remediation of spills/releases. When threatened or actual significant adverse environmental impacts on any air, water, soil or other environmental resource from a spill/release exists or when necessary to ensure compliance with the concentration levels in Table 910-1, with consideration to WQCC ground water standards and classifications, the Director may require operators to submit a Site Investigation and Remediation Workplan, Form 27. ~~Such spills/releases shall be remediated in accordance with Rules 909 and 910.~~

(1) Such spills/releases shall be remediated in accordance with Rules 909 and 910.

(2) The operator also shall make good faith efforts to notify and consult with the affected surface owner, or the surface owner's appointed tenant, prior to commencing operations to remediate E&P waste from a spill/release in an area not being utilized for oil and gas operations. Such efforts shall not unreasonably delay commencement of remediation approved by the Director.

de. Spill/release prevention.

(1) Secondary containment. Secondary containment that was constructed before May 1, 2009 on federal land, or before April 1, 2009 on other land, shall comply with the rules in effect at the time of construction. Secondary containment constructed on or after May 1, 2009 on federal land, or on or after April 1, 2009 on other land shall be constructed or installed around all tanks containing oil, condensate, or produced water with greater than 3,500 milligrams per liter (mg/l) total dissolved solids (TDS) and shall be sufficient to contain the contents of the largest single tank and sufficient freeboard to contain precipitation. Secondary

containment structures shall be sufficiently impervious to contain discharged material. Operators are also subject to tank and containment requirements under Rules 603. and 604. This requirement shall not apply to water tanks with a capacity of fifty (50) barrels or less.

(2)  ~~)~~ **Spill/release evaluation.** Operators shall determine and document the cause of a spill/release of E & P Waste or produced fluids and, to the extent practicable, identify and timely shall implement measures to prevent spills/releases due to similar causes in the future. ~~For reportable spills, operators shall submit this information to the Director on the Spill/Release Report, Form 19, within ten (10) days after discovery of the spill/release.~~