



NOTICE TO OPERATORS STATEWIDE

SITE INVESTIGATION AND REMEDIATION PROJECTS

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This Notice to Operators provides guidance on the following aspects of ongoing soil and groundwater remediation projects conducted under a Form 19, Spill or Release Report, an approved Form 27, Site Investigation and Remediation Workplan, or a Form 4, Sundry Notice for a Rule 907.a.(3) Waste Management Plan:

1. Delayed sampling events
2. Delayed monitoring, and
3. Delayed reporting

With the issuance of [Executive Order D 2020 017](#), which requires Coloradans to stay at home except for Necessary Travel and to perform Necessary Activities¹, and the issues affecting workforces nationwide due to the COVID-19 pandemic, the COGCC recognizes the difficulty of meeting certain regulatory obligations. Contractors hired to perform certain work may have reduced their workforces or may have instituted policies that impinge their ability to perform certain work required for ongoing approved site clean-ups. Additionally, laboratory capacity nationwide may be reduced, resulting in longer turn-around-times for routine analysis. Therefore, the COGCC will, with demonstrated good cause, relax requirements for timeliness of performance as described in this Notice to Operators.

Each open spill or release project or ongoing site investigation and remediation project must meet the approved implementation schedule for work and reporting. Therefore, in order for the Operator to remain in compliance, Operators must obtain prior Director approval for any deviation. Approval will be considered on a case by case basis and the request will be made by submitting a Supplemental Form 19² for active spills or releases or a Supplemental Form 27 for ongoing remediation projects. This allows for the delay to be granted by the Director (via the regional Environmental Protection Specialist) and for an appropriate alternative schedule to be agreed upon. When possible, requests should be made 30 days in advance of project specific or rule-based deadlines, but requests will be considered up to the deadlines.

¹ "Necessary Activities" are defined in the Colorado Department of Public Health and Environment's [Fourth Updated Public Health Order 20-24 Implementing Stay At Home Requirements](#).

² Per Rule 909, the COGCC may request a Form 27, Site Investigation and Remediation Workplan to document the clean up of a spill or release.

The COGCC will consider each request for extension in light of protection of public health, safety, and welfare and the prevention of further impacts to the environment. Some examples of circumstances where delays **ARE** and **ARE NOT** appropriate follow.

Example #1

Ongoing quarterly groundwater monitoring where the source of contamination has been removed and the plume is stable and diminishing. The operator may request to delay or defer field work or reporting beyond established deadlines.

Example #2

A recent spill required a significant excavation of impacted material and impacts to groundwater were discovered. The Operator may not request to delay work necessary to confirm the source removal or delineate the lateral and vertical extent of soil contamination or the downgradient extent of groundwater contamination. However, the Operator may request an appropriate schedule for such work in their Initial Form 27 submitted as part of their spill response.

Example #3

An Operator has been treating oil-impacted soil onsite in accordance with Rule 907.e. and has scheduled monitoring of land treatment progress. The Operator has been responsibly managing stormwater at the site, is in compliance with other requirements, including reclamation requirements, and the surface owner is agreeable to the delays. The Operator may request to defer sampling and other onsite work to treat or accelerate the bio-remediation of the impacted soil.

Example #4

Following a release of produced water and oil from an offsite flowline onto an adjacent surface owner's property, an Operator excavated materials and staged it for offsite disposal. The Operator may not request to delay confirmation sampling, backfilling, or disposal of the impacted material.

The COGCC will consider all reasonable requests for deadline relief for good cause, but will not authorize a blanket or statewide relief to all ongoing projects. Active management of spills and releases and site investigation and remediation projects is required to ensure that impacts to the environment are minimized and public health and safety are protected. This remains at the core of COGCC's Mission.

If an Operator has questions regarding this document, they may contact John Axelson or Greg Deranleau. If an Operator has questions concerning a specific site and whether relief would be appropriately requested, they may contact the regional Environmental Protection Specialist responsible for the project. Contact information is available on the COGCC website at www.state.cogcc.com