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

~~All spills~~Spills and releases of E&P ~~waste exceeding five (5) barrels~~Waste 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.** ~~Spills~~ All spills/releases of E&P ~~waste, including produced fluids,~~Waste shall be controlled and contained immediately upon discovery to protect the environment, public health, safety, and welfare, and wildlife resources. Impacts resulting from spills/releases shall be investigated and cleaned up 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 requirements for**Reporting E&P Waste spills/releases.

(1) ~~Spills~~Operators shall report E&P Waste spills/releases ~~of E&P waste or produced fluid exceeding five (5) barrels, including those contained within lined or unlined berms, shall be reported on COGCC Spill/Release Report, Form 19.~~

~~(2) Spills/releases which exceed twenty (20) barrels of an E&P waste shall be reported on that meet any of the following criteria to the Director in writing using COGCC Spill/Release Report, Form 19, and shall also be verbally reported to the Director to both the entity with jurisdiction over emergency response within the local municipality if the spill occurred within a municipality or the local county if the spill did not occur within a municipality, and the affected surface owner or the surface owner's appointed tenant as soon as practicable, but not more than twenty-four (24) hours after discovery.~~

~~(3) Spills/releases~~ A. A spill/release of any size which impactsthat impacts or threatenstreatens to impact any watersWaters of the state,State, a residence or occupied structure, livestock, or a public byway shall be reported on COGCC Spill/Release Report, Form 19, and shall also be verbally reported.

B. A spill/release in which one (1) barrel or more of E&P Waste 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 secondary containment.

The initial written report to the Director as soon as practicable, but not more than twenty-four (24) hours, after discovery 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.

~~(4) Spills/releases~~ 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) In addition to the reports required under subsection (1) above, a spill/release of any size which impactsthat impacts or threatenstreatens to impact any surface water supplySurface Water Supply area shall also be reported to the Director and to the Environmental Release/Incident Report Hotline (1-877-518-5608). Spills) and spills/releases that impact or threaten a surface water intake to impact 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.~~

~~(6)~~(3) 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.

d. **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.

e. **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 the cause of a spill/release; and, to the extent practicable, ~~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.~~