

Higgins and Associates, LLC

Health, Safety & Environmental Management

Oil & Gas Industry



COGCC's Form 36 Compliance Checklist

What is COGCC's Form 36 Compliance Checklist?

The Colorado Oil & Gas Conservation Commission's (COGCC) Form 36 Compliance Checklist is a form required by the COGCC for each Oil & Gas Facility located in Garfield, Gunnison, Mesa and Rio Blanco counties, including facilities located on federal lands. Form 36 is utilized to demonstrate and document your company's on-going compliance with specific COGCC requirements:

- Maintenance of chemical inventories,
- Management of exploration and production waste,
- Odor management,
- Protection of surface water drinking water supply areas, and
- Stormwater management.

When do I have to complete the Form 36 Compliance Checklist?

Your company must complete Form 36 for each existing Oil & Gas Facility by August 15, 2009. Your company must complete Form 36 annually thereafter. For each new Oil & Gas Facility, Form 36 is completed upon construction and annually thereafter.

When do I have to submit the Form 36 Compliance Checklist?

Your company is required to complete and retain a Form 36 Compliance Checklist for each Oil & Gas Facility at the local field office and must provide a copy of the current Form 36 Compliance Checklist to the COGCC within five days of receiving a written request from the COGCC.

What are the Form 36 requirements related to the chemical inventories?

Form 36 requires certification that your company has developed and is maintaining and updating an inventory for chemical products used downhole or stored for use downhole during drilling, completion, workover and stimulations operations and for fuel stored for use during such operations. Form 36 also requires certification that the chemical inventory is maintained in a readily accessible format at your company's local field office.

Requirements for chemical inventories are found in COGCC Rule 205. Beginning July 1, 2009 for each well on federal lands and April 1, 2009 for each well on all other lands, Rule 205 requires your company to maintain MSDS sheets for each chemical used downhole during drilling, completion, workover and stimulation operations. This rule requires your company to develop a chemical inventory for each well for products used downhole and for fuel utilized during such operations in amounts exceeding 500 pounds during any quarter. This rule requires your company to update each chemical inventory quarterly and maintain the inventory for a period of at least five years after plugging and abandonment of the well. This rule requires your company to submit inventories to the COGCC upon request within three business days of such request.

What are the Form 36 requirements related to the management of E & P waste?

Form 36 requires your company to determine if your facility meets the definition of a Centralized E&P Waste Management Facility and to determine if your facility has a pit that requires COGCC Form 15 approval. Form 36 requires your company to list the COGCC approval dates for each Centralized E&P Waste Management Facility and for each pit requiring approval. Form 36 requires certification that your company has performed inspections of each pit and each pit lining system, operated each pit to maintain two feet of freeboard, inspected each secondary containment structure, and maintained each secondary containment structure in good condition.

Requirements for the management of exploration and production waste are found in the COGCC Series 600 and Series 900 Rules.

COGCC Rule 903 requires your company to submit a Form 15 Pit Construction Report/Permit for each pit other than certain drilling pits.

COGCC Rule 902 requires your company to construct, monitor, and operate each pit in a manner which provides for a minimum of two feet of freeboard at all times. This rule requires your company to provide reports for releases from each pit. This rule also requires your company to remove any accumulation of oil or condensate from each pit within 24 hours of discovery, to maintain each pit in clean condition, and to control hydrocarbon odors from each pit. Certain exceptions have been made for skim pits which are properly permitted, fenced, lined, netted and designed, constructed and operated to prevent impacts to wildlife, including migratory birds.

COGCC Rule 904 requires your company to design, construct, install, and maintain all pit lining systems which are required by a regulation in accordance with the manufacturers' specifications and good engineering practices.

COGCC Rule 603 and COGCC Rule 604 set forth requirements for secondary containment. Your company is required to design, construct, maintain and inspect secondary containment structures for crude oil, condensate and produced water storage tanks. Secondary containment structures must be adequate to hold 150% of the capacity of the largest tank and precipitation for high density areas and designated outdoor activity areas, and 100% for all other sites. In addition, containment structures must be sufficiently impervious to contain released liquids.

What are the Form 36 requirements related to odor management?

Form 36 requires your company to certify that all required odor control devices have been inspected and have been determined to be in good working order.

Requirements for odor management are found in COGCC Rule 805. Rule 805 requires your company to operate each facility in a manner to control odors. Your company must comply with the Colorado Department of Public Health and Environment (CDPHE) Air Quality Control Commission (AQCC) Regulation No. 2. Your company must install a control device capable of achieving 95% efficiency for each condensate tank, crude oil tank, produced water tank, and glycol dehydration unit with a potential to emit (PTE) of at least 5 tons per year (tpy) of volatile organic compounds (VOCs) located in Garfield, Mesa or Rio Blanco counties and located within one-quarter mile of designated locations (a building unit, educational facility, assembly building, hospital, nursing home, board and care facility, jail or designated outside activity area). Such devices must be permitted by the CDPHE and installed by October 1, 2009. This regulation also requires that all new pits with a PTE of at least 5 tpy of VOCs be constructed at least one-quarter mile away from designated locations. For new pits within one-quarter mile of such designated locations, your company must document and submit such documentation to the COGCC that the PTE of such pit is less than 5 tpy of VOCs.



What are the Form 36 requirements related to protection of surface water supply areas?

Form 36 requires your company to determine if your facility is a Drilling, Completion, Production and Storage (DCPS) Operation located within a buffer zone associated with a Surface Water Supply Area (SWSA). For DCPS Operations within buffer zones associated with SWSAs, Form 36 requires your company to certify that applicable Best Management Practices (BMPs) and operating procedures have been implemented and maintained for the protection of defined SWSAs.

Requirements related to the protection of surface water supply areas are found in COGCC Rule 317B. Rule 317B sets forth requirements for DCPS Operations in Surface Water Supply Areas (SWSAs). Buffer zones for the protection of SWSAs have been established by the COGCC. For DCPS Operations within such buffer zones, several requirements become effective depending on the buffer zone designation. For DCPS Operations which fall within the defined buffer zones, your company must implement specified engineering and design controls, perform baseline and follow-up sampling of classified water supply segments, develop and implement an emergency response plan, and utilize Best Management Practices (BMPs) to comply with the regulations.

What are the Form 36 requirements related to stormwater management?

Form 36 requires your company to state whether a Stormwater Construction Permit was obtained from the CDPHE for the facility and to state if a Post Construction Stormwater Program has been developed and implemented for the facility. Form 36 requires certification that your company has performed inspections of BMPs and that such BMPs are in place, maintained, and operating properly.

Requirements related to stormwater management are found in COGCC Rule 1002. For each oil and gas location regardless of the size of the surface disturbance, COGCC Rule 1002 requires your company to develop and implement BMPs to control stormwater runoff until the facility is abandoned and final reclamation is achieved. Your company must implement and maintain BMPs to control stormwater runoff in a manner that minimizes erosion, transport of sediment offsite, and site degradation at well pads, soil stock piles, access roads, tank batteries, compressor stations, and pipeline rights of way. Your company must select BMPs based on site-specific conditions, such as slope, vegetation cover, and proximity to water bodies, and may include maintaining in-place some or all of the BMPs installed during the construction phase of the facility during normal operations. COGCC Rule 1002 also requires your company to develop and implement a Post-Construction Stormwater Program for each site where a CDPHE permit for stormwater discharges from construction activities is required, obtained and terminated. Post-Construction Stormwater Programs must be developed, supervised, documented, and maintained by a qualified person with training or prior work-experience specific to stormwater management. Each employee must be trained with respect to stormwater management.



How can Higgins and Associates assist my company with Form 36 compliance?

Higgins and Associates provides Health, Safety and Environmental services for all aspects of the Oil & Gas Industry.

For compliance assistance with chemical inventory regulations, Higgins and Associates can develop and maintain a database for chemical inventory and tracking through communication program with your company representatives.

For compliance assistance with E&P waste management regulations, Higgins and Associates can develop and implement a company-specific inspection program to be utilized by your field personnel or by Higgins and Associates' personnel for pits and secondary containment.

For compliance assistance with odor management, Higgins and Associates can determine and document the need for control devices, obtain permits where necessary, and develop inspection programs for such devices.

For compliance assistance with regulations for the protection of public water systems, Higgins and Associates utilizes GIS to easily document which of your facilities fall within defined buffer zones and, where needed, develops, and assists in the implementation of programs to comply with such rules.

For compliance assistance with stormwater management regulations, Higgins and Associates can perform initial inspections to determine permitting and BMP needs. For sites requiring permitting and controls, Higgins and Associates can obtain permits, develop stormwater pollution prevention plans (SWPPPs), and develop Post-Construction Stormwater Programs. Higgins and Associates can also perform the inspections required by the SWPPPs and Post-Construction Stormwater Programs.

For compliance assistance with the completion of Form 36 for each site, Higgins and Associates can complete each of your Form 36 Compliance Checklists and provide documentation that will provide your certifying officer a high level of confidence that your company is complying with each regulation cited on Form 36.

To learn more about the Colorado Oil & Gas Conservation Commission Regulations and how Higgins and Associates can assist your company with compliance activities related to COGCC regulations, please contact Tony Walker toll free at (877) 881-4525, locally at (303) 708-9846 or electronically at TWalker@Higgins-And-Associates.com.

