



# State of Colorado Oil and Gas Conservation Commission

1120 Lincoln Street, Suite 801, Denver, Colorado 80203 (303) 894-2100 Fax: (303) 894-2109



FOR OGCC USE ONLY

## COMPLAINT REPORT

This form may be submitted by any party with a complaint regarding oil and gas extractive operations. The complainant is to complete this form and mail to: COGCC, 1120 Lincoln St., Ste. 801, Denver, CO 80203 or fax to (303) 894-2109. COGCC will investigate the complaint and determine what action, if any, should be taken.

Complaint taken by:

API Number:

Facility ID:

### COMPLAINT TYPE

Environmental Damage    Noise    Payment    Site Maintenance    Other (describe): \_\_\_\_\_

### COMPLAINANT INFORMATION

Name of Complainant:			Phone Numbers		
Address:			No:		
City:	State:	Zip:	Fax:		
Date Complaint Taken by OGCC:			E-Mail:		
Connection to Incident (Land Owner, Royalty Owner, etc.):					

### DESCRIPTION OF COMPLAINT (Please be as specific as possible)

Name of Operator:		OGCC Operator Number:			
Date of Incident:		Facility Name:			
Type of Facility (Well, Tank Battery, Flow Line, Pit):		QtrQtr:	Section:		
Well Name and Number:		Township:	Range:	Meridian:	
County:					
Was the operator contacted? <input type="checkbox"/> Yes <input type="checkbox"/> No   If yes, contact name:					
Provide a detailed description of the incident, problem and cause (equipment failure, human error, etc.):					
<p>See attached documents:</p> <ol style="list-style-type: none"> <li>1. Complaint</li> <li>2. Lackey study on well integrity</li> <li>3. Noble Alternate Program - Director's approval, request, and Appendix</li> </ol>					

### OTHER NOTIFICATIONS

List the parties and agencies notified (County, BLM, EPA, DOT, Local Emergency Planning Coordinator or other).

Date	Agency	Contact Person	Response

Complaint Tracking Number:

BEFORE THE OIL AND GAS CONSERVATION COMMISSION  
OF THE STATE OF COLORADO

Attachment to Form 18

Complaint Seeking Order Revoking Director's Approval of Alternative Testing Program,  
Finding Violation and Penalties

WildEarth Guardians, through Colorado attorney Katherine Merlin, hereby submits the following Complaint against operator number 100322, Noble Energy Inc. ("Noble"). The subject of this Complaint is Noble's "Alternate Program" for Mechanical Integrity Test compliance that has resulted in Noble having by far the largest number of idle wells in Colorado. When the Alternate Program was established Noble indicated that it was intended to be a short-term means of dealing with a sudden influx of shut-in wells, although more than 2,400 wells were included. Now, three years later, the amount of plugging and abandonment work conducted by Noble has decreased dramatically, while their number of idle wells has grown to over 2,700. For the reasons stated below the Director or the Commission should revoke the Director's approval of the Alternate Program.

1. Mechanical Integrity Testing for temporarily abandoned, shut in, and suspended wells is a "critical aspect" of ensuring wellbore integrity for the protection for public health, safety, and welfare, against the danger posed by idle wells whose structural integrity may have failed. COGCC Operator Guidance, *Rule 326: Mechanical Integrity Guidance* (May 15, 2015). *See also* attached recent study on the risk of integrity failures, Greg Lackey, et al., *Public data from three US states provide new insights into well integrity*, PNAS 2021 Vol. 118 No. 14 e2013894118 (March 22, 2021).
2. On August 31, 2018 the Director of the Colorado Oil and Gas Conservation Commission approved an "Alternate Program" for Noble to comply with Mechanical Integrity Testing ("MIT") by performing Bradenhead testing in lieu, pursuant to Rule 326. Attached.
3. This Alternate Program was requested by Noble in a letter dated August 29, 2018. In it Noble stated that:
  - a. Its goal was to "as soon as possible" determine whether wells could be plugged and abandoned and either remove associated surface facilities in preparation to plug and abandon or else upgrade the facilities and bring the wells back online.
  - b. Its efforts to comply with a Consent Decree with the United States and the State of Colorado "resulted in [Noble's] having to *temporarily shut in several hundred wells while [they] determine* whether to modify the associated tank systems, or plug and abandon the wells." (emphasis added).
4. This approval contained several findings and conditions, including:
  - a. Noble was required to adhere to timelines identified in an attached flowchart.
  - b. The Director retained the right to revoke the approval if "material deficiencies" were identified.

- c. The approval was contingent on “diligent and on-going implementation of the Alternative Program.”
5. Noble stated that the Program scope included wells “shut in primarily due to Noble’s 2015 Consent Decree and is designed to sunset once the [listed] wells have been removed from shut-in status.” This list of scope was published in Appendix 2 of the Program and contained 2,415 wells.
6. Noble promised to return to production or plug and abandon 222 of the Appendix 2 wells (identified with boldface type) no later than December 31, 2019.
7. Noble failed to complete plugging and abandonment of all the 222 enumerated wells that were not returned to production by the deadline of December 31, 2019.
  - a. 34 of the enumerated wells were plugged and abandoned after January 1, 2020, some as late as March of 2021.<sup>1</sup>
  - b. 14 of the enumerated wells do not appear to have been plugged and abandoned or returned to production and are still designated as shut-in or temporarily abandoned in the COGIS database.<sup>2</sup>
  - c. Noble failed to plug and abandon over 20% of the wells that it promised to plug and abandon by a deadline that expired 18 months ago, which is a material breach of the Program.
8. The Alternate Program will expire only when each of the 2,415 that had been originally listed in Appendix 2 had been plugged and abandoned. *See* Alternate Program at page 4 (“Additionally, once the wells within this Program scope are either plugged and abandoned, or returned to production this program will sunset.”).
9. As of June 7, 2021, Noble currently has 2,702 idle (shut in and temporarily abandoned) wells. This is roughly three hundred more shut in and temporarily abandoned wells at present than when the Alternative Program was adopted.
10. 1,276 of these wells have no mechanical integrity testing, and 11 have expired test results.
11. Noble’s plugging and abandonment work decreased sharply in 2021. Rule 435.b.(1).
  - a. In 2018, the year the Program began, Noble P&A’ed 365 wells.

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<sup>1</sup> Facility IDs: 243520, 244187, 244479, 245050, 245080, 246987, 247074, 247571, 247572, 247573, 247574, 247723, 248530, 248792, 250064, 250921, 278360, 280233, 288890, 289814, 289888, 290346, 293355, 294030, 297240, 298330, 300039, 300390, 285321, 419651, 420412, 420422, 421547, and 427284.

<sup>2</sup> Facility IDs: 243875, 245488, 246529, 248010, 249041, 420413, 420418, 264865, 270581, 298202, 298331, 299606, 414870, and 419709.

- b. In 2019, Noble P&A'ed 627 wells.
- c. In 2020, Noble P&A'ed 575 wells.
- d. In 2021 Noble has only reported 38 P&A'ed wells, with the last reported P&A on March 5, 2021. No further P&A work has been reported, although it has been more than 90 days since March 5. Commission Rules require Form 6 Notice to be filed within 30 days of plugging and abandonment.
- e. Even if Noble has additional but unreported P&A continuing apace from March, Noble would be on track to only plug approximately 150 wells in 2021.

WildEarth Guardians requests that the Director, or, if the Director will not, the Commission, revoke the Director's approval of the Alternate Program. Noble has failed to satisfy, let alone "diligently implement" the requirements of the Program. The Program has not satisfied its purported purpose of solving a short-term idle well crisis of a "several hundred" wells created by the urgent demands of an unexpected Consent Decree. Instead of resulting in the rapid analysis of idle wells culminating in a determination regarding whether to plug and abandon or return to service the Alternate Program has metastasized. It has allowed Noble to sit indefinitely on over 2,700 idle wells – nearly ¼ of all the idle wells in the state. This is 300 more wells than were first approved under this Alternate Program. Noble's excessive idle wells, nearly 1,300 of which have had no mechanical integrity testing, are a risk to public health, safety, and welfare.

Noble should be ordered to return all of its wells to regular Mechanical Integrity Testing immediately, starting with the wells that have never received MITs, or plug and abandon them. The Commission should order the remaining 14 wells from the original plugging and abandonment list to be plugged and abandoned without further delay.

*/s/ Katherine Merlin*

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