

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

IN THE MATTER OF CHANGES TO THE)	CAUSE NO. 1R
RULES AND REGULATIONS OF THE OIL)	
AND GAS CONSERVATION COMMISSION)	DOCKET NO. 0803-RM-02
OF THE STATE OF COLORADO)	
_____)	

**COGCC STAFF RESPONSE TO PARTIES' COMMENTS ON NOVEMBER 7, 2008
FINAL DRAFT PROPOSED RULES**

Pursuant to the Commission's "Order Regarding Party Groups' Submittal of Comments Setting Out Inconsistencies/Inaccuracies in Final Proposed Rules," dated November 6, 2008, as amended by the "Order Regarding Extension of Time," dated November 12, 2008, the staff of the Colorado Oil and Gas Conservation Commission (COGCC) provides the following response to the parties' submittals regarding the Final Rule Language.

This response is organized according to the numbering of the proposed rules and briefly addresses each party-group's comments in turn. Where staff recommends a change to the Nov. 7 Final Draft Rules (Draft Rules) or the Nov. 12 Statement of Basis, Specific Statutory Authority, and Purpose (SBP) in response to comments from a group of parties, proposed alternative language is provided in Appendix A.

Draft Rule 205

Industry objects to the use of the words "cumulative maximum" and "cumulative" in Draft Rule 205.c and the accompanying provisions of the SBP. The use of the word "cumulatively," however, was provisionally approved by the Commission on August 19. In response to industry's comments, staff recommends that the SBP be clarified with regard to reporting amounts in Draft Rule 205.c. *See* Appendix A at 2. Industry also suggests that language be inserted into the rule providing that chemical inventories are to be maintained in an operator's local field office, but staff believes that the SBP adequately addresses this subject. *See* SBP at 16. Industry suggests that Draft Rule 205.d should provide for disclosure of information to the COGCC Director, rather than the COGCC Environmental Manager. Staff agrees that this is more consistent with other rules and has included alternative rule and SBP language for this purpose. *See* Appendix A at 1-2. Staff disagrees with industry's suggestion that information should not be disclosed to County health or emergency officials because this change was directed by the Commission. However, staff agrees with industry's suggestion that language be added to the SBP clarifying the limitations on such disclosure. *See* Appendix A at 2-3. Staff disagrees with industry's suggestion that explanatory language in the SBP regarding Draft Rule 205.i should be deleted. The phrase "common practice" refers to the use of contracts to define commercial rights generally and not just between operators and vendors.

Staff agrees that a reference to health professionals should be added to Draft Rules 205.h and 205.i, as suggested by environmental and wildlife groups. *See* Appendix A at 2. Staff disagrees with these groups' suggestion regarding the right to require vendors to provide information because it represents a substantive change. Staff also considers unnecessary these groups' suggestion that language be added to the SBP stating that variances under Draft Rule 205.i will be available only in exceptional cases.

Draft Rule 210

Staff agrees with industry's suggestion that this rule should include an effective date and that language should be added to the SBP clarifying the application of Draft Rule 210.d to existing tanks. *See* Appendix A at 3. Staff disagrees with industry's suggestion that Draft Rules 210.d.1.A and 210.d.1.B should include references to contractors because the operator is ultimately responsible for the tank and the COGCC generally regulates operators, not contractors.

Draft Rule 216

Industry parties object to language in Draft Rule 216.d.(2) requiring invitation to all surface owners in the preparation of a Comprehensive Drilling Plan (CDP). However, staff received direction from Commissioners on surface owner participation and is therefore not recommending any changes to this provision. If an operator believes that providing such notice would be unduly burdensome under its particular circumstances, it can seek a variance. Industry contends that the word "presumptive" should be eliminated from Draft Rule 216 in reference to conditions of approval contained within a CDP. Since the concept of "presumptive conditions of approval" was initially discussed in the staff's pre-draft rulemaking proposal last November, Rule 216 has undergone a substantial evolution. It now contains much greater detail on the effect of CDPs upon subsequent regulatory approvals. *See* Draft Rule 216.f. Staff therefore recommends eliminating references to "presumptive" conditions of approval from Draft Rules 216.d.(3), 216.e.(2).A, and 216.e.(2).B. *See* Appendix A at 3. Industry also suggests that surface owners who had the opportunity to comment on a CDP should not be allowed to appeal permit issuance, but nothing in the Commission's deliberations would support this.

Both industry and environmental and wildlife groups object to the use of "substantial equivalence" to judge information in or procedures for a CDP under Draft Rule 216.f. Industry parties contend that this standard creates uncertainty and potential delay, while environmental and wildlife groups urge that the information and procedures for a CDP should be the same as that for a Form 2A. Staff, however, believes that the "substantial equivalence" language accurately reflects the Commission's direction and represents the appropriate standard. It properly allows some flexibility in translating informational and procedural requirements from Form 2As to CDPs, but it does not allow such requirements to be significantly expanded or contracted. Staff therefore does not recommend modifying this language.

Industry suggests that language should be added to address CDPs that are developed prior to the effective date of the rule so that the legal effect of such CDPs is ascertainable. Staff agrees with this suggestion. *See* Appendix A at 4.

Finally, staff has upon further review determined that it is not appropriate to refer to the CDOW's Natural Diversity Information Source (NDIS) data set in Draft Rule 216.c.(3) as the source of information on riparian areas. Staff therefore proposes eliminating reference to the NDIS data set from Draft Rule 216.c.(3) and adding language to the SBP explaining that for purposes of mapping riparian areas in submitting information for a CDP, an operator need only make a good faith effort to identify riparian areas and may rely on any appropriate source of information in doing so. *See* Appendix A at 3-4.

Draft Rule 303

Environmental and wildlife groups suggest that language should be added to Draft Rule 303.e.(2) requiring waiver by those who have requested notice of hearings under the Oil and Gas Conservation Act (Act) before a hearing could be held prior to the expiration of a 20-day notice period. These parties would make the same changes to Draft Rules 216.f.(4) and 305.d.(2). The Attorney General's Office has advised the staff, however, that such modifications are unnecessary. The Commission has determined that the "interested parties" entitled to notice under C.R.S. 34-60-108(5) are those that are given a right to request a hearing in Rule 503, and the current rule language is consistent with the Commission's resolution of issues concerning standing to apply for hearings. Moreover, staff notes that the 10-day newspaper notice under the Act would still be required, and therefore the waiver provisions of Draft Rule 303.e.(2) would shorten the notice period by only 10 days.

Environmental and wildlife groups also suggest that Draft Rule 303.d.(3).N should be changed to require operators to consult with drinking water providers within 15 miles downstream and to document the outcome of this consultation. Staff, however, believes that current language in Draft Rule 303.d.(3).N calling for notice to such providers accurately reflects Commission direction. Additionally, staff believes that there are other avenues for consultation with such entities, such as under Draft Rules 306 or 317B.

The Colorado Association of Home Builders, et al. (CAHB) suggest that the Draft Rule 303.d.(3).L should be changed to require operators to indicate whether a proposed oil and gas location is consistent with applicable surface use agreements. Staff believes that the current language accurately reflects the Commission's direction. In addition, the approach urged by CAHB could put the COGCC in the position of interpreting surface use agreements, which is not the COGCC's role and which the Commission rejected in discussing Draft Rule 503. Therefore, staff does not recommend incorporating CAHB's suggested alternative language.

As discussed above, staff recommends elimination of the reference to the CDOW's NDIS from Draft Rule 303.d.(3).D and inclusion of provision of explanatory language in the SBP. *See* Appendix A at 4.

Draft Rule 305

Environmental and wildlife groups urge that Draft Rule 305.e be revised to provide for “postcard notice” for nearby landowners in areas covered by Rules 318A and 318B. The Commission, however, did not direct the staff to provide notice to nearby landowners in these areas in any form. Therefore, staff does not recommend alternative language for this purpose.

Draft Rule 306

Industry parties point out an inconsistency between Draft Rules 306.c.(1) and 1202.a regarding consultation with the CDOW. Draft Rule 306.c.(1).B allows the CDOW to consult on certain requests to increase well density whether or not they involve sensitive wildlife habitat or a restricted surface occupancy area. This approach is consistent with House Bill 07-1298, which broadly provides for the “incorporat[ion] of appropriate best management practices” into orders “allowing the drilling of additional wells in drilling units.” C.R.S. § 34-60-128(3)(d)(III)(A). Staff therefore suggests that language be added to Draft Rule 1202.a to conform the purposes of consultation to Draft Rule 306.c.(1). *See* Appendix A at 8.

Industry parties would delete language in Draft Rule 306.d.(2).C.iii allowing the CDPHE to conduct discussions with “those potentially affected” when consultation occurs pursuant to Rule 306.d.(1).A. This language, however, was developed in response to Commission direction. *See* Transcript, Sept. 11, at 137. Moreover, it merely permits CDPHE to talk to parties who may be affected, but does not require them to do so. Staff therefore does not recommend changing it.

Draft Rule 317B

Industry parties object to references in Draft Rule 317B to Appendix VI, the list of Public Water Systems, which they had not yet received. That Appendix was inadvertently omitted from the Nov. 7 submittal of the Final Draft Rules and is attached. *See* Appendix B. Industry parties also object to provisions in Draft Rule 317B concerning “non-exempt linear features.” This concept, however, was provisionally approved by the Commission, and staff does not recommend any changes. The language in the Nov. 7 Draft Rules responds to concern from the Commission that the use of the phrase “non-essential” was inappropriate. Staff proposed changing this language to “non-exempt” in response to recommendations from industry parties in November, but kept the concept as provisionally approved by the Commission.

Industry contends that the variance provisions of Draft Rule 317B.c.(1) are unworkable and should be changed, but the staff disagrees. The Commission provisionally determined that public drinking water supplies must receive broad protection. Doing so requires that, with very few exceptions, no land disturbance can occur within the internal buffer zone. Nonetheless, the Commission recognized there will be certain limited circumstances where a variance from this prohibition will be warranted and thus created the variance procedures in 317.B.c. To this end, operators can suggest measures for meeting the variance criteria that are both technically and economically feasible.

Industry urges that the SBP incorporate language stating that Rule 317B was not intended to apply to groundwater systems and wells. Public Water Systems that utilize groundwater under the influence of surface water, however, have consistently been included in the application of 317B. Groundwater under the influence of surface water is defined under the Colorado Primary Drinking Water Regulations (5 C.C.R. 1003.1), and is distinct from a true groundwater Public Water System. Industry also points out that Draft Rule 317B.e.(2) was not changed to conform to Draft Rule 317B.e.(1) as directed. The staff has proposed alternative rule language that makes the two subsections consistent. *See Appendix A at 4-5.*

Finally, industry suggests that the reference to “correlative rights” in Draft Rule 317B.c.(1).B.ii is improper. Though this concept was originally suggested by industry, staff recognizes that the reference to “correlative rights” is limiting because an operator would be required to show both that development beyond the Internal Buffer Zone is infeasible and that it prevents development of correlative rights. Staff has included alternative language referring to exercising of “mineral” rights to clarify the intent of the rule regarding technical infeasibility. *See Appendix A at 4.*

The environmental and wildlife groups suggest alternative language they claim is necessary to clarify that the provisions of Draft Rule 317B.f.(2) apply to new surface disturbance exceeding the limits contained in that subsection. Staff believes, however, that the rule is clear that new surface disturbance would be treated as a new location if it did not meet the exception criteria set out in Draft Rules 317B.f.(2).A and 317B.f.(2).B. These groups also suggest that the term “non-exempt linear features” should be eliminated in order to bring roads, gathering lines, and pipelines within the language of Draft Rule 317B. Staff, however, believes that the Nov. 7 language for Draft Rule 317B accurately reflects Commission direction. Finally, environmental and wildlife groups request clarification about the development of Appendix VI and recommend that the Commission provide all public water suppliers in Colorado notice and an opportunity to request inclusion in the Appendix. Appendix VI is expected to be updated in early 2009, which will provide public water suppliers with an opportunity for input. *See SBP at 34 .*

The midstream companies are concerned that Rule 317B could somehow be read to require a Form 2A for a gathering line. However, Draft Rule 303 specifies that while a Form 2A must identify and describe pipelines, companies are not required to submit a Form 2A for the pipelines themselves. *Compare* Draft Rule 303.d.(3).B *with* 303.d.(2).C. Staff therefore does not recommend any changes to respond to this comment. Midstream companies also question the use of the word “necessary” in the definition of “non-exempt linear feature,” averring that it is unlikely that a midstream operation would install a gathering line that falls within the definition. *See* Draft Rule 317B.a.(5). The example given by the midstream companies -- where wells are located on opposite sides of a stream, necessitating placement of a gathering line across the stream -- is one that is likely to be found necessary. Moreover, staff believes that issues concerning how to regulate midstream operators and main gathering lines should be addressed as part of the rulemaking on that portion of the rules. In Draft Rule 317B, the Commission would adopt a standard for protecting drinking water. The application of this standard to midstream companies will be addressed in that future rulemaking. Staff does, however, recommend correcting a typographical error in the SBP discussion of this matter. *See Appendix A at 1.*

Draft Rule 341

Industry parties claim that SBP language concerning high bradenhead pressures is overbroad. Staff agrees that a more measured description of this subject is appropriate and has included alternative language to this effect. *See* Appendix A at 5.

Draft Rule 503

Industry parties offer several comments Draft Rule 503.b.(7). First, they question the standard applicable to a surface owner's request for a hearing before the Commission. Staff believes that the standard in Draft Rule 503.b.(7).B is appropriate, as it incorporates the standard that is currently applicable to hearing requests by local governments. Staff also believes that the reference to hearings on issues within the Commission's jurisdiction is appropriate, and that the Rule should not limit a surface owner's hearing to unreasonable crop loss or damage. The industry parties also claim that the Rule and SBP do not address how permitting decisions will be provided to parties with standing or when the 10-day period for requesting a hearing would commence. Staff believes that these issues are adequately addressed in Draft Rules 305.d.(1) ("the Director shall promptly provide notification of the decision") and 305.d.(2) (2) ("within ten (10) days after the issuance of the decision"), respectively. Finally, the industry parties offer alternative language concerning the standard to be applied to requests for hearing by the CDPHE. Staff agrees that the language provided by industry better tracks HB 07-1341, C.R.S. 34-60-106(11)(a)(ii). *See* Appendix A at 5.

Both industry parties and environmental and wildlife groups contend that language should be added to Draft Rule 503.b.(7).B requiring a surface owner to allege a violation of the Commission's rules or procedures in order to receive a hearing before the Commission. Staff does not believe such a provision is necessary because a violation of a rule or procedure would likely reasonably relate to a significant impact to public health, safety, and public welfare, including the environment and wildlife resources.

Finally, environmental and wildlife groups contend that the provision in Draft Rule 503.b.(7).B requiring surface owners to raise issues that "reasonably relate" to significant adverse impacts should be modified to require a surface owner to raise "alleged" potential adverse impacts. Staff does not recommend this modification. The Final Draft Rule reflects the current rule practice by which the Hearings Manager docket all hearing applications received from a local government, even though the current rules require the local government to demonstrate a significant impact under Rule 508.j. Such hearing requests are then the subject of a prehearing conference with the Hearings Manager. In most cases, non-meritorious claims are resolved in the prehearing conference.

Draft Rule 608

Industry parties object to the elimination of the last sentence in Draft Rule 608.c.(1). This deletion, however, responds to Commission direction. *See* Transcript, Sept. 9, at 290. Staff disagrees with industry parties' suggestion that the modifier "thermogenic" be inserted in the SBP because biogenic methane can pose a health or safety issue as well and should be

addressed by this rule. If biogenic methane is not related to coalbed methane development, then it should not be an issue for the operator. Industry also objects to the use of bradenhead monitors on coalbed methane wells. Staff, however, believes this requirement is appropriate. Some wells that are cemented to the surface still have a bradenhead pressure, and the Draft Rule includes provisions eliminating further bradenhead testing under appropriate circumstances. Past orders in La Plata County have required bradenhead testing on all wells, even though they are required to be cemented to the surface. This requirement would not apply to previously plugged wells, as alleged by industry.

Draft Rule 805

Industry parties raise an issue as to whether the COGCC Rules can require that a valid CDPHE Air Pollution Control Division (APCD) permit be obtained for odor control devices. Generally, there is not an independent basis for the APCD to require that air permit terms and conditions be incorporated into an ACD Regulation No. 3 air permit outside the authorities specifically provided to and by the Air Quality Control Commission and federal law. The APCD does, however, have the authority to incorporate terms and conditions into air permits proposed by facility operators. The COGCC has the authority to specify regulations to address public welfare, including for odor-related issues as reflected in Rule 805, and can specify the method of compliance -- in this case adhering to provisions for these controls as reflected in an APCD-issued permit. APCD does not oppose the incorporation of terms and conditions to ensure effective compliance with the Rule 805 requirements for the following reasons: 1) these facilities already hold APCD-issued permits; 2) these control requirements and corresponding operational elements are common in APCD-issued air permits; 3) the requirements are responsive to HB07-1341; and, 4) the terms in the permit would afford protection from Regulation No. 2 odor allegations as reflected in COGCC Rule 805.b.(1).

Industry parties also urge that the phrase “potential to emit” be replaced with “uncontrolled actual emissions or Allowable Emissions,” and that the time needed to implement green completion practices once salable quantities of gas have been produced be modified from two to four hours. Staff does not recommend these changes because the language in Final Draft Rule 805 reflects Commission direction. Additionally, with regard to the time needed to implement green completion practices, the intent of the rule is that operators switch to a sales line as soon as they can, and staff believes that two hours is a reasonable period to do so.

Draft Rule 902

Industry parties offer several comments on Rule 902. First, both industry and the Las Animas County parties object to the staff’s proposed alternative language included with the Nov. 7 Final Draft Rules that added a three-year period to Draft Rule 902.e. Staff believes this alternative language is necessary to ensure the 900-Series Rules are workable and continues to recommend its adoption. Additionally, staff notes that an operator may apply for a variance under appropriate circumstances. To further address industry’s concern, however, staff recommends adding language to the alternative SBP language contained on p. 177 of the Final Draft Rules. *See* Appendix A at 5. Staff does not recommend that SBP language on reuse and recycling be added to the rule as suggested by industry. But staff does recommend putting

“recycling or reuse” into the alternative definition of multi-well pit provided at p. 177 of the Final Draft Rules, as doing so would be consistent with Draft Rule 903.a.(4). *See* Appendix A at 5. Industry requests additional clarification regarding methods to monitor and maintain freeboard in pits, but staff believes that the current rule language is sufficient. Finally, industry contends that the term *de minimis* is vague and suggests an alternative standard of “surface accumulation of oil on less than 5% of the surface area.” This alternative standard was not directed by the Commission, and staff does not recommend it. An operator believing that staff has abused its authority with respect to this issue may request a hearing before the Commission.

Environmental and wildlife groups contend that the SBP fails to comply with the Commission’s directive to develop criteria for when Rule 902.e may be used to permit multi-well pits under Rule 903. Staff, however, disagrees. The SBP sets out the appropriate considerations by identifying a standard (i.e. no greater impact) and factors (characteristics and volume of waste) to guide decisions.

Draft Rule 903

Industry parties question the reference in Draft Rule 903.a.(4) to multi-well pits used for recycling and reuse. Industry requests additional rule language to clarify whether other types of pits discussed in Draft Rule 903.a.(1)-(3) can also be multi-well pits. Staff believes that this subject is adequately addressed in Draft Rules 903.a.(1)-(3). Staff would, however, not oppose elimination of the phrase “that will be recycled or reused” from Draft Rule 903.a.(4) if the Commission determines that this would provide added clarity. Finally, industry requests that Draft Rule 903.c be narrowed in scope to mirror the standard in Draft Rule 903.a.(3). Staff does not recommend this change. Not only is the standard in Draft Rule 903.c in the existing rules, but Draft Rule 903.a.(3) addresses the potential for use of petroleum-based or high-salinity drilling fluids while Draft Rule 903.c addresses pits containing bentonitic drilling fluids.

Environmental and wildlife groups suggest changes to Draft Rules 903.a.(4) and 904.a.(5) concerning multi-well pits. Specifically, they suggest moving to the definition of “multi-well pit” the language concluding these two subsections concerning pits where drilling fluids are moved from one location to another for reuse. Staff does not believe that such changes are necessary. The lining requirements in Rule 904.a.(1) for pits with high-salinity or high-TPH fluids would apply notwithstanding the exemption in Rules 903.a.(4) and 904.a.(5) for pits where fluids are moved from pit to pit.

Draft Rule 904

Industry parties suggest that language be added to Draft Rule 904.a.(5) concerning the delayed implementation of pit lining requirements in certain counties. Staff agrees with this suggestion and also recommends additional SBP language for this purpose. *See* Appendix A at 6. Staff also agrees with the industry parties’ suggestions that the language of Rule 904.a regarding retroactivity be revised for clarity and that Draft Rule 904.b.(4) be eliminated because that subject is adequately addressed in Draft Rule 904.b.(2). *See id.* Finally, staff has supplied additional SBP language responding to industry’s comments with regard to Draft Rule 904.c.(2),

which addresses the hydraulic conductivity of foundations for liners beneath centralized E&P waste management facilities. *See id.*

Draft Rule 905

Industry parties continue to object to language in Draft Rule 905.b.(3).A requiring operators to remove and dispose of synthetic liners. Staff does not recommend changing this language for reasons previously explained. Industry also contends that the requirement in Draft Rule 905.d to ensure that ground water meets the concentration levels of Table 910-1 is inconsistent with Draft Rules 1003.d.(1) and 1003.d.(2). Staff disagrees and notes that Draft Rules 905 and 1003 serve different purposes. Draft Rule 1003 applies to surface reclamation, and so reference to groundwater there is unnecessary.

Draft Rule 906

Industry parties comment that Draft Rule 906.e.(1) did not clearly resolve concerns about the retroactivity of requirements regarding secondary containment of tanks. Staff agrees with industry's suggestion and has added alternative language. *See Appendix A at 7.*

Draft Rule 907

Industry parties recommend changes to Draft Rule 907.n.(2) to address the difference between E&P waste for disposal and E&P waste to be recycled or reused. Staff does not believe that the changes proposed by industry parties are necessary because moving waste around on a site does not amount to transportation of that waste.

Draft Rule 908

Industry parties commented on three provisions in Draft Rule 908. First, they suggest that Draft Rule 908.b.(9) be modified to require sampling only of "operating" water wells that are "known to the operator and registered with the Colorado State Engineer." Staff does not recommend this change. Due to the potential size and duration of centralized E&P waste management facilities, the requirement to sample wells within one mile of a proposed facility should apply to all water wells for which an operator obtains access. Second, industry parties suggest language be added to the requirement to sample surface waters that addresses the operator's ability to obtain access. Staff agrees. *See Appendix A at 7.* Finally, industry parties suggest that Draft Rule 908.h and the SBP be revised to state that an operator is not required to submit copies of county facility approvals prior to the issuance of an operating permit from the Commission. Staff does not believe such revision is necessary, as the language in question was provisionally approved by the Commission.

Draft Rule 910

Industry parties suggest that language be added to Rule 910 and the SBP that describes the variance procedure from the standards in Table 910-1. Staff agrees with this suggestion. *See Appendix A at 7.* Environmental and wildlife groups urged that language be added to the SBP

clarifying that future cleanups of existing pits must meet the amended concentration levels in Table 910-1. Staff agrees with this suggestion as well. *See id.*

Draft Rule 1002

Industry requests that language be added to the definition of “Tier 1 Oil and Gas Operations” to include locations on crop land where the other Tier 1 conditions are met. This subject is already addressed in the SBP, *see* SBP at 70, and staff does not believe that further clarification is necessary. Industry also requests that sites up to 5 acres be included within the definition of “Tier 1 Oil and Gas Operations.” Staff believes that this is overbroad and would unnecessarily alter the scope of the rule. Accordingly, staff does not recommend its inclusion.

Draft Rule 1004

Colorado Agriculture parties assert that Draft Rule 1004.c.(2) should be revised to reflect a landowner’s preference as to the nature of reseeded land and state that a landowner should not be required to seek a variance to effectuate his or her intent as to preferred revegetation. Staff does not feel that such changes to this rule are necessary. First, Draft Rule 1001.c provides that compliance with Rule 1004.c.(2) will be required where the operator has entered into an agreement with the surface owner regarding reclamation of the land and obtained a variance. Second, the landowner would not apply for a variance in any instance; the operator may apply for a variance from the provisions of Draft Rule 1004.c.(2) if it wishes. This is consistent with the approach in earlier drafts of this rule.

Draft Rule 1202

Industry parties suggest that the word “prevent” should be changed to “minimize” in the definition of “Best Management Practices,” as that word is used in Draft Rule 1202. Staff agrees with this suggestion. *See* Appendix A at 8. Industry parties also suggest that the Commission should restore language for Draft Rule 1202.e that was contained in the staff’s Sept. 5 submittal. Staff, however, disagrees. As discussed during deliberations, surface owner consent is necessary only for permit-specific conditions for wildlife habitat protection. *See* C.R.S. § 34-60-128(3)(b). The Final Draft Rule language accurately reflects this legislative direction. For this reason, staff likewise does not believe that changes are necessary in response to the suggestion from Colorado Agriculture parties with regard to surface owner consent.

Environmental and wildlife groups point out that earlier versions of Draft Rule 1208 contained species and time periods that are not reflected in Draft Rule 1202.d.(5). Staff agrees and offers alternative rule language. *See* Appendix A at 8. These groups also suggest that Rule 1202.d.(5) should include the applicable time periods for all affected species. Staff disagrees with this suggestion because the Director will determine any dates for time periods based on the information available.

Colorado Agriculture parties suggest that the rules should state that offsite mitigation can be pursued where onsite mitigation is impractical. Staff does not believe that any changes to the rules are necessary. The definition of “mitigation” includes “off-site habitat mitigation” with

respect to wildlife resources. Thus off-site mitigation would be included within the scope of any rule that refers to potential mitigation with respect to wildlife resources.

Draft Rule 1204

Industry parties contend that there is no support in the record for minimizing “surface disturbances” *per se* at oil and gas facilities, as provided in Draft Rule 1204.a.(3). This language, however, was added by the Commission during deliberations and is balanced by language at the end of this subsection providing that such actions are to “tak[e] into account cost effectiveness and technical feasibility.” Staff therefore does not recommend deletion of this rule language. However, staff does agree with the industry parties that introductory language be added to explain that this rule is intended “to minimize adverse impacts to wildlife.” *See* Appendix A at 8. Industry also suggests adding reference to “other surface owner requirements” at the end of this provision, and staff agrees. *See id.* Finally, industry recommends adding language at the end of Draft Rule 1204.a.(4) providing that requirements to establish new staging, refueling, and chemical storage areas outside of riparian zones and flood plains be subject to surface-owner consent. Staff does not recommend this change. Such language was not included in this provision when it was originally proposed by industry, *see* Staff Rule Language Compilation, 1200-Series (Sept. 5) at 38 (*Proposed* Rule 1203.a.(2)), and it was not directed by the Commissioners during deliberations.

Draft Rule 1205

Industry parties contend that the parameters and procedures for determining “technically and economically feasible” are ambiguous. However, this language was originally proposed by industry, *see* Staff Rule Language Compilation, 300-Series Rules (Sept. 4) at 41, and it also appears in the current rules. *See* Rules 324A, 802. Staff believes that this issue is adequately addressed in the SBP. Staff also believes that the application of the consultation process with regard to restricted surface occupancy (RSO) areas is adequately addressed in the SBP, contrary to industry’s suggestion. *See* SBP at 81-82. Staff notes, however, that while consultation with CDOW may not be required as to whether it is technically or economically feasible to avoid an RSO area, an operator may still be required to consult with CDOW if the RSO area is within sensitive wildlife habitat). Finally, industry parties suggest that “non-emergency workovers” be removed from the list of activities that are to be avoided in RSO areas. Because workovers have the potential to disturb RSO areas and because the Commission did not direct the removal of this provision, staff opposes this suggestion.

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APPENDIX A

Unless otherwise noted, COGCC staff recommends that yellow-highlighted changes below be included in the Final Rules or Final Statement of Basis, Specific Statutory Authority, and Purpose (SBP), where applicable.

1) General

Alternative SPB Language: Page 7

Background - Additional Action

One subject where the Commission chose to defer action involves the application of these new rules and amendments either to projects subject to approval by the Federal Energy Regulatory Commission, to the safety aspects of projects that are regulated by the U.S. Department of Transportation, or to midstream operations until the Commission conducts a further regulatory proceeding to address the manner in which such amendments and new rules shall apply to such projects and operations. **operations.**

Alternative SBP Language: Page 43

Finally, language was added to include requirements that the secondary containment berms or devices and the secondary containment areas be sufficiently **imperious impervious** to contain the released material.

2) Draft Rule 205

Alternative Rule Language: Draft Rule 205.d

d. Where the composition of a Chemical Product is considered a Trade Secret by the vendor or service provider, Owners or Operators shall only be required to maintain the identity of the Trade Secret Chemical Product and shall not be required to maintain information

concerning the identity of chemical constituents in a Trade Secret Chemical Product or the amounts of such constituents. The vendor or service provider shall provide to the Commission a list of the chemical constituents contained in a Trade Secret Chemical Product upon receipt of a letter from the Director stating that such information is necessary to respond to a spill or release of a Trade Secret Chemical Product or a complaint from a potentially adversely affected landowner regarding impacts to public health, safety, welfare, or the environment. Upon receipt of a written statement of necessity, information regarding the chemical constituents contained in a Trade Secret Chemical Product shall be disclosed by the vendor or service provider directly to the **Commission's Environmental Manager-Director** or his or her designee.

The **Environmental Manager-Director** or designee may disclose information regarding those chemical constituents to additional Commission staff members to the extent that such disclosure is necessary to allow the Commission staff member receiving the information to assist in responding to the spill, release, or complaint, provided that such individuals shall not disseminate the information further. In addition, the **Environmental Manager-Director** may disclose information regarding those chemical constituents to any Commissioner, the relevant County Public Health Director or Emergency Manager, or to the Colorado Department of Public Health and Environment's Director of Environmental Programs upon request by that individual. Any information so disclosed to the **Environmental Manager-Director**, a Commission staff member, a Commissioner, a County Public Health Director or Emergency Manager, or to the Colorado Department of Public Health and Environment's Director of Environmental Programs shall at all times be considered confidential and shall not become part of the Chemical Inventory, nor shall it be construed as publicly available. The Colorado Department of Public Health and Environment's Director of Environmental Programs, or his or her designee, may disclose information regarding the chemical constituents contained in a Trade Secret Chemical Product to Colorado Department of Public Health and Environment staff members under the same terms and conditions as apply to the **Commission's Environmental Manager-Director**.

Alternative Rule Language: Draft Rule 205.h

- h. In the event that the vendor or service provider does not provide the information required by Rules 205.d, 205.e, or 205.f directly to the Commission **or a health professional**, the owner or operator is responsible for providing the required information.

Alternative Rule Language: Draft Rule 205.i

- i. In the event the owner or operator establishes to the satisfaction of the Director that it lacks the right to obtain the information required by Rules 205.d, 205.e, or 205.f and to provide it directly to the Commission **or a health professional**, the owner or operator shall receive a variance from these rule provisions from the Director.

Alternative SBP Language: Page 16

The inventory must include **all each** chemical products for which an amount exceeding 500 pounds has been used or stored cumulatively during any quarterly reporting period."

In addressing a spill or release from a site or a complaint from a potentially adversely impacted land owner, COGCC **and CDPHE staff and county health or emergency officials** need information regarding the chemicals involved in order to accurately focus

sampling and analysis of potentially impacted media, as well as to determine appropriate remediation and response.

Alternative SBP Language: Page 17

In particular, such information is required to be disclosed to the Director (for use by COGCC and CDPHE staff **or county health or emergency officials** as needed) only where necessary to respond to a spill or release of a chemical product or a complaint by a potentially adversely affected landowner.

3) **Draft Rule 210**

Alternative Rule Language: Draft Rule 210.d.(1)

- (1) All tanks with a capacity of ten (10) barrels or greater shall **by September 1, 2009** be labeled or posted with the following information:

Alternative SBP Language: Page 19

All tanks, regardless of construction date, must be labeled in accordance with this rule by September 1, 2009.

4) **Draft Rule 216**

Alternative Rule Language: Draft Rule 216.c.(3)

- (3) Overlay maps showing the proposed oil and gas locations, including all proposed access roads and gathering systems, drainages and stream crossings, and existing and proposed buildings, roads, utility lines, pipelines, known mines, oil or gas wells, water wells known to the operator(s) and those registered with the State Engineer's Office, and riparian areas ~~as mapped in the Colorado Division of Wildlife's Natural Diversity Information Source (NDIS) data set;~~

Alternative Rule Language: Draft Rule 216.d.(3)

- (3) The operator(s), the Director, and participants involved in the Comprehensive Drilling Plan process shall review the proposal, identify information needs, discuss operations and potential impacts, and establish **presumptive** measures to minimize adverse impacts resulting from oil and gas development activities covered by the Plan.

Alternative Rule Language: Draft Rule 216.e.(2).A-B

- A. Included as **presumptive** conditions of approval in any Form 2 or other permit for individual wells or other ground-disturbing activity covered by the Plan, where no Form 2A is required under Rule 303.d.(2).B.
- B. Included as **presumptive** conditions of approval in any Form 2, Form 2A, or other permit for individual wells or other ground-disturbing activity covered by the Plan, where a Form 2A is required under Rule 303.d.(1).

Alternative SBP Language: Page 21

The Commission intends that for purposes of mapping riparian areas when submitting information for a CDP, an operator need only make reasonable good faith effort to identify such areas and they may rely on any appropriate and credible source of information on riparian areas in doing so.

Alternative SBP Language: Page 21

The Commission intends that if a CDP is approved before Rule 216 becomes effective, then such CDP will be treated the same as CDPs approved after Rule 216 becomes effective. The Commission understands that the staff is already discussing CDPs with several operators in a manner consistent with the Final Draft Rules and encourages this effort. If a CDP is finished before the rule amendments become effective on May 1, 2009 on federal land or April 1, 2009 on other land, it will be treated the same as a CDP adopted after these dates.

5) **Draft Rule 303**

Alternative Rule Language: Draft Rule 303.d.(3).D

D. A topographic map showing all surface waters and riparian areas within one thousand (1,000) feet of the proposed oil and gas location, with a horizontal distance and approximate bearing from the oil and gas location, as mapped in the Colorado Division of Wildlife's Natural Diversity Information Source (NDIS) data set.

Alternative SBP Language: Page 23

The Commission intends that for purposes of mapping riparian areas when submitting information for a Form 2A, an operator need only make reasonable good faith effort to identify such areas and they may rely on any appropriate and credible source of information on riparian areas in doing so.

6) **Draft Rule 317B**

Alternative Rule Language: Draft Rule 317B.c.(1).ii

ii. Conducting DCPS Operations beyond the Internal Buffer Zone is technically infeasible and prevents the operator from exercising its ~~correlative mineral~~ rights.

Alternative Rule Language: Draft Rule 317B.f.(2)

(2) Existing Oil and Gas Locations and DCPS Operations at Existing Oil and Gas Locations within a Surface Water Supply Area and within zones specified in Table 1 for which new surface disturbance occurs on or after the later of May 1, 2009 for federal land or on or after April 1, 2009 for all other land or the date Rule 317B became applicable to the oil and gas location shall be subject to the requirements of Rule 317B.f.(3) instead of the requirements of Rules 317B.c, 317B.d, or 317B.e where the additional new surface

disturbance is addressed in a Comprehensive Drilling Plan accepted pursuant to Rule 216, or if:

7) Draft Rule 341

Alternative SBP Language: Page 34

Monitoring bradenhead pressures will **help** indicate if a hydraulic fracturing procedure or another stimulation procedure was not completely contained in the producing reservoir. A high bradenhead pressure **may** indicate the stimulation fluid has entered the open space between the steel well casing and the drilled hole.

8) Draft Rule 503

Alternative Rule Language: Draft Rule 503.b.(7).D

D. The Colorado Department of Public Health and Environment, solely to raise issues relating to protection of **public health, safety, and welfare of the general public in the conduct of oil and gas operations, including the environment or wildlife resources;** and

9) Draft 900-Series Definitions

Alternative Rule Language: Definition of MULTI-WELL PITS

(Note: Yellow-highlighted language below was recommended on page 176 of the Nov. 7 Final Draft Rules. Green-highlighted language below is being suggested here.)

MULTI-WELL PITS shall mean pits used for treatment, storage, **recycling, reuse,** or disposal of E&P wastes generated from more than one (1) well that do not constitute a centralized E&P waste management facility **and that will be in use for no more than three (3) years.**

10) Draft Rule 902

Alternative SBP Language: Page 57

(Note: Yellow-highlighted language below was recommended on page 177 of the Nov. 7 Final Draft Rules. Green-highlighted language below is being suggested here.)

The purpose of adding the three (3) year temporal requirement is to further clarify the difference between: centralized E&P waste management facility pits that must be permitted under to Rule 908; and other pits for the storage, recycling, reuse, treatment, or disposal of E&P waste from multiple wells that may be permitted under Rule 903. The Commission intends that Rule 903 not be used to permit pits that store, recycle, reuse, treat, or dispose of E&P waste from multiple wells and that will be in use for more than three (3) years **unless the Director grants a variance.** This is because the Commission believes that such pits generally present greater risks to public health, safety, welfare and the environment which are better addressed under Rule 908. **However, a variance may be appropriate where such a pit would not present such risks because, for example, it only contains produced water.** This clarification also provides additional clarity and consistency to Rule 902.e.

11) Draft Rule 904

Alternative Rule Language: Draft Rule 904.a

- a. ~~Pit lining requirements. Pits that were 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 their construction. The following pits shall be lined if they are constructed on or after May 1, 2009 on federal land, or on or after April 1, 2009 on other land or if they were required to be lined under the rules in effect at the time of their construction:~~

Alternative Rule Language: Draft Rule 904.a.(5)

- (5) Multi-well pits used to contain produced water, drilling fluids, or completion fluids that will be recycled or reused, except those pits where drilling fluids are moved from one oil and gas location to another such location for reuse there. Subject to Rule 901.c, this requirement shall not apply to multi-well pits used to contain produced water in Washington, Yuma, Logan, Huerfano, or Las Animas Counties until May 1, 2011 on federal land or until April 1, 2011 on other land.

Alternative Rule Language: Draft Rule 904.b.(4)

~~(4) Pit sidewall slopes shall be consistent with the manufacturer's specifications for the synthetic liner used.~~

Alternative SBP Language: Page 59

This package of requirements includes a deferral until 2011 of the applicability of pit lining requirements for production pits and for multi-well pits used to contain produced water that will be recycled or reused located in Washington, Logan, Morgan, Yuma, Huerfano and Las Animas Counties.

Alternative SBP Language: Page 61

(Note: This note would be placed after "Multi Well Pits" in the first column of the chart)

*** Lining requirements do not apply to multi-well pits used to contain produced water that will be recycled or reused located in Washington, Logan, Morgan, Yuma, Huerfano and Las Animas Counties.

Alternative SBP Language: Page 60

The Colorado Solid and Hazardous Waste Commission adopted regulations pertaining to Section 17, Commercial Exploration and Production (EP) Waste Impoundments in November. This section requires liners for pits accepting E&P Waste to meet a hydraulic conductivity less than or equal to 1×10^{-7} cm/sec.

12) Draft Rule 906

Alternative Rule Language: Draft Rule 906.e.(1)

- (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 ~~crude~~oil, condensate, or produced water with greater than 40,0003,500 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 ~~crude-oil~~ tank and containment requirements under Rules 603. and 604. This requirement shall not apply to water tanks with a capacity of ~~one hundred (100)~~ fifty (50) barrels or less.

13) Draft Rule 908

Alternative Rule Language: Draft Rule 908.b.(10)

- (10) **Surface water monitoring.** Where applicable, the Director shall require baseline and periodic surface water monitoring to ensure compliance with WQCC surface water standards and classifications. Operators shall use reasonable good faith efforts to obtain access to such surface water for the purpose of collecting water samples. If access cannot be obtained, then the operator shall notify the Director of the surface water for which access was not obtained and sampling of such surface water by the operator shall not be required. Not conducting sampling because access to surface water cannot be obtained shall not be grounds for denial of the proposed facility.

14) Draft Rule 910

Alternative SBP Language: Page 55

The Commission expressly intends that the amendments to the 900-Series Rules not be retroactive, except where specifically stated (e.g., skim pits). Moreover, the Commission notes that the future closure and remediation of pits existing on or after May 1, 2009 on federal land or on or after April 1, 2009 on all other land will be subject to the concentration levels of Table 910-1, as amended.

Alternative SBP Language: Page 67

As with all of the COGCC rules, an operator may seek a variance from the provisions of Rule 910 or the concentration levels in Rule 910-1, pursuant to Rule 502.b, under appropriate circumstances. The Commission also notes that the future closure and remediation of pits existing on or after May 1, 2009 on federal land or on or after April 1, 2009 on all other land will be subject to the concentration levels of Table 910-1, as amended.

15) Draft Rule 1202

Alternative Rule Language: Definition of BEST MANAGEMENT PRACTICES

BEST MANAGEMENT PRACTICES (BMPs) are practices that are designed to prevent or reduce impacts caused by oil and gas operations to air, water, soil, or biological resources, and to ~~prevent minimize~~ adverse impacts to public health, safety and welfare, including the environment and wildlife resources.

Alternative Rule Language: Draft Rule 1202.a

- a. The purpose of consultation under Rule 306.c is to allow the Director to determine whether conditions of approval are necessary to minimize adverse impacts from the proposed oil and gas operations in the identified sensitive wildlife habitat, ~~in an order increasing well density, or in a basin-wide order involving wildlife or wildlife-related environmental issues~~ and to evaluate requests for variances from the provisions of the 1200-Series Rules. For purposes of this rule, minimize adverse impacts shall mean wherever reasonably practicable, to (i) avoid adverse impacts from oil and gas operations on wildlife resources, (ii) minimize the extent and severity of those impacts that cannot be avoided, (iii) mitigate the effects of unavoidable remaining impacts, and (iv) take into consideration cost-effectiveness and technical feasibility with regard to actions taken and decisions made to minimize adverse impacts to wildlife resources, consistent with the other provisions of the Act.

Alternative Rule Language: Draft Rule 1202.d.(5)

- (5) The operator applies for and obtains a Commission order pursuant to Rule 503 providing that there will not be more than three (3) well sites per section, with ground disturbing activity during the period from January 1 to March 31 (or other alternative period up to ninety (90) consecutive days as determined by the Director for bighorn sheep winter range, elk production areas, bald or golden eagle nest or roost sites, columbian or plains sharp-tailed grouse production areas, greater or Gunnison sage grouse production areas, ~~black-footed ferret release areas,~~ or lesser prairie chicken production areas) limited to one (1) such well site, as determined by the Director. This exemption from consultation shall not apply to operations in occupied greater sage grouse sensitive wildlife habitat in Moffat, Routt, or Jackson Counties or in occupied Gunnison sage grouse sensitive wildlife habitat in Delta, Mesa, Gunnison, San Miguel, Dolores, or Montezuma Counties;

16) Draft Rule 1204

Alternative Rule Language: Draft Rule 1204.a.(3)

- (3) ~~To minimize adverse impacts to wildlife, p~~Plan new transportation networks and new oil and gas facilities to minimize surface disturbance and the number and length of oil and gas roads and utilize common roads, rights of way, and access points to the maximum extent practicable, consistent with an operator's operational requirements and any requirements imposed by federal and state land management agencies, local government regulations, and surface use agreements ~~and other surface owner requirements,~~ and taking into account cost effectiveness and technical feasibility.

Appendix VI: List of Public Water Systems Subject to Protections of Rule 317B

PWSID	SYS_NAME
107115	Allenspark WC
147001	Alma, Town of
207115	Alpine Brook WS
314042	Alvarado Campground 4122
CO0259002	ARAPAHOE BASIN SKI AREA
126121	Arrowhead Ranch WC
130001	Arvada, City of
249129	Aspen Ski Corp - Garrett
249130	Aspen Ski Corp - Hi Alpin
249131	Aspen Ski Corp - Rack-Elk
149122	Aspen, City of
103005	Aurora, City of
155200	Baca Grande W&SD/Chalets
147010	Bailey W&SD
135134	Bald Mtn WA
225135	Bar Lazy J Guest Ranch
119134	Basalt, Town of
123133	Battlement Mesa MD
134030	Bayfield, Town of
230141	Bear CreekLakePark-BearCk
230140	Bear CreekLakePark-Turkey
221040	Bear Trap Ranch
235139	Ben Delatour Boys Camp
135138	Berthoud, Town of
151100	Beulah Water Works Dist
135143	Big Elk Meadows WA
124147	Black Hawk, City of
107152	Boulder, City of
215202	Bowie Mine #2
259005	Breckenridge Ski
159020	Breckenridge, Town of
107155	Broomfield, City of
108300	Buena Vista, Town of
130015	Buffalo Park ASSOCIATION
130050	Buffalo Park Development
247018	Camp Alexander-Boy Scouts
247012	Camp Santa Maria WC
122100	Canon City, City of
123167	Carbondale, Town of
135476	Carter Lake FP
210009	CDOT - Eisenhower Tunnel
259023	CDOT - Vail Pass RestArea
223205	CDOT-Grizzly Creek RA
223331	CDOT-HNGG LAKE TUNL CMLPX
115171	Cedaredge, Town of
118015	Centennial W&SD/Highlands

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124171	Central City, City of
235175	Cheley Colorado Camp
139180	Clifton WD
225116	CLIMAX - Henderson Mill
210001	CLIMAX - Henderson Mine
CO0233300	CLIMAX-CLIMAX MINE
115185	Coalby Domestic WC
139185	Collbran, Town of
225168	Colo. River Water CD
151200	Colorado City MD
121150	Colorado Springs, City of
234200	Colorado Trails LTD
241186	Colo-Wyo Coal Company
230225	Conifer High School
130020	Cons Mutual/MAPLE GROVE
230020	Coors Brewing Company
142200	Cortez, City of
141188	Craig, City of
126188	Crested Butte, Town of
160100	Cripple Creek, City of
CO0221260	CRYSTAL KANGAROO CAMPGRO
128100	Cuchara W&SD
207785	CU-MNT.RESEARCH STATION
222330	Cutty s Hayden Creek Reso
146485	Dallas Creek WC
139205	De Beque, Town of
116001	Denver Water Board
159040	Dillon Valley MD
159035	Dillon, Town of
142400	Dolores, Town of
117300	Dove Creek, Town of
225222	Drowsey Water Ranch
134150	Durango, City of
119802	Eagle River W&SD
219234	Eagle Springs Golf Club
119233	Eagle, Town of
135237	Eden Valley Institute
134200	Edgemont Ranch MD
207466	Eldora Mountain Resort
107246	Eldorado Art. Spgs
230290	Elk Creek Elementary Schl
146592	Elk Meadows Estates
110010	Empire, Town of
335251	Endovalley Picnic Area
103045	Englewood, City of
162255	Erie, Town of
235257	Estes Park CG

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135257	Estes Park, Town Of
130030	Evergreen MD
335266	Fall River Pass
122500	Florence, City of
134300	Florida River Estates HOA
121250	Forest View Acres WD
121300	Fountain Valley Authority
154285	Fox Estates HOA
159055	Frisco, Town of
115288	Fruitland Domestic WC
135291	Ft. Collins, City of
162291	Ft. Lupton, City of
144005	Ft.Morgan, City of
130035	Genesee W&SD
137005	Genoa, Town of
110015	Georgetown, Town of
123314	Glenwood Springs, City of
130040	Golden, City of
125323	Grand County W&SD #1
139321	Grand Junction, City of
225324	Grand Lake Lodge
125322	Grand Lake, Town of
162321	Greeley, City of
119321	Green Acres MHP
126220	Gunnison County -Dos Rios
119329	Gypsum, Town of
CO0159063	HAMILTON CREEK MD
154333	Hayden, Town of
335343	Hidden Valley Ski Area
222700	Holnam Inc./ Ideal Cement
125352	Hot Sulphur Springs, Town
115352	Hotchkiss, Town of
162359	Hudson, Town of
110020	Idaho Springs, City of
130055	Idledale W&SD
130060	Indian Hills TC
130065	Indian Hills WD
107401	Jamestown, Town of
162418	Johnstown, Town of
139434	Kannah Creek WS
259002	Keystone - Arapahoe Basin
259009	Keystone - Summit Lodge
125455	Kremmling, Town of
234480	La Plata County Airport
128500	La Veta, Town of
107473	Lafayette, City of
119467	Lake Creek Meadows MD

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134530	Lake Durango WD
207465	Lane Guest Ranch
107471	Lefthand WD/Niwot
107485	Longmont, City of
335485	Longs Peak CG
CO0107486	LONGS PEAK WD
110026	Lookout Mountain WD
107487	Louisville, City of
210015	Loveland Basin Ski Area
210016	Loveland Valley Ski Area
135485	Loveland, City of
107496	Lyons, Town of
215538	Mad Dog WC
142600	Mancos Rural WC
142700	Mancos, Town of
121450	Manitou Springs, City of
207504	Meadow Mtn WS
207506	Meeker Park Lodge
126505	Meridian Lake Park
142750	Mesa Verde - Jackson Lake
139505	Mesa W&SD
210017	Mill Creek Park WIA
119510	Minturn, Town of
142900	Montezuma WC
236300	Monument Lake Resort
247010	Moore-Dale Ranch
130085	Morrison, Town of
214200	Mountain Cliffe Ski Area
CO0226838	MOUNTAIN COAL CO LLC - W
233640	Mt Elbert Lodge
233650	Mt Elbert Power Plant
154524	Mt Werner W&SD
126190	Mt. Crested Butte WS&D
226838	Mtn.Coal Co-West Elk Mine
CO0143525	MUSTANG WATER AUTHORITY
143533	Naturita, Town of
225322	NCWCD-Farr Pump Plant
107538	Nederland, Town of
123538	New Castle, Town of
135538	Newell-Warnock WA
123552	No Name Creek WS
130105	North Table Mtn W&S
101115	Northglenn, City of
157500	Norwood Water Commission
143559	Nucla, Town of
154566	Oak Creek, Town of
115588	Orchard City, Town of

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104300	Pagosa Area W&SD/Hatc/Stv
104500	Pagosa Area W&SD/Snowball
139600	Palisade, Town of
121575	Palmer Lake, Town of
115601	Paonia, Town of
123602	Parachute, Town of
122600	Park Center WD
133700	Parkville WD (LEADVILLE)
207605	Peaceful Valley Lodge
159015	Peak 7/Slope/Breckenridge
CO0259027	PEAK 8 RESTAURANT (VISTA
122700	Penrose WD
154609	Phippsburg, Town of
221720	Pikes Peak - Summit House
CO0107610	PINE BROOK HILLS WD
249610	Pine Creek Cookhouse -Ash
151450	Pine Drive WD
135610	Pinewood Springs WD
239618	Powderhorn MD #1
143621	Project 7 Water Authority
135621	Prospect Mtn
254185	PSCO OF CO.- Hayden Sttn
251700	Public Service-Comanche
151650	Pueblo West MD
151500	Pueblo, Board of Water Wo
160375	Rainbow Valley WD
152666	Rangely, Town of
235668	Rawhide Energy Station
119671	Red Cliff, Town of
121700	Red Rock Valley WD
230050	Red Rocks Park /CC of Den
CO0119673	RED SKY RANCH
149671	Redstone W&SD
117700	Rico, Town of
146676	Ridgway, Town of
123676	Rifle, City of
235676	Riverview CG
121725	Rock Creek Mesa WD
230055	Rocky Flats Plant
145600	Rocky Ford, City of
235686	Rocky Ridge Music Center
234740	Root Creek Water System
CO0118055	ROXBOROUGH PARK MD
151700	Rye, Town of
108700	Salida, City of
CO0251900	SAN ISABEL BOY SCOUT RAN
104900	San Juan River Resort POA

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107701	San Lazaro MHP
147090	Shawnee WCA
123710	Silt, Town of
110035	Silver Plume, Town of
156600	Silverton, Town of
210020	Singing River
149717	Snowmass Village W&SD
135718	Soldier Canyon FP
126718	Somerset WD
334720	South Mineral Campground
236550	Spanish Peaks Landowners
228650	Spanish Peaks Scout Ranch
135721	Spring Canyon W&SD
235722	Spruce Lake RV Park
151750	St.Charles Mesa WD
254718	Stagecoach State Park
254720	Steamboat Lake State Park
207724	Stone Mountain
235726	Sundance Trail Guest Ranc
135725	Sunrise Ranch
121825	Sunview MHP
107725	Superior Metro Dist #1
219729	Sylvan Lake Fis
134840	Tamarron Sheraton Resort
223738	Teepe Bible Camp
157800	Telluride, Town of
101150	Thornton, City of
154743	Timbers W&SD
223755	Trappers Lake Lodge
CO0135718	TRI DISTRICT
136800	Trinidad, City of
243185	Tri-State G&T-Nucla Stati
119786	Upper Eagle Regional WA
CO0115784	UPPER SURFACE CREEK DOME
CO0134790	UTE PASS WATER ASSOCIATI
139791	Ute Water Conservancy Dis
160700	Victor, City of
129834	Walden, Town of
128900	Walsenburg, City of
135838	Wellington, Town of
252838	Western Fuels Deserado Mi
110050	Western Inn MHP
101170	Westminster, City of
307845	Wild Basin Ranger Station
CO0149185	WILD CAT RANCH
234600	Williams Field Service
157950	Wilson Mesa MD

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230067	Windy Peaks Outdoor Lab
125843	Winter Park W&SD
240850	Wolf Creek Ski Area
160900	Woodland Park, City of
CO0121950	WOODMOOR WSD
254901	Yampa River State Park
251950	YMCA - Camp Jackson
135883	YMCA of the Rockies
125916	YMCA SNOW MTN RANCH
208920	Young Life-Frontier Ranch