



“To help preserve the natural environment of the Yampa Valley, enhance the quality of human life, retain the unique character of our community and to build a sustainable society in harmony with nature.”

Matthew J. Lepore, Director
Colorado Oil & Gas Conservation Commission
1120 Lincoln St. Suite 201
Denver, CO, 80203

October 9, 2012

Re: Follow-up to my comment at the Colorado Oil and Gas Conservation Commission meeting in Steamboat Springs, CO, October 1, 2012

Dear Director Lepore:

I want to thank the COGCC for taking up the recent rulemaking process regarding water sampling on their recent visit to Routt County. Water is a vital resource critical to our existence in Colorado and must be rigorously protected. My following comments regarding the Colorado Oil and Gas Conservation Commission (COGCC) Rules and Regulations are intended to protect that resource and to provide input to the rulemaking process. My intention is not to inhibit oil and gas exploration and production.

Groundwater:

Groundwater does not belong to the surface property owner. That owner may have a right to use it, but, as groundwater knows no boundaries, he does not have the right to contaminate it or allow others to do so. Groundwater may be a current domestic or agricultural source for neighbors and, if not used now, could very likely be one for future generations. The surface property owner must be the steward for this resource the same as he is for the land above. Meaningful COGCC Rules and Regulations would be a guide to that stewardship.

I believe that;

- * to a certain extent, each Oil & Gas (O & G) project is unique in its geographical and geological characteristics, and
- * it is counterproductive to wait until a distant in-use water source has been contaminated before taking corrective action. Early detection is preferable to delayed and costly remediation procedures (if remediation is even possible) and the inevitable legal battles if no water quality baseline was established.

For these reasons I recommend that;

- * COGCC Rules be revised to **require** the operator to submit a complete drilling plan with each well application that includes a proposed plan for establishing baseline ground water quality (sampling/testing and duration), subsequent monitoring during operation and post operation, and
- * that The Colorado Oil & Gas Association's (COGA) "*Voluntary Baseline Groundwater Quality Sampling Program Example Sampling and Analysis Plan Developed in Cooperation with the COGCC*" be made **mandatory** and expanded to include, when necessary, specifically designed and dedicated monitoring wells located close to the O & G site.

COGCC/County coordination:

COGCC Regulations:

- * 324A (b) states that "the Director may" (not shall) "establish one or more points of compliance" etc.
- * 324 D lists "Criteria to Establish Points of Compliance"

I recommend that;

- * 324A (b); replace the word "may" with the word "shall".
- * 324 D; the COGCC provide the Local Government Designee (LGD) with any, or all, points of compliance proposed by the COGCC and allow the LGD to review, comment, and to add points when reviewing/approving special use permits for O & G operations.

In various locations throughout Colorado (Rocky Flats, the Arsenal, etc.) we are seeing the negative physical and financial effects of past unregulated and unmonitored activities that contaminated groundwater and the difficulties and costs for remediation are usually substantial.

Also, in the past, the lack of knowledge and foresight has resulted in ongoing mine drainage of contaminants into our surface waters. We should do our best to learn from history and not let the same happen to our groundwater from O & G exploration and production.

Respectfully submitted,

Paul Stettner
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