

August 31, 2018

Wayne F. Forman
Attorney at Law
303.223.1120 tel
303.223.1111 fax
wforman@bhfs.com

VIA EMAIL: JULIE.MURPHY@STATE.CO.US

Ms. Julie Murphy, Director
Colorado Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, Colorado 80203

RE: NGL Water Solutions DJ, LLC (“NGL”): Response to Requests for Hearing: South Weld SWD#2, South Weld SWD#4 and Roy SWD#1, Roy SWD#3 and Roy SWD#4

Dear Director Murphy:

As counsel for NGL, we write to consult, as provided by Rule 325.m., and to request that the Commission either set a hearing as requested by the protestants of NGL’s pending applications for the following designated injection wells: South Weld SWD#2, South Weld SWD#4, and Roy SWDs #1, #3 and #4, or deny the three filed protests and requests for hearing.

By letters dated between June 1, 2018 and July 27, 2018, NGL provided notices to landowners and mineral owners under Rule 325.i (and other COGCC rules) of NGL’s intent to construct four injection wells on the South Weld parcel and four on the Roy parcel. As requested by Commission Staff, NGL is re-sending notices regarding those wells for which NGL had not submitted applications at the time of, or shortly after, the notices were sent. Currently, applications have been filed and notices re-sent for Roy SWD#1 and Roy SWD#2. The remaining applications and notices will be filed and sent forthwith, with an additional application and notice for an additional well on the Roy parcel, Roy SWD #5, to follow shortly after that.

The following three persons submitted written protests requesting a public hearing in response to the original notices on the following applications: Jeri Yarbrough protested and requested a hearing on the Roy SWD#1; Eric Permut protested and requested a hearing on the Roy SWD#3; and Anadarko Petroleum Corporation protested and requested a hearing on the South Weld SWD#2, the South Weld SWD#4 and the Roy SWD#4. Copies of their protest letters are attached as Attachments A-C.

These protests and requests for hearings should be denied. Rule 325.m. requires such requests to:

specifically provide information on: (1) Possible conflicts between the injection zone’s proposed disposal use and present or future use as a source of drinking water or present or future use as a source of hydrocarbons, or (2) Operations at the well site which may affect potential and current sources of drinking water.

Ms. Yarbrough, Mr. Permut and Anadarko did not, however, provide the specificity required by Rule. In no more than a paragraph each, Ms. Yarbrough and Anadarko generically questioned potential impacts from the proposed wells without providing any specific information in support of their protests. Mr. Permut, for his part, protests not the approval of the Applications per se but rather advances the position that all

410 Seventeenth Street, Suite 2200
Denver, CO 80202-4432
main 303.223.1100

subsurface waste injection "is an irresponsible practice." Because the submitted protests do not comply with Rule 325.m., NGL respectfully submits the COGCC should dismiss them and approve the Permits as submitted.

Although NGL believes these protests are legally insufficient, NGL reached out to each of the three protestants in an attempt to learn more about their alleged concerns and to resolve any issues raised by them. NGL will continue those efforts.

In advance of the Commission's evaluation of the applications and protests, NGL respectfully requests that the COGCC, to avoid protracted delay in issuing the requested permits, set the applications for a public hearing on the COGCC's October 28 & 29, 2018 General Docket. NGL is concerned that if the Commission waits until after its evaluation of the protests, and ultimately determines that a hearing on one or more of the applications is appropriate due to the protests, resolution of NGL's applications would be delayed by months, which would cause it and the operators it serves substantial financial and other harm. The Commission should set a hearing and, to the extent NGL is able to resolve the grounds for the protests, or if additional valid protests are received as a result of the re-notifications or new notice for Roy SWD #5, the scope of the hearing can be adjusted accordingly. NGL further requests that the COGCC promptly appoint a hearing officer to this matter and schedule a pre-hearing conference on the earliest date possible.

Please confirm that the Commission will accommodate this request or contact us with any questions. We greatly appreciate your consideration of this request.

Sincerely,

/s/ Wayne F. Forman

Wayne F. Forman

Julia E. Rhine

Brownstein Hyatt Farber Schreck, LLP

410 Seventeenth St., Suite 2200

Denver, Colorado 80202

Telephone: 303.223.1100

wforman@bhfs.com

jrhine@bhfs.com

Attorneys for NGL Water Solutions DJ, LLC

cc (via email): Julie Prine-COGCC Hearings and Regulatory Affairs Manager
DNR Docketing
Doug White, NGL
Neel Duncan, IPT
Derek Petrie, IPT

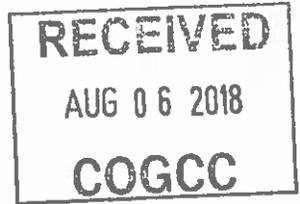
WFF:rj

Enclosure

17336019.7



ORIGINAL



August 1, 2018

I Jeri Yarbrough, request a public hearing for the ROY SWD #1 WELL: Surface Hole location planned at 326' FNL, 2,007' FEL, NWNE Sec.28-T1N-R66W, Weld County, Colorado

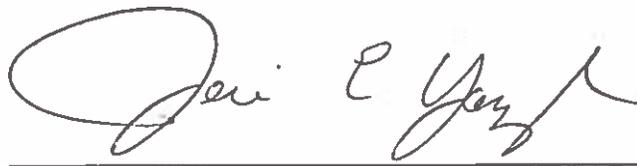
Operator:

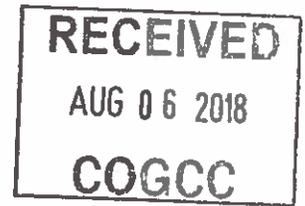
NGL Water Solutions, LLC

I have concerns about long term groundwater contamination and the potential for contamination of nearby surface water. My domestic well # 251883 is within 600 feet and my irrigation pond within 1000 feet, of the proposed injector well location. I question the casing integrity, inspection and regulatory oversight, and potential for hazardous waste to be injected into an injection well. Simply because oil and gas recovery waste is exempt from being called hazardous waste does not make it non-hazardous for residents in my area. My concern is for the long term health and safety of my community as well as overall ecosystem health.

My property address is 14512 RD 6 Fort Lupton, Colorado 80621

Signed,





Eric Permut
15492 County Road 6
Fort Lupton, CO 80621
eric.permut@gmail.com

August 1, 2018

Colorado Oil & Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, CO 80203

ORIGINAL

To whom it may concern,

I would like to express my objection to the proposed petroleum wastewater injection well, ROY SWD #3, by NGL Water Solutions, LLC. in section 28-T1N-R66W, and request a commission hearing.

The location of the proposed injection well is in close proximity to numerous residences that rely on subsurface aquifers for domestic and agricultural water. While many injection wells operate without incident, I believe the contamination risk of subsurface wastewater injection is significant.

The past incidences of containment violations in wastewater injection and the contamination potential are extremely concerning. I am not confident that engineering and regulation can effectively protect aquifers from subsurface waste injection. "From late 2007 to late 2010, one well integrity violation was issued for every six deep injection wells examined" and "EPA data shows that in the three years analyzed by ProPublica, more than 7,500 well test failures involved what federal water protection regulations describe as 'fluid migration' and 'significant leaks.'"

I believe subsurface waste injection is an irresponsible practice. The process relies on assumptions about the increasingly-complex subsurface and not enough is known about the behavior of contaminant plumes at depth and the long-term health effects of compounds in petroleum extraction wastes.

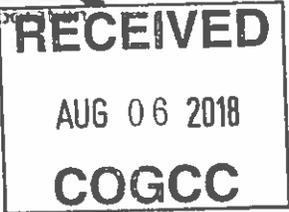
Thank you for your consideration,

Eric Permut

Source:

Lustgarten, A. (2012) Injection Wells: The Poison Beneath Us. ProPublica.

Retrieved July 27, 2018, from <https://www.propublica.org/article/injection-wells-the-poison-beneath-us>



August 2, 2018

VIA E-MAIL

Colorado Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, CO 80203

Attn: Hearings Officer

Re: *Notice of Objection and Request For Hearing
Proposed Underground Injection Control (UIC) Well(s):*

South Weld SWD 2 well: Surface Hole Location planned at 902' FNL, 1709' FEL, NWNE Sec. 30-T1N-R66W, Bottom Hole Location planned at 2203' FSL, 1777' FEL, NWSE Sec. 19-T1N-R66W, Weld County, Colorado

South Weld SWD 4 well: Surface Hole Location planned at 1779' FNL, 1347' FEL, SWNE Sec. 30-T1N-R66W, Bottom Hole Location planned at 410' FSL, 1777' FNL, NWNE Sec. 31-T1N-R66W, Weld County, Colorado

Roy SWD #4: Surface Hole Location planned at 935' FNL, 2,194' FEL, NENE Sec. 28-T1N-R66W, Bottom Hole Location planned at 118' FSL, 2,159' FWL, Sec. 28-T1N-R66W Weld County, Colorado

Ladies and Gentlemen:

Please accept for the record this Objection and Request for Hearing on behalf of Anadarko Petroleum Corporation and its affiliate, Kerr-McGee Oil & Gas Onshore LP ("Anadarko"). This Objection and Request for Hearing is submitted with respect to the proposed disposal/injection wells described above, which are being proposed by NGL Water Solutions DJ, LLC ("NGL"). Copies of the notices we received from NGL regarding their SWD well proposals are enclosed herewith. Those letters identify the producing oil and gas wells operated by Anadarko in the vicinity of the proposed SWD locations. Anadarko also has future development plans in proximity to NGL's proposed locations which we believe may be impacted by the SWD wells. Consequently, we believe a hearing on these proposals is necessary prior to any approval, or commencement of drilling, of NGL's wells.

Please contact the undersigned at 720-929-3206 if you have any questions or concerns about this matter.

Sincerely,
ANADARKO PETROLEUM CORPORATION

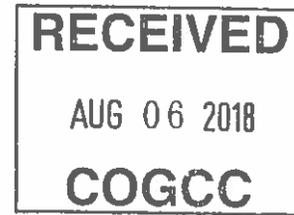

Brandon McGraw - Landman

cc: Jeff Fiske, Lead Counsel
Don Jobe
Rhonda Sutton

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AUG 06 2018
COGCC

07/13/2018

Kerr McGee O&G Onshore LP
 C/O Anadarko E&P Onshore LLC
 ATTN: Lesa Perrault
 PO Box 1330
 Houston, TX 77251-1330



RE: Notice of Dedicated Injection Well

Dear Mineral Owner and Producing Well Operator:

This notice is being provided to you for the following location application:

Roy SWD #4: Surface Hole Location planned at 935' FNL, 2,194' FEL, NENE Sec. 28-T1N-R66W, Bottom Hole Location planned at 118' FSL, 2,159' FWL, Sec. 28-T1N-R66W Weld County, Colorado

This distance is less than 0.5 miles from the following wells owned by Kerr McGee/APC to the BHL of the proposed Roy SWD #4 well in Weld County, CO:

Well Name	API	Status	Distance to Roy SWD #4 (BHL)
DREYER I	05-123-07384	PR	1151 ft
MARRS 28C-28HZ	05-123-34401	SI	623 ft
MARRS 2N-28HZ	05-123-34403	SI	126 ft
MARRS 3N-28HZ	05-123-34409	SI	126 ft
STEWARDSON 31-33	05-123-22300	PR	1978 ft
STEWARDSON USX WW33-03D	05-123-34059	PR	2046 ft
VISTA USX WW33-07D	05-123-34060	PR	2091 ft
VISTA USX WW33-08D	05-123-34062	PR	2114 ft
VISTA USX WW33-06D	05-123-34064	PR	2069 ft
VISTA USX WW33-17D	05-123-34066	PR	2138 ft
STEWARDSON USX WW33-01D	05-123-34068	PR	2022ft

Operator name and contact info:
 NGL Water Solutions DJ, LLC
 3773 Cherry Creek N Dr. # 1000
 Denver, CO 80209
 Contact: Doug White at 303-815-1010

This is an Underground Injection Control (UIC) well which will be permitted to accept E&P exempt waste, per RCRA Subpart C, including wastewater. The Roy SWD #4 well will be a directional well with possible proposed injection formations of: Blaine, Lyons, Ingleside, Lower Satanka, Wolfcamp, Amazon, Council Grove, Admire, Virgil, Missouri, Fountain, Des Moines, Atoka, Morrow and Mississippian. The actual formations will be determined upon the completion and logging of the well. The anticipated depths of injection are between approximately 7,000' to 12,000'.

Additional information may be obtained at the Commission office:
 Colorado Oil & Gas Conservation Commission
 1120 Lincoln Street, Suite 801
 Denver, CO 80203
 303-894-2100

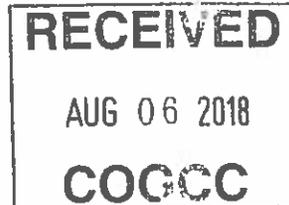
Any person who would be directly and adversely affected or aggrieved by the authorization of the underground disposal into the proposed injection zone may file, within fifteen (15) days of this notification, a written request for a public hearing before the Commission.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Trevor Smith".

Trevor Smith
Regulatory & Engineering Technician
Integrated Petroleum Technologies, Inc
Consultant to NGL Water Solutions DJ, LLC
trevor.smith@iptenergyservices.com





Energy Partners LP

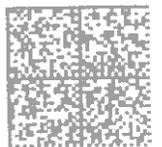
3773 Cherry Creek North Drive
Suite 1000
Denver, CO 80209

CERTIFIED MAIL



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COGCC



U.S. POSTAGE
ZIP 80209 \$1
02 4M
0000352198 J1

FROM: NGL ENERGY PARTNERS
CARR: United States Postal Service
TRK#: 7017145000044563674
RCVD: 7/20/2018 0846

TO: Horton, Donna
PH: 67862
BDG: AHT
RM: 25095
PCS: 1



9999000122170

BLDG: AHT
RM: 25095
Horton, Donna

Aradako S & P

o Kerr McGee

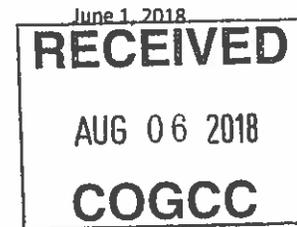
1: Lesa Perrault

Box 1330

Itou Texas 77251-1330

Received By:
Lara
JUL 25 2018

Kerr McGee O&G Onshore LP
C/O Anadarko E&P Onshore LLC
ATTN: Lesa Perrault
PO Box 1330
Houston, TX 77251-1330



RE: COGCC Rule 305.a.: Pre-Application Notification
COGCC Rule 305.a.(2): Exception Zone/Buffer Zone Notice to Building Unit Owner
COGCC Rule 325.i. Notification: Dedicated Injection Well

**South Weld SWD 2 well: Surface Hole Location planned at 902' FNL, 1709' FEL, NWNE Sec. 30-T1N-R66W, Bottom Hole
Location planned at 2203' FSL, 1777' FEL, NWSE Sec. 19-T1N-R66W, Weld County, Colorado**

**South Weld SWD 4 well: Surface Hole Location planned at 1779' FNL, 1347' FEL, SWNE Sec. 30-T1N-R66W, Bottom Hole
Location planned at 410' FNL, 2245' FEL, NWNE Sec. 31-T1N-R66W, Weld County, Colorado**

Surface / Mineral

- a. Colorado Oil and Gas Conservation Commission Rule 325.i. stipulate that *Notice of the application for a dedicated injection well shall be given by the applicant by registered or certified mail or by personal delivery, to each surface owner and owner as defined in §34-60-103(7), C.R.S., within one-quarter (1/4) mile of the proposed well or wells and to owners and operators of oil and gas wells producing from the injection zone within one-half (1/2) mile of the disposal well or to owners of cornering and contiguous units where injection will occur into the producing zones, whichever is the greater distance.*

You are entitled to the following information:

1.
 - a. **Operator name and contact info:**
NGL Water Solutions DJ, LLC
8207 W. 20th Street, Suite B
Greeley, CO 80634
Contact: Joshua Patterson at 970-356-5560
 - b. **Rule 325.i - Notice of application requirements: Location legal description is shown above and a general description of the proposed Wells & Facilities, Proposed Injection Zones, Depth of Injection follows:**
These will be Underground Injection Control (UIC) wells which will be permitted to accept Exempt E&P waste per RCRA Subpart C: to include produced water, drilling fluids, exempt gas plant waste, used workover fluids & flowback fluids from surrounding oil & gas wells. The SOUTH WELL SWD 2 & 4 wells will be adjacent to the planned SOUTH WELD SWD FACILITY to be located in the SWNE Sec. 30-T1N-R66W, and both will be Directional wells with proposed Injection Formations to include: Blaine, Lyons, Ingleside, Lower Satanka, Wolfcamp, Amazon, Council Grove, Admire, Virgil, Missouri, Fountain, Des Moines, Atoka, Morrow & Mississippian (All zones are typically expected but not necessarily present or in this sequence – only upon the drilling and logging will the actual list of formations be determined). The planned depths of injection are planned to be between approximately 7000' to 12,000'.
 - c. **Anticipated date operations will commence:**
The subject wells are scheduled to be drilled and completed in the 2ND to 3RD Quarter of 2018. The exact dates will vary based upon the rig availability and other operational factors.
 - d. **Additional information on the operation of the proposed disposal well may be obtained at the commission office:**
Colorado Oil & Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, CO 80203
303-894-2100

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AUG 06 2018

COGCC

- e. **The Local Governmental Designee (LGD) contact information:**
Troy Swain – Weld County LGD
970-353-6100 x3579; tswain@weldgov.com
Mailing address: Weld County – Department of Planning Services
1555 North 17th Avenue, Greeley, CO 80631

2.

You are also entitled to file a request as follows:

Subparagraph i - Any person who would be directly and adversely affected or aggrieved by the authorization of the underground disposal into the propose injection zone may file, within fifteen (15) days of notification, a written request for a public hearing before the Commission, provided such request meets the protest requirements specified in subparagraph m. of this rule. The notice shall also state that additional information on the operation of the proposed disposal well may be obtained at the Commission office.

Subparagraph m. - Evaluation of written requests for public hearing. Written requests for public hearing before the Commission by a person, notified in accordance with subparagraphs i. and j. of this rule, who may be directly and adversely affected or aggrieved by the authorization of the underground disposal into the proposed injection zone, shall be reviewed and evaluated by the Director in consultation with the applicant. Written protests shall specifically provide information on:

- a. *Possible conflicts between the injection zone's proposed disposal use and present or future use as a source of drinking water or present or future use as a source of hydrocarbons, or*
- b. *Operations at the well site which may affect potential and current sources of drinking water.*

As a Surface / Mineral Owner you may contact the following Individual concerning the proposed operations:

Operator name and contact info:

NGL Water Solutions, LLC
3773 Cherry Creek N Dr. # 1000
Denver, CO 80209
Contact: Doug White at 303-815-1010

Thank you for your attention to this matter.

Sincerely,



Paul Gottlob
Regulatory & Engineering Technician
NEW IPT INC
Consultant to NGL Water Solutions DJ, LLC
paul.gottlob@iptenergyservices.com
720-420-5747