

**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)	
_____)	

**ERRATA CORRECTING
STAFF RULE LANGUAGE COMPILATION**

The Rule Language Compilation distributed to Commissioners and parties and posted on the COGCC website on Monday, August 11, 2008, inadvertently failed to reproduce certain language recommended by the staff. Upon identification of these omissions, the staff promptly submits the attached erratum.

1. Draft Rule 205

Draft Rule 205.f in the Staff Rule Compilation failed to consistently provide that both the Commission and the Director may request information. The phrase “or the Director” should appear consistently throughout the Draft Rule:

f. Such books, records, inventories, and copies of said reports required by the Commission or the Director shall be kept on file and available for inspection by the Commission for a period of at least five years except for the eChemical inventory, which shall be kept on file and available for inspection by the Commission for the life of the applicable oil and gas facility well or oil and gas location and for ten-five (5) years after plugging and abandonment. Upon the Commission's or the Director's written request for information required to be maintained or provided under this section, the record-keeping entity or third-party vendor shall supply the Commission or the Director with the requested information within three (3) business days in a format readily-reviewable by the Commission or the Director, except in the instance where such information is necessary to administer emergency medical treatment in which case such information shall be provided as soon as possible. Information provided to the Commission or the Director under this section that is entitled to protection under state or federal law, including C.R.S. § 24-72-204, as a trade secret, privileged information, or confidential commercial, financial, geological, or geophysical data shall be kept confidential and protected against public disclosure unless otherwise required, permitted, or authorized by other state or federal law. Any disclosure of information entitled to protection under any state or federal law made pursuant to this section shall be made only to the persons required, permitted, or authorized to receive such information under state or federal law in order to assist in the response to a spill, release, or complaint and shall be subject to a requirement that the person receiving such information maintain the confidentiality of said information. The Commission or the Director shall notify the owner, holder, or beneficiary of any such protected information at least one (1) business day prior to any required, permitted, or authorized disclosure. This notification shall include the name and contact information of the intended recipient of such protected information, the reason for the disclosure, and the state or federal law authorizing the disclosure. Information so disclosed shall not become part of the Chemical Inventory and shall in no way be construed as publicly available.

2. Draft Rule 317B

The Staff Rule Compilation neglected to include a reference to a rule number in Draft Rule 317B.a.(2). This provision should read:

2. Prior to the effective date of this Rule 317B, the Commission, with assistance from CDPHE shall confirm the accuracy and completeness of the Public Water System Surface Water Supply Area Map and the Public Water System Surface Water Supply Area Applicability Determination Tool by soliciting information from operators and Public Water System representatives. After the effective date of this Rule 317B, the Public Water System Source Water Supply Area Map and Public Water System Source Water Supply Area Determination Tool shall be revised through a COGCC rulemaking hearing pursuant to Rule 529.

The Staff Rule Compilation inadvertently included the phrase “or adequate” in Draft Rule 317B.b.1.i. This subsection should read:

i. The proposed DCPS Operation and applicable best management practices and operating procedures will result in substantially equivalent protection of drinking water quality in the Surface Water Supply Area

The Staff Rule Compilation inadvertently reproduced Draft Rule 317B.d twice and neglected to include Draft Rule 317B.e. This subsection should be included:

e. Requirements for DCPS Operations at Existing Oil and Gas Locations.

1. Existing Oil and Gas Locations and DCPS Operations at Existing Oil and Gas Locations in Surface Water Supply Areas and within zones specified in Table 1 shall be subject to the following requirements instead of the requirements of Rule 317B.b, c and d provided that no new surface disturbance at the Existing Oil and Gas Location occurs after the later of the effective date of Rule 317B or the date Rule 317B became applicable to the oil and gas location:

A. Collection of surface water data from a Classified Water Supply Segment consisting of a sample collected immediately downgradient of the oil and gas operation will occur by the later of May 1, 2009, within six months of the date Rule 317B became applicable to the oil and gas location, or when sufficient water exists in the stream:

i. pH;

ii. Alkalinity;

iii. Specific conductance

iv. Major cations/anions (chloride, fluoride, sulfate, sodium);

v. Total dissolved solids;

vi. BTEX/GRO/DRO;

vii. TPH;

viii. PAH's (including benzo(a)pyrene); and

ix. Metals (arsenic, barium, calcium, chromium, iron, magnesium, selenium).

Current applicable EPA-approved analytical methods for drinking water must be used and analyses must be performed by laboratories that maintain state or nationally accredited programs.

Copies of all test results described above shall be provided to the Commission and the operator of the public water system potentially impacted Public Water System within three (3) months of collecting the samples. In addition, the analytical results and surveyed sample locations shall be submitted to the Commission in an electronic data deliverable format.

B. An emergency spill response program that includes employee training, safety and maintenance provisions and current contact information for downstream public water system(s) located within fifteen (15) stream miles of the DCPS Operation, as well as the ability to notify any such downstream public water system(s) with intake(s) within fifteen stream miles downstream of the DCPS operations.

In the event of a spill or release, the operator shall immediately implement the emergency response procedures in the described emergency response program.

If a spill or release impacts or threatens to impact a public water system, the operator shall notify operator(s) of affected or potentially affected Public Water System(s) immediately following discovery of the release, and the spill or release shall be reported to the Commission in accordance with Rule 906.b.(3), and to the Environmental Release/Incident Report Hotline (1-877-518-5608) in accordance with Rule 906.b.(4).

C. Operators shall employ and maintain Best Management Practices, as necessary, to comply with this rule.

(2) DCPS Operations at Existing Oil and Gas Locations within a Surface Water Supply Area for which new surface disturbance occurs after the date Rule 317B becomes effective at or applicable to the oil and gas location within the zones specified in Table 1 shall be subject to the requirements of Rule 317B.e.(3) instead of the requirements of Rule 317B.b., c. and d. where the additional new surface disturbance is addressed in a Comprehensive Drilling Plan accepted pursuant to Rule 216, or if

A. The new disturbance from the DCPS Operation will not increase the existing disturbed area prior to interim reclamation by more than 100 percent up to a maximum of 3.0 acres, and

B. The new surface disturbance occurs in a direction away from the stream or no closer to the stream if moving away from the stream would result in more damaging surface disturbance such as location on a steep slope, in an area of high soil erosion potential or in a wetland.

(3) Where the provisions of Rule 317B.e. (2) apply, the following zone requirements shall apply:

A. For all zones, the requirements of Rule 317B.e.(1) (A), (B) and (C), except that the sampling parameters in Rule 317B.e.(1) A. shall occur no later than six months after commencing the DCPS Operations at the Existing Oil and Gas Location.

B. For external and intermediate buffer zones: pitless drilling systems or containment of all drilling, flowback and stimulation fluids with impervious liners, as provided in Rule 904;

C. For Internal Buffer Zones:

i. Pitless drilling systems;

ii. Flowback and stimulation fluids contained within tanks and placed on a well pad or in an area with downgradient perimeter berming;

iii. Berms shall be constructed in compliance with Rule 603.e.(12) around all crude oil, condensate, and produced water storage tanks;

iv. Notification of potentially impacted Public Water Systems within 15 stream miles downstream of the DCPS Operation prior to commencement of new surface disturbing activities at the site.

3. Draft Rule 1002.f

The Staff Rule Compilation inadvertently failed to reproduce the following recommended definition of the term “Minimizing Erosion.”

MINIMIZING EROSION shall mean implementing best management practices that are selected based on site specific conditions and maintained to reduce erosion. Representative erosion control practices include, but are not limited to revegetation of disturbed areas, mulching, berms, diversion dikes, surface roughening, sloop drains, check dams and other comparable measures.

Dated August 13, 2008

David Neslin, Acting Director
Colorado Oil and Gas Conservation Commission