

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

IN THE MATTER OF CHANGES TO THE RULES) CAUSE NO. 1R
OF PRACTICE AND PROCEDURE OF THE OIL)
& GAS CONSERVATION COMMISSION OF THE) DOCKET NO. 1211-RM-03
STATE OF COLORADO)

NOTICE OF RULEMAKING HEARING

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

The Oil and Gas Conservation Commission of the State of Colorado ("Commission"), on its own motion, will consider additions and amendments to the Rule 600 Series (Safety Regulations) of the Commission's Rules of Practice and Procedure 2 CCR 404-1 ("Rules") to establish new and amended rules for statewide water sampling and monitoring. Draft proposed new and amended rules are attached hereto as **Appendix A**. Conforming changes to other rules are attached as **Appendix B**.

The Commission, through numerous orders, rules and conditions of approval, has required water well sampling and monitoring for many years throughout various parts of the State. The proposed water sampling rule would establish sampling and monitoring requirements on a state-wide basis. The proposed rule will eventually supersede other Commission water sampling rules and orders, with the exception of Rule 608 concerning sampling in coalbed methane areas. The proposed sampling rule will provide the COGCC with a mechanism to obtain data consistently across the state. These data will be used to verify that water wells, ground and surface waters, and residents of producing basins are adequately protected and that impacts, should they occur, are quickly identified and mitigated. The Commission has the authority to conduct this rulemaking pursuant to §§ 34-60-105, 34-60-106(1)(b), 34-60-106(2)(c) and 34-60-106 (2)(d), C.R.S.

NOTICE IS HEREBY GIVEN that the Commission has scheduled the above entitled matter for a rulemaking hearing commencing on:

Date: Wednesday, November 14, 2012. The rulemaking hearing may be continued until December 10-11, 2012 and January 7-8, 2013, if necessary.

Time: 9:00 a.m.

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

Appointment of Hearing Officer. The Commission has appointed Deputy Attorney General Casey Shpall to serve as hearing officer for this rulemaking to address prehearing matters.

Prehearing Conference. A prehearing conference will be held on **October 26, 2012** at 9:00 a.m. The conference will take place at The Centennial Building, 1313 Sherman St., Suite 318, Denver, CO 80203. Attendance at the prehearing conference is strongly encouraged for anyone requesting party status. The goals of the prehearing conference include: allocating hearing time; identifying contested matters and issues to be raised at the hearing; and identifying witnesses and exhibits to be presented by the parties and the staff.

Party Status. To participate in this rulemaking as a party, a person or organization must file a written request for party status with the Commission that shall include the following information: (1) name of the applicant and their representative (if different); (2) the street address, electronic mail address, and telephone and facsimile numbers of the applicant or their representative; and (3) a brief summary of any policy, factual, or legal issues the applicant has with the proposed regulations as of the time of filing the application for party status. Applications for party status must be filed, in the manner set forth below, with the Commission by 5:00 pm on **November 2, 2012**. The

Commission staff will compile a list of all parties, their street addresses and electronic mail addresses and post it on the Commission website.

Public Participation. The Commission encourages the public to participate in the rulemaking hearing by commenting on the proposed regulations. Persons who do not desire party status, but would like to participate in the rulemaking process, will be able to make their views known to the Commission either by submitting comments in writing in advance of or at the rulemaking hearing, or by speaking during the public comment period allotted during the hearing. Depending on the number of people seeking to make oral comments at the hearing, the Commission may need to limit such comments. Organized groups of individuals are urged to identify one spokesperson. Speakers are asked to be as concise as possible, and to avoid repeating comments made by others. If members of the public desire to have the Commission review written material, such documents should be emailed to DNR_COGCC.Rulemaking@state.co.us by **November 7, 2012**. Comments by non-parties need not be submitted in paper format.

Prehearing Statements. Each party must file and serve, in the manner set forth below, a prehearing statement by **November 9, 2012**. Parties' prehearing statements: shall be limited to 15 pages, excluding exhibits; shall succinctly summarize the factual and legal issues that arise from the rulemaking proposal, and what position is being taken on each such issue and the basis for that position; shall attach copies of all exhibits to be introduced, and shall list all witnesses to be called.

Filing and service. Filings by parties must be served via first class mail on the Commission in hard copy and electronic copy as follows: 1) hard copies for the Commission - the original and 13 copies delivered to Robert J. Frick, Hearings Manager, Docket No. 1211-RM-03, Oil and Gas Conservation Commission, 1120 Lincoln Street, Suite 801, Denver, Colorado, 80203; and 2) an electronic copy emailed, preferably in portable document format (*pdf*), to DNR_COGCC.Rulemaking@state.co.us for posting to the Commission website.

The Commission may take actions, including without limitation, modifying or amending the existing rules described or proposed herein and making conforming modifications to other rules, which it determines are reasonably necessary.

In accordance with the Americans with Disabilities Act, if any party requires special accommodations as a result of a disability for this hearing, please contact Margaret Humecki at (303) 894-2100 ext. 5139, prior to the hearing and arrangements will be made.

Copies of the current and proposed Rules are available on the Commission internet homepage at <http://cogcc.state.co.us> or available upon request at the Commission.

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

By 
Robert J. Frick, Secretary

Dated: October 15, 2012