

LAW OFFICE OF MATTHEW SURA

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TO: John Noto, COGCC Oil and Gas Location Assessment Supervisor
Email: john.noto@state.co.us
Melissa Housey, COGCC OGLA Assessment Specialist
Email: melissa.housey@state.co.us
FR: Matt Sura, Attorney at Law
DT: 6/26/2017
RE: Comment on Form 2A # 401290161, Ward Petroleum Edmunson 30 Pad, located in the SESE Sec 30, Twp 1S Rng 66W

Dear COGCC,

These comments are submitted on behalf of the City of Brighton regarding the Ward Petroleum Edmunson Pad and its 24 associated wells. Brighton has concerns about the location. It is in a designated floodplain and within the Brighton Public Water System protection area. Brighton also has concerns about the transportation route proposed by Ward.

COMMENTS**1) LOCATION**

While Brighton appreciates that Ward has chosen a location that is at least 1,000 feet from the closest home, this location is not ideally-suited to oil and gas development. According to the location drawing (Doc. # 401294994), the proposed pad is less than 200 feet outside of the city limits of Brighton and within its Growth Management Area. The location is also within a designated floodplain. In Brighton's recent update to its Comprehensive Plan, Ward's proposed location is designated as a future "mixed use" area and recommends that the floodplain area should be left "open and free of development".¹

The Edmunson pad is within one mile of THREE other pads: the Ward Brighton Lakes pad, the PetroShares Brighton Lakes Pad and the HRM Resources PC Pad (see attached map). Adams County and the City of Brighton are struggling to plan for current and future growth. It is clear that consolidation of these pads would help to minimize the impacts to Brighton and Adams County.

2) WATER QUALITY PROTECTION

The proposed Edmunson location is also located within the Brighton Public Water System protection area (PWS) which received enhanced protection through COGCC Order No. 1-189. The location appears to be within the Groundwater Sampling Zone and within the BMP Buffer Zone designated in the PWS Order.² Accordingly, the City of Brighton requests that the requirements of the

¹ City of Brighton Comprehensive Plan Update, April 2016, City of Brighton, Colorado, page 3-21. Available at: <http://brightonco.gov/553/Comprehensive-Plan>

² Ward's application includes a Location Drawing (Doc. # 401294994) that depicts the edge of the production facility to be 370 feet from the Third Creek Ditch.

Order be followed - requiring enhanced ground water testing and following best management practices to protect public water supplies. Specifically, Brighton requests that Ward stipulate on page 5 of the Form 2A application that it will follow COGCC's Order No. 1-189 ground water monitoring requirements. Ward should also commit to all best management practices in the PWS Order No. 1-189 in its application.

3) TRANSPORTATION

Brighton appreciates that Ward has agreed to connect to the Discovery oil pipeline. This will eliminate a lot of heavy truck traffic for the life of the wells. Brighton encourages Ward to also commit to piping water for hydraulic fracturing to the location which will also eliminate a majority of the truck traffic during drilling and completion operations.

Ward submitted an Access Road Map (Doc. # 401295017) with its application that proposes a new road that will run north from the Edmunson location to 132nd Ave. Given that the location is within the Brighton Growth Management Area, Brighton requests that the road be built to Brighton specifications as a condition of approval on the permit. These requirements include:³

- a) The Operator agrees to construct (unless already constructed) and maintain an access road designed to support an imposed load of 75,000 pounds (or the load of the heaviest truck anticipated, whichever is greater), that will accommodate emergency response vehicles such as, but not limited to, law enforcement, emergency command vehicles (cars/SUVs), ambulances, hazardous materials response vehicles, water tenders, and fire apparatus during construction and operation of new tank batteries, new drilling activity and reworks or recompletions of existing wells that require a new Form 2 or 2A permit, unless a local fire department or fire district agrees to a different or lesser standard or waived by the City.
- b) With respect to new roads to new tank batteries, the Operator agrees to construct access roads at least sixteen (16') feet wide graded gravel roadway with a prepared subgrade and an aggregate base course surface a minimum of six inches thick compacted to a minimum density of ninety-five percent of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures. The aggregate material, at a minimum, shall meet the requirements for Class 3, Aggregate Base Course, as specified for aggregate base course materials in the Colorado Department of Transportation's "Standard Specifications for Road and Bridge Construction," latest edition.
- c) Graded so as to provide drainage from the roadway surface and constructed to allow for cross drainage of waterways (such as roadside swales, gulches, rivers, creeks, and the like) by means of an adequate culvert pipe. Adequacy of the pipe is subject to approval of the Director of the Department of Streets and Fleet.
- d) Maintained so as to provide a passable roadway reasonably free of ruts at all times.
- e) *Water Management.* Water necessary for drilling and hydraulic fracturing shall be piped to the location if reasonably and commercially practicable. The availability and use of City water shall be at the sole discretion of the City.
- f) *Chains.* Traction chains from heavy equipment shall be removed before entering a City street or right-of-way.
- g) *Mud Tracking.* The Operator shall take all practicable measures to ensure that vehicles

³ Brighton Land Use and Development Code, Sec. 17-64-210.

do not track mud or debris onto City streets and rights-of-way. If mud or debris is nonetheless deposited on City streets, in excess of de minimus levels, the streets shall be cleaned as soon as practicable by the Operator. If for some reason this cannot be done, or needs to be postponed, the City shall be notified of the Operator's plan for mud removal.

The access road map appears to be at least 20 years old. It omits E-470 that runs within 500 feet of the location. A more current map would be helpful in this case.

Ward also proposes an impossible route from 132nd Ave. to Highway 85. 132nd Ave. does not connect to Highway 85 but ends at the railroad track on the east side of Highway 85. Brighton encourages Ward to meet with the City of Brighton and Adams County to propose a route that is acceptable to the affected local governments.

4) OPERATOR MEETING WITH LOCAL GOVERNMENTS

Brighton had not received advanced notice of the location from Ward even though City staff have had several meetings with Ward representatives in the past three months. Brighton encourages Ward to follow the letter and the spirit of COGCC 302.c that encourages operators to meet with municipalities to discuss their future plans to drill within the municipality.⁴ In this case, the well bores are within the city limits of Brighton. Ward is also obligated to offer to meet with the City of Brighton pursuant to Adams County's oil and gas regulations.⁵ The Brighton City staff looks forward to meeting with Ward about this project in the near future.

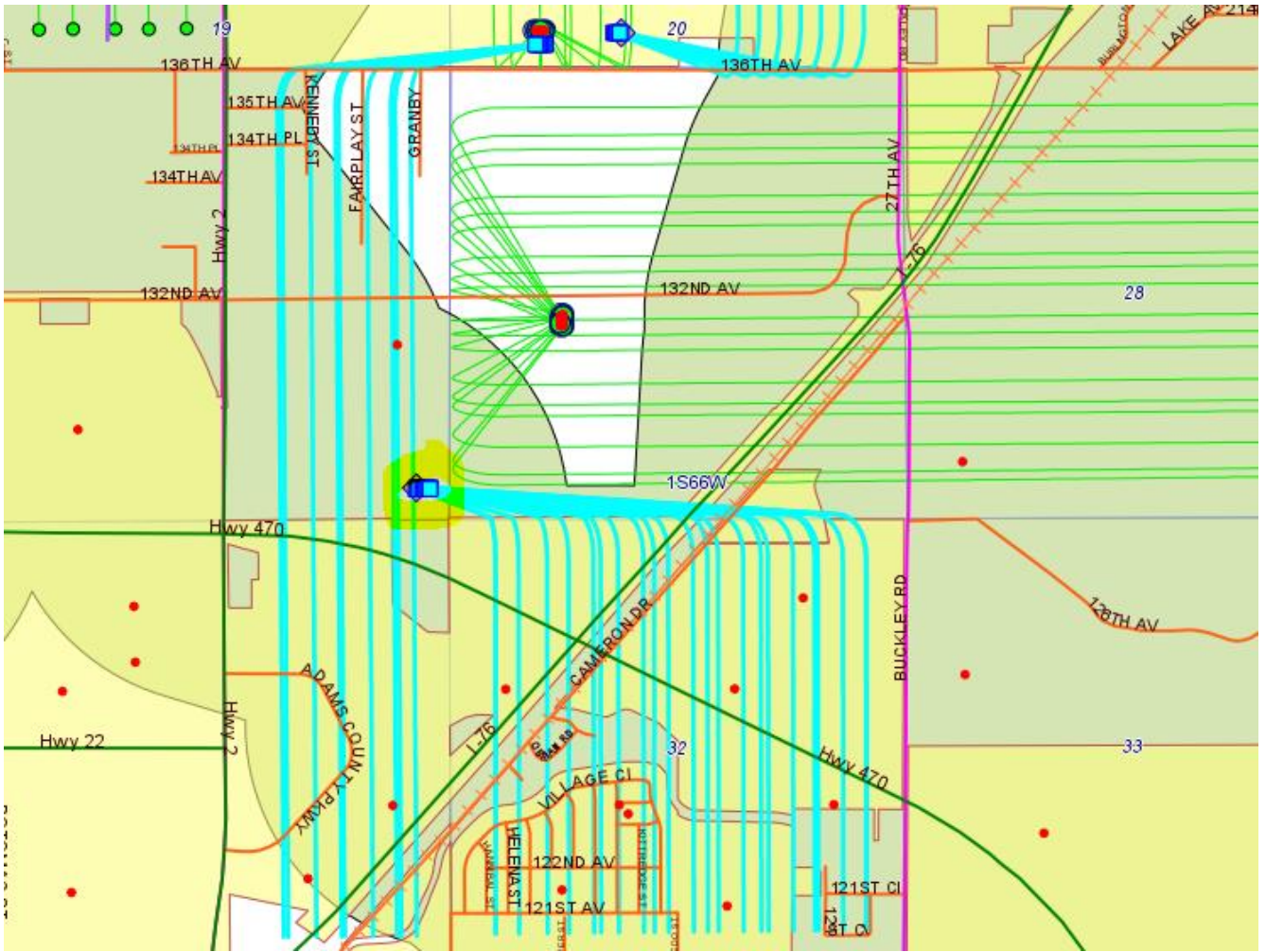
Sincerely,



Matt Sura

⁴ Another operator recently told Brighton that it had no obligation to meet with a municipality under COGCC Rule 302.c unless it planned to place an oil and gas location within the municipality. That is an illogical interpretation of the rule since the rule was intended to encourage discussions about possible surface locations prior to the operator securing a surface use agreement.

⁵ Adams County Development Standards and Regulations 4-10-02-05-06.2, page 4-159.



COGCC Map of the proposed Ward Edmunson location depicting the city limits (yellow) and PWS protection area (green). The approved HRM PC Pad is 2,200 feet to the NE of the Edmunson location.

Christopher LaMere

From: Kuster - CDPHE, Kent [kent.kuster@state.co.us]
Sent: Monday, October 23, 2017 8:32 AM
To: Christopher LaMere
Subject: USR2017-00005 Referral

October 23, 2017

Christopher LeMere, Oil and Gas Liaison
Community and Economic Development Department
4430 South Adams County Parkway, Suite W2000
Brighton, CO 80601-8204

Re: Case No. USR2017-00005

Dear Mr. LeMere,

The Colorado Department of Public Health and Environment (Department) has no comment on Case No. USR2017-00005 the Edmundson Well Pad. However, we recommend that the contractor(s) comply with all state and federal environmental rules and regulations. This may require obtaining a permit for regulated activities before emitting or discharging a pollutant into the air or water, dispose of hazardous waste or engaging in certain regulated activities.

Please contact Kent Kuster at 303-692-3662 with any questions.

Sincerely,

Kent Kuster

Environmental Specialist

Colorado Department of Public Health and Environment

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Kent Kuster

Environmental Protection Specialist

Colorado Department of Public Health and Environment

4300 Cherry Creek Drive South

Denver, CO 80246-1530

303-692-3662 | kent.kuster@state.co.us



Right of Way & Permits
1123 West 3rd Avenue
Denver, Colorado 80223
Telephone: **303.571.3306**
Facsimile: 303. 571.3284
donna.l.george@xcelenergy.com

November 1, 2017

Adams County Community and Economic Development Department
4430 South Adams County Parkway, 3rd Floor, Suite W3000
Brighton, CO 80601

Attn: Christopher LaMere

Re: Ward Petroleum Edmundson Well Pad, Case # USR2017-00005

Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the use by special review documentation for **Ward Petroleum Edmundson Well Pad** and has **no apparent conflict**.

As a safety precaution, PSCo would like to remind the developer to call the **Utility Notification Center** at 1-800-922-1987 to have all utilities located prior to any construction.

If you have any questions about this referral response, please contact me at (303) 571-3306.

Donna George
Contract Right of Way Referral Processor
Public Service Company of Colorado



November 3, 2017

Christopher LaMere
Adams County Community and Economic Development Department
4430 South Adams County Parkway, Suite W2000
Brighton, CO 80601-8204

RE: Ward Petroleum Edmunson Well Pad, USR2017-00005
TCHD Case No. 4654

Dear Mr. LaMere:

Thank you for the opportunity to review and comment on the Oil and Gas Use by Special Review to allow 24 horizontal wells on one well pad located southeast of Sable Boulevard and 132nd Ave. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments. Please note that a site plan was not included with the submittal, and was therefore not reviewed.

Domestic Wastewater Management

Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste that protects public health and the environment. TCHD, as the local public health agency, plays a role in reviewing whether a new proposed land use has addressed the domestic water and wastewater needs and is the regulating agency for On-Site Wastewater Treatment Systems (OWTS). Because of the nature of oil and gas operations and the typical location of this land use, not in close proximity to existing wastewater facilities, many of the oil and gas sites utilize OWTS.

TCHD permits the use of OWTS including septic tanks and vault systems. If the site utilizes an OWTS or vault system for domestic wastewater, the applicant will need to obtain a Use Permit from TCHD. Please contact Mike Weakley at 720-200-1593 or mweakley@tchd.org.

Baseline Water Quality Testing

Water quality is unregulated in domestic and irrigation wells in Colorado and monitored in a limited manner for commercial wells. This means water quality testing is typically not required, and the water quality is often unknown. In general, TCHD supports baseline water quality testing to establish the existing water quality relative to the water well's permitted use and to identify water quality issues that should be known and addressed by the well's owner. Baseline water quality testing can also provide an

understanding of pre-existing conditions should the water quality change in the future. Baseline and subsequent water quality testing data can support a determination of whether water treatment may be needed to protect the health of well water users and the health of the environment.

Specific Recommendations for Water Wells within ½ mile:

TCHD believes that any owner of a well within one-half mile of the proposed oil and gas operation should have the opportunity to obtain a baseline water quality test prior to the change in land use. One-half mile is the area of influence established by the Colorado Oil and Gas Conservation Commission's Final Rule 609 Statewide Groundwater Baseline Sampling and Monitoring.

TCHD recommends the following for well permits and water rights holders located within one-half mile of the proposed oil and gas well as they are likely used or will be used for drinking water for humans or animals.

- That the County or applicant notify owners of the wells or groundwater rights owners of the proposed application;
- That the County refer well owners who want to test their wells to TCHD for guidance on recommended testing parameters, procedures for selection of qualified sampling professionals and laboratories, and sharing of data; and
- That the County refers well owners desiring guidance for wellhead protection to TCHD.

Water Supply for Use by Workers

Providing clean and safe water for use by workers for ware washing, food preparation, hand washing, and showering is important. The majority of foodborne illnesses can be traced to improper food handling procedures in home, retail, or office kitchens. Improper transport, storage, cross-connections, and backflow also pose dangers to potable water quality.

TCHD will need to review information regarding the source of water for workers as well as any proposed potable water system used by workers. If the drinking water is to be hauled, a public water system identification number for the water hauler must be provided to TCHD.

Potential Temporary Water Storage

Non-potable water is often used onsite at oil and gas sites. The storage tank should be marked with a sign indicating the water is non-potable. In addition, these very large water storage tanks have the potential to collapse if not properly constructed with appropriate quality controls. A collapse can result in significant damage to the environment, property, and individuals that may be nearby. TCHD recommends the applicant employ proper quality control techniques when constructing the water storage tank.

Above Ground Storage Tanks

Fuel is often stored onsite at oil and gas sites. All storage tanks must have a secondary containment area, a routine monitoring system to check for leaks, and best management practices implemented in order to prevent the release of contaminants into the soil and water supplies.

Emergency Response Plan/Spill Reporting

One of the most common environmental releases associated with oil and gas drilling operations is the inadvertent surface spill of chemicals, produced water, or flowback water. No Emergency Response Plan was available for review with the referral materials. The Emergency Response Plan should include response and notification procedures for responding to and effective strategies for minimizing the risk of hydrocarbon spills, hazardous chemical spills, and produced water spills. If a spill or incident were to occur, the emergency response to spills should be indicated in the Spill Prevention, Control, and Countermeasures Plan that is kept onsite.

Specific information related directly to a potential leak or spill from the domestic wastewater system should also be addressed. In the event there is a domestic wastewater spill or leak, TCHD should be contacted immediately.

Air Quality Permitting

Air pollutant emissions including flares are regulated by the Colorado Department of Public Health and Environment. Vapor recovery equipment should be used to control the release of vapors into the environment. The use of green completion technology is strongly encouraged at every site. If the site is to use multiple flares and combustors, the oil and gas industry permits should include a regulatory analysis determining the applicability of state and federal air quality permitting requirements and air pollution control regulations for the proposed emissions source(s). More information as well as all forms can be found online at <https://www.colorado.gov/pacific/cdphe/all-permits>.

Dust Control and Mitigation

TCHD encourages the applicant to follow best management practices for erosion control on the site, specifically to minimize excessive dust from land disturbance. This will help minimize the environmental impact resulting from any construction and land disturbance on the site. TCHD encourages any reclamation, including site pad minimization, and reseeding activities to occur as early as possible. This prevents erosion, helps control excessive weeds, and can provide some benefit to air quality.

Traffic Safety

Oil and gas production and monitoring wells involve significant truck traffic to and from a site during the construction and drilling process. TCHD commends the applicant for including traffic control in their best management practices and TCHD encourages the County to designate a primary traffic route for all construction traffic and deliveries. If the

Ward Petroleum Edmunson Well Pad
November 3, 2017
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trucks servicing the site will be traveling on a local school bus route, we encourage the County to work with the applicant to minimize traffic during hours when school buses are in operation.

Please feel free to contact me at 720-200-1575 or kboyer@tchd.org if you have any questions on TCHD's comments.

Sincerely,

A handwritten signature in cursive script, appearing to read 'K Boyer', followed by a horizontal line extending to the right.

Kathy Boyer, REHS
Environmental Health Specialist III

cc: Sheila Lynch, Monte Deatrich, TCHD