Tom Jankovsky
District 1

John Martin, Chair
District 2

Mike Samson, Chair Pro Tem
District 3

Garfield County

BOARD OF COUNTY COMMISSIONERS

November 8, 2012

Robert Frick
Hearing Manager
Docket Nos. 1211-RM-03
Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, CO 80203

Dear Mr. Frick:

Pursuant to COGCC's Prehearing Order, Garfield County is writing to provide our preliminary prehearing statement to outline our primary comments and concerns with draft Rule 609, Statewide Groundwater Sampling and Monitoring Rulemaking.

Garfield County is located in the Piceance Basin, and is host to about a quarter of the current oil and gas development activity in Colorado, based on recent well permit applications and operating drill rigs. As such, protection of our water resources as energy development activities proceed is a primary consideration and concern for Garfield County. We understand ground water monitoring is a key component of an effective program to identify and address to water quality problems that may arise. In 2012, COGCC collaborated with the Colorado Oil and Gas Association to implement a statewide Voluntary Monitoring Program. Currently, this program has been adopted by our active oil and gas operators and is providing valuable, publicly accessible, baseline groundwater data in the vicinity of new oil and gas activity sites throughout Garfield County.

Garfield County is investing considerable time and effort to comment on the COGCC draft rules and to participate in the stakeholder and prehearing meetings. All aspects of the draft regulations will affect Garfield County and our ability to provide for public health, safety and welfare to the citizens of Garfield County.

108 8th Street, Suite 213 • Glenwood Springs, CO 81601
(970) 945-5004 • Fax: (970) 945-7785

Garfield will provide our comments and final prehearing statement for this rulemaking ahead of the November 30, 2012 deadline. COGCC can expect substantive comments and recommendations in our prehearing statement. We are closely reviewing draft Rule 609 and receiving input from the public and various other stakeholders who will be affected by the rulemaking outcome--prior to fully deliberating the merits of the proposed rule in comparison to the voluntary program already in place. At this time we are providing a topical review of the issues we will address in greater detail prior to November 30.

List of Issues

It is unclear what value, and at what cost, the proposed required groundwater monitoring will provide that exceeds the benefits gained from the Voluntary Monitoring Program. In addition to our assessment of the forthcoming regulatory analysis that has been requested by other parties, our evaluation of the proposed rule will focus on:

- Consider if required monitoring is needed in place of the Voluntary Monitoring Program,
- Schema for selecting sample locations,
- Required field and laboratory water quality measures and protocols,
- Number and frequency and temporal extent of sampling,
- Criteria used to determine when a sample is required, and
- Appropriateness of maintaining two disparate rules and associated protocols for CBM wells (existing rule 608) and all other oil and gas wells (proposed rule 609).

Thank you for the opportunity to provide input to the rulemaking process. Garfield County is committed to providing useful input to the Commission in a timely manner as the rulemaking proceeds.

Sincerely,

John Martin
Chairman
Garfield County Board of County Commissioners

C: Tom Jankovsky
Mike Samson
Andrew Gorgey
Frank Hutfless
Kirby Wynn