

**GENERAL PROVISIONS
200 SERIES**

201. EFFECTIVE SCOPE OF RULES AND REGULATIONS

- a. The Commission's Rules are promulgated to regulate Oil and Gas Operations in a manner to protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources, and to protect against adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations. Except as set forth in Rule 201.d, the Commission's Rules are effective throughout the State of Colorado, and are in force in all pools and fields, unless the Commission amends, modifies, alters, or enlarges them through orders or Rules that apply to specific individual Pools or Fields.
- b. **Compliance.** The Operator of any Oil and Gas Location, Oil and Gas Facility, Well, or any seismic, core, or other exploratory holes, whether cased or uncased, will comply with all applicable Commission Rules, and will ensure compliance by their contractors and subcontractors.
- c. Nothing in the Commission's Rules constrains the legal authority conferred to Local Governments by §§ 29-20-104, 30-15-401, C.R.S., or any other statute. Local Government regulations may be more protective or stricter than state requirements.
- d. These rules will not apply to:
 - (1) Indian trust Lands and minerals; or
 - (2) The Southern Ute Indian Tribe within the exterior boundaries of the Southern Ute Indian Reservation. The Commission's Rules will apply to non-Indians conducting Oil and Gas Operations on lands within the exterior boundaries of the Southern Ute Indian Reservation where both the surface and oil and gas estates are owned in fee by persons or entities other than the Southern Ute Indian Tribe, regardless of whether such lands are communitized or pooled.
- e. The State of Colorado will exercise criminal and civil jurisdiction within the Town of Ignacio, Colorado or within any other municipality within the Southern Ute Indian Reservation incorporated under the laws of Colorado, pursuant to Sec. 5, Public Law No. 98-290 (1984).
- f. **Severability.** If any portion of the Commission's Rules are found to be invalid, unconstitutional, or otherwise enjoined or overturned through judicial review, the Commission intends for the remaining portion of the Commission's Rules to remain in force and effect.
- g. **Incorporated Materials.** Where referenced herein, the Commission's Rules incorporate by reference material originally published elsewhere. Such incorporation does not include later amendments to or editions of the referenced material. Pursuant to § 24-4-103(12.5), C.R.S., the Commission maintains copies of the complete text of the incorporated materials for public inspection during regular business hours. Copies of the complete text and information regarding how the incorporated material may be obtained or examined are available at the Commission's office located at 1120 Lincoln Street, Suite 801, Denver, Colorado 80203.

202. OFFICE AND DUTIES OF DIRECTOR

The office of Director of the Commission is hereby created. The Director is responsible for all Commission staff functions. The Director serves as the custodian of the Commission's records. Additional duties of the Director will be as determined from time to time by the Chair.

203. OFFICE AND DUTIES OF SECRETARY

The office of Secretary to the Commission is hereby created. The duties of the Secretary will be as determined from time to time by the Chair.

204. INSPECTION POWERS

The Director has the right at all reasonable times to go upon and inspect any Oil and Gas Location, Oil and Gas Facility, disposal facility, or transporter facility, and any associated records, for the purpose of making any investigation or conducting any tests to ascertain compliance with the provisions of the Act or the Commission's Rules or any special Field rules. Any findings of a Commission Rule violation will be reported to the Commission.

205. OPERATOR REGISTRATION

- a. Form 1, Registration for Oil and Gas Operations.** Prior to the commencement of their operations, all producers, Operators, transporters, gatherers, and initial purchasers who are conducting operations subject to this Act in the State of Colorado, will, for purposes of the Act, file a Form 1, Registration for Oil and Gas Operations with the Director.
 - (1) Any producer, Operator, transporter, gatherer, and initial purchaser conducting operations subject to the Act who has not previously filed a Form 1, will do so immediately.
 - (2) Any entity providing Financial Assurance for oil and gas Operators in Colorado will file a Form 1 with the Director.
 - (3) All changes of address of any party required to file a Form 1 will be reported immediately via a new Form 1.
- b. Form 1A, Designation of Agent.**
 - (1) All Operators will file a Form 1A, Designation of Agent to designate:
 - A. A Principal Agent, who is an employee of the Operator; and
 - B. One or more agents that the Operator approves to serve as its representative(s).
 - (2) Form 1A designations will remain in effect until terminated in writing via a new Form 1A.
 - (3) All changes to the Form 1A will be reported immediately via a new Form 1A.
- c. Form 1B, Annual Registration.**
 - (1) An Operator that has filed a Form 1 and is operating one or more Wells will file a Form 1B, Annual Registration by no later than August 1, 2022. Beginning in 2023, an Operator will file a Form 1B no later than April 30 of each year.
 - (2) On the same day the Operator files its Form 1B, the Operator will remit its Mitigation Fee to the Orphan Well Mitigation Enterprise consistent with the procedures adopted by the Enterprise Board.
 - (3) **Annual Mitigation Fee.**
 - A. An Operator's Annual Mitigation Fee will be:

- i. \$225 per Well, or the amount set by the Enterprise Board if different than the amount stated in this rule, for Operators with an average daily per-Well production greater than 15 BOE or 22 MCFE for the previous calendar year; or
 - ii. \$125 per Well, or the amount set by the Enterprise Board if different than the amount stated in this rule, for Operators with an average daily per-Well production less than or equal to 15 BOE or 22 MCFE for the previous calendar year.
 - iii. For purposes of this rule, the Operator will use the barrels of oil equivalent (“BOE”) or the thousand cubic feet of gas equivalent (“MCFE”) threshold depending on the aggregate gas-to-oil ratio (“GOR”) of the production from all its Wells over the previous calendar year. The calendar year aggregate GOR is calculated by dividing the Operator’s total gas production (in thousand cubic feet (“MCF”)) over the previous calendar year by the Operator’s total oil production (in barrels of oil (“BBL”)) over the previous calendar year and multiplying by 1,000. The BOE threshold applies to Operators with an aggregate GOR equal to or less than 15,000; the MCFE threshold applies to Operators with a GOR greater than 15,000. Operators will use the conversion factor of 5.8 to convert MCF to BBL and vice versa. To calculate the Operator’s average daily per-Well production, the Operator will use their total production, in BOE or MCFE, for the previous calendar year and the number of their existing Wells as of December 31 of the previous calendar year.
- B. The Operator will pay the fee for every Well it operates as of December 31 of the previous calendar year. After a Well is Spud, the Operator will pay an annual fee for the Well until it is properly Plugged and Abandoned, subject to a Form 6, Well Abandonment Report – Subsequent Report of Abandonment.
 - C. The Operator need not pay a fee for Wells subject to an approved Form 2, Application for Permit to Drill that have not yet been Spud.
 - D. The Annual Well Registration Mitigation Fee dollar amount will be modified only by the Enterprise Board.
- (4) Information Requirements for Form 1B.**
- A. On the Form 1B, the Operator will list all Wells that it operated as of December 31 of the previous calendar year, and the status of each Well on that date.
 - B. Operators will provide notice of any renewals or changes to their general liability insurance during the previous 12 months on their Form 1B and attach the certificate of insurance.
- (5)** The Director will expend the orphaned wells mitigation enterprise cash fund, as permitted by the Act.
- (6)** No later than September 1, 2022, and on or before September 1 each year thereafter, the Director will report the following information to the Orphan Well Mitigation Enterprise Board and the Commission:
- A. The progress on plugging, Remediation, and Reclamation of Orphaned Wells and Sites as of the end of the previous Fiscal Year on June 30;
 - B. The total number of Orphaned Wells and Sites that are not plugged or closed;
 - C. Total funding received during the previous Fiscal Year; and
 - D. Total amount spent during the previous Fiscal Year.

206. RECORDKEEPING AND ACCESS TO RECORDS

- a. As required by the Commission's Rules, or upon request by the Director or the Commission, all Operators will submit the required or requested record, information, form, or data in the form or format specified by the Director, which may include a digital (electronic) only format. Information required by the Commission's Rules or requested by the Director will be submitted at the time prescribed in the Commission's Rules or specified by the Director. If the requested document is not within the Operator's possession, the Director may extend the response time. Confidential information will be protected pursuant to Rule 223.
- b. All producers, Operators, transporters, refiners, gasoline or other extraction plant operators, initial purchasers of oil and gas within this State, and any other persons or entities subject to regulation under the Commission's Rules will keep accurate and complete records as required by the Commission's Rules. The Director and the Commission will have access to these records upon request. Such records include, but are not limited to:
 - (1) Any record required to be retained by any of the Commission's Rules;
 - (2) All reports required by the Commission's Rules to be filed with the Director or Commission;
 - (3) Natural gas meter calibration reports;
 - (4) Oil meter calibration reports;
 - (5) Well Records; and
 - (6) All such records and reports related to Oil and Gas Operations regulated by the Commission as may be requested by the Director or the Commission.
- c. Well Records will show all the formations penetrated, the content and quality of oil, gas, or water in each formation tested, the grade, weight, size, and setting depth of casing, the type and volume of cement used in drilling the Well, and any other information obtained in the course of a Well operation.
 - (1) **Well Records Confidentiality.** An Operator may request confidentiality for a Wildcat (Exploratory) Well by submitting a Form 4, Sundry Notice. If the Director determines that the Well qualifies as a Wildcat (Exploratory) Well, the Form 5, Drilling Completion Report, Form 5A, Completed Interval Report, Form 7, Operator's Monthly Report of Operations, and all logs run will be considered confidential geological or geophysical data pursuant to § 24-72-204(3)(a)(IV), C.R.S., and will be kept confidential for 6 months after the date of Well completion, unless the Operator gives written permission to release the information at an earlier date.
- d. **Chemical Inventories.**
 - (1) Operators will maintain a Chemical Inventory for each Chemical Product used or stored on an Oil and Gas Location, including but not limited to use in or storage for downhole drilling, completion, Stimulation, workover operations, and production operations, during a quarterly reporting period, organized by Well Site, in an amount exceeding 500 pounds.
 - (2) The 500 pound reporting threshold in Rule 206.d.(1) is based on the cumulative maximum amount of a Chemical Product present at the Oil and Gas Location during the quarterly reporting period. Entities maintaining Chemical Inventories under this section will update these inventories quarterly throughout the life of the Well Site.
 - (3) Operators will maintain the records covered by Rule 206.d in a readily retrievable format at the Operator's local field office.

e. **Transfer of Records.** All records and reports required by the Commission's Rules will be transferred to and maintained by any subsequent Operator.

f. **Maintenance of Records.**

- (1) Unless otherwise specified by the Commission's Rules, Operators will maintain and keep all records, reports, and underlying data required by the Commission's Rules for a period of 5 years.
- (2) Operators will maintain and keep Chemical Inventories and Well Records for 5 years after the plugging and abandonment of the applicable Well.
- (3) Operators will maintain and keep Chemical Inventories for 5 years after the closure of an Oil and Gas Location.

207. REPORTS

Any report required under the Commission's Rules or requested by the Director or the Commission will be timely filed, accurate, complete, and comply with the requirements set forth in the Commission's Rules or any requirement set by the Director or the Commission.

208. CHEMICAL DISCLOSURE

a. Upon request by the Director, the Commission, a Relevant Local Government, Governmental Agency, an emergency responder, or a health professional, the Operator, vendor, or service provider will provide a list of the chemical constituents, including the specific identity and concentration of each constituent, contained in a Chemical Product.

- (1) Such request may be made as a result of a spill or release, a complaint from a potentially adversely Affected Person, or when necessary to protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources.
- (2) Disclosure of the Chemical constituents contained in a Chemical Product will only be made to a health professional when requested for the purpose of diagnosis or treatment of an individual who may have been exposed to a Chemical used at an Oil and Gas Location.

b. **Trade Secret Chemical Product.** The Operator, vendor, or service provider will submit a Form 41, Trade Secret Claim of Entitlement to designate the information provided under Rule 208.a as a Trade Secret Chemical Product. Upon the Director's approval of the Trade Secret Chemical Product designation, the information will be considered confidential pursuant to § 24-72-204(3)(a)(IV), C.R.S., and will be exempt from disclosure on the Chemical Disclosure Registry form.

- (1) The Form 41 will include the following contact information: claimant's name, authorized representative, mailing address, and phone number with respect to trade secret claims. If such contact information changes, the claimant will immediately submit a new Form 41 to the Commission with updated information.
- (2) If the Director denies the Form 41, the Director will immediately notify and confer with the Operator, vendor, or service provider that submitted the Form 41 regarding the designation before requiring the information to be disclosed pursuant to Rule 208.c.

c. Hydraulic Fracturing Chemical Disclosure.

- (1) Vendor and Service Provider Disclosures.** A service provider who performs any part of a Hydraulic Fracturing Treatment and a vendor who provides Hydraulic Fracturing Additives directly to the Operator for a Hydraulic Fracturing Treatment will, with the exception of information approved as a Trade Secret Chemical Product pursuant to Rule 208.b, furnish the Operator with any information needed for the Operator to complete the Chemical Disclosure Registry form and post the form on the Chemical Disclosure Registry. The information will be provided as soon as possible within 30 days following the conclusion of the Hydraulic Fracturing Treatment and in no case later than 90 days after the commencement of such Hydraulic Fracturing Treatment.
- (2) Operator Disclosures.** Within 60 days following the conclusion of a Hydraulic Fracturing Treatment and in no case later than 120 days after the commencement of such Hydraulic Fracturing Treatment, the Operator of the Well will complete the Chemical Disclosure Registry form and post the form on the Chemical Disclosure Registry, including:

 - A.** The Operator name;
 - B.** The date of the Hydraulic Fracturing Treatment;
 - C.** The county in which the Well is located;
 - D.** The API number for the Well;
 - E.** The Well name and number;
 - F.** The longitude and latitude of the wellhead;
 - G.** The true vertical depth of the Well;
 - H.** The total volume of water used in the Hydraulic Fracturing Treatment of the Well or the type and total volume of the base fluid used in the Hydraulic Fracturing Treatment, if something other than water;
 - I.** Each Hydraulic Fracturing Additive used in the Hydraulic Fracturing Fluid and the trade name, vendor, and a brief descriptor of the intended use or function of each Hydraulic Fracturing Additive in the Hydraulic Fracturing Fluid;
 - J.** Each Chemical intentionally added to the Base Fluid;
 - K.** The maximum concentration, in percent by mass, of each Chemical intentionally added to the Base Fluid; and
 - L.** The Chemical Abstract Service number for each Chemical intentionally added to the Base Fluid, if applicable.
- (3) Ability to Search for Information.** The Chemical Disclosure Registry will allow the Director and the public to search and sort the registry for Colorado information by geographic area, ingredient, Chemical Abstract Service Number, time period, and Operator.

209. TESTS AND SURVEYS

- a. **Tests and Surveys.** When deemed necessary and reasonable, the Commission authorizes the Director to require that tests or surveys be made to protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources. If the Commission's Rules do not provide a timeline for conducting the test or survey, the Director will designate the time allowed to the Operator for compliance.
- b. If the Director requires an Operator to take action pursuant to Rules 209.a or 218.g, the Operator may appeal the Director's decision to the Commission pursuant to Rule 503.g.(10). The matter will not be assigned to an Administrative Law Judge pursuant to Rule 503.h. The Commission will hear the appeal at its next regularly scheduled meeting. Operators will continue to comply with any requirements identified by the Director pursuant to Rule 209.a until the Commission makes a decision on the appeal. The Commission may uphold the Director's decision if the Commission determines the Director had reasonable cause to determine that an Operator's actions impacted or threatened to impact public health, safety, welfare, the environment, and wildlife resources, and that the action required by the Director was necessary and reasonable to address those impacts or threatened impacts. If an Operator does not appeal the Director's decision pursuant to this Rule 209.b, the Director will report the decision at the next regularly scheduled Commission hearing.
- c. **Bradenhead Test Areas.**
 - (1) The Commission may approve specific Fields or portions of Fields as Bradenhead Test Areas.
 - A. The Director may propose specific Fields or portions of Fields as Bradenhead Test Areas by providing notice to all Operators on record within the area and by publication.
 - B. The proposed designation, if no protests are timely filed, will be placed upon the Commission consent agenda for the next regular meeting of the Commission following the month in which such notice was given. The Commission will hear the proposed designation pursuant to Rule 519.
 - C. If a protest is timely filed, the Commission will hear the proposed designation pursuant to the Commission's 500 Series Rules.
 - (2) The Commission order will describe the Bradenhead testing or monitoring required and become effective upon approval by the Commission unless the Commission orders otherwise.

210. CORRECTIVE ACTION

- a. The Director or Commission will require correction of any condition necessary to protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources, or any condition that the Director or Commission has reasonable cause to believe is in violation of the Commission's Rules. The Director or Commission may exercise its discretion to set forth the manner in which the condition is to be remedied.
- b. When a Field Inspection Report includes a corrective action, upon completion of that corrective action the Operator will submit to the Director a Field Inspection Report Resolution Form ("FIRR").

211. PLUGGING AND ABANDONMENT OF WELLS AND CLOSURE OF OIL AND GAS FACILITIES AND LOCATIONS

- a.** An Operator of a Well will Plug and Abandon the Well, Remediate any contamination pursuant to the Commission's 900 Series Rules, and Reclaim the Well Site pursuant to the Commission's 1000 Series Rules if the Commission, following a hearing pursuant to Rule 503.g.(12), determines that Plugging and Abandoning is reasonable and necessary to protect or minimize adverse impacts to public health, safety, welfare, the environment, or wildlife resources, or that the Well is no longer Used or Useful.
- b.** An Operator of an Oil and Gas Location will permanently close an Oil and Gas Location or Oil and Gas Facility, properly Plug and Abandon all Wells at the Oil and Gas Location pursuant to Rules 434 & 435, Remediate any contamination pursuant to the Commission's 900 Series Rules, and Reclaim the Oil and Gas Location pursuant to the Commission's 1000 Series Rules, if the Commission, following a hearing pursuant to Rule 503.g.(12), determines that such closure is necessary to protect and minimize adverse impacts to public health, safety, welfare, the environment, or wildlife resources, or when the Oil and Gas Location or Oil and Gas Facility is no longer Used or Useful.

212. ISOLATION OF COAL SEAMS AND GROUNDWATER

In the conduct of Oil and Gas Operations each Owner or Operator will exercise due care in the isolation of coal seams and Groundwater.

Special precautions will be taken in drilling and abandoning Wells to guard against any loss of artesian water from the stratum in which it occurs and the contamination of Groundwater by produced water, liquid hydrocarbons, or natural gas. Before any oil or gas Well is completed, all oil, gas, and Groundwater bearing formations above and below the producing formation(s) will be isolated to prevent the intermingling of formation fluids and gases between formations.

213. NOTICE TO THE DIRECTOR AND COMMISSION

- a.** Any notice required to be filed with the Commission will be filed in the manner and time set forth by the Commission's Rules.
- b. Emergency Situations.**
 - (1)** In case of an Emergency Situation where the delay caused by providing written notice to the Director would endanger public health, safety, welfare, the environment, or wildlife resources, any notice or information required by the Commission's Rules may be given to the Director orally.
 - (2)** If notice or information is provided orally in the event of an Emergency Situation, Operators will provide to the Director the same information in writing at the earliest possible time but no later than 3 days following the Emergency Situation, unless a Commission Rule establishes a different timeframe. In the case of such an Emergency Situation, the Director or Commission may approve the responsive operation or change to an approved operation orally, which will be later confirmed in writing.
 - (3)** If public health, safety, welfare, the environment, or wildlife resources are threatened, the Operator responsible for the operation causing such threat will immediately notify the Director, Relevant and Proximate Local Governments, and Surface Owner electronically and orally.

214. NAMING OF FIELDS

All oil and gas Fields discovered in the State subsequent to the adoption of the Commission's Rules will be named by the Director or at the Director's direction.

215. FORM 29, LOCAL GOVERNMENT INFORMATION

- a. **Local Governmental Designee.** Each Local Government that designates an office for the purposes set forth in the 100 Series will provide the Commission written notice of such designation, including the name, address, telephone number, electronic mail address, local emergency dispatch, and other emergency numbers of the Local Government. It will be the responsibility of such Local Governmental Designee to:
- (1) Provide comment on any pending Form 2A, Oil and Gas Location Assessment for which the Local Government is a Relevant or Proximate Local Government;
 - (2) Ensure that all documents provided to the Local Governmental Designee by oil and gas Operators and the Commission or the Director are distributed to the appropriate employees, officials, and offices of the Local Government; and
 - (3) Submit a confidentiality agreement to the Director via a Form 29, Local Government Information to request the Geographic Information System ("GIS") data submitted through Form 12, Gas Facility Registration/Change of Operator and Form 44, Flowline Report.
- b. **Contact Information for Notification.** To facilitate accurate notification from the Commission or the Director to Local Governments, a Local Government may provide their electronic mail address to the Director via a Form 29.
- c. If a Local Government, except for a special district, does not provide information pursuant to Rules 215.a or 215.b, then the Director will use reasonable best efforts to identify the appropriate contact person to provide the Local Government notice required by the Commission's Rules. The Director will only provide notice to special districts that request to receive notice pursuant to Rules 215.a & b.

216. GLOBAL POSITIONING SYSTEMS

Global Positioning Systems ("GPS") may be used to locate facilities used in Oil and Gas Operations provided they meet the following minimum standards:

- a. GPS instruments are differential grade.
- b. GPS instruments are capable of 1-meter horizontal positional accuracy after differential correction.
- c. The Operator will report an accuracy value (in meters) or position dilution of precision ("PDOP") value with all submitted GPS data. Accuracies of 1.0 meter or less and PDOP readings of 6.0 or less are acceptable.
- d. Elevation mask (lowest acceptable height above the horizon) will be no less than 15 degrees.
- e. Latitude and longitude coordinates will be provided in decimal degrees with an accuracy and precision of 5 decimals of a degree using the North American Datum ("NAD") of 1983 (e.g., latitude 37.12345 N, longitude 104.45632 W).
- f. Raw and corrected data files will be held for a period of 3 years.
- g. Measurements will be made by a trained GPS operator familiar with the theory of GPS, the use of GPS instrumentation, and typical constraints encountered during field activities.

217. FORM 8, OIL AND GAS CONSERVATION LEVY

- a. On or before March 1, June 1, September 1, and December 1 of each year, every producer or purchaser, whichever disburses funds directly to each and every person owning a working interest, a royalty interest, an overriding royalty interest, a production payment, and other similar interests from the sale of oil or natural gas subject to the charge imposed by § 34-60-122(1)(a), C.R.S., will file a Form 8, Oil and Gas Conservation Levy with the Director and remit the levy payment. The Form 8 will show, by Operator, the volume of oil, gas, or condensate produced or purchased during the preceding calendar quarter, including the total consideration due or received at the point of delivery. No Form 8 will be required when the charge imposed is zero mill (\$0.0000) per dollar value. The levy will be an amount fixed by order of the Commission.
- b. The levy amount may, from time to time, be reduced or increased to meet the expenses chargeable against the Oil and Gas Conservation and Environmental Response Fund. The present charge imposed, as of October 1, 2020, is \$0.0015 per dollar value.

218. FORM 9, TRANSFER OF OPERATORSHIP

a. Definitions.

(1) For the purposes of this Rule 218, "Transferable Items" include but are not limited to:

- A. Approved, unexpired Form 2, Application for Permit to Drill; Form 2A; Form 15, Earthen Pit Report/Permit; and Form 28, Centralized E&P Waste Management Facility Permit (collectively "Permits");
 - B. Wells;
 - C. Oil and Gas Locations;
 - D. Oil and Gas Facilities;
 - E. Off-Location Flowlines;
 - F. Open Remediation projects;
 - G. Unresolved Spills and Releases;
 - H. Unresolved Field Inspection Reports with outstanding corrective actions;
 - I. Unresolved warning letters;
 - J. Unresolved Notices of Alleged Violation; and
 - K. Any item listed in Rule 218.a.(1).A–J that is related in the Commission's records to another Transferable Item proposed for transfer.
- b. **Form 9, Transfer of Operatorship – Intent.** A Selling Operator will notify the Commission about the transfer of any Transferable Item associated with its Oil and Gas Operations to a Buying Operator by filing a Form 9, Transfer of Operatorship – Intent, with the Commission at least 30 days, or as soon as practicable, before the anticipated transfer date. The Form 9 – Intent will include the Selling Operator's understanding of the following information at the time the Selling Operator submits the Form 9 – Intent to the Commission, which may change prior to the closing date of the transaction:

- (1) The name of the Buying Operator;
- (2) The anticipated date for the transfer of all Transferable Items;
- (3) The complete anticipated list of Transferable Items that are proposed for transfer.
 - A. The list will identify Low Producing Wells, Inactive Wells, and Out of Service Wells proposed for transfer.
 - B. For each Low Producing and Inactive Well proposed for transfer, the Selling Operator will provide the following information about the Oil and Gas Location where the Low Producing or Inactive Well is located:
 - i. Area of initial total disturbance for the Oil and Gas Location;
 - ii. Number of Wells at the Oil and Gas Location, including how many are proposed for transfer and how many are Low Producing or Inactive Wells;
 - iii. Whether the Oil and Gas Location has cut-and-fill slopes, and, if yes, the slope ratios (e.g., 4:1) of both the cut slope and the fill slope;
 - iv. Whether the Oil and Gas Location has sandy soils;
 - v. Whether any salt kills have occurred at the Oil and Gas Location;
 - vi. Whether the Oil and Gas Location is within 2,000 feet of a School Facility, Child Care Center, High Occupancy Building Unit, or Residential Building Unit within a Disproportionately Impacted Community;
 - vii. Whether the Oil and Gas Location is within High Priority Habitat; and
 - viii. Whether topsoil has been salvaged at the Oil and Gas Location.
 - C. For each Out of Service Well proposed for transfer, the Selling Operator will identify the date by which each Well will be plugged. The transfer of an Out of Service Well will place the Well on a Plugging List for the Buying Operator but will not change the deadline for plugging such Well unless the Buying Operator files a Revised Form 6A pursuant to Rule 434.d.(9).A.
- (4) The complete list of any Transferable Items that are related in the Commission's records to a Transferable Item listed pursuant to Rule 218.b.(3) but are not proposed for transfer;
- (5) The estimated amount of Financial Assurance required by the Commission's Rules that the Buying Operator will submit to the Commission prior to the anticipated date of transfer identified in Rule 218.b.(2), including:
 - A. Single Well Financial Assurance for each Low Producing Well subject to a transfer listed on a Form 9 – Intent dated after April 30, 2022, unless:
 - i. The Wells have been designated as Out of Service; or
 - ii. The Buying Operator has submitted a Financial Assurance Plan that accounts for the transfer of the Low Producing Wells, and based on that Plan, Single Well Financial Assurance for the Low Producing Well would not be required.

- iii. If the Buying Operator has submitted a Financial Assurance Plan pursuant to Rules 702.d.(3) or (4), any Single Well Financial Assurance for Low Producing Wells required by this Rule 218.b.(5).A will not change the Operator's timeline to contribute Financial Assurance each year as required pursuant to the Operator's approved Financial Assurance Plan.
 - aa. If the Selling Operator has an approved Financial Assurance Plan pursuant to Rules 702.d.(3) or (4), the Buying Operator will assume the Selling Operator's timeline for providing Single Well Financial Assurance under the Selling Operator's existing Financial Assurance Plan. Pursuant to Rule 218.e, the Buying Operator will contribute its Financial Assurance in an amount equal to or greater than the Single Well Financial Assurance that the Selling Operator had contributed for the transferred Wells prior to transfer.
 - bb. If the Selling Operator has an approved Financial Assurance Plan pursuant to Rules 702.d.(1), (2), (5), or (6), the Buying Operator will incorporate the transferred Wells into its approved Single Well Financial Assurance timeline pursuant to the Buying Operator's approved, pre-transfer Financial Assurance Plan.

- B. The amount of Financial Assurance required by Rules 702, 703, & 704 for all Transferable Items other than Low Producing Wells; and
 - C. The type(s) of Financial Assurance the Buying Operator intends to provide pursuant to Rule 701.
 - D. The Director, Selling Operator, or Buying Operator may request the Commission determine a different amount of Financial Assurance by requesting a Financial Assurance hearing pursuant to Rule 503.g.(11).
- (6) The estimated impact of the transfer on the Selling Operator's Financial Assurance Plan.
 - (7) **Attached Attestations.** An attestation signed by the Selling Operator and the Buying Operator attesting to all contents of the Form 9 – Intent.
 - (8) If the proposed transfer is subject to a non-disclosure or confidentiality agreement between the Selling Operator and the Buying Operator, the Selling Operator will indicate on the Form 9 – Intent that the proposed transfer is considered confidential, and the Director will keep the Form 9 – Intent and any other associated information confidential pursuant to § 24-72-204(3)(a)(IV), C.R.S., until the Form 9, Transfer of Operatorship – Subsequent is filed.
- c. The Selling Operator will remit with the Form 9 – Intent the filing fee provided in Appendix III.
 - d. **Revised Financial Assurance Plans.** Prior to the proposed anticipated date of transfer identified on the Form 9 – Intent, the Buying Operator and Selling Operator will each file a revised Financial Assurance Plan pursuant to Rule 702.b.(3) that takes into account the anticipated transaction.
 - e. **Financial Assurance Submission.** Consistent with the Buying Operator's revised Financial Assurance Plan filed pursuant to Rule 218.d, the Buying Operator will submit the estimated amount of Financial Assurance required as a result of the transfer to the Commission prior to the date of transfer.

f. Form 9, Transfer of Operatorship – Subsequent.

(1) When a transaction subject to a Form 9 – Intent becomes final, the Buying Operator will submit a Form 9 – Subsequent within 7 days of closing. The Form 9 – Subsequent will include:

A. The effective date of transfer;

B. The complete list of Transferable Items that:

i. Were transferred to the Buying Operator;

ii. Are related in the Commission's records to a Transferable Item listed pursuant to Rule 218.f.(1).B.i but were not transferred, and:

aa. Whether the Selling Operator retained responsibility for compliance with the Commission's Rules for any Transferable Item listed pursuant to Rule 218.f.(1).B.ii; or

bb. Whether a Prior Operator retained responsibility for compliance with the Commission's Rules for any Transferable Item listed pursuant to Rule 218.f.(1).B.ii; and

iii. Were listed on the Form 9 – Intent pursuant to Rules 218.b.(3) & (4) but were not transferred to the Buying Operator upon closing, and:

aa. Whether the Selling Operator retained responsibility for compliance with the Commission's Rules for any Transferable Item listed pursuant to Rule 218.f.(1).B.iii; or

bb. Whether a Prior Operator retained responsibility for compliance with the Commission's Rules for any Transferable Item listed pursuant to Rule 218.f.(1).B.iii.

C. Attached Attestations.

i. An attestation signed by the Selling Operator and the Buying Operator attesting to all contents of the Form 9 – Subsequent;

ii. If applicable, an attestation signed by the Selling Operator attesting that the Selling Operator retains responsibility for compliance with the Commission's Rules for any Transferable Item listed in Rules 218.f.(1).B.ii.aa or 218.f.(1).B.iii.aa; and

iii. An attestation signed by the Buying Operator that the Buying Operator notified the Relevant Local Government in which any Transferable Item is located of the completed transaction in writing.

D. Subsequent Liability.

i. For Transferable Items listed in Rule 218.f.(1).B.i an acknowledgment that upon the effective date of transfer, the Buying Operator assumes all responsibility for compliance with the Act, the Commission's Rules, and all terms and conditions of existing Permits and Commission orders for the Transferable Items;

- ii. For Transferable Items listed in Rules 218.f.(1).B.ii or iii, an acknowledgment that the Buying Operator may be or may become responsible for compliance with the Act, the Commission's Rules, and all terms and conditions of existing Permits and Commission orders if the Buying Operator takes any action, or fails to take any action, that would cause such Transferable Item to be out of compliance with the Act, the Commission's Rules, and all terms and conditions of existing Permits and Commission orders; and
 - iii. For Transferable Items not listed in Rules 218.f.(1).B.i–iii but related in the Commission's records, an acknowledgment that the Commission will presume that the Transferable Item was transferred, and that the Buying Operator is responsible for compliance with the Act, the Commission's Rules, and all terms and conditions of existing Permits and Commission orders for the Transferable Items.
 - (2) If an anticipated transaction that is the subject of a Form 9 – Intent does not occur, the Selling Operator will notify the Director in writing. The Director will withdraw the Form 9 – Intent.
 - g. The Director will review the Form 9 – Intent and Form 9 – Subsequent upon receipt. The Director will approve the Form 9 – Intent and Form 9 – Subsequent within 45 business days of when all of the following have occurred:
 - (1) The Director has determined that all Permits described in Rule 218.f.(1).B.i subject to the proposed transfer comply with the Commission's current Rules in effect at the time of the proposed transfer;
 - (2) If a Permit described in Rule 218.f.(1).B.i is not in compliance with the Act, the Commission's Rules, and all terms and conditions of existing Permits and Commission orders on the date of transfer, the Director has determined that the Selling Operator, Buying Operator, or Prior Operator has submitted a satisfactory plan to bring such Permit into compliance;
 - (3) The Director has determined that the Form 9 – Intent and Form 9 – Subsequent are complete and comply with this Rule 218; and
 - (4) The Buying Operator has submitted the Financial Assurance required by the Commission's Rules. If a Commission hearing is required because the Buying Operator requests a Financial Assurance hearing pursuant to Rule 218.b.(5).D, then Director will not approve the Form 9 – Intent and Form 9 – Subsequent until the Commission has held the Financial Assurance hearing pursuant to Rule 510.
 - h. The Director may deny the Form 9 – Intent and Form 9 – Subsequent and the Selling Operator will remain responsible for compliance with the Commission's Rules for the proposed Transferable Items:
 - (1) If the Form 9 – Intent or Form 9 – Subsequent fail to satisfy Rules 218.b or 218.f;
 - (2) If the Selling Operator did not remit the filing fee required by Rule 218.c;
 - (3) If the Buying Operator fails to submit the amount or type of Financial Assurance required by the Commission's Rules or required by a Commission order approved during a Financial Assurance hearing; or
 - (4) If the Buying Operator does not submit a Form 9 – Subsequent within 120 days following the anticipated date for transfer identified in Rule 218.b.(1).

i. Addressing an Operator's Failure to Comply with Transfer Requirements.

- (1)** If a Buying Operator operates a Well or Wells for 60 days or more without obtaining the Director's approval of a Form 9 – Intent and Form 9 – Subsequent, the Director may require all such Wells to be shut-in, consistent with the Well shut-in safety requirements of Rule 434. All such Wells will remain shut-in until the Director approves a Form 9 – Intent and Form 9 – Subsequent. An Operator that objects to a shut-in order may request an expedited hearing before the Commission pursuant to the expedited appeal procedures described in Rule 209.b.
- (2)** If the Buying Operator fails to file a satisfactory replacement Financial Assurance pursuant to Rule 218.g.(4) and the Selling Operator is unable to maintain adequate Financial Assurance to comply with all its obligations under the Act and Commission's Rules, the Director may file an application pursuant to Rule 503.g.(11). The Director may request an expedited hearing in the application and the Secretary will notice the hearing pursuant to Rule 503.a at the time the Director files the application.
- j.** The Director will not approve a Form 10, Certificate of Clearance submitted by the Buying Operator for a transferred Well unless there is an approved Form 9 – Intent and an approved Form 9 – Subsequent.
- k.** A Form 9 is not required for the change of Operator of gas gathering systems, gas processing plants, and underground gas storage facilities, which are governed by Rule 220.c.

219. FORM 10, CERTIFICATE OF CLEARANCE

- a.** The Operator of a Well will file with the Director a Form 10, Certificate of Clearance to designate the transporter(s) and gatherer(s), as applicable, for the Well. The certificate, when properly executed and approved by the Commission, constitutes authorization to the Pipeline or other transporter to transport the authorized Fluid from the Well named therein; provided that this section will not prevent the production or transportation in order to prevent waste, pending execution, and approval of said certificate.
- b.** Within 30 days after initial sale of oil or gas, each Operator of a new Well will file a Form 10 with the Director for the Well.
- c.** The Operator of a Well will file a new Form 10 to change the transporter or gatherer for the Well within 30 days of the change.

 - (1)** In the case of other transporter temporary changes involving the production of less than 1 month, the Operator will notify the Director via a Form 10 indicating the dates of the temporary changes.
 - (2)** In the case of temporary use of oil for Well treating or stimulating purposes, a new Form 10 is not required.
- d.** A new Operator will file a new Form 10 within 30 days of the date the Director approves the Form 9 – Subsequent pursuant to Rule 218.e.
- e.** Operators will pay the filing fee provided in Appendix III when filing a Form 10.
- f.** The Form 10 will remain in force and effect until:

 - (1)** The Operator of the Well is changed;

- (2) The transporter or gatherer is changed; or
- (3) The certificate is suspended by the Commission.
- g. It is the Operator's responsibility to provide electronic or paper copies of the approved Form 10 to the transporter or gatherer for each Well listed.

220. FORM 12, GAS FACILITY REGISTRATION/CHANGE OF OPERATOR

- a. **Facility Registration.** The Operator of a new gas gathering system, a new gas compressor station, a new gas processing plant, or a new underground gas storage facility will submit a Form 12, Gas Facility Registration/Change of Operator, within 30 days of placing the new facility into service. The following information will be included:
 - (1) The name and type of system or facility;
 - (2) For a gas compressor station or a gas processing plant, the latitude and longitude of the southeast corner of the facility and the legal location by quarter-quarter, section, township, range, and county;
 - (3) For a gas gathering system or an underground gas storage facility, latitude and longitude of a point near the center of the system or facility, and a description of the geographic area by section, township, range, and county;
 - (4) For a gas compressor station, a gas processing plant, or an underground gas storage facility, a facility layout drawing;
 - (5) For an underground gas storage facility, a certification of federal approval, if applicable; and
 - (6) For a gas gathering system, GIS data that includes the gathering line alignment, isolation valves, and the following attributes:
 - A. Fluid type;
 - B. Pipe material type; and
 - C. Type size.
 - D. GIS data will be submitted in the NAD of 1983 and in a format approved by the Director. Information submitted pursuant to this Rule 220.a.(6) will be disclosed at the same mapping scale provided in and kept confidential pursuant to the procedures in Rule 1101.e.
- b. **Annual Reports.** For a gas gathering system, gas processing plant, gas compressor station, or underground storage facility that has had any Gathering Lines added or removed during the preceding year, the Operator will submit a Form 12 by May 1st of each year to report the changes made during the prior calendar year. For an underground storage facility that has had an expansion or reduction of its capacity of more than 10% during the preceding year, the Operator will submit a Form 12 by May 1st of each year to report the changes made during the prior calendar year.

- c. **Change of Operator.** The previous or new Operator of a gas gathering system, gas compressor station, gas processing plant, or an underground gas storage facility, will submit a Form 12 within 30 days of change of Operator. Documentation confirming transfer of ownership will be attached to the Form 12.
- d. **Gas Storage Projects.** The Commission's 800 Series Rules do not apply to Gas Storage Wells and underground gas storage facilities.

221. PUBLIC HIGHWAYS AND ROADS

All persons subject to the Act and the Commission's Rules are subject to the State Vehicles and Traffic Laws pursuant to Title 42, C.R.S., and the State Transportation Laws, Title 43, C.R.S., pertaining to the use of public highways or roads within the state for Oil and Gas Operations.

222. FORM 18, COMPLAINT REPORT

- a. A complaint regarding Oil and Gas Operations is filed by submitting a Form 18, Complaint Report.
- b. The Director will investigate any complaint and determine what, if any, action will be taken pursuant to Rule 524.

223. CONFIDENTIAL INFORMATION

- a. If an Operator seeks to submit information that is listed as confidential in Rule 223.b below, the Operator will:
 - (1) Confer with the Director prior to submitting the information to verify that it qualifies as confidential pursuant to the Commission's Rules. If the Director determines that the documents or submissions are not confidential, the Operator need not submit the information after the conferral process, unless required to do so by a Commission Rule.
 - (2) If associated with a form submittal, submit the information as a confidential attachment to a form, not on a form itself.
 - (3) Submit both a redacted and non-redacted version of the confidential information, unless the Director confirms orally or in writing that a non-redacted version does not need to be submitted. The non-redacted version will be labeled **CONFIDENTIAL** in a conspicuous location at the top of the document.
- b. Confidential information may include:
 - (1) Monetary amounts, payment terms, drilling obligations, or personal information listed on Surface Use Agreements;
 - (2) Monetary amounts, payment terms, drilling obligations, or personal information listed on oil and gas leases;
 - (3) Monetary amounts, payments, or personal information listed in a right-of-way or easement agreement;
 - (4) Information concerning ongoing commercial negotiations regarding potential or planned routing and location of off-lease midstream gathering system infrastructure and information concerning landowner negotiations for which rights-of-way have not yet been obtained;

- (5)** Confidential geological or geophysical Well Records pertaining to Wildcat (Exploratory) Wells for a 6 month period pursuant to §§ 24-72-204(3)(a)(IV) & 34-60-106(1)(b), C.R.S.;
- (6)** Information about a proposed transfer of permits and assets pursuant to Rule 218.b.(7);
- (7)** Sensitive wildlife habitat information that the Operator is required to hold in confidence by other federal, state, or tribal regulatory agencies;
- (8)** Sensitive cultural information that the Operator is required to hold in confidence by other federal, state, or tribal regulatory agencies;
- (9)** Sensitive Public Water System information if the Public Water System administrator requests that it be held in confidence;
- (10)** Hydraulic fracturing chemicals pursuant to Rule 208;
- (11)** Personal medical information submitted on a Form 22, Accident Report;
- (12)** Non-public and confidential financial information submitted as part of a Financial Assurance Plan pursuant to Rule 702 or a demonstration of costs for Single Well Financial Assurance; and
- (13)** Other information that the Operator designates as confidential if the Director concurs that the information meets the confidentiality provisions of the Colorado Open Records Act.