



COGCC OPERATOR GUIDANCE

RULE 903

VENTING OR FLARING NATURAL GAS

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Section 1: Rule Citations

See Appendix A

Section 2: Purpose of Rule

Venting and Flaring is prohibited except for specific circumstances described in Rule 903. This guidance document serves to clarify when venting and flaring is allowed and what approvals and notifications are required.

Section 3: Rule 903 Guidance

Section 3.a Notice to Local Governments and Emergency Responders.

For any planned flaring, the Operator will provide prior notice to Relevant and Proximate Local Governments and to the local emergency response authorities. The Operator will provide notice as soon as practicable but no later than two hours before any planned flaring event.

For Flaring during Upset Conditions, the Operator will provide notice as soon as possible but no later than 12 hours after the start of the Flaring event. The notice can be verbal or electronic and, in accordance with Rule 206.f, the Operator will maintain all records of notice for a minimum of five years and provide them to the Director upon request.

Section 3.b Emissions During Drilling Operations.

All natural gas downstream of the mud-gas separator will be captured or combusted using best management practices during drilling operations. Combustors will be enclosed and at least 100 feet from the nearest surface hole location.

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If there is an event that makes capturing or combusting the gas a safety risk to onsite personnel:

1. The Operator may vent during the event and will provide verbal notification to the Director by contacting the Engineering Supervisor¹ within 12 hours of the start of the event.
2. If the Venting is expected to exceed 24 hours, the Operator will seek the Director's approval to continue venting by contacting the Engineering Supervisor.

A Form 4, Sundry Notice will be submitted within 7 days of the event. The Form 4 will describe details of the event, including:

1. What occurred
2. What actions were taken
3. Duration of the event
4. Estimated volumes of gas vented
5. Status of the well at the time of form submission
6. Any action that will be taken in the future to minimize the potential for Venting or Flaring during a similar event

These details will be submitted on the Gas Capture tab of the Form 4, as described in the "Form 4 Sundry Notice Guidance" section at the bottom of this document.

If required by Rules 428.c and 428.d, the operator will also submit a Form 23, Well Control Report and a Form 19, Spill/Release Report.

Section 3.c Emissions During Completion Operations

Operators will use reduced emission completion practices. All Flowback vessels will be enclosed.

There are only three instances when Flaring is allowed during completion operations:

1. Form 2A Gas Capture Plan: The Operator has an approved Gas Capture Plan. The Gas Capture Plan should be submitted with a Form 2A. Gas Capture Plan details and requirements are outlined below in Section 3.e and in Rule 903.e

¹ For Director notice and approval, contact the Engineering Manager if the Engineering Supervisor is not available; notice in this case also satisfies the verbal notice requirements of Rule 428.b for "significant" well control events where a kick is managed by shutting the well in to circulate a gas kick and the verbal notice requirements of Rule 428.c for uncontrolled events, such as a blowout.

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2. Form 4 Gas Capture Plan: If the Form 2A has already been approved and a new Form 2A is not otherwise required, an Operator may submit a Gas Capture Plan with a Form 4. Flaring is not allowed until the Form 4 has been approved, and therefore, the Operator should submit the Form 4 well in advance of completion operations. The Form 4 will include details similar to a Form 2A Gas Capture Plan:
 - a. Explain why Flaring is necessary to Complete the Well and how the Operator will protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources.
 - b. Estimated Flaring volume and duration.
 - c. Plans to connect the facility to a Gathering Line or to beneficially use the gas, and any other related information requested by Oil and Gas Location Assessment (OGLA) Staff during their review of the Form 4 (refer to Items 1 through 9 listed below in Section 3.e Gas Capture Plans).
3. Upset Conditions: For Upset Conditions that occur during completion, the Operator may flare without prior approval for up to 24 cumulative hours from the start of the Upset Condition.
 - a. If the Operator has a safety-related need to flare beyond 24 cumulative hours, the Operator will seek the Director's verbal approval to continue Flaring by contacting the Engineering Supervisor².
 - b. The Operator will submit a Form 4 within 7 days of the event to report the Upset Condition and the safety concern that prompted the Operator's need to Flare. The Form 4 will include documentation of the verbal approval (e.g., an email or a phone log) and a description of the details of the event, including:
 - i. What occurred
 - ii. What actions were taken
 - iii. Duration of the event
 - iv. Estimated volumes of gas vented
 - v. Status of the well at the time of form submission
 - vi. Any action that will be taken in the future to minimize the potential for Venting or Flaring during a similar event

Section 3.d Emissions During Production

Rule 903.d provided one year, from January 15, 2021 to January 15, 2022, for Operators who were flaring natural gas to continue to do so while they developed a plan for gas capture. Any approved Form 4 Sundry Notices, Request to Vent or Flare,

² For Director approval, contact the Engineering Manager if the Engineering Supervisor is not available.

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which requested the Director's approval to Flare gas prior to or after January 15, 2021 expired on January 15, 2022.

After January 15, 2022, Flaring produced gas is prohibited, except in the limited circumstances described below. All produced natural gas must be put to a beneficial use or the Operator must obtain an approved Variance from the Commission to Vent or Flare saleable production gas. Routing produced gas from the well without adequate separation to oil production tanks to Vent or combust with flash gas is not allowed by Rule 903.

Flaring or Venting produced gas because the well is not connected to a natural gas Gathering Line is not allowed. For this circumstance, an Operator may request a Variance from the Commission. The application for Variance should include a Gas Capture Plan. While waiting for the Commission's determination regarding the Variance request, the Well(s) must remain shut in.

After the Commencement of Production Operations at an Oil and Gas Location, Venting or Flaring of natural gas produced from any Completed Well is prohibited except under the following exceptions:

- A. Gas Flaring or Venting is allowed during an Upset Condition, as necessary to address the upset, for a period not to exceed 24 cumulative hours from the time that the Upset Condition started.
- B. Gas Venting is allowed during active and required maintenance and repair activities, unless prohibited by AQCC Regulation No. 7, 5 C.C.R. § 1001-9.
- C. Gas Flaring is allowed during Production Evaluation or Productivity Tests that are approved with a Gas Capture Plan, not to exceed 60 days.
- D. Gas Venting is allowed while performing a Bradenhead test.
- E. Gas Flaring or Venting is allowed during Well liquids unloading, subject to the limitations of Rule 903.d.(1)E.

For each instance listed above, the Operator will submit a Form 4 within 7 days of the event to report the Flaring or Venting if the event lasted longer than 8 consecutive hours or 24 cumulative hours at the Oil and Gas Location. The Form 4 will describe details of the event, including:

1. What occurred
2. What actions were taken
3. Duration of the event
4. Estimated volumes of gas vented
5. Status of the well at the time of form submission
6. Any action that will be taken in the future to minimize the potential for Venting or Flaring during a similar event

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These details will be submitted on the Gas Capture tab of the Form 4, as described in the “Form 4 Sundry Notice Guidance” section at the bottom of this document. An Electronic Data Deliverable for gas analytical data, including gas composition, heating value, and hydrogen sulfide content will be submitted with a Form 43.

If an Operator has an approved Gas Capture Plan and unexpectedly loses access to a gathering line due to unforeseen circumstances outside of the Operator’s control, the Operator may submit a Form 4 with a new Gas Capture Plan that reflects the change of conditions. The Form 4 will be submitted within 30 days of the loss of gathering line access. While waiting for approval the well will be shut in.

The Operator will report all gas Vented or Flared on the Form 7, Operator’s Monthly Report of Operations.

Section 3.e Gas Capture Plans

Gas Capture Plans should be submitted as an attachment to a Form 2A. While not identified specifically by rule, Gas Capture Plans may also be submitted with a Form 4.

All Gas Capture Plans will include the following information:

1. A description and map of the location of the closest or contracted natural gas gathering system or point of sale.
2. The name of the company operating the closest or contracted natural gas gathering system.
3. The Operator’s plan for connecting their facility to a natural gas gathering system or otherwise putting gas to beneficial use, including:
 - a. Discussion of potential rights of way issues;
 - b. Construction schedules;
 - c. Date of availability of the gas Gathering Line;
 - d. Whether the nearest or contracted gas gathering system has capacity to accept the anticipated gas to be produced at the location at the time of application; and
 - e. Options for beneficial use of natural gas that are alternatives to Flaring during production operations prior to connection to gas Gathering Lines, including, but not limited to: onsite use, natural gas liquid processing, electrical power generation, gas to liquid, reinjection for enhanced oil recovery, or other options.
4. For a Wildcat (Exploratory) Well or if the Operator anticipates conducting a Production Evaluation or Productivity Test, a description of the planned

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- Production Evaluation or Productivity Test and any issues related to the Operator's ability to connect to a gas Gathering Line.
5. Any anticipated safety risks that may require the Operator to allow gas to escape, rather than being captured or combusted during drilling operations (not applicable for Wells already in production).
 6. A description of operational best practices that will be used to minimize Venting during active and planned maintenance.
 7. Procedures the Operator will employ to reduce the frequency of Well liquids unloading events.
 8. Anticipated volumes of liquids and gas production and a description of how separation equipment will be sized to optimize gas capture.
 9. Acknowledge if the mineral owner is to be compensated for the Vented or Flared natural gas.

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Section 4: Form 4 Sundry Notice Guidance

To submit a Gas Capture Plan or to report Venting or Flaring on a Form 4, use the Gas Capture tab. The Gas Capture tab is only available for editing if the Venting or Flaring (Rule 903) checkbox is selected on the Engineering/Environmental tab.

Example: In the image below, the Gas Capture tab is grayed out because the Venting or Flaring (Rule 903) checkbox has not been selected.

The screenshot shows a software interface with a navigation bar at the top containing tabs: Well, Facility, Location, OGDP; Well Location Change/As-Built GPS; Formation/ Spacing; Other; Reclamation; Engineering/ Environmental (highlighted with a red box); and Gas Capture (grayed out). Below the navigation bar are more tabs: Oil & Gas Location Updates; Proposed OGDP Changes; BMP; Submit; Related Forms; Well Logs Upload; Attachments; Review; and Comments & COAs. The main content area is titled 'ENGINEERING AND ENVIRONMENTAL WORK' and includes a checkbox for 'NOTICE OF CONTINUED TEMPORARILY ABANDONED STATUS'. Below this is a text prompt: 'Indicate why the well is temporarily abandoned and describe future plans for utilization in the COMMENTS box below, as required by Rule 434.b.(3)'. There are three input fields: 'Date well temporarily abandoned' (MM/DD/YYYY), 'Has Production equipment been removed from site' (dropdown), and 'Mechanical Integrity Test (MIT) required. Date of last MIT' (MM/DD/YYYY). The next section is 'TECHNICAL ENGINEERING AND ENVIRONMENTAL WORK' with a prompt: 'Details of work must be described in full in the COMMENTS below or provided as an attachment'. It contains two checkboxes: 'NOTICE OF INTENT/REQUEST FOR APPROVAL' (highlighted with a red box) and 'SUBSEQUENT REPORT' (highlighted with a red box). Below these are 'Approximate Start Date' (MM/DD/YYYY) and 'Date of Activity' (MM/DD/YYYY). At the bottom, there are three checkboxes: 'Bradenhead Plan', 'Venting or Flaring (Rule 903)' (highlighted with a red box), and 'E&P Waste Management'.

On the Engineering/Environmental tab indicate if the Form 4 is for submission of a Gas Capture Plan (“Notice of Intent/Request for Approval”) or a “Subsequent Report” of gas Vented or Flared during an Upset Condition, maintenance, repair, or liquids unloading. Provide the date in the data field below your chosen selection. Then check the Venting or Flaring (Rule 903) checkbox.

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The Operator will complete the Gas Capture tab with all pertinent details provided in the boxes on the form. A Gas Capture Plan attachment may be included but is not required to provide additional details as necessary. For attachments, check the box at the bottom of the Gas Capture tab and use the tool on the "Attachments" tab to upload the file. It is a best practice to input data directly into the Form even if there are supporting attachments. An Electronic Data Deliverable for gas analytical data, including gas composition, heating value, and hydrogen sulfide content will be submitted with a Form 43. The Operator will add the Sample Site Facility ID on the Gas Capture tab.

Gas Capture Tab Overview

Well, Facility, Location, OGDP Well Location Change/As-Built GPS Formation/ Spacing Other Reclamation Engineering/ Environmental **Gas Capture**

Submit Related Forms Well Logs Upload Attachments Review* Comments & COAs* Status*

VENTING AND FLARING

Operation type:

Operational phase requiring venting/flaring:

Reason for venting/flaring:

Describe Other reason for venting/flaring:

Describe why venting or flaring is necessary. If reporting per Rule 903.b.(2), 903.c.(3).C, or 903.d.(2), include the explanation, rationale, and cause of the event:

Describe how the operation will protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources. If reporting per Rule 903.d.(2), include BMPs used to minimize venting on the BMP Tab:

Total volume of gas vented or flared: mcf estimated measured

Total duration of emission event: hours consecutive cumulative

Submit a single representative gas analysis via Form 43 to create a Sample Site Facility ID# for this Location. Reference the Form 43 document number on the Related Forms tab.

Sample Site Facility ID#:

GAS CAPTURE PLAN

Describe the plan to connect to a gathering line or beneficially use the gas; include anticipated timeline:

A Gas Capture Plan that meets the requirements of Rule 903.e is attached.

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Gas Capture Tab Details

First identify if the activity was Venting or Flaring

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Operation type:

Operational phase requiring venting/flaring:

Reason for venting/flaring:

Describe Other reason for venting/flaring:

Next identify what phase of operation requires the Venting or Flaring

VENTING AND FLARING

Operation type:

Operational phase requiring venting/flaring:

Reason for venting/flaring:

Describe Other reason for venting/flaring:

Choose the reason for Venting or Flaring from the drop down. If "Other" is selected a detailed description is required to be supplied in the text box below. Please remember that Rule 903 prohibits all Venting or Flaring except for specific reasons outlined in the Rule.

VENTING AND FLARING

Operation type:

Operational phase requiring venting/flaring:

Reason for venting/flaring:

Describe Other reason for venting/flaring:

Complete the rest of the data fields on the tab and submit the Form.

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Document Change Log

Change Date	Description of Changes
March 7, 2022	Document Created and Finalized

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Appendix A: Rule Citations

100 SERIES DEFINITIONS

FLARING means the combustion of natural gas during upstream Oil and Gas Operations, excluding gas that is intentionally used for onsite processes.

GATHERING LINE means a gathering pipeline or system as defined by the Colorado Public Utilities

Commission, Regulation No. 4, 4 C.C.R. 723-4901, Part 4, (4 C.C.R. 723-4901) or a pipeline regulated by the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration pursuant to 49 C.F.R. §§ 195.2 or 192.8. 49 C.F.R. §§ 195.2 or 192.8 and 4 C.C.R. 723-4901 in existence as of the date of this regulation and does not include later amendments. 49 C.F.R. §§ 195.2 or 192.8 and 4 C.C.R.

723-4901 are available for public inspection during normal business hours from the Public Room Administrator at the office of the Commission, 1120 Lincoln Street, Suite 801, Denver, Colorado 80203.

Additionally, 49 C.F.R. §§ 195.2 or 192.8 may be found at <https://www.phmsa.dot.gov>, and 4 C.C.R. 723- 4901 may be found at <https://www.sos.state.co.us>.

UPSET CONDITION means a sudden unavoidable failure, breakdown, event, or malfunction, beyond the reasonable control of the Operator, of any equipment or process that results in abnormal operations and requires correction.

VENTING means allowing natural gas to escape into the atmosphere, but does not include:

- a. The emission of gas from devices, such as pneumatic devices and pneumatic pumps, that are designed to emit as part of normal operations if such emissions are not prohibited by AQCC Regulation No. 7, as incorporated by reference in Rule 901.b;
- b. Unintentional leaks that are not the result of inadequate equipment design; and
- c. Natural gas escaping from, or downstream of, a Tank unless: 1) there is no separation occurring at equipment upstream of the Tank; 2) the separation equipment is not sufficiently sized to capture the entrained gas; or 3) the natural gas is sent to the Tank during circumstances when the gas cannot be sent to the Gathering Line or the combustion equipment used to Flare the gas is not operating.

903. VENTING OR FLARING NATURAL GAS

Venting and Flaring of natural gas represent waste of an important energy resource and pose safety and environmental risks. Venting and Flaring, except as specifically allowed in this Rule 903, are prohibited.

a. Notice to Local Governments and Emergency Responders.

(1) **Prior Notice.** As soon as practicable prior to, but no later than two hours before, any planned Flaring of natural gas allowed pursuant to this Rule 903, Operators will provide verbal, written, or electronic notice to the Relevant and Proximate Local Governments and to the local emergency response authorities.

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(2) **Subsequent Notice.** In the event of Flaring due to an Upset Condition, Operators will provide verbal, or electronic notice as soon as possible, but no later than 12 hours, to the Relevant and Proximate Local Governments and to the local emergency response authorities.

(3) **Waiver.** Relevant and Proximate Local Governments and local emergency response authorities may waive their right to notice under this Rule 903.a at any time, pursuant to Rule 302.f.(1).A.

(4) **Recordkeeping.** Operators will maintain records of notice provided pursuant to this Rule 903.a, and provide the records to the Director upon request.

b. Emissions During Drilling Operations.

(1) Operators will capture or combust gas downstream of the mud-gas separator using best drilling practices while maintaining safe operating conditions.

(2) If capturing or combusting gas would pose safety risks to onsite personnel, Operators may Vent and will provide verbal notification to the Director within 12 hours and submit a Form 4, Sundry Notice within 7 days. The Operator need not seek a formal variance pursuant to Rule 502. A Form 23, Well Control Report may also be required if the criteria in Rule 428.c are met. If Venting pursuant to this Rule 903.b.(2) exceeds 24 hours, the Operator will seek the Director's approval to continue Venting.

(3) Combustors will be located a minimum of 100 feet from the nearest surface hole location and enclosed.

c. Emissions During Completion Operations.

(1) **Reduced Emission Completions Practices.** Operators will adhere to reduced emission completion practices as specified in 40 C.F.R. § 60.5375a, as incorporated by reference in Rule 901.b, on all newly Completed and re-completed oil and gas Wells regardless of whether the Well is hydraulically fractured, unless otherwise specified in this Rule 903.c.

(2) **Flowback Vessels.** Operators will enclose all Flowback vessels and adhere to the AQCC Regulation No. 7 standards for emission reduction from pre-production Flowback vessels as specified in 5 C.C.R. § 1001-9:D.VI.D, as incorporated by reference in Rule 901.b.

(3) Operators may Flare gas during completion operations with specific written approval from the Director under any of the following circumstances:

A. The Operator obtains the Director's approval to Flare through an approved gas capture plan pursuant to Rule 903.e;

B. The Operator submits, and the Director approves, a Form 4 allowing the Operator to Flare gas that would otherwise not be permitted pursuant to Rule 903.c.

i. On the Form 4 the Operator will explain why Flaring is necessary to Complete the Well, and will protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources.

ii. On the Form 4 the Operator will estimate anticipated Flaring volume and duration.

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iii. On the Form 4 the Operator will explain its plan to connect the facility to a Gathering Line or otherwise utilize the gas in the future.

iv. The Director may approve a Form 4 requesting permission to Flare during completion if the Director determines that the Flaring is necessary to Complete the Well and will protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources; or

C. The Operator may direct gas to an emission control device and combust the gas if necessary to ensure safety or during an Upset Condition for a period not to exceed 24 cumulative hours. If Flaring pursuant to this Rule 903.c.(3).C exceeds 24 hours, the Operator will seek the Director's approval to continue Flaring. Within 7 days of the Flaring event, the Operator will submit a Form 4 reporting the Upset Condition or safety issues that resulted in the Flaring event and include the estimated volume of gas Flared.

d. Emissions During Production.

(1) After the Commencement of Production Operations at an Oil and Gas Location, Venting or Flaring of natural gas produced from any Completed Well is prohibited except under the following circumstances:

A. Gas Flared or Vented during an Upset Condition is allowed for a period necessary to address the upset, not to exceed 24 cumulative hours. Operators will maintain records of the date, cause, estimated volume of gas Flared or Vented, and duration of each Upset Condition resulting in Flaring or Venting, and will make such records available to the Director upon request.

B. Gas Vented during and as part of active and required maintenance and repair activity, including pipeline pigging, as long as the Venting is not prohibited by AQCC Regulation No. 7, 5 C.C.R. § 1001-9, as incorporated by reference in Rule 901.b. Operators will use operational best practices to minimize Venting during maintenance and repair activity.

C. If approved by the Director on a Gas Capture Plan pursuant to Rule 903.e, gas Flared during a Production Evaluation or Productivity Test for a period not to exceed 60 days.

D. Gas Vented during a Bradenhead test pursuant to Rule 419.

E. Any event of Well liquids unloading, as long as the Well liquids unloading employs best management practices to minimize hydrocarbon emissions as required by the AQCC Regulation No. 7, 5 C.C.R. § 1001-9, as incorporated by reference in Rule 901.b. Operators will capture or Flare gas escaping into the air during liquids unloading if the escape of the gas poses a risk to public health, safety, or welfare due to the risk of a fire, explosion, or inhalation. Pursuant to Rule 405.s, all Well liquids unloading, including swabbing, will be reported to the Director. The Operator will submit a Form 42, Field Operations Notice - Notice of Well Liquids Unloading, no less than:

i. 48 hours prior to conducting Well liquids unloading; or

ii. As soon as possible prior to conducting Well liquids unloading if 48 hours notice would require an alternative or extended Well liquids unloading practice that increases emissions.

F. Flaring or Venting approved pursuant to Rule 903.d.(3) or on a Form 4 prior to January 15, 2021.

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(2) For any instance of Venting or Flaring permitted pursuant to Rules 903.d.(1).A-E for a period that exceeds 8 consecutive or 24 cumulative hours, the Operator will submit a Form 4 reporting:

- A. The estimated or measured volume and content of gas Vented or Flared;
- B. Gas analysis of the gas Vented or Flared, including hydrogen sulfide;
- C. Explanation, rationale, and cause for the Venting or Flaring event; and
- D. A description of any operational best practices used to minimize Venting during maintenance and repair activity.

(3) At Wells that have Commenced Production Operations prior to January 15, 2021 and that are Venting or Flaring natural gas because they are not connected to a natural gas Gathering Line or putting the natural gas to beneficial use, the Operator may request permission from the Director to Flare or Vent by submitting a gas capture plan via a Form 4 no later than the date the Operator's previously approved Form 4 expires and in no case later than January 15, 2022. If an Operator loses access to a Gathering Line after January 15, 2021, the Operator will submit a gas capture plan via a Form 4 within 30 days of losing the Gathering Line access. The Operator may not Flare or Vent pursuant to this Rule 903.d.(3) unless and until the Director approves the Form 4. The Director may approve a one-time request to Flare or Vent for a period not to exceed 12 months, if the Director determines that Flaring or Venting is necessary to produce the Well, will minimize waste, and will protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources. For any such Form 4 submitted prior to January 15, 2022, the Director will not approve the one-time request to Flare or Vent to any date after January 15, 2022. The gas capture plan on the Form 4 will describe:

- A. The estimated volume and content of the gas to be Flared or Vented;
- B. Gas analysis including hydrogen sulfide for the subject Well;
- C. For requests based on lack of available infrastructure, the Operator will state why the Well cannot be connected to infrastructure;
- D. When the Well(s) will be connected to infrastructure, why the Operator commenced production of the Well before infrastructure was available, and whether the mineral Owner will be compensated for the Vented or Flared gas; and
- E. Options for using the gas instead of Flaring or Venting, including to generate electricity, gas processing to recover natural gas liquids, or other options for using the gas.

(4) Measurement and Reporting.

- A. Operators will measure the volume of all gas Vented, Flared, or used at an Oil and Gas Location by direct measurement or by estimating the volume of gas Vented, Flared or used. The volume of gas Vented, Flared, or used will be reported on a per Well basis on the Form 7, Operator's Monthly Report of Operations.
- B. Operators will notify all mineral Owners of the volume of oil and gas that is Vented, Flared, or used on-lease. Operators will maintain records of such notice and provide the records to the Director upon request.

(5) All Flared gas will be combusted in an enclosed device equipped with an auto-igniter or continuous pilot light and a design destruction efficiency of at least 98% for hydrocarbons.

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(6) Pits.

A. Pits Constructed After January 15, 2021.

- i. Operators will design, construct, and operate new Pits that are within 2,000 feet of an existing Building Unit or Designated Outside Activity Area to emit less than 2 tons per year (“tpy”) volatile organic compounds (“VOCs”).
- ii. Operators will design, construct, and operate new Pits within Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, Jefferson, Larimer, and Weld Counties to emit less than 2 tpy VOCs.
- iii. Operators will design, construct, and operate new Pits in locations that do not meet the criteria of Rules 903.d.(6).A.i-ii to emit less than 5 tpy VOCs, unless:
 - aa. The Pit is used for recycling or reuse of produced water, subject to the approval of a reuse and recycling plan pursuant to Rule 905.a.(3);
 - bb. The Operator utilizes a centralized water distribution system to minimize trucks used to transport produced water; and
 - cc. The Director approves the Operator’s plan to minimize emissions pursuant to Rule 903.d.(6).A.iv based on consultation with the Air Pollution Control Division.
- iv. Operators will design, construct, and operate new Pits to utilize control technology to minimize emissions to the extent reasonably achievable based on best available practices.

B. Pits Constructed Prior to January 15, 2021. After January 15, 2023, all Pits constructed prior to January 15, 2021 will be operated to emit less than 5 tpy VOCs, unless:

- i. The Pit is used for recycling or reuse of produced water and the Pit utilizes control technology to minimize emissions to the extent reasonably achievable, and the Operator submits and obtains the Director’s approval of a reuse and recycling plan that meets the requirements of Rule 905.a.(3); or
- ii. The Operator submits a Form 15, Earthen Pit Report/Permit pursuant to Rule 903.a.(6).C demonstrating that a greater allowable rate of emissions from the Pit is reasonable and necessary, and the Director approves the Form 15 based on consultation with the Air Pollution Control Division.

C. Operators will provide the basis for their determination of applicability under Rule 903.d.(6) to the Director on a Form 15 submitted concurrently with the initial produced water quality analysis required by Rule 909.j. The basis for determination of applicability will:

- i. State the Pit’s estimated annual emissions in tpy VOCs;
- ii. Describe the method used to estimate emissions; and

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iii. If the Operator seeks an exception pursuant to Rules 903.d.(6).B.i or ii, describe the basis for why the exception should be granted.

e. Gas Capture Plans.

(1) Gas Capture Plan Submission.

A. On a Form 2A, Oil and Gas Location Assessment the Operator will commit to connecting to a gathering system by the Commencement of Production Operations, or submit a gas capture plan as an attachment to their Form 2A, pursuant to Rule 304.c.(12).

B. Gas capture plans will demonstrate compliance with the requirements of Rules 903.b-d and include the following information:

i. A description and map of the location of the closest or contracted natural gas gathering system or point of sale.

ii. The name of the company operating the closest or contracted natural gas gathering system.

iii. The Operator's plan for connecting their facility to a natural gas gathering system or otherwise putting gas to beneficial use, including:

aa. Discussion of potential rights of way issues;

bb. Construction schedules;

cc. Date of availability of the gas Gathering Line;

dd. Whether the nearest or contracted gas gathering system has capacity to accept the anticipated gas to be produced at the location at the time of application; and

ee. Options for beneficial use of natural gas that are alternatives to Flaring during production operations prior to connection to gas Gathering Lines, including, but not limited to: onsite use, natural gas liquid processing, electrical power generation, gas to liquid, reinjection for enhanced oil recovery, or other options.

iv. For a Wildcat (Exploratory) Well or if the Operator anticipates conducting a Production Evaluation or Productivity Test, a description of the planned Production Evaluation or Productivity Test and any issues related to the Operator's ability to connect to a gas Gathering Line.

v. Any anticipated safety risks that will require the Operator to allow gas to escape, rather than being captured or combusted during drilling operations, pursuant to Rule 903.b.(2).

vi. A description of operational best practices that will be used to minimize Venting during active and planned maintenance allowed pursuant to Rule 903.d.(1).B.

vii. Procedures the Operator will employ to reduce the frequency of Well liquids unloading events.

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viii. Anticipated volumes of liquids and gas production and a description of how separation equipment will be sized to optimize gas capture.

(2) **Verification.** Operators will verify that their facility has been connected to a gathering line by submitting a Form 10, Certificate of Clearance pursuant to Rule 219.

(3) **Compliance.** If an Operator does not connect its facility to a gathering line or otherwise put gas to beneficial use as described in the Operator's Form 2A or gas capture plan, the Director may require the Operator to shut in a Well until it is connected to a Gathering Line or the gas is put to beneficial use. The Operator may request a Commission hearing pursuant to Rule 503.g.(10), however, the Well will remain shut in until the Commission's hearing occurs.