

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

IN THE MATTER OF A REQUEST TO)	CAUSE NO. 191
ALLOW THE DISCHARGE OF TREATED)	
PRODUCTION WATER FROM THE WELLINGTON)	DOCKET NO. 0508-GA-03
MUDDY UNIT INTO THE BOXELDER CREEK)	
ALLUVIUM, LARIMER COUNTY, COLORADO)	

NOTICE OF HEARING

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

Rule 907.a. of the Rules and Regulations of the Colorado Oil and Gas Conservation Commission (“COGCC”) establishes the policy of encouraging and promoting waste minimization by beneficial use, reuse and recycling.

Rule 907.c.(2)E. allows the discharge of production water into the waters of the State of Colorado, and the beneficial use of this water in accordance with applicable state statutes and regulations governing the use and administration of water

The Memorandum of Agreement between the Colorado Oil and Gas Conservation Commission, the Water Quality Control Commission (WQCC) and the Water Quality Control Division for the Implementation of SB 181 Amendments to the Colorado Water Quality Control Act (August 28, 1990; the “Water Quality MOA”) acknowledged the COGCC as the “implementing agency” for facilities discharging to groundwater, and for the specification of applicable points of compliance for such discharges to protect present and future beneficial uses of water.

Rule 907.c.(3) allows the reuse of produced water in a manner consistent with existing water rights and in consideration of water quality standards and classifications established by the WQCC for waters of the state, or any point of compliance established by the COGCC Director pursuant to Rule 324D.

Rule 904.a.(2) requires production pits in sensitive areas to be lined. The results of the Sensitive Area Decision Tree, Rule 901.e. and Figure 901-1, indicate that four of the key sensitive area criteria are not met (e.g., the alluvial aquifer is not classified for domestic use, no well head protection area is impacted, the project is not close to domestic or public water supply wells, the depth to groundwater is greater than 20 feet); nevertheless, the Applicant stipulates that by its nature, an aquifer recharge beneficial use project is “sensitive.”

Rule 502.b. allows variances to COGCC rules and regulations.

Rule 910.a. lists applicable groundwater concentrations.

Rule 901.d. allows operators to propose alternative methods for determining compliance with COGCC rules and regulations using alternative points of compliance.

On July 1, 2005, Wellington Operating Company, LLC filed with the Commission a verified application for an order to allow the discharge of treated production water from the Wellington Muddy Unit into the Boxelder Creek alluvium in Larimer County, Colorado. The Applicant has obtained a permit for the nontributary production water from the Office of the State Engineer, and has developed the technical framework for the requested permit in consultation with the Colorado Oil and Gas Conservation Commission (COGCC) and Water Quality Control Division (WQCD) staffs. The Applicant requests a variance from the requirement for lining the production pit (Rule 901.f., Rule 904.a.(2)) as necessary to effect the beneficial use of the treated production water. The requested permit is in conformance with values tabulated in Table 910-1 for organic constituents of concern (i.e., BTEX). The Applicant proposes an alternative point of compliance for the inorganic constituents of concern, Total Dissolved Solids (TDS) and chloride, listed in Table 910-1, as well as other inorganic constituents of concern regulated by the WQCD such as fluoride, boron, and sulfate. The requested alternative point of compliance for inorganic constituents is at a downgradient monitoring well located on the southern boundary of the project site.

NOTICE IS HEREBY GIVEN, that the Oil and Gas Conservation Commission of the State of Colorado, pursuant to the above, has scheduled the above-entitled matter for hearing on:

Date: Monday, August 15, 2005

Time: 9:00 a.m.

Place: Weld County Department of Planning Services Hearing Room
918 10th Street
Greeley, CO 80631

In accordance with the Americans with Disabilities Act, if any party requires special accommodations as a result of a disability for this hearing, please contact Matt Walker at (303) 894-2100 ext. 139, prior to the hearing and arrangements will be made.

Pursuant to said hearing in the above-entitled matter at the time and place aforesaid, or at any adjourned meeting, the Commission will enter such orders as it deems appropriate to protect the health, safety and welfare of the public and to prevent the waste of oil and gas, either or both, in the operations of said field, and to carry out the purposes of the statute.

In accordance with Rule 509., any interested party desiring to protest the granting of the application or to intervene on the application should file with the Commission a written protest or intervention no later than August 8, 2005, briefly stating the basis of the protest or intervention. Such interested party shall, at the same time, serve a copy of the protest or intervention to the person filing the application. An original and nine (9) copies shall be filed with the Commission (Rule 503.f.). **Anyone who files a protest or intervention must be available to participate in a prehearing conference during the week of August 8, 2005.** Pursuant to Rule 503.e., if a party who has received notice under Rule 503.b. wishes to receive further pleadings in the above-referenced matter, that party must file a protest or intervention in accordance with these rules. In accordance with the practices of the Commission, should no protests or interventions be filed in this matter by **August 8, 2005, the Applicant may request that an administrative hearing be scheduled for the week of August 8, 2005.**

IN THE NAME OF THE STATE OF COLORADO

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

By _____
Patricia C. Beaver, Secretary

Dated at Suite 801
1120 Lincoln Street
Denver, Colorado 80203
July 14, 2005

Attorney for Applicant:
Glenn E. Porzak
Porzak, Browning, & Bushong, LLP
929 Pearl Street, Suite 300
Boulder, CO 80302
(303) 443-6800