

## **RULE 502.b VARIANCE REQUIREMENTS**

10-10-2014

A well or location requires the approval of a Rule 502.b Variance if it does not meet the exact requirements of a COGCC Rule or Spacing Order. The variance is approved via the Director's approval of the Form 2 or Form 2A.

The Form 2 and/or Form 2A for a Rule 502.b Variance require:

1. Attachments in the application packets
  - a. Rule 502.b Variance Request Letter
  - b. Signed waiver letter (in some cases)
2. Rule 502.b Variance checked on a Form 2 or 2A with the specific Rule or Order identified

It is very important to Contact the appropriate COGCC staff member prior to submitting any form that requests a Rule 502.b Variance. A discussion of all the relevant details will enable staff to explain the specific requirements and facilitate the processing of the request.

Rule 502.b. states that a variance "may be granted." Following staff review, the request will be presented to the Director for his consideration and decision.

### Rule 502.b Variance Request Letter

1. Address and write to Matt Lepore, COGCC Director (the letter should be attached to the form, *NOT* sent to the director).
2. Identify the proposed operation.
3. Identify the subject Well or Location by Operator, name, number, and legal location; also include document number of the form by which the variance will be approved.
4. Cite the applicable Rule or Order from which a variance is being requested.
5. Specify the exact requirement of the Rule or Order that, as proposed, the operation will not meet.
6. Explain exactly how the proposed operation does not meet the requirement (provide details and/or data).
7. Describe the "good faith effort" made to conduct the proposed operations in compliance with the Rule or Order from which a variance is being requested.
8. Provide an explanation of why compliance is not achievable.
9. Explain how the "requested variance will not violate the basic intent of the Oil and Gas Conservation Act" including, but not limited to, the protection of public health, safety, welfare and environment.
10. Identify any affected party and explain how the party is affected.
11. Identify any Best Management Practices that will be employed to mitigate and/or minimize negative effects of the granting of the variance.
12. Identify and attach any necessary waiver(s) obtained in support of the variance request.
13. Explain what waivers have not been obtained (if any) and why.

## **RULE 502.b VARIANCE REQUIREMENTS**

10-10-2014

### Signed Waiver (if required)

1. Written to the affected party (usually encroached upon)
2. Identifies the well/location by operator, name, number, and legal location
3. Cites the applicable rule or order
4. Specifies the exact requirement of that rule that the well/location does not meet
5. Explains how the well/location does not meet the requirement - provide actual data (usually an actual distance)
6. Explains why the well/location is proposed to not meet the requirement
7. Clearly state that, by signing, the affected party waives the protection provided by the cited Rule or Order