

Weld County Comment #1

The disposal well facility operator has had a pre-application meeting with the Weld County Planning Department and at this time plans to rezone to Industrial and go through the Site Review Process, which will require public hearings and a 3-mile referral radius, which will include referrals to the City of Brighton. This proposed facility is not for oil and gas production, therefore the COGCC has no authority to approve the site. Disposal facility siting is under the authority of the local governing body. Troy Swain, Weld Oil/Gas Liaison and LGD (970) 400-3579.

Response Weld County Comment #1

NGL has worked closely with Weld County on the local permitting and zoning application. At this time the County and NGL expect the application to be finalized at the August hearing and approved in September. At this time all concerns with Weld County have been addressed. NGL will continue to work closely with the county to address questions and concerns if they arise.

Brighton Comments #1 (TRANSPORTATION)

The proposed NGL Water Solutions (“NGL”) South Weld SWD Facility is located on North Main - also known as County Road 27. The affected section of North Main is within the Brighton city limits and is maintained by the City of Brighton. Brighton has not yet been approached for an access permit and will require additional information from NGL such as the haul route, the number of trucks expected, and the contents of the trucks before it can consider approval of a proposed access onto North Main. Using the numbers supplied by NGL on its Form 31 application, NGL is expecting to inject 10,000 – 25,000 barrels of drilling waste per day which would require the site to be accessed by 70 – 170 water trucks. From the information provided, it is not clear whether truck traffic will be coming from the north or through downtown Brighton from the south. Either route could cause damage to Brighton’s roads, increase maintenance costs, and cause a notable increase in heavy truck traffic.

Response to City of Brighton Comment 1 (Traffic and Transportation)

The operator has made multiple attempts to contact the City of Brighton to discuss access to this site. Currently Brighton has been unwilling to engage in constructive discussion for a new access point along WCR 27 (North Main). NGL submitted an access permit to the City of Brighton in late June 2018. The permit was denied, and the city requested additional information and referenced an unlawful moratorium adopted by the city early June 2018. NGL continues to try and work with the City of Brighton to address the concerns in the denial. However, Brighton has been unwilling to engage in discussion with the operator. Matt Sura’s last communication

was to tell the operator that he would like to schedule a meeting, however since this correspondence Mr. Sura has been unwilling or unable to do so. The operator remains committed to working with the city to gain access at the proposed access point. Additionally, NGL has performed a full traffic analysis and is prepared to work with the city to address and mitigate any impact related to this project. Current plans call for using Highway 85, WCR 6 and WCR 27 to access the site. The existing land use surrounding this site is heavy industrial, including Martin Marietta, Vestas Blades, FMC Technologies, and other industrial uses. The roads used to access this site were built with heavy industrial use in mind. The increase in traffic from the South Weld Facility will be minimal and can be mitigated if Brighton is willing to engage in constructive discussion with the operator. While traffic impact during the development stage will be heavier, long term plans for the site include water gathering lines that will allow water to be delivered via pipeline. The gathering system will significantly decrease traffic and impacts on Brighton roads as well as other roads in this area of the Basin.

Brighton Comments # 2 (DISTANCE FROM BUILDING UNITS)

NGL's Form 2A application proposes production facilities only 307 feet from a Building Unit to the south. As proposed, NGL's application appears to be out of compliance with setback rules requiring at least 500 feet between a production facility and a Building Unit unless (1) the applicant receives a waiver from all Building Unit owners within 500 feet or (2) they request a variance before the COGCC. (Rule 604.a.(1)). In this case, it appears that NGL has done neither and therefore the application must be denied. NGL included a "Rule 305A Certification of Compliance" (Doc# 401617720) but did not include any description of the effort made to contact impacted Building Unit owners within 500 feet. The City of Brighton would like some evidence that the owner of the Building Unit was actually contacted. The proposed injection well location is a multi-well production facility. NGL failed to provide an "alternative location analysis" to support its assertion that its multi-well injection facility is "far as possible from Building Units" as required by Rule 604.c.(2)E.i. The instructions on the Form 2A application itself states how the COGCC interprets this requirement: (Pursuant to Rule 604.c.(2)E.i., the operator must evaluate alternative locations for the Production Facilities that are farther from the Building Unit, and determine whether those alternative locations were technically feasible and economically practicable for the same proposed development.)As indicated above, the COGCC has interpreted COGCC Rule 604.c.(2)E.i to require an evaluation of alternative locations for production facilities and some explanation of why alternative locations farther from building units were not selected. Only through an alternative location analysis can an operator demonstrate that other alternative locations, farther from Building Units, are not technologically feasible or economically practicable. The idea that an injection well must be located within 500 feet of a Building Unit, defies all reason. An injection well is not dependent on a mineral right and therefore can be located anywhere. The applicant is required to either secure a waiver, go through the variance process, or find another location for the injection facility. 3) LOCAL GOVERNMENT APPROVAL IS REQUIRED: The City of Brighton agrees with Weld County

LGD Troy Swain who wrote in his comments: “Disposal facility siting is under the authority of the local governing body.” An injection well does not fall under the same state preemption law that governs other oil and gas decisions. As COGCC Matt Lepore reiterated to the Garfield County Commissioners several times during a public hearing on September 19, 2016, “There is not a mineral right associated with the injection permit. So, if the County does not approve the site for this well then that decision has primacy.” Weld County has started its Site Review Process that will require public hearings. In this case, it would be best if the COGCC waited for the outcome of the local government process prior to considering this application. Thank you for the opportunity to comment. Sincerely, Matt Sura

Response City of Brighton Comment 2 (Building Unit Offsets & UMA)

NGL recognized the setback distance to building units at this location needed to be changed. NGL worked with the COGCC and have made necessary adjustments to the proposed Form 2A. The revised layout is still in an UMA, however no Building Unit waivers are required due to increase setback distance. All building units are now located over 500’ away from the wells and equipment. The current layout is in compliance with all COGCC 300 series and 600 series rules.

NGL choose this site due to its proximity to HWY 85 as well as the other land uses surrounding the property. Other sites were evaluated as well as other pad sites within this property. Given the surrounding industrial land use and lack of offsetting residential building units, NGL deemed the current siting of this location to be the least impactful. Moving the pad north or east would have placed the pad closer to residential building units. Moving the pad south or west was not possible due to COGCC safety setback rules related to property lines, power lines, and commercial building units.

NGL agrees with both Weld County and City of Brighton that “Disposal facility siting is under the authority of the local governing body.” In this case that siting decision is under Weld County’s authority and NGL has worked with the county to site this facility. At this time NGL and the county are in agreement and approval is expected in August.

At this time NGL respectfully requests the South Weld Form 2A be removed from hold and processed for approval.