

**Subject:** RE: Pre-Application Meeting Request (Carbon Storage Solutions)

**From:** Jason Maxey <jmaxey@weld.gov>

**Date:** 2/21/2024, 2:53 PM

**To:** Benjamin Pittsley <bp@s-companies.com>

**CC:** Dan Sanders <drsanders@frontrangeenergy.com>, Kelly Holliday <kholliday@weld.gov>, "Frissell - DNR, Ben" <ben.frissell@state.co.us>

Mr. Pittsley,

Sincere apologies on a delayed response to your email I received on 2-2-24.

Weld County 1041 WOGLA code includes a definition for Stratigraphic Well, along with other definitions that mention "exploration" and "test bores". However, Stratigraphic Wells do not meet the intent of the 1041 WOGLA code, nor in my opinion does their purpose fall under the County's designation of a mineral resource (oil and gas) area of state interest (see Weld Code Section 21-5-10).

Additionally, my understanding of this undertaking by Summit is to evaluate the possibility of utilizing these test bores / wells as carbon sequestration wells, which would fall under the category of Class VI wells. As you know Weld County does not have rules specific to Class VI wells, although we will be working to develop them in the near future.

We do not have any concerns with the proposal to drill a Stratigraphic Well, and we would not require a 1041 WOGLA Permit at this time.

I would kindly ask, that you please keep us in the loop regarding any submittals to the ECMC required per their Order No. 1-326. We will not take an active role in reviewing the materials submitted, but since this is new territory for many people, the information will be helpful as we consider future County code and processes.

Please also be aware that most roadways in the immediate area are under the Town of Windsor's jurisdiction. Summit will need to work with the Town on any roadway type items such as access or maintenance. There is a section of CR 29, north of the railroad tracks, that is under County jurisdiction. If there are any types of permits required for this section of road, you will still be required to secure those through Public Works.

Let me know of any additional questions. We are excited to work (and learn) with Summit on this development, and to continue the discussion about the future of carbon sequestration wells in the County.

Thank you,

**Jason S. Maxey**

Director

Oil & Gas Energy Department

[jmaxey@weld.gov](mailto:jmaxey@weld.gov)

970-400-3579

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**From:** Benjamin Pittsley <bp@s-companies.com>

**Sent:** Friday, February 2, 2024 7:49 AM

**To:** Jason Maxey <jmaxey@weld.gov>

**Cc:** Dan Sanders <drsanders@frontrangeenergy.com>; Kelly Holliday <kholliday@weld.gov>; Frissell - DNR, Ben <ben.frissell@state.co.us>

**Subject:** Re: Pre-Application Meeting Request (Carbon Storage Solutions)

**Caution:** This email originated from outside of Weld County Government. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Director Maxey,

As you know we are getting closer toward submitting our Form 2A and "modified" Form 2B on behalf of Carbon Storage Solutions for the permitting of a stratigraphic well. Prior to our ECMC Pre-App Consultation held 12/21/23, you and I discussed Weld County's position on this project. At that time you explained that Weld was the LGD and that our project did not meet the criteria required for a 1041 WOGLA. We had discussed the need for a simple letter from your office stating as much, so that we may provide this to ECMC as part of our application process. If you recall, I explained a very similar process that we took with the City of Windsor in early 2023 on an earlier stratigraphic well.

I know you and your group are very busy, but I was hoping we could formally request this letter? If there is anything you need from us to help facilitate this request, please let us know.

Kindly,  
Ben

On 12/4/2023 9:01 AM, Benjamin Pittsley wrote:

This works for us!  
Thank you,  
Ben

On 12/4/2023 8:59 AM, Frissell - DNR, Ben wrote:

Thank you for the thorough reply. I think waiting to hear from Weld before moving forward with scheduling a meeting would be beneficial especially if they determine they would like to be involved in the permitting process. However, I do not want to hold up your submission. So, my suggestion is that if you do not hear something from Weld by the end of the week I can get you scheduled for a pre-app with ECMC staff (CDPHE and CPW are always invited) and invite Weld to join our process vs. joining theirs.

Does that work for you?

Thank you,

On Mon, Dec 4, 2023 at 8:47 AM Benjamin Pittsley <[bp@s-companies.com](mailto:bp@s-companies.com)> wrote:

Good Morning Ben,

I've CC'd Director Maxey and Jennifer Teeters of Weld County OGED on this communication.

A number of months ago I reached out to Director Maxey regarding Weld County's process for these kinds of projects. At the time he informed me that Weld County hadn't yet formed a process for these programs, similar to Class II wells. He stated that since Colorado doesn't have primacy over Class VI, the County has only just begun discussing

how to handle the programs. Director Maxey went on to state that he didn't believe we needed to present anything in a hearing, and that some type of letter that we could provide ECMC detailing how this is exempt from a 1041WOGA was a reasonable request. At the time, he stated he needed to regroup with the County Attorney to see how to best move forward.

On Thursday 11/30, one hour after we submitted this packet to your office, we submitted the identical packet to Director Maxey, in hopes that we could meet with OGED to discuss this project, in order to receive a letter stating that we were exempt from the 1041WOGA process.

I agree with your statement below, typically when permitting a surface location we would be part of a pre-application consultation for the 1041WOGA with Weld County OGED, where ECMC and other regulatory bodies would attend. Given this situation and my somewhat recent communication with Director Maxey, I'm uncertain if a similar meeting will be scheduled or not.

Our team will wait to hear from Director Maxey on OGED's preferred path forward. We're happy to meet with Weld County and ECMC together, or independently.

Kindly,  
Ben

On 12/4/2023 8:17 AM, Frissell - DNR, Ben wrote:

Good morning,

I wanted to double check that you are not having a Weld County pre-application meeting regarding this proposed project? Weld County holds their own pre-application meetings where we will join. It may be beneficial to see if they would like to hold one so we are not having two of the same meeting. If they do not care to have one then I am happy to get something scheduled.

Thanks!

On Thu, Nov 30, 2023 at 3:25 PM Benjamin Pittsley <[bp@s-companies.com](mailto:bp@s-companies.com)> wrote:

Mr. Frissell,

On behalf of our client, Dan Sanders of Carbon Storage Solutions (Operator ID: 10786), I would like to submit the attached Pre-Application Meeting Request. We have a desire to permit a stratigraphic well in Weld County, second of it's kind for Carbon Storage Solutions. We look forward to meeting with you to discuss our project.

Kindly,

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**Ben Pittsley**  
**Co-Founder & President**  
[Summit Companies](#)