

## RULES AND REGULATIONS

### DEFINITIONS (100 Series)

**ACT** shall mean the Oil and Gas Conservation Act of the State of Colorado.

**APPLICANT** shall mean the person who institutes a proceeding before the Commission which it has standing to institute under these rules.

**AQUIFER** shall mean a geologic formation, group of formations or part of a formation that can both store and transmit ground water. It includes both the saturated and unsaturated zone but does not include the confining layer which separates two (2) adjacent aquifers.

**AUTHORIZED DEPUTY** shall mean a representative of the Director as authorized by the Commission.

**AVAILABLE WATER SOURCE** shall mean a water source for which the water well owner, owner of a spring, or a land owner, as applicable, has given consent for sampling and testing and has consented to having the sample data obtained made available to the public, including without limitation, being posted on the COGCC website.

**BARREL** shall mean 42 (U.S.) gallons at 60° F. at atmospheric pressure.

**BATTERY** shall mean the point of collection (tanks) and disbursement (tank, meter, LACT unit) of oil or gas from producing well(s).

**BASE FLUID** shall mean the continuous phase fluid type, such as water, used in a hydraulic fracturing treatment.

**BEST MANAGEMENT PRACTICES (BMPs)** are practices that are designed to prevent or reduce impacts caused by oil and gas operations to air, water, soil, or biological resources, and to minimize adverse impacts to public health, safety and welfare, including the environment and wildlife resources.

**BRADENHEAD** shall mean the annular space between the surface casing and the next smaller diameter casing string that extends up to the wellhead.

**BRADENHEAD TEST AREA** shall mean any area designated as a bradenhead test area by the Commission under Rule 207.b.

**BUILDING UNIT** shall mean a Residential Building Unit; and every five thousand (5,000) square feet of building floor area in commercial facilities or every fifteen thousand (15,000) square feet of building floor area in warehouses that are operating and normally occupied during working hours.

**CEASE AND DESIST ORDER** shall mean an order issued by the Commission or the Director pursuant to C.R.S. §34-60-121(5).

**CEMENT** shall be measured in 94-pound sacks.

**CENTRALIZED E&P WASTE MANAGEMENT FACILITY** shall mean a facility, other than a commercial disposal facility regulated by the Colorado Department of Public Health and Environment, that (1) is either used exclusively by one owner or operator or used by more than one operator under an operating agreement; and (2) is operated for a period greater than three (3) years; and (3) receives for collection, treatment, temporary storage, and/or disposal produced water, drilling fluids, completion fluids, and any other exempt E&P wastes that are generated from two or more production units or areas or from a set of commonly owned or operated leases. This definition includes oil-field naturally occurring radioactive

materials (NORM) related storage, decontamination, treatment, or disposal. This definition excludes a facility that is permitted in accordance with Rule 903 pursuant to Rule 902.e.

**CHEMICAL ABSTRACTS SERVICE** shall mean the division of the American Chemical Society that is the globally recognized authority for information on chemical substances.

**CHEMICAL ABSTRACTS SERVICE NUMBER OR CAS NUMBER** shall mean the unique identification number assigned to a chemical by the chemical abstracts service.

**CHEMICAL(S)** shall mean any element, chemical compound, or mixture of elements or compounds that has its own specific name or identity such as a chemical abstract service number, whether or not such chemical is subject to the requirements of 29 Code of Federal Regulations §1910.1200(g)(2) (2011).

**CHEMICAL DISCLOSURE REGISTRY** shall mean the chemical registry website known as fracfocus.org developed by the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission. If such website becomes permanently inoperable, then chemical disclosure registry shall mean another publicly accessible information website that is designated by the Commission.

**CHEMICAL FAMILY** shall mean a group of chemicals that share similar chemical properties and have a common general name.

**CHEMICAL INVENTORY** shall mean a list of the Chemical Products (including Material Safety Data Sheets) brought to a well site for use downhole during drilling, completion, and workover operations, including fracture stimulations, and the maximum capacity of fuel stored on the oil and gas location during those operations. The Chemical Inventory shall include how much of the Chemical Product was used, how it was used, and when it was used.

**CHEMICAL PRODUCT** shall mean any substance consisting of one or more constituent chemicals that is marketed or sold as a commodity. Chemical Products shall not include substances that are known to be entirely benign, innocuous, or otherwise harmless, such as sand, walnut shells, and similar natural substances.

**CLASSIFIED WATER SUPPLY SEGMENT** shall mean perennial or intermittent streams, which are surface waters classified as being suitable or intended to become suitable for potable water supplies by the Colorado Water Quality Control Commission, pursuant to the Basic Standards and Methodologies for Surface Water Regulations (5 C.C.R. 1002-31).

**COMMERCIAL DISPOSAL WELL FACILITY** shall mean a facility whose primary objective is disposal of Class II waste from a third party for financial profit.

**COMMISSION** shall mean the Oil and Gas Conservation Commission of the State of Colorado.

**COMPLETION.** An oil well shall be considered completed when the first new oil is produced through wellhead equipment into lease tanks from the ultimate producing interval after the production string has been run. A gas well shall be considered completed when the well is capable of producing gas through wellhead equipment from the ultimate producing zone after the production string has been run. A dry hole shall be considered completed when all provisions of plugging are complied with as set out in these rules. Any well not previously defined as an oil or gas well, shall be considered completed ninety (90) days after reaching total depth. If approved by the Director, a well that requires extensive testing shall be considered completed when the drilling rig is released or six months after reaching total depth, whichever is later.

**COMPREHENSIVE DRILLING PLAN** shall mean a plan created by one or more operator(s) covering future oil and gas operations in a defined geographic area within a geologic basin. The Plan may (a) identify natural features of the geographic area, including vegetation, wildlife resources, and other

attributes of the physical environment; (b) describe the operator's future oil and gas operations in the area; (c) identify potential impacts from such operations; (d) develop agreed-upon measures to avoid, minimize, and mitigate the identified potential impacts; and (e) include other relevant information.

**CONTAINER** shall mean any portable device in which a hazardous material is stored, transported, treated, disposed of, or otherwise handled. Examples include, but are not limited to, drums, barrels, totes, carboys, and bottles.

**CORNERING AND CONTIGUOUS UNITS** when used in reference to an exception location shall mean those lands which make up the unit(s) immediately adjacent to and toward which a well is encroaching upon established setbacks.

**CROP LAND** shall mean lands which are cultivated, mechanically or manually harvested, or irrigated for vegetative agricultural production.

**CUBIC FOOT** of gas shall mean the volume of gas contained in one cubic foot of space at a standard pressure base and a standard temperature base. The standard pressure base shall be 14.73 psia, and the standard temperature base shall be 60° Fahrenheit.

**D–J BASIN FOX HILLS PROTECTION AREA** shall mean that area of the State consisting of Townships 5 South through Townships 5 North, Ranges 58 West through 70 West, and Township 6 South, Ranges 65 West through 70 West.

**DAY** shall mean calendar days.

**DEDICATED INJECTION WELL** shall mean any Class II wells used for the exclusive purpose of injecting fluids or gas from the surface for enhanced oil recovery or the disposal of E&P wastes. A gas storage well is not a dedicated injection well.

**DESIGNATED AGENT**, when used herein shall mean the designated representative of any producer, operator, transporter, refiner, gasoline or other extraction plant operator, or initial purchaser.

**DESIGNATED SETBACK LOCATION** shall mean any Oil and Gas Location upon which any Well or Production Facility is or will be situated within, a Buffer Zone Setback (1,000 feet), or an Exception Zone Setback (500 feet), or within one thousand (1,000) feet of a High Occupancy Building Unit or a Designated Outside Activity Area, as referenced in Rule 604. The measurement for determining any Designated Setback Location shall be the shortest distance between any existing or proposed Well or Production Facility on the Oil and Gas Location and the nearest edge or corner of any Building Unit, nearest edge or corner of any High Occupancy Building Unit, or nearest boundary of any Designated Outside Activity Area.

**DESIGNATED OUTSIDE ACTIVITY AREA:** Upon Application and Hearing, the Commission, in its discretion, may establish a Designated Outside Activity Area (DOAA) for:

- (i) an outdoor venue or recreation area, such as a playground, permanent sports field, amphitheater, or other similar place of public assembly owned or operated by a local government, which the local government seeks to have established as a Designated Outside Activity Area; or
- (ii) an outdoor venue or recreation area, such as a playground, permanent sports field, amphitheater, or other similar place of public assembly where ingress to, or egress from the venue could be impeded in the event of an emergency condition at an Oil and Gas Location less than three hundred and fifty (350) feet from the venue due to the configuration of the venue and the number of persons known or expected to simultaneously occupy the venue on a regular basis.

The Commission shall determine whether to establish a Designated Outside Activity Area and, if so, the appropriate boundaries for the DOAA based on the totality of circumstances and consistent with the purposes of the Oil and Gas Conservation Act.

**DIRECTOR** shall mean the Director of the Oil and Gas Conservation Commission of the State of Colorado or any member of the Director's staff authorized to represent the Director.

**DOMESTIC GAS WELL** shall mean a gas well that produces solely for the use of the surface owner. The gas produced cannot be sold, traded or bartered.

**DRILLING PITS** shall mean those pits used during drilling operations and initial completion of a well, and include:

**ANCILLARY PITS** used to contain fluids during drilling operations and initial completion procedures, such as circulation pits and water storage pits.

**COMPLETION PITS** used to contain fluids and solids produced during initial completion procedures, and not originally constructed for use in drilling operations.

**FLOWBACK PITS** used to contain fluids and solids produced during initial completion procedures.

**RESERVE PITS** used to store drilling fluids for use in drilling operations or to contain E&P waste generated during drilling operations and initial completion procedures.

**EMERGENCY ORDER** shall mean an order issued by the Commission pursuant to C.R.S. §34-60-108(3).

**EMERGENCY SITUATION** for purposes of C.R.S. §34-60-121(5) and the rules promulgated thereunder shall mean a fact situation which presents an immediate danger to public health, safety or welfare.

**EXPLORATION AND PRODUCTION WASTE (E&P WASTE)** shall mean those wastes associated with operations to locate or remove oil or gas from the ground or to remove impurities from such substances and which are uniquely associated with and intrinsic to oil and gas exploration, development, or production operations that are exempt from regulation under Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 USC Sections 6921, et seq. For natural gas, primary field operations include those production-related activities at or near the wellhead and at the gas plant (regardless of whether or not the gas plant is at or near the wellhead), but prior to transport of the natural gas from the gas plant to market. In addition, uniquely associated wastes derived from the production stream along the gas plant feeder pipelines are considered E&P wastes, even if a change of custody in the natural gas has occurred between the wellhead and the gas plant. In addition, wastes uniquely associated with the operations to recover natural gas from underground storage fields are considered to be E&P waste.

**FIELD** shall mean the general area which is underlaid or appears to be underlaid by at least one pool; and "field" shall include the underground reservoir or reservoirs containing oil or gas or both. The words "field" and "pool" mean the same thing when only one underground reservoir is involved; however, "field", unlike "pool", may relate to two or more pools.

**FINANCIAL ASSURANCE** shall mean a surety bond, cash collateral, certificate of deposit, letter of credit, sinking fund, escrow account, lien on property, security interest, guarantee, or other instrument or method in favor of and acceptable to the Commission. With regard to third party liability concerns related to public health, safety and welfare, the term encompasses general liability insurance.

**FIRST AID TREATMENT** shall mean using a non-prescription medication at non-prescription strength; administering tetanus immunizations; cleaning, flushing, or soaking wounds on the surface of the skin; using wound coverings such as bandages, gauze pads, or butterfly bandages; using hot or cold therapy;

using any non-rigid means of support such as elastic bandages; using temporary immobilization devices when transporting an accident victim; drilling of a fingernail or toenail to relieve pressure or draining fluid from a blister; using eye patches; removing foreign bodies from the eye using only irrigation or a cotton swab; removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs, or other simple means; using finger guards; using massages; or drinking fluids for the relief of heat stress.

**FLOODPLAIN** shall mean any area of land officially declared to be in a 100 year floodplain by any Colorado Municipality, Colorado County, State Agency, or Federal Agency.

**FLOWLINES** shall mean those segments of pipe from the wellhead downstream through the production facilities ending at: in the case of gas lines, the gas metering equipment; or in the case of oil lines the oil loading point or LACT unit; or in the case of water lines, the water loading point, the point of discharge to a pit, the injection wellhead, or the permitted surface water discharge point.

**GAS FACILITY** shall mean those facilities that process or compress natural gas after production-related activities which are conducted at or near the wellhead and prior to a point where the gas is transferred to a carrier for transport.

**GAS STORAGE WELL** means any well drilled for the injection, withdrawal, production, observation, or monitoring of natural gas stored in underground formations. The fact that any such well is used incidentally for the production of native gas or the enhanced recovery of native hydrocarbons shall not affect its status as a gas storage well.

**GAS WELL** shall mean a well, the principal production of which at the mouth of the well is gas, as defined by the Act.

**GATHERING LINE** shall mean a pipeline and equipment described below that transports gas from a production facility (ordinarily commencing downstream of the final production separator at the inlet flange of the custody transfer meter) to a natural gas processing plant or transmission line or main. The term "gathering line" includes valves, metering equipment, communication equipment, cathodic protection facilities, and pig launchers and receivers, but does not include dehydrators, treaters, tanks, separators, or compressors located downstream of the final production facilities and upstream of the natural gas processing plants, transmission lines, or main lines.

**GREEN COMPLETION PRACTICES** shall mean those practices intended to reduce emissions of salable gas and condensate vapors during cleanout and flowback operations prior to the well being placed on production.

**GROUNDWATER** means subsurface waters in a zone of saturation.

**HEALTH PROFESSIONAL** shall mean a physician, physician assistant, nurse practitioner, registered nurse, or emergency medical technician licensed by the State of Colorado.

**HIGH OCCUPANCY BUILDING UNIT** shall mean:

- any operating Public School as defined in § 22-7-703(4), C.R.S., Nonpublic School as defined in § 22-30.5-103.6(6.5), C.R.S., Nursing Facility as defined in § 25.5-4-103(14), C.R.S., Hospital, Life Care Institutions as defined in § 12-13-101, C.R.S., or Correctional Facility as defined in § 17-1-102(1.7), C.R.S., provided the facility or institution regularly serves 50 or more persons; or
- an operating Child Care Center as defined in § 26-6-102(1.5), C.R.S.

**HORIZONTAL WELL** shall mean a well which is drilled in such a way that the wellbore deviates laterally to an approximate horizontal orientation within the target formation with the length of the horizontal component of the wellbore extending at least one hundred feet (100') in the target formation, measured from the initial point of penetration into the target formation through the terminus of the horizontal component of the wellbore in the same common source of hydrocarbon supply.

**HYDRAULIC FRACTURING ADDITIVE** shall mean any chemical substance or combination of substances, including any chemicals and proppants, that is intentionally added to a base fluid for purposes of preparing a hydraulic fracturing fluid for treatment of a well.

**HYDRAULIC FRACTURING FLUID** shall mean the fluid, including the applicable base fluid and all hydraulic fracturing additives, used to perform a hydraulic fracturing treatment.

**HYDRAULIC FRACTURING TREATMENT** shall mean all stages of the treatment of a well by the application of hydraulic fracturing fluid under pressure that is expressly designed to initiate or propagate fractures in a target geologic formation to enhance production of oil and natural gas.

**INACTIVE WELL** shall mean any shut-in well from which no production has been sold for a period of twelve (12) consecutive months; any well which has been temporarily abandoned for a period of six (6) consecutive months; or, any injection well which has not been utilized for a period of twelve (12) consecutive months.

**INDIAN LANDS** shall mean those lands located within the exterior boundaries of a defined Indian reservation, including allotted Indian lands, in which the legal, beneficial, or restricted ownership of the underlying oil, gas, or coal bed methane or of the right to explore for and develop the oil, gas, or coal bed methane belongs to or is leased from an Indian tribe.

**INTERVENOR** shall mean a local government, or the Colorado Department of Public Health and Environment intervening solely to raise environmental or public health, safety and welfare concerns, or the Colorado Parks and Wildlife intervening solely to raise wildlife resource concerns, in which case the intervention shall be granted of right, or a person who has timely filed an intervention in a relevant proceeding and has demonstrated to the satisfaction of the Commission that the intervention will serve the public interest, in which case the person may be recognized as a permissive intervenor at the Commission's discretion.

**LACT** ("Lease Automated Custody Transfer") shall mean the transfer of produced crude oil or condensate, after processing or treating in the producing operations, from storage vessels or automated transfer facilities to pipelines or any other form of transportation.

**LAND APPLICATION** shall mean the disposal method by which E&P waste is spread upon or sometimes mixed into soils.

**LAND TREATMENT** shall mean the treatment method by which E&P waste is applied to soils and treated to result in a reduction of hydrocarbon concentration by biodegradation and other natural attenuation processes. Land treatment may be enhanced by tilling, disking, aerating, composting and the addition of nutrients or microbes.

**LOCAL GOVERNMENT** means a county, home rule or statutory city, town, territorial charter city or city and county, or any special district established pursuant to the Special District Act, C.R.S. §32-1-101 to 32-1-1807 (2013).

**LOCAL GOVERNMENTAL DESIGNEE** means the office designated to receive, on behalf of the local government, copies of all documents required to be filed with the local governmental designee pursuant to these rules.

**LOG or WELL LOG** shall mean a systematic detailed record of formations encountered in the drilling of a well.

**MATERIAL SAFETY DATA SHEET (MSDS)** shall mean the most current version of written or printed material concerning a hazardous chemical.

**MEDICAL TREATMENT** shall mean the management and care of a patient to combat a disease or disorder. An injury or illness is an abnormal condition or disorder. Injuries include cases such as, but not limited to, a cut, fracture, sprain, or amputation. Illnesses include both acute and chronic illnesses, such as, but not limited to, a skin disease, respiratory disorder, or poisoning. "Medical treatment" includes situations where a physician or other licensed health care professional recommends medical treatment but the employee does not follow the recommendation. "Medical treatment" does not include first aid treatment, as defined herein, visits to a physician or other licensed health care professional solely for observation or counseling, or the conduct of diagnostic procedures such as x-rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes.

**MINIMIZE ADVERSE IMPACTS** shall mean, wherever reasonably practicable, to avoid adverse impacts to wildlife resources or significant adverse impacts to the environment from oil and gas operations, minimize the extent and severity of those impacts that cannot be avoided, mitigate the effects of unavoidable remaining impacts, and take into consideration cost-effectiveness and technical feasibility with regard to actions and decisions taken to minimize adverse impacts.

**MINIMIZE EROSION** shall mean implementing best management practices that are selected based on site-specific conditions and maintained to reduce erosion. Representative erosion control practices include, but are not limited to, revegetation of disturbed areas, mulching, berms, diversion dikes, surface roughening, slope drains, check dams, and other comparable measures.

**MITIGATION** with respect to wildlife resources shall mean measures that compensate for adverse impacts to such resources, including, as appropriate, habitat enhancement, on-site habitat mitigation, off-site habitat mitigation, or mitigation banking.

**MULTI-WELL PITS** shall mean pits used for treatment, storage, recycling, reuse, or disposal of E&P wastes generated from more than one (1) well that do not constitute a centralized E&P waste management facility and that will be in use for no more than three (3) years.

**MULTI-WELL SITE** shall mean a common well pad from which multiple wells may be drilled to various bottomhole locations.

**NON-CROP LAND** shall mean all lands which are not defined as crop land, including range land.

**OIL AND GAS FACILITY** shall mean equipment or improvements used or installed at an oil and gas location for the exploration, production, withdrawal, gathering, treatment, or processing of oil or natural gas.

**OIL AND GAS LOCATION** shall mean a definable area where an operator has disturbed or intends to disturb the land surface in order to locate an oil and gas facility.

**OIL AND GAS OPERATIONS** means exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting, drilling, deepening, recompletion, reworking, or abandonment of an oil and gas well, underground injection well, or gas storage well; production operations related to any such well including the installation of flowlines and gathering systems; the generation, transportation, storage, treatment, or disposal of exploration and production wastes; and any construction, site preparation, or reclamation activities associated with such operations.

**OIL WELL** shall mean a well, the principal production of which at the mouth of the well is oil, as defined by the Act.

**OPERATOR** shall mean any person who exercises the right to control the conduct of oil and gas operations.

**ORDINARY HIGH-WATER LINE** shall mean the line that water impresses on the land by covering it for sufficient periods to cause physical characteristics that distinguish the area below the line from the area above it. Characteristics of the area below the line include, when appropriate, but are not limited to, deprivation of the soil of substantially all terrestrial vegetation and destruction of its agricultural vegetative value. A flood plain adjacent to surface waters is not considered to lie within the surface waters' ordinary high-water line.

**ORPHAN WELL** shall mean a well for which no owner or operator can be found, or where such owner or operator is unwilling or unable to plug and abandon such well.

**ORPHANED SITE** shall mean a site, where a significant adverse environmental impact may be or has been caused by oil and gas operations for which no responsible party can be found, or where such responsible party is unwilling or unable to mitigate such impact.

**OWNER** shall mean the person who has the right to drill into and produce from a pool and to appropriate the oil or gas produced therefrom either for such owner or others or for such owner and others, including owners of a well capable of producing oil or gas, or both.

**PETITION FOR REVIEW** shall mean the written request filed by a Complainant for Commission review of the Director's resolution of a complaint filed on a Form 18, Complaint Report.

**PIT** shall mean any natural or man-made depression in the ground used for oil or gas exploration or production purposes. Pit does not include steel, fiberglass, concrete or other similar vessels which do not release their contents to surrounding soils.

**PLUGGING AND ABANDONMENT** shall mean the cementing of a well, the removal of its associated production facilities, the removal or abandonment in-place of its flowline, and the remediation and reclamation of the wellsite.

**POINT OF COMPLIANCE** means one or more points or locations at which compliance with applicable groundwater standards established under Water Quality Control Commission Basic Standards for Groundwater, Section 3.11.4, must be achieved.

**POLLUTION** means man-made or man-induced contamination or other degradation of the physical, chemical, biological, or radiological integrity of air, water, soil, or biological resource.

The words **POOL, PERSON, OWNER, PRODUCER, OIL, GAS, WASTE, CORRELATIVE RIGHTS and COMMON SOURCE OF SUPPLY** are defined by the Act, and said definitions are hereby adopted in these Rules and Regulations. The word "operator" is used in these rules and regulations and accompanying forms interchangeably with the same meaning as the term "owner" except in Rules 301, 323, 401 and 530 where the word "operator" is used to identify the persons designated by the owner or owners to perform the functions covered by those rules.

**PRODUCED AND MARKETED.** These words, as used in the Act, shall mean, when oil shall have left the lease tank battery or when natural gas shall have passed the metering point and entered into the stream of commerce as its first step toward the ultimate consumer.

**PRODUCTION FACILITY** shall mean any storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flowline, and other equipment directly associated with oil wells, gas wells, or injection wells.

**PRODUCTION PITS** shall mean those pits used after drilling operations and initial completion of a well, including pits at natural gas gathering, processing and storage facilities, which constitute:

**SKIMMING/SETTLING PITS** used to provide retention time for settling of solids and separation of residual oil for the purposes of recovering the oil or fluid.

**PRODUCED WATER PITS** used to temporarily store produced water prior to injection for enhanced recovery or disposal, off-site transport, or surface-water discharge.

**PERCOLATION PITS** used to dispose of produced water by percolation and evaporation through the bottom or sides of the pits into surrounding soils.

**EVAPORATION PITS** used to contain produced waters which evaporate into the atmosphere by natural thermal forces.

**PROPPANT** shall mean sand or any natural or man-made material that is used in a hydraulic fracturing treatment to prop open the artificially created or enhanced fractures once the treatment is completed.

**PROTESTANT** shall mean a person who has timely filed a protest in a relevant proceeding and has demonstrated to the Commission's satisfaction that the person filing the protest would be directly and adversely affected or aggrieved by the Commission's ruling in the proceeding, and that any injury or threat of injury sustained would be entitled to legal protection under the act.

**PUBLIC WATER SYSTEM** shall mean those systems listed in Appendix VI to these Rules. These systems provide to the public water for human consumption through pipes or other constructed conveyances, if such systems have at least fifteen (15) service connections or regularly serve an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such definition includes:

- (i) Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system.
- (ii) Any collection or pretreatment storage facilities not under such control, which are used primarily in connection with such system.

The definition of "Public Water System" for purposes of Rule 317B does not include any "special irrigation district," as defined in Colorado Primary Drinking Water Regulations (5 C.C.R. 1003.1).

**RECLAMATION** shall mean the process of returning or restoring the surface of disturbed land as nearly as practicable to its condition prior to the commencement of oil and gas operations or to landowner specifications with an approved variance under Rule 502.b.

**REFERENCE AREA** shall mean an area either (1) on a portion of the site that will not be disturbed by oil and gas operations, if that is the desired final reclamation; or (2) another location that is undisturbed by oil and gas operations and proximate and similar to a proposed oil and gas location in terms of vegetative potential and management, owned by a person who agrees to allow periodic access to it by the Director and the operator for the purpose of providing baseline information for reclamation standards, and intended to reflect the desired final reclamation.

**REGULATORY COMPLIANCE PROGRAM** shall mean a documented program that evaluates an operator's operations on a scheduled basis to determine compliance with regulatory requirements,

especially those required by the Act, or Commission rules, orders, or permits. Such a program should include written procedures, a recognized authority within the organization, and designated personnel whose purpose is monitoring and maintaining compliance with applicable regulatory requirements, and documentation of results of evaluations conducted.

**RELEASE** shall mean any unauthorized discharge of E&P waste to the environment over time.

**REMEDIATION** shall mean the process of reducing the concentration of a contaminant or contaminants in water or soil to the extent necessary to ensure compliance with the concentration levels in Table 910-1 and other applicable ground water standards and classifications.

**RESERVE PITS** shall mean those pits used to store drilling fluids for use in drilling operations or to contain E&P waste generated during drilling operations and initial completion procedures.

**RESIDENTIAL BUILDING UNIT** means a building or structure designed for use as a place of residency by a person, a family, or families. The term includes manufactured, mobile, and modular homes, except to the extent that any such manufactured, mobile, or modular home is intended for temporary occupancy or for business purposes.

**RESPONDENT** shall mean a party against whom a proceeding is instituted, or a protestant who protests the granting of the relief sought in the application as provided in Rule 509.

**RESPONSIBLE PARTY** shall mean an owner or operator who conducts an oil and gas operation in a manner which is in contravention of any then-applicable provision of the Act, or of any rule, regulation, or order of the Commission, or of any permit, that threatens to cause, or actually causes, a significant adverse environmental impact to any air, water, soil, or biological resource. **RESPONSIBLE PARTY** includes any person who disposes of any other waste by mixing it with exploration and production waste so as to threaten to cause, or actually cause, a significant adverse environmental impact to any air, water, soil, or biological resource.

**RESTRICTED SURFACE OCCUPANCY AREA** shall mean the following:

- rocky mountain bighorn sheep production areas;
- desert bighorn sheep production areas;
- areas within 0.6 miles of any greater sage-grouse, Gunnison sage-grouse, and lesser prairie chicken leks (strutting and booming grounds);
- areas within 0.4 miles of any Columbian sharp-tailed grouse or plains sharp-tailed grouse leks (strutting grounds);
- areas within 1/4 mile of active Bald Eagle nest sites, Golden Eagle nest sites, or Osprey nest sites;
- areas within 1/2 mile of active Ferruginous Hawk nest sites, Northern Goshawk nest sites, Peregrine Falcon nest sites, or Prairie Falcon nest sites;
- areas located within 300 feet of the ordinary high-water mark of any stream segment located within designated Cutthroat Trout habitat; and
- areas within 300 feet of the ordinary high-water mark of a stream or lake designated by the Colorado Parks and Wildlife as "Gold Medal."

Maps showing and spatial data identifying the individual and combined extents of the above habitat areas shall be maintained by the Commission and made available on the Commission website, and copies of the maps shall be attached as Appendix VII. The extent of restricted surface occupancy areas is subject to update on a periodic but no more frequent than annual basis and may be modified only through the Commission's rulemaking process, as provided in Rule 529. Any changes to restricted surface occupancy areas shall not affect Form 2As or Comprehensive Drilling Plans approved prior to the effective date of such changes.

**SEISMIC OPERATIONS** shall mean all activities associated with acquisition of seismic data including but not limited to surveying, shothole drilling, recording, shothole plugging and reclamation.

**SENSITIVE AREA** is an area vulnerable to potential significant adverse groundwater impacts, due to factors such as the presence of shallow groundwater or pathways for communication with deeper groundwater; proximity to surface water, including lakes, rivers, perennial or intermittent streams, creeks, irrigation canals, and wetlands. Additionally, areas classified for domestic use by the Water Quality Control Commission, local (water supply) wellhead protection areas, areas within 1/8 mile of a domestic water well, areas within 1/4 mile of a public water supply well, ground water basins designated by the Colorado Ground Water Commission, and surface water supply areas are sensitive areas.

**SENSITIVE WILDLIFE HABITAT** shall mean:

- mule deer critical winter range (being both mule deer winter concentration areas (that part of the winter range where densities are at least 200% of the surrounding winter range density during the same period used to define winter range in 5 out of 10 winters), and mule deer severe winter range (that part of the winter range where 90% of the individuals are located during the average 5 winters out of 10 from the first heavy snowfall to spring green-up)) (west of Interstate 25 and excluding Las Animas County);
- elk winter concentration areas (west of Interstate 25 and excluding Las Animas County);
- pronghorn antelope winter concentration areas (west of Interstate 25);
- bighorn sheep winter range;
- elk production areas (being that part of the overall range occupied by the females for calving) (west of Interstate 25 and excluding Las Animas County);
- Columbian sharp-tailed grouse and plains sharp-tailed grouse production areas (being an area that contains 80% of nesting and brood rearing habitat for any identified population);
- greater sage-grouse and Gunnison sage-grouse production areas (being an area that contains 80% of nesting and brood rearing habitat for any population identified in the Colorado Greater Sage-Grouse Conservation Plan (CPW, 2008) or the Gunnison Sage-Grouse Range-Wide Conservation Plan (May 2005), respectively);
- lesser prairie chicken production areas (being an area that includes 80% of nesting and brood rearing habitat);
- black-footed ferret release areas;
- Bald Eagle nest sites and winter night roost sites; and
- Golden Eagle nest sites.

Maps showing and spatial data identifying the individual and combined extents of the above habitat areas shall be maintained by the Commission and made available on the Commission website, and copies of the maps shall be attached as Appendix VIII. The extent of sensitive wildlife habitat is subject to update on a periodic but no more frequent than biennial basis and may be modified only through the Commission's rulemaking procedures, as provided in Rule 529. Any modifications to sensitive wildlife habitat shall not affect Form 2As or Comprehensive Drilling Plans approved prior to the effective date of such changes.

**SHUT-IN WELL** shall mean a well which is capable of production or injection by opening valves, activating existing equipment or supplying a power source.

**SIMULTANEOUS INJECTION WELL** shall mean any well in which water produced from oil and gas producing zones is injected into a lower injection zone and such water production is not brought to the surface.

**SOLID WASTE** shall mean any garbage, refuse, sludge from a waste treatment plant, water supply plant, air pollution control facility, or other discarded material; including solid, liquid, semisolid, or contained gaseous material resulting from industrial operations, commercial operations, or community activities. Solid waste does not include any solid or dissolved materials in domestic sewage, or agricultural wastes, or solid or dissolved materials in irrigation return flows, or industrial discharges which are point sources subject to permits under the provisions of the Colorado Water Quality Control Act, Title 25, Article 8, C.R.S. or materials handled at facilities licensed pursuant to the provisions on radiation control in Title 25, Article 11, C.R.S. Solid waste does not include: (a) materials handled at facilities licensed pursuant to the provisions on radiation control in Title 25, Article 11, C.R.S.; (b) excluded scrap metal that is being recycled; or (c) shredded circuit boards that are being recycled.

**SOLID WASTE DISPOSAL** shall mean the storage, treatment, utilization, processing, or final disposal of solid wastes.

**SPECIAL FIELD RULES** shall mean those rules promulgated for and which are limited in their application to individual pools or fields within the State of Colorado.

**SPECIAL PURPOSE PITS** shall mean those pits used in oil and gas operations, including pits at natural gas gathering, processing and storage facilities, which constitute:

**BLOWDOWN PITS** used to collect material resulting from, including but not limited to, the emptying or depressurizing of wells, vessels, or gas gathering systems.

**FLARE PITS** used exclusively for flaring gas.

**EMERGENCY PITS** used to contain liquids during an initial phase of emergency response operations related to a spill/release or process upset conditions.

**BASIC SEDIMENT/TANK BOTTOM PITS** used to temporarily store or treat the extraneous materials in crude oil which may settle to the bottoms of tanks or production vessels and which may contain residual oil.

**WORKOVER PITS** used to contain liquids during the performance of remedial operations on a producing well in an effort to increase production.

**PLUGGING PITS** used for containment of fluids encountered during the plugging process.

**SPILL** shall mean any unauthorized sudden discharge of E&P waste to the environment.

**STORMWATER RUNOFF** shall mean rain or snowmelt that flows over land and does not percolate into soil and includes stormwater that flows onto and off of an oil and gas location or facility.

**STRATIGRAPHIC WELL** means a well drilled for stratigraphic information only. Wells drilled in a delineated field to known productive horizons shall not be classified as “stratigraphic.” Neither the term “well” nor “stratigraphic well” shall include seismic holes drilled for the purpose of obtaining geophysical information only.

**SURFACE OWNER** shall mean any person owning all or part of the surface of land upon which oil and gas operations are conducted, as shown by the tax records of the county in which the tract of land is situated, or any person with such rights under a recorded contract to purchase.

**SURFACE USE AGREEMENT** shall mean any agreement in the nature of a contract or other form of document binding on the Operator, including any lease, damage agreement, waiver, local government approval or permit, or other form of agreement, which governs the operator’s activities on the surface in relation to locating a Well, Multi-Well Site, Production Facility, pipeline or any other Oil and Gas Facility that supports oil and gas development located on the Surface Owner’s property.

**SURFACE WATER INTAKE** shall mean the works or structures at the head of a conduit through which water is diverted from a classified water supply segment and/or source (e.g., river or lake) into the treatment plant.

**SURFACE WATER SUPPLY AREA** shall mean the classified water supply segments within five (5) stream miles upstream of a surface water intake on a classified water supply segment. Surface Water Supply Areas shall be identified on the Public Water System Surface Water Supply Area Map or through use of the Public Water System Surface Water Supply Area Applicability Determination Tool described in Rule 317B.b.

**SUSPENDED OPERATIONS WELL** shall mean a well in which drilling operations have been suspended prior to reaching total depth and at least one casing string (the surface casing) has been set and cemented in the wellbore. This definition does not include wells in which only conductor pipe has been set, and the surface hole has not been spud.

**TANK** shall mean a stationary vessel constructed of non-earthen materials (e.g concrete, steel, plastic) that provides structural support and is designed and operated to store produced fluids or E&P waste. Examples include, but are not limited to, condensate tanks, crude oil tanks, produced water tanks, and gun barrels. Exclusions include Containers and process vessels such as separators, heater treaters, free water knockouts, and slug catchers.

**TEMPORARILY ABANDONED WELL** shall mean a well that has all downhole completed intervals isolated with a plug set above the highest perforation such that the well cannot produce without removing a plug or a well which is incapable of production or injection without the addition of one or more pieces of wellhead or other equipment, including valves, tubing, rods, pumps, heater-treaters, separators, dehydrators, compressors, piping or tanks.

**TIER 1 OIL AND GAS LOCATION** shall mean an oil and gas location where the slope is less than five percent (5%), the soil has low erosion potential, vegetative cover or permanent erosion resistance cover is greater than seventy-five percent (75%), the distance from a perennial stream or Classified Water Supply Segment is greater than five hundred (500) feet, and the oil and gas location size is less than one (1) acre, measured by the amount of surface disturbance at the time of the termination of a construction stormwater permit issued by the Colorado Department of Public Health and Environment.

**TOTAL WATER VOLUME** shall mean the total quantity of water from all sources used in the hydraulic fracturing treatment, including surface water, ground water, produced water or recycled water.

**TRADE SECRET** shall have the meaning set forth in § 7-74-102(4) (2011) of the Colorado Uniform Trade Secrets Act.

**TRADE SECRET CHEMICAL PRODUCT** shall mean a Chemical Product the composition of which is a Trade Secret.

**URBAN MITIGATION AREA** shall mean an area where: (A) At least twenty-two (22) Building Units or one (1) High Occupancy Building Unit (existing or under construction) are located within a 1,000' radius of the proposed Oil and Gas Location; or (B) At least eleven (11) Building Units or one (1) High Occupancy Building Unit (existing or under construction) are located within any semi-circle of the 1,000 radius mentioned in section (A) above.

**WAITING ON COMPLETION WELL** shall mean a well which has been drilled, cased, and cemented but the objective hydrocarbon formation has not yet been completed or stimulated using an open-hole, a liner, or a perforated casing completion.

**WATER SOURCE** shall mean water wells that are registered with Colorado Division of Water Resources, including household, domestic, livestock, irrigation, municipal/public, and commercial wells, permitted or adjudicated springs, or monitoring wells installed for the purpose of complying with groundwater baseline sampling and monitoring requirements under Rules 318A.e.(4), 608, or 609.

**WATERS OF THE STATE** mean any and all surface and subsurface waters which are contained in or flow in or through this state, but does not include waters in sewage systems, waters in treatment works of disposal systems, water in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed. Waters of the state include, but are not limited to, all streams, lakes, ponds, impounding reservoirs, wetlands, watercourses, waterways, wells, springs, irrigation ditches or canals, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the State.

**WELL** when used alone in these Rules and Regulations, shall mean an oil or gas well, a hole drilled for the purpose of producing oil or gas, a well into which fluids are injected, a stratigraphic well, a gas storage well, or a well used for the purpose of monitoring or observing a reservoir.

**WELL SITE** shall mean the areas that are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil well, gas well, or injection well and its associated well pad.

**WILDCAT (EXPLORATORY) WELL** means any well drilled beyond the known producing limits of a pool.

**WILDLIFE RESOURCES** shall mean fish, wildlife, and their aquatic and terrestrial habitats.

**ZONE OF INCORPORATION** shall mean the soil layer from the soil surface to a depth of twelve (12) inches below the surface.

**ALL OTHER WORDS** used herein shall be given their usual customary and accepted meaning, and all words of a technical nature, or peculiar to the oil and gas industry, shall be given that meaning which is generally accepted in said oil and gas industry.