

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

IN THE MATTER OF CHANGES TO THE RULES) CAUSE NO. 1R
OF PRACTICE AND PROCEDURE OF THE OIL)
& GAS CONSERVATION COMMISSION OF THE) DOCKET NO. **1412-RM-03**
STATE OF COLORADO)

NOTICE OF RULEMAKING HEARING

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

The Oil and Gas Conservation Commission of the State of Colorado (“Commission”), on its own motion, will consider additions and amendments to Rules 604c.(2)G (Berm Construction referring to API standards), 605a.(1) (Crude Oil and Condensate Tanks referring Underwriters Laboratories, Inc. and API Standards), and 605a.(4) (Berms or other secondary containment devices referring to API Recommended Practice and the natural electrical code as adopted by the State of Colorado) of the Commission’s Rules of Practice and Procedure, 2 C.C.R. 404-1 (“Rules”). Draft proposed new and amended rules are attached as **Appendix A**.

The Committee on Legal Services (“COLS”) recently brought to the Commission’s attention the need to amend Rules 604c.(2)G, 605a.(1), and 605a.(4) in order to comply with the “incorporation by reference” requirements of the Administrative Procedures Act (“APA”). In 2010, the General Assembly amended such requirements by adopting House Bill 10-1235, 24-4-103(12.5), C.R.S. (2014). This rulemaking will implement House Bill 10-1235.

The Commission has the authority to conduct this rulemaking pursuant to §§ 34-60-105 and 34-60-106(2)(a), C.R.S.

NOTICE IS HEREBY GIVEN that the Commission has scheduled the above entitled matter for a rulemaking hearing commencing on:

Date: Monday, December 15, 2014
Tuesday, December 16, 2014

Time: 9:00 a.m.

Place: Colorado Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, CO 80203

Public Participation. The Commission encourages the public to participate in the rulemaking by commenting on the proposed rules in advance of or during the rulemaking hearing. Any person may submit written comments in advance of the hearing pursuant to the procedures described below. In addition, any person may participate in the stakeholder meetings and offer oral testimony during the public comment period at the hearing. The Commission may place a time limit on public comments during the hearing depending on the number of people who wish to comment. Speakers are asked to be concise, and avoid repeating comments made by others or reading previously submitted written comments.

Persons or groups who know in advance they would like to address the Commission during the rulemaking hearing should notify the Hearing Manager via email to DNR_COGCC.Rulemaking@state.co.us by **December 5, 2014**. An estimate of the time needed for comments must be included with the notice. Persons who sign up in advance will be given priority both in the order and length of comments during the rulemaking hearing. Groups with common interests are encouraged to consolidate their comments through a single spokesperson.

Prehearing Statements and Comments. Prehearing statements, comments, and response documents are limited to 5 single spaced pages, excluding exhibits. Prehearing statements should summarize pertinent factual and legal issues and the submitting party's position on each issue. Copies of all potential exhibits to be introduced and a list of all potential witnesses, including name, occupation, address, and telephone number for each, must be attached to the statement.

The deadline for prehearing statements or comments is **December 5, 2014**. Responses to prehearing statements or comments are due **December 10, 2014**.

Filing and service. All written comments or prehearing statements must be served via first class mail on the Commission in hard copy and electronic copy as follows: 1) hard copies for the Commission - the original and 2 copies delivered to Jennifer Bock, Hearings Officer, Docket No. 1412-RM-03, Oil and Gas Conservation Commission, 1120 Lincoln Street, Suite 801, Denver, Colorado, 80203; and 2) an electronic copy emailed, preferably in portable document format (*pdf*), to DNR_COGCC.Rulemaking@state.co.us for posting to the Commission website.

The Commission may modify or amend the rules described or proposed herein, and make conforming modifications to other rules, as it determines reasonably necessary through the course of the stakeholder process, comment period, and rulemaking hearing.

In accordance with the Americans with Disabilities Act, if any person requires special accommodations as a result of a disability for this hearing, please contact Margaret Humecki at (303) 894-2100 ext. 5139, prior to the hearing and arrangements will be made.

Copies of the current and proposed Rules are available on the Commission's internet homepage at <http://cogcc.state.co.us> or available upon request at the Commission.

OIL AND GAS CONSERVATION COMMISSION OF
THE STATE OF COLORADO



By _____
Robert J. Frick, Secretary

Dated: November 14, 2014