

Colorado Oil and Gas Conservation Commission
David Neslin, Acting Director
1120 Lincoln Street, Suite 801
Denver, Colorado 80203

March 19, 2008

To David Neslin, COGCC Director

I, Sid Lindauer, am writing you today to issue a formal complaint. This letter is an addendum to the attached Form 18. This complaint is in regards to the four large releases from oil and gas reserve pits near Rifle that were reported by the Colorado Oil and Gas Conservation Commission (COGCC) on March 6, 2008. I am writing as an affected landowner and as a member of Grand Valley Citizens Alliance and Western Colorado Congress.

I will be directly impacted by these releases once the waste water that is frozen in West Parachute Creek thaws and flows down to my property. My neighbors and I use this creek for irrigation and for watering our livestock and are very concerned about the impacts from this contaminated water to our property, animals and crops. The water in West Parachute Creek is also used by the entire Town of Parachute for irrigation water. Irrigation water is made available to residents on April 15 making this request even more urgent.

It is my understanding that two pieces of legislation passed last year (HB 1341 and HB 1298) were intended to address problems exactly like those posed here. In passing these two bills, the legislature intended for the COGCC to collaborate with the Colorado Department of Public Health (CDPHE) and Environment and the Department of Wildlife (DOW), in order to better protect the public health, environment and wildlife from the negative effects of oil and gas development. While the rules to protect public health and the environment have yet to be finalized, the consultation mandate remains. It is my belief there is no time like the present to begin this relationship with CDPHE. Furthermore, the amendments to the Colorado Oil and Gas Conservation Act (COGCA) found in §34-60-128 pertaining to Habitat Stewardship Act are in effect today. These amendments require the COGCC to consult with DOW and implement best management practices so as to protect and conserve wildlife resources. Therefore, COGCC should be consulting with DOW and CDPHE regarding mitigations for these releases.

The Grand Valley Citizens Alliance / Western Colorado Congress is a local non-profit organization that has been working to help landowners and local affected communities deal with the impacts of the oil and gas industry.

On behalf of myself and GVCA / WCC, I have several requests of the COGCC, CDPHE and Colorado Dept. of Wildlife:

- 1) We would also like to be kept apprised of the developments and procedures for the mitigation and clean-up process. We believe that the COGCC should have apprised the Town of Parachute and affected land owners when the problem was first discovered.
- 2) We believe that the CDPHE ought to demand full disclosure of all chemicals and substances put into all pits involved in the releases, including volumes and concentrations.

- 3) We would also like for the COGCC in collaboration with the CDPHE to sample the releases and test for the chemicals and substances provided by the operators through full disclosure, as well as any other chemicals or substances that may be found in typical reserve pits.
- 4) We would like the CDPHE to assess what is in the waste water, and what potential threat it presents to downstream users. That information should be sent to affected landowners, the Town of Parachute and the GVCA / WCC as soon as possible. The spring thaw and run-off has already started in some places. If the water could cause problems to downstream users we would like to know immediately.
- 5) With this information, we ask that the Colorado DOW be brought in the gauge what the potential threat the release poses to wildlife and work with operators to minimize and mitigate any damage to fish and other wildlife.

It is my understanding that two of these releases were not reported immediately by the companies and may have occurred more than two months ago. We are concerned that COGCC penalties are not high enough to deter these types of situations and should be raised as part of the rulemaking. The operators at fault should also be liable for all sampling and testing fees. These costs should not fall on the shoulders of the State.

Lastly, we support any proactive measures taken by the agencies to inspect and mitigate other disasters such as this before the spring thaw is upon us. This year we have what is considered an average snowfall. If pits cannot be built to withstand the additional moisture we get in the high country than they should not be allowed in those areas.

Thank you for your time. I look forward to hearing from you on this matter within the next few days.

Sincerely,

Sid Lindauer
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Please send copies of correspondence to:

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CC: Harris Sherman, Executive Director, Dept. of Natural Resources
Jim Martin, Executive Director, Colorado Dept. of Public Health and Environment
Tom Remington, Director for the Division of Wildlife