

100 Series - Definitions

AMEND CENTRALIZED E&P WASTE MANAGEMENT FACILITY means a facility, other than a commercial disposal facility regulated by CDPHE, 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 years; and (3) receives for collection, treatment, temporary storage, and/or disposal of ~~produced water~~ **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 oilfield naturally occurring radioactive materials ("NORM") related storage, decontamination, treatment, or disposal. This definition includes permanent, standalone centralized facilities operated for the storage or treatment of Produced Water. This definition excludes a Multi-Well Pit that meets the standards of Rules 909.g.(2)-(3) and excludes temporary onsite Produced Water or storage treatment facilities for recycling or reuse of Produced Water at that Well Site or nearby Well Sites.

ADD FRESH WATER except as used in Rule 408, "Fresh Water" means water that is not Produced Water.

ADD PRODUCED WATER means water, including the water's mineral and chemical components, in or introduced to a geological formation, that is coproduced with oil or natural gas from an Oil and Gas Well. Produced Water includes Flowback water, excluding Proppants returned to the surface.

ADD RECYCLED PRODUCED WATER means Produced Water that is reconditioned into a reusable form and reused in Oil and Gas Operations, that is reused in Oil and Gas Operations without reconditioning, or an equivalent as determined by the Commission during its review of an Oil and Gas Development Plan.

REMOVE TOTAL WATER VOLUME

300 Series - Permitting Process

AMEND Rule 303.a.(5).B.iii Water Resources

dd. A qualitative evaluation of measures the Operator proposes to take to reduce **Fresh** Water use, including reusing and recycling Produced Water.

AMEND 304.c.(18)

Fresh Water Plan. A plan identifying the sources of Fresh Water to be used for drilling and completion operations including:

- A. The planned source and volume of all surface water, Groundwater, and any other sources of Fresh Water to be used and the coordinates of the planned source of **Fresh** Water; and
- B. The seller's name and address if **Fresh Water** is to be purchased.

~~C. If recycled or reused water is anticipated to be used, a description of the source of that water, background concentrations of chemicals listed in Table 437-1, anticipated~~

~~method of transporting the water, and anticipated volumes to be used in addition to the reuse and recycling plan requirements of Rule 905.a.(3); and~~

~~D. If fresh water is anticipated to be used, a description of why the Operator does not intend to use recycled or reused water~~

400 Series - Operations and Reporting

AMEND 431

MEASUREMENT AND REPORTING OF PRODUCED, REUSED, RECYCLED, AND INJECTED WATER AND ASSOCIATED VEHICLE MILEAGE

ADD to 431.a

- (1) Form 7 - Monthly Reporting by Well.** Operators will report the following, expressed in Barrels, to the Commission on a monthly basis for each Oil and Gas Well at which the Operator conducted Oil and Gas Operations in the previous reporting period:
- A.** The volume of all Fresh Water used downhole;
 - B.** The volume of all Recycled Produced Water used downhole;
 - C.** The volume of all Produced Water that is produced from the Well and the volume of the Produced Water removed from the Oil and Gas Location for disposal, including:
 - i.** The disposal method; and
 - ii.** The disposal location, including facility identification, if applicable; and
 - D.** The volume of all Produced Water that is produced from the Well and:
 - i.** Recycled or reused in another Well at the same Oil and Gas Location; or
 - ii.** Removed from the Oil and Gas Location for recycling or reuse in oil and gas operations at a different Oil and Gas Location, including for use by another operator.

AMEND 431.b

- b.** On the Form 5 and the Form 5A, Operators will report the volume in Barrels of the following Fluids used in drilling operations and Stimulation, respectively:
- (1)** Total Fluids;
 - (2)** Fresh ~~water~~Water; and
 - (3)** Recycled Produced Water ~~or reused Fluids that offset the use of fresh water.~~

ADD to 431

- e. Form 47 - Quarterly Water Reporting by Location.**

(1) Operators will report to the Commission, expressed in Barrels, on a quarterly basis, for each Oil and Gas Location at which the Operator conducted Oil and Gas Operations in the previous reporting period:

- A.** The volume of Fresh Water used for drilling or Stimulation, and whether the Fresh Water was previously used primarily for:
 - i. Industrial (including power generation and geothermal),
 - ii. Commercial,
 - iii. Municipal,
 - iv. Agricultural (includes livestock and irrigation),
 - v. Recreation,
 - vi. Environmental (includes fishery and wildlife),
 - vii. Augmentation,
 - viii. Domestic or household,
 - ix. Snowmaking, or
 - x. No historical use (for water newly appropriated for Oil and Gas Operations; includes Fresh Water obtained during "Free River" conditions)
- B.** The total volume of Fresh Water used at the Oil and Gas Location for site construction, production operations, Plugging and Abandonment, facility decommissioning, Remediation, and Reclamation.
- C.** The volume and sources of all Recycled Produced Water used for drilling or Stimulation at the Oil and Gas Location;
- D.** The volume of all Produced Water disposed of from the Oil and Gas Location, including:
 - i. The disposal method;
 - ii. The disposal location, including facility identification, if applicable
- E.** The volume of all Produced Water that is removed from the Oil and Gas Location for recycling or reuse in Oil and Gas Operations, including by another oil and gas Operator; and
- F.** The total volume of all water produced from all wells at the Oil and Gas Location in each month of the reporting quarter.

(2) Operators will:

- A.** File the report required under subsection 431.e.(1) of this section no later than forty-five days after the end of the previous calendar quarter; and
- B.** Include in each report filed pursuant to subsection 431.e.(1) of this section the total amounts of all Fresh Water, Produced Water, and Recycled Produced Water managed at the Oil and Gas Location for any purpose throughout its operational life from construction to Reclamation. Information reported under this subsection 431.e.(2).B does not include Stormwater Runoff.

ADD to 431

f. Vehicle Mileage Reporting. Operators will report quarterly the vehicle miles related to water management as follows:

- (1) Water transport trucks, loaded or unloaded:
 - A. In the service of transporting Fresh Water to or from an Oil and Gas Location;
 - B. In the service of transporting Produced Water to or from an Oil and Gas Location for Disposal; and
 - C. In the service of transporting Produced Water or Recycled Produced Water to or from an Oil and Gas Location for recycling or reuse.

900 Series - Environmental Impact Prevention

AMEND 905.a.(4)

Waste Management Plans. Each Operator that generates E&P Waste as a result of their operations will prepare a comprehensive waste management plan detailing how the Operator will treat, characterize, manage, store, dispose, and transport all types of waste generated. The Director may require a waste management plan to include a description of proposed haul routes, including any applicable Local Government traffic requirements.

- A. Operators will submit their waste management plans with their Form 2A pursuant to Rule 304.c.(11).

~~B. Operators will evaluate opportunities for reuse and recycling and may include a reuse and recycling plan, as described in Rule 905.a.(3) above, as part of the waste management plan.~~

- B. If an Operator seeks to change its E&P Waste management practice, the Operator will update its waste management plan by submitting a revised waste management plan for the Director's approval or denial on a Form 4.

~~C. Any Oil and Gas Development Plan filed on or after January 1, 2026, will include in its waste management plan a Produced Water recycling and reuse plan with a commitment to use the minimum percentages of Recycled Produced Water in Well Stimulations as described in Rule 905.c.(6).A.i through iv.~~

- ~~D. The Produced Water recycling and reuse plan will:~~

- ~~i. Quantify the anticipated volumes of Recycled Produced Water used in place of Fresh Water;~~
- ~~ii. Include a description of how the Operator will meet the requirements of Rule 905.c.(6);~~

- iii. Describe and request Commission approval for any water used to satisfy the requirements as an equivalency for Recycled Produced Water;
- iv. Specify the methods and locations for treatment of Produced Water;
- v. Specify the means of transporting Produced Water and treated Produced Water to and from off-location treatment facilities;
- vi. Provide details of the estimated potential to emit (PTE) uncontrolled emissions of all pollutants listed in Rule 303.(a).5.B.(i) as they relate to recycling and reusing Produced Water;
- vii. Provide details of the controlled estimated emissions of all pollutants listed in Rule 303.a.(5).B.(i) along with the emission control devices utilized by each operation as related to recycling and reuse of Produced Water;
- viii. Include an affirmative commitment that the Operator will not use the chemicals listed in Table 437-1 as additives in Hydraulic Fracturing Fluid;
- ix. Include a description of the source of Recycled Produced Water and whether any of the chemicals listed in Table 437-1 are known to be present in the Recycled Produced Water at any concentrations by laboratory analysis or by process knowledge; and
- x. Include any other information that the Director or Commission determines is necessary to ensure the protection of public health, safety, welfare, the environment and wildlife resources during waste management operations.

ADD to 905.c

(6) Requirements for the Recycling or Reuse of Produced Water.

- A. Operators will increase the usage of Recycled Produced Water and decrease the amount of Fresh Water utilized in Well Stimulations according to the following schedule:
 - i. Beginning January 1, 2026, any oil and gas development permitted on an Oil and Gas Development Plan filed after January 1, 2026, or any subsequent operations to recomplete, restimulate, or rework any existing Well, will use a minimum of 4% Recycled Produced Water for Well Stimulations commenced before January 1, 2030.
 - ii. Beginning January 1, 2030, any oil and gas development, regardless of when it was permitted, will use a minimum of 10% Recycled Produced Water for Well Stimulations commenced before January 1, 2034.
 - iii. Beginning January 1, 2034, any oil and gas development, regardless of when it was permitted, will use a minimum of 20% Recycled Produced Water for Well Stimulations commenced before January 1, 2038.

- iv. Beginning January 1, 2038, any oil and gas development, regardless of when it was permitted, will use a minimum of 35% Recycled Produced Water for Well Stimulations.

B. Demonstration of Compliance. Operators will demonstrate compliance with the requirements of Rule 905.c.(6).A on Forms 5A for the Wells completed on an Oil and Gas Location.

- i. Compliance with the minimum requirements for recycling and reuse of Produced Water during Well Stimulations may be averaged over the Wells drilled in a single occupation if multiple occupations are proposed in the Form 2B for the Oil and Gas Location.
- ii. Operators will indicate the last Well drilled and completed and all Wells included in each occupation as identified in the approved Form 2B for the Oil and Gas Location on the associated Form 5A.

C. Fresh Water Use. Unless an Operator can show that water will be diverted from the stream system only during Free River conditions, when all water rights are satisfied, the Fresh Water used in drilling and completion operations must be used in accordance with any limitations on a water right, permit or administrative approval for industrial use.

ADD to 907.b.(5) Centralized E&P Waste Management Facility Siting Requirements and Limitations.

- H. Operators are prohibited from siting new centralized Produced Water storage or treatment facilities within Disproportionately Impacted Communities.