

STATE OF COLORADO
OIL AND GAS CONSERVATION COMMISSION
DEPARTMENT OF NATURAL RESOURCES
Room 721, Centennial Building
1313 Sherman Street
DENVER, COLORADO 80203

RECEIVED

MAR 28 1977

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D. V. ROGERS
Director

FRANK J. PIRO
Deputy Director

(303) 892-3531

RICHARD D. LAMM
GOVERNOR

March 25, 1977

Distribution Officer WH-552
U. S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Re: Beneficial Use of Produced Water; Onshore Segment of the Oil and Gas
Extraction Point Source Category

Gentlemen:

The Colorado Oil and Gas Conservation Commission ("Commission") is an independent regulatory agency in the Colorado Department of Natural Resources, and is charged with the regulation of production of oil and gas in Colorado. As part of this authority, the Commission seeks to prevent and abate water pollution through its inspections, investigations, and enforcement powers.

Although the Commission does not issue NPDES permits, it requires in its Rules and Regulations that all operators comply with the regulations of the Colorado Water Quality Control Commission. Also, the Oil and Gas Conservation Commission is directly concerned with the matter covered by EPA's proposed Onshore Guidelines. There is an increasing amount of oil and gas activity in the state of Colorado, and as presently written the beneficial use subcategory could seriously and unnecessarily impair these operations, and could deprive the citizens of this state of the precious commodity of water.

In connection with your Interim Final Guidelines, I offer the following comments:

1. I recommend an expansion of the definition of beneficial use, and elimination of the requirement that the water is actually being put to such use. It should be left to the individual states to determine whether a use is "beneficial", within the statutory definitions contained in the various state statutes and according to the particular needs of each state. Also, the water quality requirements set forth in NPDES permits issued by the state of Colorado are sufficient to regulate all surface discharge; if the water is of such high quality that a permit has been issued and discharges are allowed, there is no need to require the use of such water.
2. Where high quality water is being produced from underground in conjunction with oil and gas operations, and surface discharge of such

water does not present or have the potential of causing any material environmental damage, such discharge should be allowed.

3. Therefore, I believe that the definition of "beneficial use" in Section 435.51(c) of the "Interim Final Onshore Regulations" should be revised to read as follows:

The term "beneficial use" shall mean that the produced water is of good enough quality to be used for domestic, municipal, agricultural, industrial, recreational or wildlife and waterfowl propagation uses or any other use deemed to be a "beneficial use" by the State in which the discharge is made.

Thank you for considering these comments. If you have any questions please contact me.

Sincerely,



D. V. Rogers, Director

DVR:mpg