

STATE OF COLORADO

Bill Ritter, Jr., Governor
Martha E. Rudolph, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

February 4, 2010

Mr. David Neslin, Director COGCC
1120 Lincoln Street, Suite 801
Denver, Colorado 80203

Re: Colorado Department of Public Health and Environment (CDPHE) Consultation for the Noble
Energy proposed variance request to Rule 603.a.(1) Form 2A #400016749

Dear Mr. Neslin:

This letter describes CDPHE's decision to recommend that the COGCC grant the request for a variance to COGCC Rule 603.a.(1) submitted by Noble Energy. This rule establishes setback for drilling and well serving operations, stating that "at the time of initial drilling of the well, the wellhead shall be located a distance of one hundred and fifty (150) feet or one and one half (1-1/2) times the height of the derrick, whichever is greater, from a building unit, public road, major above utility or railroad."

Noble Energy is requesting that the company be allowed to locate a drilling rig with a derrick height of 75 feet within 141 feet from a major above ground utility and road. Since the 1.5 times the derrick height is only 112.5 feet, it would be impossible for it to encounter the nearby utility line or road in the event it fell. CDPHE further understands that no building unit or railroad is located within 150 feet of the proposed well location.

In view of the foregoing, CDPHE believes that granting this variance will result in adequate protection of the public health, safety, welfare and environment. CDPHE reserves the right to consult on any future variance requests from rules this agency may consult on (pursuant to COGCC Rule 306) within this location. If you have questions regarding this recommendation or discussion would be helpful, please contact me at (303) 692-3662.

Sincerely,

Kent Kuster
Oil and Gas Consultation Coordinator
CDPHE

cc: Jeff Lawrence, Director CPD, CDPHE
Kate Fay, Energy Manager, CDPHE
Curtis Rueter, Environmental Manager, Noble Energy