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January 27, 2014

Via Email and Regular Mail

Manuel Esquibel, City Manager
City of Brighton
Designated LGD
500 South 4th Avenue
Brighton, CO 80601
mesquibel@brightonco.gov
303.655.2050

State of Colorado
Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, CO 80203

Attn: Matt Lepore, Director matt.lepore@state.co.us
Robert Frick, Hearings Manager robert.frick@state.co.us

Re: Eberle Well Field/ Sections 31 and 32, Township 1N, Range 66W, 6th PM, Weld County
Application for Permit/Synergy Resources Corporation

Oil and Gas Location Assessment (02A) Document No. 400534013 Well No. B-32CHZ
Oil and Gas Permit (02) Document No. 400534181 Well No. B-32CHZ
400534291 Well No. 13-32CHZ
400534691 Well No. B-32NHZ
400534718 Well No. 14-32-31NHZN
400534808 Well No. 14-32-31CHZM
400534516 Well No. 13-32NHZ

Dear Sirs:

I am the City Attorney for the City of Brighton and am writing this on behalf of the City's LGD, Manuel Esquibel, City Manager.

The City has placed general comments directly on the referenced Location Assessment Application (Form 2A) and Permit Application (Form 2) on the COGCC website. However, due to the significant concern of Brighton regarding this application, request is made for the Commission to

seriously consider the following written comments and, accordingly, attach appropriate conditions to the permit.

1. The pad site (on the 20 acre parcel) and six wells are located in the "*Critical Raw Water Protection Area*" of the City (see attached map). Brighton relies on well water for approximately 85% of its domestic supply. The alluvium that supplies these wells flows in a northwestern direction. The estimated depth to groundwater is a mere 17 feet. The topography of the site shows an approximate fifty (50) foot drop (to the northwest). Thus, any spills, releases, stormwater or other run off or other contamination would rapidly, negatively and significantly impact this critical raw water supply.
 - a. Additional berming (at the ditches), extensive enhanced liners at the tank site and the pad site, and other containment improvements are a necessity.
 - b. There is no Stormwater Management Plan identified in the BMP.
 - c. There is no Emergency Spill Plan identified in the BMP.
 - d. Emergency Management Plan must address immediate response protocol to address potential incidents as well as plan for remediation.
2. The large pad site is located between the Fulton Ditch (to the west) and the Brighton Lateral (to the east). The pad site is located upstream and only 600' from the Fulton Ditch. Brighton relies on these ditches as essential to its domestic water supply, for augmentation and to re-charge existing domestic wells. The topography of the site shows an approximate fifty (50) foot drop (to the northwest). The estimated depth to groundwater is a mere 17 feet. Thus, any spills, releases, stormwater or other run off or other contamination would rapidly, negatively and significantly impact the Fulton Ditch. Additional berming (at the ditches), extensive enhanced liners, and other containment improvements are a necessity.
 - a. Additional berming (at the ditches), extensive enhanced liners at the tank site and the pad site, and other containment improvements are a necessity.
 - b. There is no Stormwater Management Plan identified in the BMP.
 - c. There is no Emergency Spill Plan identified in the BMP.
 - d. Emergency Management Plan must address immediate response protocol to address potential incidents as well as plan for remediation.
3. Weld County Road 2 (WCR2) is located within the corporate limits of Brighton and has been recently improved. Brighton is solely responsible for its maintenance (repair). WCR 29 is a gravel road with limited access from the well pad, limited to WCR 2 ½ to the north and then west to Highway 85 or to the south to WCR2. Brighton's Code restricts construction traffic from 7:00 a.m. to 7:00 p.m. on WCR2.
 - a. Operator has not provided a BMP for traffic management showing (i) truck traffic route(s); (ii) number of trips/day; (iii) hours when traffic will occur; (iv) noise management/containment; (v) dust management/suppression. The 1/6/14 letter from Synergy to COGCC (#3) states it will "*enhance the integrity of County Road 29*" but does not indicate what specific improvements will be made, including the necessary improvements at the intersection of WCR29 and WCR2.

- b. The turning radii at the intersection at WCR 2 and WCR29 are not adequate to sustain the expected truck traffic, going both east and west on WCR2, and must be built up accordingly.
4. The Application provides that the pad site will include 6 separators, 12 condensate tanks, 4 VOC combustors, 4 water tanks, 2 temporary large volume above ground tanks and 2 compressors.
 - a. Since this is a large pad site with a considerable number of structures, the Operator should coordinate with the responsible fire protection agency to address the necessary fire and safety measures in addition to those required under the COGCC Rules.
 - b. Note: The Brighton Fire Protection District is a special district, separate and distinct from Brighton.
5. If there are unstated BMPs that Synergy will implement in excess of the normal they should be disclosed in the ADPs and OGLA for review and comment by the City.

The City will be meeting with the Operator on January 28th and intends to augment its comments after that meeting. Upon information received from Nancy Prince at COGCC, Weld County (LGD) has requested and was granted an extension to February 6, 2014 for the submission of comments. Brighton will augment its comments on or before that date.

Thank you for your consideration.

MEHAFFY BRUBAKER & ERNST, LLC



Margaret R. Brubaker
Brighton City Attorney

cc: Manuel Esquibel, City Manager mesquibel@brightonco.gov
Marv Falconburg, Asst. City Manager for Development mfalconburg@brightonco.gov
Holly Prather, Community Development Director hprather@brightonco.gov
Jim Landeck, Director of Utilities jlandeck@brightonco.gov
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Nancy Prince, Local Government Liaison, COGCC nancy.prince.@state.co.us

City of Brighton Raw Water Protection Areas December 2013

Legend

- Raw Water Protection Areas
- Critical Raw Water Protection Area



This map is for informational purposes only and is not intended to be a detailed analysis of surface and/or alluvial groundwater.

