

PERMIT REQUIREMENTS FOR DEVELOPMENT OF ENERGY
AND OTHER SELECTED NATURAL RESOURCES FOR THE
STATE OF COLORADO

PREPARED FOR
FOUR CORNERS REGIONAL COMMISSION
AND THE
U.S. GEOLOGICAL SURVEY

BY CAMP DRESSER AND MCKEE, INC.

Statements of opinion and/or recommendations are those of the authors and do not necessarily reflect the official opinion of the Four Corners Regional Commission, any of its members States, or the U.S. Geological Survey.

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Request for information concerning this publication should be directed to the following locations:

Colorado Joint Review Process		U.S. Geological Survey
Department of Natural Resources		Environmental Affairs Office
1313 Sherman Street, Room 723	or	760 National Center
Denver, Colorado 80203		Reston, Virginia 22092

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PUBLICATION AVAILABILITY

Copies of the guidebook can be obtained at any of the following locations:

Colorado Joint Review Process
Department of Natural Resources
1313 Sherman Street, Room 723
Denver, Colorado 80203

Four Corners Regional Commission
2350 Alamo S.E., Suite 303
Albuquerque, New Mexico 87106
(505) 766-2990

U.S. Geological Survey
Environmental Affairs Office
760 National Center
Reston, Virginia 22092
(703) 860-6717

SECTION 1.0
INTRODUCTION

INTRODUCTION

This guidebook is one of a series prepared for every State. The purpose of the guidebook is to summarize environmental and land-use permits issued by the State for the development of energy and other natural resources. The guidebook is intended not only for private developers and interest groups, but also for regulatory officials of Federal, State, and local government as well.

All State agencies having jurisdiction over the permits, licenses, and approvals described in this guidebook helped to prepare it, and they reviewed the final draft of each summary for accuracy and completeness. Users of this guidebook should be aware, however, that changes in the laws, rules, and regulations, or regulatory personnel since the guidebook was published may cause significant changes in permit requirements.

The guidebook should not be construed as a legal document or a final authority on permits for the State of Colorado; it is not intended to be a comprehensive reference to the specific requirements of each permit, but to provide concise, easy-to-use information on the State regulations that govern the development of such resources. Before attempting to obtain a permit or begin any activity that might require a permit, you should contact the appropriate State agency for further details.

The guidebook is divided into seven sections. Sections 1.0, 2.0, and 7.0 discuss introductory information, consolidated permit programs for the State of Colorado, and local regulatory policies, respectively. The remaining sections discuss permits that apply to Resource Extraction, Land Use Regulation, Environmental Quality Management, and Social/Ecological Preservation. Each section is divided into chapters; each chapter summarizes one permit, license, or approval. Permits administered by a single agency are generally grouped together in each section.

Each permit is discussed in the standard format shown on pages 2 and 3.

STANDARD FORMAT FOR PERMIT SUMMARIES

CHAPTER 0.0

TITLE OF ACTIVITY ADDRESSED BY PERMIT, LICENSE OR APPROVAL

INTRODUCTION:

Description of administering agency and its role.

A. NAME OF PERMIT OR APPROVAL:

Complete name of permit or approval.

B. STATUTORY AUTHORITY:

Title of state statutes authorizing permit and the legal citations of each with notation indicating pending changes (P) to the statute(s).

C. TITLE OF REGULATION:

Title of state regulation(s) which apply to permit with notation indicating pending changes (P) to the regulation(s).

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

Summary of major steps involved in the permit/approval process.

1. Applicability

Includes all types of activities which require the permit.

2. General Requirements

Conditions which must be met by the project sponsor before a permit can be acquired; excluding submissions or operations requirements.

CHAPTER 0.0 (continued)

3. Submission Requirements

Types of information which the project sponsor must include in the application for the permit.

4. Procedures for Obtaining Permit or Approval

Includes information on items such as submittal procedures, completeness and technical review, public notice, comment, and hearing periods, preliminary and final decisions, inspections, and processing times.

5. Operations Requirements

Conditions which are established by the regulatory agency following permit approval, and which must be met by the project sponsor in order to continue operations.

6. Fees

Costs incurred for obtaining and maintaining the permit.

7. Appeal Process

Process whereby decisions concerning permit approval/denial that are made by a regulatory agency can be appealed.

E. ADMINISTERING AGENCY:

Name of the administering agency and its director, address, and telephone number.

Name of the counterpart federal agency and its director, address, and telephone number.

SECTION 2.0

STATE POLICY AND PROCEDURES FOR CONSOLIDATED PERMIT PROGRAM

CHAPTER 2.1

COLORADO JOINT REVIEW PROCESS

Colorado's Joint Review Process for Major Energy and Mineral Resource Development Projects (JRP) is a coordinated, administrative process which organizes the review of major energy and mineral resource development projects at the federal, state, and local levels. The JRP is designed to coordinate regulatory and administrative reviews conducted by the three levels of government and to provide the public and industry with increased opportunities to become involved with government in the review and decisionmaking processes applicable to a project. Participation in JRP is voluntary and is not mandated by law.

The Joint Review Process is comprised of three stages. Stage I is initiated by the proponent of a project requesting to participate in the Joint Review Process from the Department of Natural Resources (DNR). A decision is made at the state level by the Governor's cabinet in coordination with relevant federal and local agencies as to whether the proposed project qualifies for Joint Review. Projects requesting Joint Review must meet three criteria: 1) the project must meet the definition of a major energy or mineral resource development project, 2) it must be presented to the DNR early in the design/feasibility stage of project planning and development, 3) DNR must have staff resources to accommodate another project in the system.

If approved for JRP, an organizational framework is created for the proposed project in Stage II. The Joint Review is organized with active participation from appropriate federal, state, and local agencies and the proponent. Activities include: 1) designation of a lead state agency by the Governor, 2) the establishment of the Joint Review Team, 3) signing a Joint Statement which publicly commits the federal, state, and local levels of government to participate fully in the JRP, 4) defining the responsi-

bilities of all relevant agencies and the company, and 5) preparation of a project-specific decision schedule which outlines the company's desired milestones, the agencies' regulatory processes, and the organization of several activities to encourage public participation in the JRP.

The project-specific decision schedule is implemented in Stage III, including such activities as preparation of an Environmental Impact Statement (if necessary), completion of required regulatory reviews, completion of the proponent's design and feasibility studies, public participation events (public information meetings providing opportunity for public comment), and continuous Joint Review activities to ensure coordination.

There are currently (June 15, 1981) five companies participating in the JRP. They are:

- AMAX, Inc. - Proposed Mount Emmons Molybdenum Mine and Mill in Gunnison County, Colorado;
- Rio Blanco Oil Shale Company - Proposed demonstration oil shale open pit mine and surface retort in Rio Blanco County, Colorado;
- Multi Mineral Corporation - Proposed underground nahcolite mine in Rio Blanco County, Colorado;
- Superior Oil Company - Proposed commercial oil shale facility in Garfield County, Colorado;
- W. R. Grace & Co. - Proposed coal-to-methanol plant in Moffat County, Colorado.

In a related effort, the Colorado Department of Natural Resources has published the Colorado Permit Directory which provides guidance to the public, industry, and government in identifying required permits and outlining the permit processes for mineral and energy resource developments. The Directory includes abstracts of all federal and state permits governing energy and mineral resource development in Colorado, as well as a summary of

local authority to regulate such developments. The Colorado Permit Directory will be updated at least twice a year.

For further information contact:

Program Director
Colorado's Joint Review Process
Colorado Department of Natural Resources
1313 Sherman Street, Room 723
Denver, Colorado 80203
(303) 866-3337

SECTION 3.0
RESOURCE EXTRACTION

CHAPTER 3.1

NOTICE OF INTENT TO CONDUCT PROSPECTING OPERATIONS

INTRODUCTION

The Notice of Intent to Conduct Prospecting Operations must be filed prior to prospecting for uranium, oil shale, metals, and other non-metals. The Colorado Mined Land Reclamation Division (CMLRD) is responsible for mining and reclamation activities.

A. NAME OF PERMIT OR APPROVAL:

- Notice of Intent to Conduct Prospecting Operations

B. STATUTORY AUTHORITY:

- CRS 1973, 34-32-101 et seq., (especially Section 113)

C. TITLE OF REGULATION:

- 2 CCR 407-1; Rule 5

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This notice applies to uranium, oil shale, metals, and any other mineral prospecting, excluding water, geothermal resources, oil, and natural gas.
- The notice must be filed with the CMLRD for prospecting, exploration, and reclamation activities.

2. General Requirements:

- See below.

3. Submission Requirements:

- General location of prospecting, proposed prospecting operation, reclamation methods to be used, and surety in the amount prescribed by law (for specific format and requirements use 2 CCR 407-1, Rule 5).

CHAPTER 3.1 (continued)

4. Procedures for Obtaining Permit or Approval:

- If the Notice of Intent is properly completed, and surety in an acceptable form has been received, the approval is automatic and instantaneous.

5. Operations Requirements:

- Drill hole abandonment reports are required from the operator.

6. Fees:

- None.

7. Appeal Process:

- Not applicable. Assuming complete information, the notice will not be denied.

E. ADMINISTARTING AGENCY:

State Agencies:

Reclamation Specialist
Colorado Mined Land Reclamation Division
Department of Natural Resources
1313 Sherman Street, Room 423
Denver, Colorado 80203
(303) 866-3567

Chief, Branch of Adjudication
State Office
Bureau of Land Management
1600 Broadway, Suite 700
Denver, Colorado 80202
(303) 837-4712 or 837-5551

Federal Agency:

Area Mining Supervisor
U.S. Geological Survey
Mail Stop 609, Building 85
P.O. Box 25046
Denver Federal Center
Denver, Colorado 80226
(303) 234-2855

CHAPTER 3.2

NOTICE OF INTENT TO EXPLORE FOR COAL

INTRODUCTION

The Colorado Mined Land Reclamation Division (CMLRD) regulates mining and reclamation activities in Colorado. A Notice of Intent to Explore is required for coal operations on state, federal, or private land.

A. NAME OF PERMIT OR APPROVAL:

- Notice of Intent to Explore, involving removal of 250 tons or less of coal
- Notice of Intent to Explore, involving removal of more than 250 tons of coal

B. STATUTORY AUTHORITY:

- CRS 1973, 34-33-117

C. TITLE OF REGULATION:

- 2 CCR 407-2, Rule 4.21

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This notice applies to coal operations on state, federal and private lands.
- It must be filed for coal exploration activity involving the removal of specimens necessary to identify overburden or coal characteristics and the occupation of land to provide environmental baseline information.

2. General Requirements:

- Where required, lease agreements should be obtained prior to filing a Notice of Intent.

CHAPTER 3.2 (continued)

- CMLRD has, or is in the process of executing cooperative agreements with other state and federal agencies with regulatory responsibilities for coal operations.

3. Submission Requirements:

- For exploration involving the removal of less than 250 tons of coal:
 - Applicant's name, address, and phone number.
 - Map of proposed exploration area.
 - Surface ownership.
 - Description of exploration and reclamation methods.
 - Statement that exploration will not jeopardize endangered or threatened species.
- For exploration involving the removal of more than 250 tons of coal, the applicant must furnish generally the same information as above, but in greater detail, and follow procedures for additional public notification.

4. Procedures for Obtaining Permit or Approval:

For exploration involving less than 250 tons:

- Submit Notice of Intent to Explore to the CMLRD.
- The CMLRD will determine whether the exploration will cause "substantial disturbance" (2 weeks).
- Notice to applicant. If there is "substantial disturbance" involved, applicant must post an exploration bond, and must comply with CMLRD performance standards.

For exploration involving more than 250 tons:

- Submit Notice of Intent to Explore to the CMLRD.
- Notice and public comment period for 2 weeks.
- CMLRD approves or denies application.
- Decision is final unless a public hearing is requested within 2 weeks after the decision.
- Public hearing within 30 days.

CHAPTER 3.2 (concluded)

- Final decision on application within 30 days after the public hearings.

5. Operations Requirements:

- CMLRD may request information regarding possible environmental damage and periodic and final reports regarding the exploration activities.

6. Fees:

- None.

7. Appeal Process:

- A decision of the CMLRD may be appealed judicially as described in CRS 1973, 34-33-138.

E. ADMINISTERING AGENCY:

State Agency:

Reclamation Specialist
Colorado Mined Land Reclamation Division
Department of Natural Resources
1313 Sherman Street, Room 423
Denver, Colorado 80203
(303) 866-3567

Federal Agencies:

Area Mining Supervisor
U.S. Geological Survey
Mail Stop 609, Building 85
P.O. Box 25046
Denver Federal Center
Denver, Colorado 80225
(303) 234-2855

Chief, Branch of Adjudication
State Office, Bureau of Land Management
1600 Broadway, Suite 700
Denver, Colorado 80202
(303) 837-4712 or 837-5551

CHAPTER 3.3

COAL MINING AND RECLAMATION PERMIT

INTRODUCTION

The Colorado Mined Land Reclamation Board Division (CMLRD) is responsible for mining and reclamation activities in Colorado. A Coal Mining and Reclamation Permit is required for all coal mines in the state that remove more than 250 tons of coal per year.

A. NAME OF PERMIT OR APPROVAL:

- Coal Mining and Reclamation Permit

B. STATUTORY AUTHORITY:

- CRS 1973, 34-33-101 et seq.

C. TITLE OF REGULATION:

- 2 CCR 407-2, Rule 2

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This permit is required for all surface and underground coal mines in the state of Colorado that remove more than 250 tons of coal.

2. General Requirements:

- See below.

3. Submission Requirements:

- Legal, financial, and related information.
- Baseline data on environmental resources of site and surroundings, including descriptions of land use, cultural and historic information, hydrology and geology, climate, vegetation, wildlife, and soil resources.

CHAPTER 3.3 (continued)

- Detailed description of the proposed operation plan.
- Detailed description of the proposed reclamation plan.

4. Procedures for Obtaining Permit or Approval:

- Permit application submitted to the CMLRD.
- Within 10 days after the application is received, the CMLRD will review for completeness and notify applicant of results.
- Notice and public comment period - 70 days.
- Decision on whether application is adequate within 60 days of completeness determination.
- Decision is finalized within 30 days unless a public hearing is requested.
- If requested, public hearing must be held within 30 days of request.
- Final decision on application within 30 days of hearing.
- Total time: 4 to 6 months.

5. Operations Requirements:

- The permittee must fully comply with all conditions and performance standards stated in the permit.
- The bond is checked every 2 1/2 years, and may be recalculated.
- The permit must be renewed every 5 years.

6. Fees:

- A base fee of \$25 is required, with an additional \$10 for each acre of affected land.
- The maximum filing fee is \$2,500.
- A bond is also required.

CHAPTER 3.3 (concluded)

7. Appeal Process:

- An aggrieved party can appeal a preliminary decision by requesting a public hearing.
- A final decision is then made within 30 days of the hearing.
- If, following the decision, the party is still dissatisfied, it can appeal the decision to the CMLRD.
- Further appeals following the CMLRD's decision are made in the courts.

E. ADMINISTERING AGENCY:

State Agency:

Reclamation Specialist
Colorado Mined Land Reclamation Division
1313 Sherman Street, Room 423
Denver, Colorado 80203
(303) 866-3567

Federal Agency:

Office of Surface Mining
Brooks Towers, 2nd Floor
1020 - 15th Street
Denver, CO 80202
(303) 837-4072

CHAPTER 3.4
REGULAR MINING AND RECLAMATION PERMIT

INTRODUCTION

The Colorado Mined Land Reclamation Division (CMLRD) is responsible for approving all mining and reclamation activities. In addition to mining and reclamation, this permit covers all support and processing facilities for mines as well.

A. NAME OF PERMIT OR APPROVAL:

- Regular Mining and Reclamation Permit

B. STATUTORY AUTHORITY:

- CRS 1973, 34-32-101 et. seq.

C. TITLE OF REGULATION:

- 2 CCR 407-1; Rule 2

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This permit is required for all mining and reclamation activity in Colorado associated with mines affecting 10 acres or more or extracting 70,000 tons or more per year (with the exception of coal mines).
- All support and processing facilities are considered mining activities and are included in the scope of this permit.

2. General Requirements:

- Local government approval is necessary prior to the issuance of this permit.
- CMLRD will confer with appropriate state and federal agencies throughout the application process.

CHAPTER 3.4 (continued)

3. Submission Requirements:

- A comprehensive mining and reclamation plan including maps and narrative sufficient to show that the applicant will be able to comply with the required performance standards.
- Applications must be in format prescribed by the rules and regulations adopted by the CMLRD (see 2 CCR 407-1, Rule 2, Rule 6).
- The applicant must submit information concerning grading, dam construction, control of acid forming or toxic producing material, waste management, revegetation, topsoil handling, disturbances to the prevailing hydrologic balance, effect on land outside the permit area, erosion control, and future land use.

4. Procedures for Obtaining Permit or Approval:

- Pre-application meetings may be held if desired by the operator.
- Within 10 days after the application is received, the MLRD will review for completeness and notify applicant of results.
- Determination of adequacy and the technical review begin immediately.
- Applicant must publish notice of the proposed operation for 4 consecutive weeks within 10 days of when application has been deemed complete; public comment period runs for 20 days, beginning with the last day of publication.
- After last day of public comment the application may be heard by the CMLRD.
- The CMLRD must rule on an application within 90 days of submittal unless the operator requests a continuance.
- If a formal hearing is requested by a protestor, the CMLRD may, at its discretion set a hearing date.
- It must be held within 120 days of application submittal unless the operator has requested a continuance.
- Total time: 3 to 4 months.

CHAPTER 3.4 (concluded)

5. Operations Requirements:

- The permittee must fully comply with all conditions and terms of the permit.
- An annual report, accompanied by a \$350 fee for surface operations and a \$275 fee for underground operations, must be submitted to renew the permit.

6. Fees:

- A base fee of \$50 is required.
- \$15 per acre for the first 50 acres.
- \$10 per acre for the second 50 acres.
- \$5 per acre for the third 50 acres.
- \$1 per acre for any additional acres.

7. Appeal Process:

- An applicant who has been denied a permit can request the CMLRD to reconsider its decision.
- Further appeals can be made through proper court procedures.

E. ADMINISTERING AGENCY:

Minerals Section Supervisor
Colorado Mined Land Reclamation Division
1313 Sherman Street, Room 423
Denver, CO 80203
(303) 866-3567

CHAPTER 3.5

LIMITED IMPACT MINING AND RECLAMATION PERMIT

INTRODUCTION

The Colorado Mined Land Reclamation Division (CMLRD) is responsible for reviewing and approving mining and reclamation activities. This permit covers all mining and reclamation activities for mines disturbing less than 10 acres or extracting less than 70,000 tons per year of material.

A. NAME OF PERMIT OR APPROVAL:

- Limited Impact Mining and Reclamation Permit

B. STATUTORY AUTHORITY:

- CRS 1973, 34-32-101 et. seq.

C. TITLE OF REGULATION:

- 2 CCR 407-1; Rule 3

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This permit is required for all mining and reclamation activity in Colorado associated with mines disturbing less than 10 acres or extracting less than 70,000 tons per year (with the exception of coal mines).
- All support and processing facilities are considered mining activities and are included in the scope of this permit.

2. General Requirements:

- Local government approval is necessary prior to the issuance of this permit.
- The CMLRD will confer with appropriate state and federal agencies throughout the application process.

CHAPTER 3.5 (continued)

3. Submission Requirements:

- The applicant should furnish a complete description of the proposed mining and reclamation activities, using maps and narratives when necessary.
- The application should include all information required in 2 CCR 407-1, Rule 3 and Rule 6.

4. Procedures for Obtaining Permit or Approval:

- Within 10 days of receipt, the CMLRD will review the application for completeness and notify applicant of results.
- If complete, adequacy and technical review can begin immediately.
- Applicant must publish notice of the proposed operation for 2 consecutive weeks within 10 days of when application has been deemed complete; public comment period runs for 5 days after last day of publication or 48 hours before first scheduled date of the CMLRD consideration, whichever comes first.
- After last day of public comment the application may be heard by the CMLRD.
- CMLRD must rule on application within 30 days of submittal of complete application unless the operator requests a continuance.
- If a formal hearing is requested by a protestor, the CMLRD, at its discretion, may set a hearing date.
- Total time: Approximately 40 days.

5. Operations Requirements:

- The permittee must fully comply with all conditions and terms of the permit.
- A notice of intent to continue operations, with an accompanying \$50 fee, must be filed yearly to renew the permit.

CHAPTER 3.5 (concluded)

6. Fees:

- \$25 plus \$10 per acre.
- A bond not to exceed \$2,500.

7. Appeal Process:

- An applicant who has been denied a permit can request the CMLRD to reconsider its decision.
- Further appeals can be made through proper court procedures.

E. ADMINISTERING AGENCY:

Minerals Section Supervisor
Colorado Mined Land Reclamation Division
1313 Sherman Street, Room 423
Denver, CO 80203
(303) 866-3567

CHAPTER 3.6

SPECIAL MINING AND RECLAMATION PERMIT

INTRODUCTION

The Colorado Mined Land Reclamation Division (CMLRD) regulates mining and reclamation in Colorado. This permit is applicable to mining activities of short duration.

A. NAME OF PERMIT OR APPROVAL:

- Special Mining and Reclamation Permit

B. STATUTORY AUTHORITY:

- CRS 1973, 34-32-101 et. seq.

C. TITLE OF REGULATION:

- 2 CCR 407-1; Rule 4

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This permit is required for all mining and reclamation activity in Colorado associated with mines disturbing 10 acres or less (with the exception of coal mines).
- All support and processing facilities are considered mining activities and are included in the scope of this permit.
- The permit is ordinarily applicable to mining activities of short duration, such as those resulting from special contracts.

2. General Requirements:

- Local government approval is necessary prior to the issuance of this permit.

CHAPTER 3.6 (continued)

- The CMLRD will confer with appropriate state and federal agencies throughout the application process.

3. Submission Requirements:

- The applicant should furnish a complete description of the proposed mining and reclamation activities, using maps and narratives when necessary.
- The application should include information required in 2 CCR 407-1, Rule 4 and Rule 6.
- Proof of a contract, including a specific and imminent start-up date, may also be required.

4. Procedures for Obtaining Permit or Approval:

- Within 3 days of receipt, the CMLRD will review the application for completeness and notify the applicant of results.
- If complete, adequacy and technical review can begin immediately.
- The Board must publish notice of the proposed operation.
- Objections must be filed at the CMLRD offices no later than 4:00 p.m. of the working day prior to the date the CMLRD will consider the application.
- The CMLRD must rule on the application within 10 days of submittal of complete application unless the operator requests a continuance.
- If a formal hearing is requested by a protestor, the CMLRD, at its discretion, may set a hearing date.
- Total time: approximately 10 days.

5. Operations Requirements:

- There are no operation requirements, as mining activities are expected to be completed within a few months.

CHAPTER 3.6 (concluded)

6. Fees:

- \$200 plus \$15 per acre.
- A bond of \$2,500 per acre.

7. Appeal Process:

- An applicant who has been denied a permit can request the CMLRD to reconsider its decision.
- Further appeals can be made through proper court procedures.

E. ADMINISTERING AGENCY:

Minerals Section Supervisor
Colorado Mined Land Reclamation Division
1313 Sherman Street, Room 423
Denver, CO., 80203
(303) 866-3567

CHAPTER 3.7
EXPLORATION PERMIT

INTRODUCTION

The Colorado State Board of Land Commissioners (CSBLC) regulates activities on state land. This permit is required for all exploration activities on state lands and must be obtained prior to the issuance of a mineral lease by the Board.

A. NAME OF PERMIT OR APPROVAL:

- Exploration Permit

B. STATUTORY AUTHORITY

- CRS 1973, 36-1-113, as amended

C. TITLE OF REGULATION:

- Regulation not cited.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This permit is required for exploration for any mineral, including oil and gas, on state land.
- It regulates the drilling of holes, use of bulldozers, and other activities related to any type of exploration.
- An exploration permit is needed prior to the issuance of a mineral lease by the CSBLC.

2. General Requirements:

- See below.

CHAPTER 3.7 (concluded)

3. Submission Requirements:

- Applicant must submit the following information: name of the person in charge in the field; time required for the job; the type of exploration; number of holes per unit area or per unit length, and size and depth of holes; type of pits to be used; and a small scale plat showing the location of the holes and seismic lines or other work to be done, size of charges to be used in the hole, and any anticipated dozer work.
- Written authorization from mineral lessee, if other than permittee, is required.

4. Procedures for Obtaining Permit or Approval:

- Application reviewed by CSBLC and decision made within 2 weeks.

5. Operations Requirements:

- The permittee is required to furnish copies of electric logs and core hole data to the CSBLC.

6. Fees:

- None.
- A bond must be furnished as required by the CSBLC.

7. Appeal Process:

- A denied permit may be appealed to the CSBLC.

E. ADMINISTERING AGENCY:

Mineral Director
Colorado State Board of Land Commissioners
1313 Sherman Street, Room 620
Denver, CO 80203
(303) 866-3454

CHAPTER 3.8

COAL LEASE

INTRODUCTION

The Colorado State Board of Land Commissioners (CSBLC) regulates activities on state land. This lease is required for coal development activities on such lands.

A. NAME OF PERMIT OR APPROVAL:

- Coal Lease

B. STATUTORY AUTHORITY:

- CRS 1973, 36-1-113, as amended; 36-1-139

C. TITLE OF REGULATION:

- Regulation not cited.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This lease gives the lessee the right to explore for, subject to issuance of an exploration permit, and mine coal on state lands.
- Mining operations, once the lease has been acquired, are regulated by other government agencies.

2. General Requirements:

- See below.

3. Submission Requirements:

- Applicant must request that a tract be placed on auction list. Applicant's name and tract location.

4. Procedures for Obtaining Permit or Approval:

- Coal leases are ordinarily auctioned.

CHAPTER 3.8 (continued)

- Tract nominations should be submitted to the CSBLC.
- CSBLC then sends questionnaires to various state agencies, the County Commissioners, County Planners, Bureau of Land Management, and Forest Service.
- These questionnaires usually take about 1 to 1 1/2 months to be returned after which time the Board then places the tracts on the auction list.
- Once it is complete and approved, the auction list will be mailed out to those on the CSBLC's mailing list.
- The auction is held in conjunction with the oil and gas auction, which is on the third Wednesday of each month. Time: 1 1/2 months to indefinite.

5. Operations Requirements:

- The lessee must comply fully with all provisions, terms and conditions of the lease covenants.
- Such provisions include the submittal of an operations plan, an environmental analysis, and reclamation and restoration plans.

6. Fees:

- \$12.75 for the first 160 acres of leased land and \$1.50 for each additional 160 acres or fraction thereof.
- A bond is also required for surface restoration or other damages incurred during exploration.

7. Appeal Process:

- Appeals can be made to the CSBLC.
- CSBLC may take 2 to 3 months to make a decision on an appeal.

CHAPTER 3.8 (concluded)

E. ADMINISTERING AGENCY:

State Agency:

Mineral Director
Colorado State Board of Land Commissioners
1313 Sherman Street, Room 620
Denver, Colorado 80203
(303) 866-3454

Federal Agency:

Chief, Branch of Adjudication
State Office, Bureau of Land Management
1600 Broadway, Suite 700
Denver, Colorado 80202
(303) 837-4712 or 837-5551

CHAPTER 3.9
OIL, GAS, AND GEOTHERMAL LEASES

INTRODUCTION

The Colorado State Board of Land Commissioners (CSBLC) is responsible for activities on state lands. These permits are required for the exploration and production of oil, gas, and geothermal energy on state lands.

A. NAME OF PERMIT OR APPROVAL:

- Oil and Gas Lease
- Geothermal Lease

B. STATUTORY AUTHORITY:

- CRS 1973, 36-1-113, 115, as amended

C. TITLE OF REGULATION:

- Regulation not cited.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- These leases apply to the exploration, subject to an exploration permit, and production of oil, gas, and geothermal energy on state lands.
- Drilling and other operations are regulated by the Oil and Gas Conservation Commission.

2. General Requirements:

- None.

3. Submission Requirements:

- Oil and Gas:

CHAPTER 3.9 (continued)

- Applicant must request that a tract be placed on public auction list.
 - Applicant's name and tract location.
 - Geothermal:
 - Since geothermal leases are not usually auctioned, applicant need only request a lease for the tract in which he is interested.
 - Applicant's name and tract location.
4. Procedures for Obtaining Permit or Approval:
- Oil and Gas:
 - Request is submitted to the CSBLC prior to the first of the month.
 - Auction list is compiled, submitted for Board approval and mailed to those on CSBLC's mailing list.
 - Auction is conducted on third Wednesday of each month.
 - Sale of leases is confirmed by the CSBLC on the Monday following the sale. (Time: 1 1/2 to 3 months)
 - Geothermal:
 - Geothermal leases are not normally auctioned; however, if auctioned, the sale of lease is confirmed by the CSBLC on the Monday following the sale.
 - Applicant must file an application with the CSBLC and pay filing fee.
 - The CSBLC then sends questionnaires to various state agencies, the county commissioners, county planners, Bureau of Land Management, and Forest Service.
 - Board will notify applicant of lease decision after discussion at a regular public meeting held each Monday. (Time: 1 1/2 to 3 months)

CHAPTER 3.9 (concluded)

5. Operations Requirements:

- The lessee must comply with the terms and conditions of the lease.
- These provisions include periodic production reports, notifications of drilling and abandonments and submission of operational logs.

6. Fees:

- \$12.75 for the first 160 acres of land leased and \$1.50 for each additional 160 acres or fraction thereof.
- Adequate bond is required.

7. Appeal Process:

- Appeals can be made to the CSBLC.
- The appeal process may take 2 to 3 months before a decision is reached by CSBLC.

E. ADMINISTERING AGENCY:

State Agency:

Mineral Director
Colorado State Board of Land Commissioners
1313 Sherman Street, Room 620
Denver, Colorado 80203
(303) 866-3454

Federal Agency:

Chief, Branch of Adjudication
State Office, Bureau of Land Management
1600 Broadway, Suite 700
Denver, Colorado 80202
(303) 837-4712 or 837-5551

CHAPTER 3.10

MINING LEASES AND PERMITS (STATE LANDS)

INTRODUCTION

The Colorado State Board of Land Commissioners (CSBLC) is responsible for activities on state lands. Mining leases and permits obtained from the CSBLC give the lessee the right to explore for and mine the minerals leased.

A. NAME OF PERMIT OR APPROVAL:

- Mining Leases and Permits

B. STATUTORY AUTHORITY:

- CRS 1973, 36-1-113, as amended

C. TITLE OF REGULATION:

- Regulation not cited.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- These leases and permits apply to minerals on State lands other than uranium, coal, oil and gas.
- The leases are not ordinarily auctioned unless there is a conflict between two or more applicants.
- A lease gives the lessee the right to explore for and mine or remove the minerals leased, subject to the issuance of the appropriate permit.

2. General Requirements:

- See below.

3. Submission Requirements:

- Applicant's name, tract location, mineral desired and other information which may be required by the CSBLC.

CHAPTER 3.10 (continued)

4. Procedures for Obtaining Permit or Approval:

- Applicant must file an application with the CSBLC and pay the filing fee.
- The CSBLC then sends questionnaires to various state agencies, the county commissioners, county planners, Bureau of Land Management, and Forest Service.
- CSBLC will notify applicant of lease decision after discussion at a regular public meeting held each Monday.
- Time: 2 to 6 months.

5. Operations Requirements:

- The lessee must comply with all terms and conditions of the lease and permit.
- Such provisions may include submission of a mining plan and monthly production reports.

6. Fees:

- \$12.75 for the first 160 acres of land in a lease and \$1.50 for each additional 160 acres or fraction thereof.
- \$50 application fee for a permit to mine or remove sand, gravel or surface material.
- A bond is also required.

7. Appeal Process:

- A denied lease or permit may be appealed to the CSBLC.
- The appeal process may take 2 to 3 months.

CHAPTER 3.10 (concluded)

E. ADMINISTERING AGENCY:

State Agency:

Mineral Director
Colorado State Board of Land Commissioners
1313 Sherman Street, Room 620
Denver, Colorado 80203
(303) 866-3454

Federal Agency:

Chief, Branch of Adjudication
State Office, Bureau of Land Management
1600 Broadway, Suite 700
Denver, Colorado 80202
(303) 837-4712 or 837-5551

CHAPTER 3.11

URANIUM LEASE

INTRODUCTION

The Colorado State Board of Land Commissioners (CSBLC) is responsible for activities on state lands. Once obtained from the CSBLC, the holder of a uranium lease can explore for and develop uranium on state lands.

A. NAME OF PERMIT OR APPROVAL:

- Uranium Lease

B. STATUTORY AUTHORITY:

- CRS 1973, 36-1-113, as amended

C. TITLE OF REGULATION:

- Regulation not cited.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This lease gives the lessee the right to explore for, subject to issuance of an exploration permit, and mine uranium on state lands.
- Mining operations, once the lease has been acquired, are regulated by other government agencies.

2. General Requirements:

- See below.

3. Submission Requirements:

- Applicant must request that a tract be placed on auction list.
- Applicant's name and tract location.

CHAPTER 3.11 (continued)

4. Procedures for Obtaining Permit or Approval:

- Uranium leases are ordinarily auctioned.
- Tract nominations should be submitted to the CSBLC.
- The CSBLC then sends questionnaires to various state agencies, the county commissioners, county planners, Bureau of Land Management, and Forest Service.
- These questionnaires usually take about 1 to 1 1/2 months to be returned after which time the Board will place the tracts on the auction list.
- Once it is complete and approved, the auction list will be mailed out to those on the CSBLC's mailing list.
- The auction is held in conjunction with the oil and gas auction on the third Wednesday of each month.
- Time: 1 1/2 months to indefinite.

5. Operations Requirements:

- The lessee must comply fully with all provisions, terms, and conditions of the lease following lease approval.
- Such provisions include submittal of an operation plan, an environmental analysis, and reclamation and restoration plans.

6. Fees:

- \$12.75 for the first 160 acres of land leased, and \$1.50 for each additional 160 acres or fraction thereof.
- A bond is also required for surface restoration or other damages incurred during exploration.

CHAPTER 3.11 (concluded)

7. Appeal Process:

- Appeals can be made to the CSBLC.
- The appeal process may take 2 to 3 months before a decision is reached by the CSBLC.

E. ADMINISTERING AGENCY:

State Agency:

Mineral Director
Colorado State Board of Land Commissioners
1313 Sherman Street, Room 620
Denver, Colorado 80203
(303) 866-3454

Federal Agency:

Chief, Branch of Adjudication
State Office, Bureau of Land Management
1600 Broadway, Suite 700
Denver, Colorado 80202
(303) 837-4712 or 837-5551

CHAPTER 3.12
AUTHORIZATION OF UNITIZATION

INTRODUCTION

The Colorado State Board of Land Commissioners (CSBLC) is responsible for activities on state lands. The Authorization of Unitization permits oil and gas lessees to enter federal-type units for development of potential oil and gas fields.

A. NAME OF PERMIT OR APPROVAL:

- Authorization of Unitization

B. STATUTORY AUTHORITY:

- CRS 1973, 36-1-113, 115, as amended

C. TITLE OF REGULATION:

- Regulation not cited.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- The Authorization of Unitization permits oil and gas lessees to enter federal-type units for development of potential oil/gas fields.
- A request for authorization occurs when an oil/gas company wishes to develop a potential oil/gas field, but does not own all of the necessary land.
- The authorization thus creates a single unit composed of several lessees, changing the terms of all leases in the area designated so that all terms are equivalent.
- A lessee is not required to participate in an Authorization of Unitization, and can withdraw from the unit.
- The State Board of Land Commissioners may form its own unit where 80 percent of the minerals are state owned.

CHAPTER 3.12 (continued)

2. General Requirements:

- See below.

3. Submission Requirements:

- The applicant is required to submit copies of the following:
 - The name of the unit and operator; the effective date of the unit; copies of letter of application to USGS; copy of the letter of preliminary approval of the unit from the USGS; copy of the unit agreement, which must include state land provisions and ownership schedule; unit operating agreement and area map; geologic structure map; final approval from the USGS; state approval and certification forms; and ratification and joinders from working interest operators or working interest owners and overriding royalty owners.

4. Procedures for Obtaining Permit or Approval:

- CSBLC reviews application and decides whether to approve unit.
- Lessee must sign certificate and agree to any conditions set forth by the CSBLC.
- Time indefinite.

5. Operations Requirements:

- The lessee must comply fully with all provisions, terms and conditions of the authorization covenant following approval.

6. Fees:

- None.

7. Appeal Process:

- A denied authorization can be appealed to the CSBLC.
- The appeal process may take 2 to 3 months before the CSBLC reaches a decision.

CHAPTER 3.12 (concluded)

E. ADMINISTERING AGENCY:

Mineral Director
Colorado State Board of Land Commissioners
1313 Sherman Street, Room 620
Denver, Colorado 80203
(303) 866-3454

CHAPTER 3.13

AUTHORIZATION OF COMMUNITIZATION

INTRODUCTION

The Colorado State Board of Land Commissioners (CSBLC) is responsible for activities on state lands. The Authorization of Communitization applies to all owners of oil and gas rights within one well space (a well space refers to acreage which indicates percentage of royalties to be paid).

A. NAME OF PERMIT OR APPROVAL:

- Authorization of Communitization

B. STATUTORY AUTHORITY:

- CRS 1973, 36-1-113, 115, as amended

C. TITLE OF REGULATION:

- Regulation not cited.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- The Authorization of Communitization applies to all owners of oil and gas rights within one well space (a well space for gas is usually 160 acres, a well space for oil is always 40 acres as determined by the Oil and Gas Conservation Commission).
- All owners of oil or gas rights within one space are to be "communitized".
- "To communitize" refers to the division of the acreage in the well space proportionally among the owners.
- This proportion based on acreage determines the percentage of royalties to be paid each owner.
- If the State owns land within a well space, the authorization assures the State of its correct percentage of royalty payments.

CHAPTER 3.13 (continued)

- The Authorization of Communitization also applies to geothermal leases on State lands.
 - A lessee may be required by law to participate in an act of communitization.
2. General Requirements:
- See below.
3. Submission Requirements:
- Applicant must submit the location of the well to be communitized, along with the acreage of his lease and acreage owned by others in the communitized area.
4. Procedures for Obtaining Permit or Approval:
- Applicant submits the above information and signs the certificate requesting that the CSBLC approve the communitization.
 - Issuance of authorization is dependent on the Colorado Oil and Gas Conservation Commission's spacing requirements.
5. Operations Requirements:
- The lessee must comply fully with all provisions, terms and conditions of the authorization following approval.
6. Fees:
- None.
7. Appeal Process:
- Authorization can be appealed to the CSBLC.
 - The appeal process may take 2 to 3 months before the CSBLC reaches a decision.

CHAPTER 3.13 (concluded)

E. ADMINISTERING AGENCY:

Mineral Director
Colorado State Board of Land Commissioners
1313 Sherman Street, Room 620
Denver, Colorado 80203
(303) 866-3454

CHAPTER 3.14

PERMIT TO DRILL, DEEPEN OR REENTER, AND OPERATE AN OIL AND GAS WELL AND PERMIT TO USE EARTHEN PIT

INTRODUCTION

The Colorado Oil and Gas Conservation Commission (COGCC) regulates oil and gas extraction activities. These permits are required before oil and gas well drilling and disposal or storage of associated substances can begin.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Drill, Deepen or Re-enter, and Operate an Oil and Gas Well (OGCC Form 2)
- Permit to Use Earthen Pit (OGCC Form 15)

B. STATUTORY AUTHORITY:

- CRS 1973, 34-60-101 et seq.

C. TITLE OF REGULATION:

- 2 CCR 404-1 (303, 315)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This permit is designed to regulate the location of oil and gas wells.
- It is applicable to all oil and gas wells on all lands within the state.

2. General Requirements:

- The Permit to Drill is required for oil and gas wells within the state of Colorado.
- A Permit to Use Earthen Pit is required to store or dispose of substances associated with producing oil and gas wells.

CHAPTER 3.14 (continued)

- An oil or gas well located on State land requires a permit and bond by the COGCC, and also a lease and bond by the State Board of Land Commissioners.
 - An oil or gas well on Federal land requires a permit by COGCC, and a permit, lease and bond by the U.S. Geological Survey.
 - In all cases, county governments may request their own notifications, permits, or bond.
3. Submission Requirements:
- For Permit to Drill:
 - Type of work, type of well, name and address of operator, location of well, name and number of well, drilling program.
 - For Permit to Use Earthen Pit:
 - Name and address of operator, location of well(s), engineering information on pit.
4. Procedures for Obtaining Permit or Approval:
- For Permit to Drill:
 - Complete and file proper COGCC form.
 - The application is logged in and checked for completeness and compliance with applicable location requirements, and the well is plotted on a township plat.
 - The application is reviewed by the engineering staff and if found to meet all requirements, given to the director for approval.
 - Total elapsed time: 2 to 3 days.

CHAPTER 3.14 (continued)

- Permit to Use Earthen Pit:

- Complete and file proper COGCC form.
- The application is logged in and checked for completeness and compliance with applicable location requirements.
- The application is reviewed by the engineering staff and if found to meet all requirements, given to the director for approval.
- Total time elapsed: 2 to 4 weeks.

5. Operations Requirements:

- The permittee must complete several reports following commencement of operation:
 - Sundry Notice (COGCC Form 4): This form must be filed in the case of a dry well, indicating abandonment of the well and a description of the required plugging of the well.
 - Well Completion Report (COGCC Form 5): Within 30 days of the completion or recompletion of any well, the operator must transmit to the Director COGCC Form 5.
 - Operator's Monthly Production Report (COGCC Form 7): Each operator of an oil or gas well must submit all information required on said form.
 - Mill Levy (COGCC Form 8): This report is required quarterly, showing the market value at the well of the oil or gas produced.
- There are a number of other forms which may be required on a project-specific basis.

6. Fees:

- \$75.00.
- A bond for plugging to be no less than \$5,000.

CHAPTER 3.14 (concluded)

- No fee for the Permit to Use Earthen Pit.

7. Appeal Process:

- None.
- An applicant who has been denied a permit will be advised of the requirements (fee, bond, and location of well) that must be met.
- The permit will be issued when all requirements are fulfilled.

E. ADMINISTERING AGENCY:

State Agency:

Director
Colorado Oil and Gas Conservation Commission
Department of Natural Resources
1313 Sherman Street, Room 721
Denver, Colorado 80203
(303) 866-3531

Federal Agency:

Deputy Conservation Director, Oil and Gas
U.S. Geological Survey
Mail Stop 609, Building 85
P.O. Box 25046
Denver Federal Center
Denver, Colorado 80225
(303) 234-2855

CHAPTER 3.15

PERMIT TO DRILL, DEEPEN OR REENTER, AND OPERATE GEOTHERMAL RESOURCES WELL AND PERMIT TO USE EARTHEN PIT

INTRODUCTION

A permit to drill a geothermal resources well must be obtained from the Colorado Oil and Gas Conservation Commission (COGCC) prior to drilling operations.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Drill, Deepen or Re-Enter and Operate Geothermal Resources Well (GT Form 2)
- Permit to Use Earthen Pit (GT Form 15)

B. STATUTORY AUTHORITY:

- CRS 1973, 34-70-101 et seq.

C. TITLE OF REGULATION:

- 2 CCR 404-2 (G303, G315)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- All geothermal wells on all lands within the state.
- A Permit to Drill is designed to regulate the location of geothermal wells.
- A Permit to Use Earthen Pit is required to store or dispose of substances associated with producing geothermal wells.

2. General Requirements:

- A geothermal well located on State land requires a permit and bond by the COGCC and also a lease and bond by the State Board of Land Commissioners.

CHAPTER 3.15 (continued)

- A geothermal well on Federal land requires a permit by COGCC, and a permit, lease and bond by the U.S. Geological Survey.
- In all cases, county governments may request their own notification, permit or bond.

3. Submission Requirements:

- For Permit to Drill:
 - Type of work, type of well, name and address of operator, description of lease, location of well, name and number of well, drilling program, measures to protect water quality and to prevent subsidence, method of deposition of by-products.
- For Permit to Use Earthen Pit:
 - Name and address of operator, location of well(s), engineering information on pit.

4. Procedures for Obtaining Permit or Approval:

- For Permit to Drill:
 - Complete and file proper COGCC form.
 - The application is logged in and checked for the permit fee and bonding requirements.
 - The office engineer checks for completeness and compliance with applicable location requirements and plots the well on a township plat.
 - The application is reviewed by the engineering staff and, if found to meet all requirements of the Oil and Gas Conservation Commission, a copy is sent to the State Engineer's Office for review for compliance with state water laws.
 - Upon approval by State Engineer the application is given to the Director for final approval. OGCC approval time 2 to 3 days; State Engineer's review time normally 30 days.

CHAPTER 3.15 (continued)

- For Permit to Use Earthen Pit:
 - Complete and file proper COGCC form.
 - The application is logged in and checked for completeness and compliance with applicable location requirements.
 - The application is reviewed by the engineering staff and if found to meet all requirements, given to the director for approval.
 - Total time elapsed: 2 to 4 weeks.

5. Operations Requirements:

- The permittee must complete several reports following commencement of operation:
 - Sundry Notice (GT Form 4): This form must be filed in the case of a dry well, indicating abandonment of the well and a description of the required plugging of the well.
 - Well Completion Report (GT Form 5): Within 30 days of the completion or recompletion of any well, the operator must transmit to the director GT Form 5.
 - Operator's Monthly Production Report (GT Form 7): Each operator of a geothermal well must submit all information on said form.
- There are a number of other forms which may be required on a project-specific basis.

6. Fees:

- \$75.00.
- A bond for plugging to be no less than \$10,000.
- There is no fee for the Permit to Use Earthen Pit.

CHAPTER 3.15 (concluded)

7. Appeal Process:

- None.
- An applicant who has been denied a permit will be advised of the requirements (fee, bond, and location of well) that must be met.
- The permit will be issued when all requirements are fulfilled.

E. ADMINISTERING AGENCY:

State Agency:

Director
Colorado Oil and Gas Conservation Commission
Department of Natural Resources
1313 Sherman Street, Room 721
Denver, Colorado 80203
(303) 866-3531

Federal Agency:

Deputy Conservation
Manager, Geothermal
U.S. Geological Survey
345 Middlefield Road, MS-92
Menlo Park, California 94025
(303) 328-8111 Ext. 2841

CHAPTER 3.16

NOTICE OF ACTIVITY (DIVISION OF MINES)

INTRODUCTION

The Colorado Division of Mines (CDOM) is concerned with all mining activity in Colorado. The purpose of the Notice of Activity is to inform the CDOM of pending mining activities so that proper technical assistance can be provided to the operator.

A. NAME OF PERMIT OR APPROVAL:

- Notice of Activity (Division of Mines)

B. STATUTORY AUTHORITY:

- CRS 1973, 34-47-123, as amended; 34-29-129

C. TITLE OF REGULATION:

- 2 CCR 403-1; 403-2

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This notice applies to coal, uranium, oil shale, metal, and non-metal mines on federal, state and private lands.
- Its purpose is to inform the CDOM of activity in the mining industry so that it may provide assistance with proper start-up or shut-down activities.

2. General Requirements:

- See below.

3. Submission Requirements:

- Notify CDOM of intent to start or stop mining operations.

CHAPTER 3.16 (continued)

4. Procedures for Obtaining Permit or Approval:

- Fill out Notice of Activity Form (Form CDM 12), and send to the CDOM.

5. Operations Requirements:

- None required beyond accomplishment of the subject activity.

6. Fees:

- None.

7. Appeal Process:

- None.

E. ADMINISTERING AGENCY:

State Agency:

Director
Administration
Colorado Division of Mines
1313 Sherman Street, Room 719
Denver, Colorado 80203
(303) 866-3401

Federal Agency:

Mine Safety and Health Administration
P.O. Box 25367
Denver Federal Center
Denver, Colorado 80225
(303) 234-6298 for Coal
(303) 234-2271 for Metals and Non-Metals

CHAPTER 3.17
HOISTMAN CERTIFICATE

INTRODUCTION

The Colorado Division of Mines (CDOM) is responsible for certifying the physical competence of all hoistmen. An annual medical examination is required.

A. NAME OF PERMIT OR APPROVAL:

- Hoistman Certificate

B. STATUTORY AUTHORITY:

- CRS 1973, 34-47-107; 34-29-108

C. TITLE OF REGULATION:

- 2 CCR 403-1

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- The certificate applies potentially to all coal, uranium, oil shale, metal and non-metal mines on federal, state and private lands.
- Any hoistman stationed at a shaft, winze, raise or other lifting device must be certified by the State for the protection of the safety of the workers.

2. General Requirements:

- See below.

3. Submission Requirements:

- A doctor's examination indicating that the applicant is not addicted to the use of intoxicating liquors, or suffering from deafness or any other physical defect that could in any way interfere with his competency.

CHAPTER 3.17 (continued)

4. Procedures for Obtaining Permit or Approval:

- Have applicant examined by physician.
- Post certificate in hoistroom.

5. Operations Requirements:

- The hoistman must have an annual medical examination in order to keep the certificate valid.

6. Fees:

- None.

7. Appeal Process:

- A judicial appeal can be made if the permit is denied.

E. ADMINISTERING AGENCY:

State Agency:

Director
Colorado Division of Mines
1313 Sherman Street, Room 719
Denver, Colorado 80203
(303) 866-3401

Federal Agency:

Mine Safety and Health Administration
P.O. Box 25367
Denver Federal Center
Denver, Colorado 80225
(303) 234-6298 for Coal
(303) 234-2271 for Metals and Non-Metals

CHAPTER 3.18

DIESEL PERMIT

INTRODUCTION

The Colorado Division of Mines (CDOM) is responsible for approving the use of all diesel equipment in underground mines. A separate permit is required for each piece of equipment.

A. NAME OF PERMIT OR APPROVAL:

- Diesel Permit

B. STATUTORY AUTHORITY:

- CRS 1973, 34-29-112

C. TITLE OF REGULATION:

- 2 CCR 403-1

D. SUMMARY OF PERMIT OR APPROVAL:

1. Applicability:

- This permit is required before operating diesel equipment in underground uranium, coal, oil shale, metal, and non-metal mines on federal, state, and private lands.
- Each piece of diesel equipment must be permitted.
- The purpose of the permit is to control air quality in underground mines.

2. General Requirements:

- See below.

3. Submission Requirements:

- Location of operation.

CHAPTER 3.18 (continued)

- Type and description of equipment.
 - Owner of property.
4. Procedures for Obtaining Permit or Approval:
- Submit application, 1 to 5 days.
 - On-site inspection, 1 to 3 weeks.
 - Issue permit, 1 week.
5. Operations Requirements:
- Monitoring by the operator is required.
 - Mine ventilation will be inspected periodically by the Division of Mines.
6. Fees:
- None.
7. Appeal Process:
- A judicial appeal can be made if a permit is denied.

E. ADMINISTERING AGENCY:

State Agency:

Director
Colorado Division of Mines
1313 Sherman Street, Room 719
Denver, Colorado 80203
(303) 866-3401

Federal Agency:

Mine Safety and Health Administration
P.O. Box 25367
Denver Federal Center
Denver, Colorado 80225
(303) 234-6298 for Coal
(303) 234-2271 for Metals and Non-Metals

CHAPTER 3.19
ANNUAL REPORT OF OPERATOR OF MINES

INTRODUCTION

The Colorado Division of Mines (CDOM) is responsible for collecting and maintaining statistical information regarding mining operations in the State. Annual reports are required from all energy and mineral development operations.

A. NAME OF PERMIT OR APPROVAL:

- Annual Report of Operator of Mines

B. STATUTORY AUTHORITY:

- CRS 1973, 34-47-123, as amended; 34-29-134

C. TITLE OF REGULATION:

- 2 CCR 403-1, 403-2

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- The purpose of this report is to provide statistical information for the CDOM.
- It applies to all energy and mineral development operations, except oil and gas, on federal, state, and private lands.

2. General Requirements:

- An annual report may also be required by a federal agency and the county.

3. Submission Requirements:

- Date of start-up or shut-down.
- Name(s) of owner(s) and operator(s).

CHAPTER 3.19 (continued)

- County and/or Mining District.
 - Days worked.
 - Number of persons employed.
 - Number of man-hours worked.
4. Procedures for Obtaining Permit or Approval:
- Forms sent automatically from CDOM.
 - Return completed forms to CDOM by March 1 of the following calendar year.
5. Operations Requirements:
- Not applicable.
6. Fees:
- None.
7. Appeal Process:
- None.

E. ADMINISTERING AGENCY:

Director
Colorado Division of Mines
1313 Sherman Street, Room 719
Denver, Colorado 80203
(303) 866-3401

CHAPTER 3.20

APPLICATION TO STORE, USE, AND TRANSPORT EXPLOSIVES

INTRODUCTION

The Colorado Division of Mines (CDOM) regulates the use, storage and transportation of explosives on mining property. The permit for these purposes may be renewed annually.

A. NAME OF PERMIT OR APPROVAL:

- Application to Store, Use, and Transport Explosives

B. STATUTORY AUTHORITY:

- CRS 1973, 34-47-104, as amended; 34-27-1901 et seq., as amended

C. TITLE OF REGULATION:

- 2 CCR 403-1; 403-2

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This permit pertains to the use, storage, and transportation of explosives on mining property.
- It applies to all energy and mineral developments.

2. General Requirements:

- See below.

3. Submission Requirements:

- Location of storage facilities.
- Amount of explosive to be stored.
- Type of explosives.

CHAPTER 3.20 (continued)

- Number of employees who will use the explosives.
 - Description of magazine construction.
4. Procedures for Obtaining Permit or Approval:
- Request application form from CDOM.
 - Complete application.
 - On-site inspection of magazine.
 - If application and inspection approved, a permit is issued.
 - Time: 1 to 3 weeks.
5. Operations Requirements:
- The permit must be renewed annually.
6. Fees:
- None.
7. Appeal Process:
- A judicial appeal is possible if a permit is denied.

E. ADMINISTERING AGENCY:

State Agency:

Director
Colorado Division of Mines
1313 Sherman Street, Room 719
Denver, Colorado 80203
(303) 866-3401

Federal Agency:

Area Supervisor
Bureau of Alcohol, Tobacco, and Firearms
P.O. Box 3523
1961 Stout Street
Denver, Colorado 80294

CHAPTER 3.21
CERTIFICATE OF COMPETENCY

INTRODUCTION

The Certificate of Competency is issued by the Colorado Division of Mines (CDOM) to ensure the competency of individuals serving in key positions in or at coal mines.

A. NAME OF PERMIT OR APPROVAL:

- Certificate of Competency

B. STATUTORY AUTHORITY:

- CRS 1973, 34-21-101 et seq., as amended and 34-23-104

C. TITLE OF REGULATION:

- Regulation not cited.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- Individuals serving as foreman, assistant foreman, shot firer, cable splicer, hoistman, electrician, fire boss, or lamp and gas man in an underground or surface coal mine, are required to obtain certification.

2. General Requirements:

- See below.

3. Submission Requirements:

- The information requirements vary from position to position, generally the applicant will submit evidence of competency for the position for which certification is sought.

4. Procedures for Obtaining Permit or Approval:

- Examinations are held quarterly in Paonia, Glenwood Springs, Steamboat Springs, and Trinidad.

CHAPTER 3.21 (continued)

- Successful applicants are issued certificates.
- Certificates should be posted at mine site.

5. Operations Requirements:

- A certificate remains valid for as long as the employee remains on the job.
- It is voided if the employee leaves coal mining for 5 years or more.

6. Fees:

- None.

7. Appeal Process:

- A judicial appeal can be made if the permit is denied.

E. ADMINISTERING AGENCY:

Director
Colorado Division of Mines
1313 Sherman Street, Room 719
Denver, Colorado 80203
(303) 866-3401

CHAPTER 3.22
CERTIFICATE FOR BOILERS

INTRODUCTION

The Colorado Division of Labor (CDOL) is authorized to certify the operation of a boiler in any building other than a private home or federal building. A Certificate will be issued once the boiler is determined to be in compliance with state regulations.

A. NAME OF PERMIT OR APPROVAL:

- Certificate for Boilers

B. STATUTORY AUTHORITY:

- CRS 1973, 9-4-101 et seq., as amended

C. TITLE OF REGULATION:

- Regulation not cited.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This certificate must be issued for the operation of a boiler of any size in all buildings with the exception of private homes and federal buildings.
- It is potentially applicable to all energy and mineral developments.

2. General Requirements:

- See below.

3. Submission Requirement:

- Notify Boiler Inspection Branch when boiler operation begins.

4. Procedures for Obtaining Permit or Approval:

- Notification must be made within 1 week of start up.

CHAPTER 3.22 (continued)

- Inspection will be made by CDOL.
- Certificate will be issued if boiler is in compliance with state regulations.
- Total Time: Approximately 2 weeks.

5. Operations Requirements:

- An annual inspection by the CDOL is required to continue operations.

6. Fees:

- \$15.00.

7. Appeal Process:

- All problems are resolved prior to issuance of certificate.

E. ADMINISTERING AGENCY:

Chief Boiler Inspector
Colorado Division of Labor
1001 E. 62nd Avenue
Denver, Colorado 80216
(303) 289-5641

CHAPTER 3.23
PERMIT FOR EXPLOSIVE MATERIALS

INTRODUCTION

The Colorado Division of Labor (CDOL) regulates the sale, manufacture, use, purchase, storage and transportation of explosive materials. A permit is valid for 1 year and must be obtained prior to the start of any of these activities.

A. NAME OF PERMIT OR APPROVAL:

- Permit for Explosive Materials

B. STATUTORY AUTHORITY:

- CRS 1973, 9-7-101 et seq., as amended

C. TITLE OF REGULATION:

- 7 CCR 1101-9

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This permit regulates the sale, manufacture, use, purchase, storage and transportation of explosive materials.
- It is potentially applicable to all energy and mineral developments.

2. General Requirements:

- See below.

3. Submission Requirements:

- List of any previous permits and expiration dates.
- Name, address and phone number of applicant.
- Type and location of storage facility.

CHAPTER 3.23 (continued)

- Purpose for which explosives will be used.
 - Application must be notarized by sheriff.
4. Procedures for Obtaining Permit or Approval:
- Obtain application from CDOL.
 - Complete application and take to local sheriff's office to be notarized. Applicant must be finger-printed.
 - Applicant returns application to CDOL, Public Safety Section for review and decision.
 - Total Time: 3 to 5 days
5. Operations Requirement:
- The permittee must abide by all rules and regulations.
 - The permit is valid for only one year, at which time a new application must be submitted.
6. Fees:
- \$10.00.
7. Appeal Process:
- If a permit is denied, suspended, or revoked, a hearing will be held upon written request by the director of CDOL.
 - This ruling is final unless a Petition for Review of the director's order is filed with the commission within 15 days.

E. ADMINISTERING AGENCY:

State Agency:

Chief Inspector
Public Safety Section
Colorado Division of Labor
1001 E. 62nd Avenue
Denver, Colorado 80216
(303) 289-5641

CHAPTER 3.23 (concluded)

Federal Agency:

Area Supervisor
Bureau of Alcohol, Tobacco, and Firearms
P.O. Box 3523
1961 Stout Street
Denver, Colorado 80294

SECTION 4.0
LAND USE REGULATION

CHAPTER 4.1

SURVEY PERMIT

INTRODUCTION

The Colorado Department of Highways (CDOH) regulates surveying on state and federal highways. A Survey Permit is required for each district project.

A. NAME OF PERMIT OR APPROVAL:

- Survey Permit

B. STATUTORY AUTHORITY:

- CRS 1973, 42-4-701 et seq., as amended; 42-4-910, as amended

C. TITLE OF REGULATION:

- Regulation not cited.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This permit is designed to regulate the operation of land surveyors where their actions could affect traffic flow on state and federal highways.
- It is potentially applicable to all energy and mineral developments on federal, state and private lands.

2. General Requirements:

- Each survey permit is issued by project, and only for the duration of that project.
- Permission to survey may also be required by local governments.

3. Submission Requirements:

- Name and address of land surveyor, location, and time or work on Highway System.

CHAPTER 4.1 (continued)

4. Procedures for Obtaining Permit or Approval:

- The applicant submits a completed form to the CDOH.
- The permit may be issued at the time of application or the following day.

5. Operations Requirements:

- The permittee must fully comply with all terms and conditions of the permit.
- Such conditions include the installation of warning signs and traffic cones, and the restoration of roadway to its original condition if the road is damaged.

6. Fees:

- None.

7. Appeal Process:

- An aggrieved party can appeal a decision by requesting a public hearing.
- The decision resulting from the hearing can be appealed to the Colorado Highway Commission.
- Further appeals following the commission's decision are made in the courts.

E. ADMINISTERING AGENCY:

Staff Maintenance Supervisor
Colorado Department of Highways
4201 E. Arkansas Avenue
Denver, Colorado 80220
(303) 757-9536

CHAPTER 4.2

ACCESS APPROACH PERMIT

INTRODUCTION

The Colorado Department of Highways (CDOH) is responsible for controlling access to the Highway System. An Access Approach Permit is required prior to the construction of an entrance onto any state or federal highway.

A. NAME OF PERMIT OR APPROVAL:

- Access Approach Permit

B. STATUTORY AUTHORITY:

- CRS 1973, 43-2-147, as amended

C. TITLE OF REGULATION:

- 2 CCR 601-1

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This permit is designed to control access (entrances) to the Highway System.
- It is potentially applicable to all energy and mineral developments on federal, state and private lands.

2. General Requirements:

- See below.

3. Submission Requirements:

- Property owner's name, location, and use of access.
- Type and volume of traffic.
- Type of business to be conducted.

CHAPTER 4.2 (continued)

4. Procedures for Obtaining Permit or Approval:

- Obtain application, complete, and submit to CDOH.
- The application will be reviewed, and, in some cases, may be submitted to local jurisdiction for approval or denial.
- The proposed access point must be consistent with local zoning and building requirements.
- If it is approved at the local level, it will be forwarded to the CDOH for approval.
- This process may take as long as 45 days from the date of application.

5. Operations Requirements:

- The permittee must construct the access within 1 year according to the specifications noted on the permit.
- He must fully comply with all other conditions of the permit, such as maintenance of the access.

6. Fees:

- None.
- A fee schedule will be established by fall of 1981.

7. Appeal Process:

- An aggrieved party can appeal a decision by requesting a public hearing.
- The decision resulting from the hearing can be appealed to the Colorado Highway Commission.
- Further appeals following the commission's decision are made in the courts.

CHAPTER 4.2 (concluded)

E. ADMINISTERING AGENCY:

Staff Maintenance Supervisor
Colorado Department of Highways
4201 E. Arkansas Avenue
Denver, Colorado 80220
(303) 757-9536

CHAPTER 4.3

UNDERGROUND AND UTILITY PERMIT

INTRODUCTION

The Colorado Department of Highways (CDOH) regulates the installation of pipelines and transmission lines within state highway right-of-way. An Underground and Utility Permit should be obtained prior to any such installation

A. NAME OF PERMIT OR APPROVAL:

- Underground and Utility Permit

B. STATUTORY AUTHORITY:

- CRS 1973, 38-5-101

C. TITLE OF REGULATION:

- Regulation not cited.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This permit regulates the installation of all pipelines and transmission lines located within a CDOH right-of-way.
- It is potentially applicable to all energy and mineral developments.

2. General Requirements:

- See below.

3. Submission Requirements:

- Applicant's name, address, and location of utility.
- Size of line.
- Relationship to other utility installations in the area.

CHAPTER 4.3 (continued)

4. Procedures for Obtaining Permit or Approval:

- There is no standard application form. Applicant submits the required information.
- The permit is usually issued within 10 days after receipt of request.

5. Operations Requirements:

- The permittee must fully comply with all conditions and terms of the permit, such as maintenance of the installation.

6. Fees:

- None.

7. Appeal Process:

- An aggrieved party can appeal a decision by requesting a public hearing.
- The decision resulting from the hearing can be appealed to the Colorado Highway Commission.
- Further appeals following the commissioner's decision are made in the courts.

E. ADMINISTERING AGENCY:

Staff Maintenance Supervisor
Colorado Department of Highways
4201 E. Arkansas Avenue
Denver, Colorado 80220
(303) 757-9536

CHAPTER 4.4

SPECIAL TRANSPORT PERMIT

INTRODUCTION

The Colorado Department of Highways (CDOH) regulates the movement of oversize or overweight vehicles or loads. A Special Transport Permit is required for any such movement.

A. NAME OF PERMIT OR APPROVAL:

- Special Transport Permit

B. STATUTORY AUTHORITY:

- CRS 1973, 42-4-409

C. TITLE OF REGULATION:

- 2 CCR 601-4

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This permit is required for the movement of oversize or overweight vehicles or loads.
- It is potentially applicable to all energy and mineral developments.

2. General Requirements:

- Local governments also issue similar permits, which the operator must obtain.

3. Submission Requirements:

- Route to be used by vehicles.
- Dates and number of trips.
- Size, weight, and description of vehicle and load.

CHAPTER 4.4 (continued)

- Number of axles and axle spacing.
 - License and ID number of vehicle(s).
4. Procedures for Obtaining Permit or Approval:
- Normal oversize or overweight loads are handled at the time of application - usually within 10 minutes.
 - Excessively large loads over 175,000 lbs. must be checked through a computer, and require up to a week for processing.
5. Operations Requirements:
- The permittee must fully comply with all terms and conditions of the permit.
6. Fees:
- \$5.00.
 - If it is a house move, there is a \$35.00 inspector fee.
7. Appeal Process:
- An aggrieved party can appeal a decision by requesting a public hearing.
 - The decision resulting from the hearing can be appealed to the Colorado Highway Commission.
 - Further appeals following the commission's decision are made in the courts.

E. ADMINISTERING AGENCY:

Staff Maintenance Supervisor
Colorado Department of Highways
4201 E. Arkansas Avenue
Denver, Colorado 80220
(303) 757-9536

CHAPTER 4.5

RIGHTS-OF-WAY ON STATE LANDS

INTRODUCTION

The Colorado State Board of Land Commissioners (CSBLC) is responsible for activities on state lands. Rights-of-way approval must be obtained from the Board for all facilities such as roads, pipelines, transmission lines, and railroad spurs crossing state lands.

A. NAME OF PERMIT OR APPROVAL:

- Rights-of-way on State Lands

B. STATUTORY AUTHORITY:

- CRS 1973, 36-1-136, as amended

C. TITLE OF REGULATION:

- Regulation not cited.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- A right-of-way approval controls the location and type of facilities on State lands.
- A right-of-way approval must be obtained from the CSBLC for all facilities of any public purpose, such as roads, pipelines, transmission lines, and railroad spurs.
- Air rights are also acquired through the CSBLC.

2. General Requirements:

- Some cases involving rights-of-way that may require special action by the applicant.

CHAPTER 4.5 (continued)

- If an applicant wishes to use a right-of-way that has been previously granted by the CSBLC to another party, the applicant must obtain permission from that party and also obtain a rights-of-way approval through the CSBLC.

3. Submission Requirements:

- Application Form (SLB-38) and fee.
- Map of proposed route.
- Plat and legal description of area (prepared by a Registered Land Surveyor).

4. Procedures for Obtaining Permit or Approval:

- Request permission to enter lands for surveying purposes with map of proposed route.
- Preapplication meeting between proponent and CSBLC for major facilities.
- Submit application and fees.
- SBLC reviews application for completeness (1 week).
- SBLC conducts technical review (1 month).
- Preparation of summary to CSBLC and posting for public comment (2 weeks).
- CSBLC decision to approve or deny.
- If approved, CSBLC order and billing of consideration.
- Payment and processing of document.
- Total time: 2 to 4 months.

5. Operations Requirements:

- Construction of the facility must begin within 2 years.
- The operator must comply with all conditions stated in the approval, such as maintenance of the facility.

CHAPTER 4.5 (concluded)

6. Fees:

- \$75.
- \$10 document fee upon approval of the application.

7. Appeal Process:

- An applicant who has been denied a right-of-way can request to discuss the proposal during a regularly scheduled monthly CSBLC meeting.

E. ADMINISTERING AGENCY:

Engineering Technician
Colorado State Board of Land Commissioners
1313 Sherman Street, Room 620
Denver, Colorado 80203
(303) 866-3454

CHAPTER 4.6

CERTIFICATE AS COMMON CARRIER AND PERMIT FOR CONTRACT CARRIER

INTRODUCTION

The Colorado Public Utilities Commission (CPUC) is responsible for certifying all common and contract carriers in the State. These certifications govern intrastate movements of vehicles only.

A. NAME OF PERMIT OR APPROVAL:

- Certificate as a Common Carrier
- Permit for Contract Carrier (to transport products in connection with energy and mineral resource development)

B. STATUTORY AUTHORITY:

- CRS 1973, 40-10-104, as amended (common carrier certificate). CRS 1973, as amended (contract carrier permit)

C. TITLE OF REGULATION:

- 4 CCR 723-10 et seq.

D. SUMMARY OR PERMIT/APPROVAL PROCESS:

1. Applicability:

- The application for Certificate as a Common Carrier (motor vehicles which serve the public) and the Permit for Contract Carrier (motor vehicles which transport products for a specific company) govern intrastate movement of vehicles only.
- Interstate commerce requires additional permits from the Department of Transportation and the Interstate Commerce Commission.
- The permit and the certificate are potentially applicable to all energy and mineral resource developments.

CHAPTER 4.6 (continued)

2. General Requirements:

- The permit or certificate is applicable to an entire fleet of motor vehicles - there is no need to obtain a separate permit or certificate for each individual vehicle.

3. Submission Requirements:

- Name and address of applicant and applicant's representative (if any).
- Information on ownership of the firm.
- Type of service to be provided (i.e., common or contract, passenger or property).
- Service area and route information.
- Description of equipment.
- Financial information.
- Customer list (for contract carrier applicants).

4. Procedures for Obtaining Permit or Approval:

- Complete and file application with Docketing Section of the CPUC.
- If everything is in order, a Notice of Application will be published and mailed to all interested parties.
- If no protests to the application are received within the 30-day notice period, the matter will be placed on the Noncontested Agenda and either approved or denied at one of the weekly Tuesday open meetings.
- If protests to the application are received, the matter will be set for a public hearing. The hearing examiner will issue a Recommended Decision either granting or denying the application. If his recommendation is to grant, the applicant would then have 20 days in which to file his insurance, tariff, and issuance fee. Total time: approx-

CHAPTER 4.6 (concluded)

-imately 45 days for a noncontested application;
approximately 120 to 150 days for a contested application.

5. Operations Requirements:

- An annual report of revenues is due on April 30 of each year.

6. Fees:

- \$35 filing fee and a \$5 issuance fee.

7. Appeal Process:

- A Recommended Decision (denial or approval of an application) is appealed when an exception is filed by the applicant or protestant. The commission rules on the exceptions. A petition for rehearing, reargument, and reconsideration can be filed seeking to reverse any commission decision. All final commission decisions can be appealed in district court.

E. ADMINISTERING AGENCY:

Transportation Representative
Colorado Public Utilities Commission
1525 Sherman Street, Room 560
Denver, Colorado 80203
(303) 866-3171 Ext. 58

CHAPTER 4.7

CERTIFICATE FOR PUBLIC CONVENIENCE AND NECESSITY

INTRODUCTION

The Colorado Public Utilities Commission (CPUC) is required to determine the "need for certain major facilities constructed in Colorado." The certificate regulates the installation of transmission lines, pipelines (natural gas only), and the construction of powerplants.

A. NAME OF PERMIT OR APPROVAL:

- Certificate for Public Convenience and Necessity

B. STATUTORY AUTHORITY:

- CRS 40-5-101, 1973

C. TITLE OF REGULATION:

- Rules of the Public Utilities Commission Regulating the Service of Electric Utilities and the Service of Gas Utilities, Rule 18

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This certificate regulates the installation of transmission lines and pipelines (natural gas only), and the construction of powerplants.
- It potentially is applicable to all major energy and mineral developments.

2. General Requirements:

- See below.

3. Submission Requirements:

- There is no standard application form for this certificate.

CHAPTER 4.7 (continued)

- Although the applicant may provide a general description of the proposed powerplant, transmission line or pipeline corridor, the necessary requirement for this certificate is a demonstration of need.
- There is no precise definition of the "need" criteria; "need" is decided on a case-by-case basis.

4. Procedures for Obtaining Permit or Approval:

- File application with the CPUC.
- The CPUC notifies parties that may be affected by the proposed transmission line, pipeline, or powerplant.
- A 30-day comment period follows the notification period. During this time, the State conducts its own analysis of the proposal.
- A public hearing is arranged.
- The CPUC issues or denies the permit (3 weeks).
- A 21-day exception period follows the decision.
- Total time: 3 to 4 months.

5. Operations Requirements:

- There are no specific required compliance measures.

6. Fees:

- None.

7. Appeal Process:

- A denied certificate may be appealed to the District and Supreme Courts.

CHAPTER 4.7 (concluded)

E. ADMINISTERING AGENCY:

Supervising Engineering Analyst
Fixed Utilities
Colorado Public Utilities Commission
1525 Sherman Street, Room 520
Denver, Colorado 80203
(303) 866-3183

CHAPTER 4.8

CERTIFICATE FOR PETROLEUM TRANSPORT AND STORAGE

INTRODUCTION

The Colorado Division of Labor (CDOL), Oil Inspection Department, is responsible for calibrating petroleum tank trucks and approving plans for bulk petroleum storage tanks. Calibration is certified by appointment and satisfactory plot plans will be approved upon submission.

A. NAME OF PERMIT OR APPROVAL:

- Certificate for Petroleum Transport and Storage

B. STATUTORY AUTHORITY: CRS 1973, 8-20-218

C. TITLE OF REGULATION:

- No regulation was cited.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- The Oil Inspection Department issues certificates indicating intrastate trucks carrying petroleum products are correctly calibrated.
- It must also approve plot plans for bulk petroleum storage tanks (over 200 gallons), and validate the accuracy of all meters at boarding facilities, refineries, and bulk plants.
- It potentially is applicable to any oil and gas operation.

2. General Requirements:

- See below.

3. Submission Requirements:

- Trucks: applicant must make an appointment for calibration test or to prove meters.

CHAPTER 4.8 (continued)

- Storage Tanks: plot plan.
4. Procedures for Obtaining Permit or Approval:
- Trucks:
 - Write or telephone to request an appointment for calibration of tank trucks or to prove meter of trucks or loading facilities.
 - Inspector calibrates or proves meter.
 - Storage Tanks:
 - Submit plot plan for approval of location.
 - Certificate is issued for satisfactory facilities.
 - Total time: approximately 8 hours.
5. Operations Requirements:
- The CDOL must be immediately notified of any changes in the storage or transport of petroleum.
6. Fees:
- None.
7. Appeal Process:
- An applicant who has been denied a certificate will be advised of changes that must be made in the transport or storage of petroleum.
 - The certificate will be issued upon completion of all necessary changes.

CHAPTER 4.8 (concluded)

E. ADMINISTERING AGENCY:

Metrology Superintendent
Oil Inspection Department
Colorado Division of Labor
1001 E. 62nd Avenue, Building 1
Denver, Colorado 80216
(303) 289-5643

CHAPTER 4.9

PLAN APPROVAL FOR LIQUEFIED PETROLEUM GAS

INTRODUCTION

The Colorado Division of Labor (CDOL) is responsible for approving plans for industrial bulk liquid petroleum gas storage facilities. Approval must be obtained prior to the start of construction.

A. NAME OF PERMIT OR APPROVAL:

- Review and Approval of Plans for Liquefied Petroleum Gas (LPG)

B. STATUTORY AUTHORITY:

- CRS 1973, 8-20-401 et seq., as amended

C. TITLE OF REGULATION:

- No regulation was cited.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- The State Inspector of Oils must review and approve plans for industrial bulk LPG storage facilities (over 200 gallons).
- This approval is potentially applicable to all energy and mineral developments that involve industrial bulk storage installations on federal, state, and private lands.

2. General Requirements:

- See below.

3. Submission Requirements:

- Applicant and Operator's name, address, and phone number.
- Legal description of the site.
- Construction information.

CHAPTER 4.9 (continued)

4. Procedures for Obtaining Permit or Approval:

- Submit completed application. Certificate will be issued approximately 48 hours after receiving plans.

5. Operations Requirements:

- The CDOL must be immediately notified of any changes in the storage of LPG.

6. Fees:

- None.

7. Appeal Process:

- An applicant who has been denied an approval will be advised of changes that must be made in the plans for LPG storage.
- The approval will then be issued upon completion of all necessary changes.

E. ADMINISTERING AGENCY:

Chief Oil Inspector
Colorado Division of Labor
1001 E. 62nd Avenue, Building 1
Denver, Colorado 80216
(303) 289-5643

SECTION 5.0
ENVIRONMENTAL QUALITY MANAGEMENT

CHAPTER 5.1

AIR POLLUTANT EMISSIONS PERMIT

INTRODUCTION

The Colorado Air Pollution Control Division (CAPCD) is responsible for enforcing air emission limits for new or modified sources. Initial approval must be obtained prior to the start of the emitting activity; final approval occurs once it is determined that all conditions are being met.

A. NAME OF PERMIT OR APPROVAL:

- Air Pollutant Emissions Permit

B. STATUTORY AUTHORITY:

- CRS 1973, 25-7-112

C. TITLE OF REGULATION:

- 5 CCR 1001-5, Regulation Number 3, Colorado Air Pollution Control Commission

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Potentially all energy and mineral developments.

2. General Requirements

- See below.

3. Submission Requirements

- A completed permit application form, a completed Air Pollutant Emissions Notice form, and additional information necessary to evaluate the proposed new or modified source.
- The diversity of processes in the energy and mineral development industry preclude a description here of detailed informational requirements.

CHAPTER 5.1 (continued)

4. Procedures for Obtaining Permit or Approval

- The application and review procedure varies considerably according to the type and location of a source.
- The applicant is advised to arrange a preapplication meeting with the CAPCD at which time detailed requirements will be established.
- The CAPCD must complete its review of the information submitted within 60 days, unless it determines that the application is incomplete.
- If so, processing is suspended until complete information is submitted.
- At that time, the 60-day period begins again.
- On completion of the 60-day review, the CAPCD issues (within 15 days) public notice of a 30-day public comment period.
- Following the public comment period, the CAPCD has 30 days to issue or deny the initial permit.
- If the CAPCD denies a permit, appeal must be made to the Air Quality Hearings Board within 30 days.
- The permit approval process occurs in two stages.
- Initial approval allows the applicant to begin construction of the permitted source and/or begin operation.
- Final approval occurs generally within 30 days after operations begin and follows a determination by the CAPCD that permit conditions are being met.
- The applicant is required to give 30 days prior notice to the CAPCD before commencement of operations begins.

5. Operations Requirements

- The permittee must comply with emission limits as stated in regulations 1, 2, 5, 6, 7, and 8 of 5 CCR 1001-5.
- Written reports and monitoring procedures may be required as specified in regulations 1, 2, 3, 5, 6, 7, and 8 of 5 CCR 1001-5.

CHAPTER 5.1 (concluded)

6. Fees

- \$40.
- Additional fees will be charged to recover actual costs incurred for processing, administration, and enforcement of the permit provisions.
- Such additional fees average \$40 per hour spent processing the permit.

7. Appeal Process

- A denied permit can be appealed to the Air Quality Hearings Board within 30 days.
- For additional information on the process, refer to the Colorado Air Quality Control Act, 1979.

E. ADMINISTERING AGENCY:

State Agency:

Chief
Stationary Sources Section
Colorado Air Pollution Control Division
1101 Bellaire Avenue
Denver, Colorado 80220
(303) 320-4180

Federal Agency:

Air Permits Branch
U.S. Environmental Protection Agency
Lincoln Building, Suite 900
1860 Lincoln Street
Denver, Colorado 80295
(303) 837-4901

CHAPTER 5.2

OPEN BURNING PERMIT

INTRODUCTION

The Colorado Air Pollution Control Division (CAPCD) is responsible for regulation of open burning of debris. A permit must be obtained from this agency prior to any open burning.

A. NAME OF PERMIT OR APPROVAL:

- Open Burning Permit

B. STATUTORY AUTHORITY:

- CRS 1973, 25-7-123

C. TITLE OF REGULATION:

- 5 CCR 1001-3 Regulation No. 1, Section I.C. Colorado Air Pollution Control Commission

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- Potentially all energy and mineral developments.

2. General Requirements:

- See below.

3. Submission Requirements:

- A completed open burning permit application (Form APC-24) including information on burning site, debris to be burned, date of burning, etc.

4. Procedures for Obtaining Permit or Approval:

- Obtain APC-24 Application Form from CAPCD.

CHAPTER 5.2 (continued)

- Complete form and contact nearest CAPCD office. District office phone numbers follow:
 - Denver - (303) 320-4180
 - Grand Junction - (303) 245-2400
 - Pueblo - (303) 545-4650
- Application is sent to the proper local agency which will generally respond within a week.
- Concurrence of the local fire marshall may be required.

5. Operations Requirements:

- The permittee must comply with all stated permit conditions. Written reports or statements are not required.

6. Fees:

- None.

7. Appeal Process:

- A denied permit can be appealed to the Air Quality Hearings Board.
- For additional information on the process, refer to the Colorado Air Quality Control Act, 1979.

E. ADMINISTERING AGENCY:

Chief
Stationary Sources Section
Colorado Air Pollution Control Division
1101 Bellaire Avenue
Denver, Colorado 80220
(303) 320-4180

CHAPTER 5.3

APPROVAL OF SEWAGE TREATMENT FACILITY SITE

INTRODUCTION

The Colorado Water Quality Control Division (CWQCD) is responsible for approving the site of sewage treatment facility construction or expansion. The approval is required for any facility with a capacity greater than 2,000 gallons per day.

A. NAME OF PERMIT OR APPROVAL:

- Site Approval of Construction or Expansion of Sewage Treatment Facility

B. STATUTORY AUTHORITY:

- CRS 1973, 25-8-704

C. TITLE OF REGULATION:

- 5 CCR 1003-1

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- The site approval is applicable to any sewage treatment facility which processes over 2,000 gallons per day.

2. General Requirements:

- Questions concerning issuance of a National Pollutant Discharge Elimination System (NPDES) Permit for the protection of state waters may bear on the site approval process.

3. Submission Requirements:

- Brief statement of reason for selecting the site.
- Size and type of treatment facility.
- Location: description and maps.

CHAPTER 5.3 (continued)

- Information on ownership, other treatment plants in area, and zoning.
 - Signatures of the following governmental authorities.
 - Local government
 - Board of County Commissioners
 - Local health authority
 - City/County planning authority
 - Council of Government
 - State Geologist
4. Procedures for Obtaining Permit or Approval:
- Request WQ-3 Form from CWQCD.
 - Applicant will be responsible for acquiring the signatures of various entities identified on the form.
5. Operations Requirements:
- The site approval must be utilized within 1 year after it has been granted to the applicant.
 - Utilization means either the completion of the final plans and specifications or the actual construction of the facilities.
 - It should be noted that a 1-year extension is possible.
6. Fees:
- None.
7. Appeal Process:
- If a request for site approval is denied, the applicant can petition the CWQCD for reconsideration.

CHAPTER 5.3 (concluded)

E. ADMINISTERING AGENCY:

Section Chief, Field Services Section
Colorado Water Quality Control Division
Colorado Department of Health
4210 E. 11th Avenue
Denver, Colorado 80220
(303) 320-8333, Ext. 3322

CHAPTER 5.4

APPROVAL OF LOCATION AND CONSTRUCTION OF WATERWORKS

INTRODUCTION

The Colorado Water Quality Control Division (CWQCD) regulates the design, location and construction of potable water supply plants. Approval must be obtained prior to the construction of such a facility.

A. NAME OF PERMIT OR APPROVAL:

- Approval of Location and Construction of Waterworks

B. STATUTORY AUTHORITY:

- CRS 1973, 25-1-107

C. TITLE OF REGULATION:

- 5 CCR 1003-1

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This approval regulates the design, location and construction of potable water supply plants.
- Such approval is needed to ensure construction quality and to provide for public safety.
- It is applicable to all potable public water supply plants that serve more than 25 people at least 60 days per year.
- Approval of distribution systems and storage tanks are not required by the CWQCD.

2. General Requirements:

- See below.

CHAPTER 5.4 (continued)

3. Submission Requirements:

- A completed Department of Health "Request for Review" form as applicable.
- A completed "100-year Floodplain Certification", verified by a professional engineer.
- Design calculations for the project, including and not limited to maximum and minimum pipeline pressures, unit process sizing, chemical feed rates as applicable, and pump capacities with pump curves.
- Two complete and final sets of drawings. In the case of water treatment facilities, these drawings must include:
 - Topographic map showing the 100-year floodplain in relation to the facility.
 - A hydraulic profile.
 - Process schematic.
 - Piping diagrams including in-plant potable water and sanitary sewer lines.
- Two complete and final sets of specifications.

4. Procedures for Obtaining Permit or Approval:

- Submit the above information to the CWQCD.
- Review by CWQCD - 45 days.
- The CWQCD will reach a decision which may include conditions to be met by applicant.

5. Operations Requirements:

- The operator must meet all the conditions of the approval. Periodic maintenance checks by the Department of Health can be expected.

CHAPTER 5.4 (concluded)

6. Fees:

- None.

7. Appeal Process:

- If an approval should be denied, it can be appealed to the Executive Director of the Department of Health.
- In extreme cases, the appeal may be taken to court.

E. ADMINISTERING AGENCY:

Chief
Drinking Water Section
Colorado Department of Health
4210 E. 11th Avenue
Denver, Colorado 80220
(303) 320-8333, Ext. 3322

CHAPTER 5.5

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

INTRODUCTION

The Colorado Water Quality Control Division (CWQCD) is responsible for ensuring that all wastewater discharges comply with adopted water quality standards. The NPDES permit is required before any discharge of pollutants can occur.

A. NAME OF PERMIT OR APPROVAL:

- National Pollutant Discharge Elimination System (NPDES) Permit

B. STATUTORY AUTHORITY:

- CRS 1973, 25-8-501 through 508

C. TITLE OF REGULATION:

- 5 CCR 1002-2

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- The NPDES permit is required prior to discharging a pollutant into state waters.

2. General Requirements:

- On the federal level, the Environmental Protection Agency (EPA) has the obligation to review and approve all major projects.

3. Submission Requirements:

- Name, address and phone number of facility's owner.
- Location of facility - legal description.
- Description of discharge - type and quantity.
- Additional Information - sketches or maps if necessary.

CHAPTER 5.5 (continued)

- Parametric analysis as requested.
4. Procedures for Obtaining Permit or Approval:
 - Request application from CWQCD.
 - Application received and responded to by the Division.
 - Application and processing questionnaire sent out to involved sections and agencies - 2 months.
 - Draft permit constructed - 120 days after application.
 - Draft sent to EPA and applicant for review - 2 weeks or less.
 - Public notice - 30 days.
 - If there is sufficient public comment, changes may be made and a public hearing held.
 - Permit issued - 1 week after public hearing.
 5. Operations Requirements:
 - After obtaining the permit, the permittee is required to participate in a monitoring system.
 - To remain in compliance, the recordkeeping and reporting requirements must be maintained.
 6. Fees:
 - None.
 7. Appeal Process:
 - The applicant has the right to request an adjudicatory hearing within 30 days following the final determination on the permit by CWQCD.

CHAPTER 5.5 (concluded)

E. ADMINISTERING AGENCY:

Section Chief, Permits
Colorado Water Quality Control Division
Colorado Department of Health
4210 East 11th Avenue
Denver, Colorado 80220
(303) 320-8333, Ext. 4380

CHAPTER 5.6

SUBSURFACE DISPOSAL SYSTEM PERMIT

INTRODUCTION

The Colorado Water Quality Control Division (CWQCD) is responsible for reviewing and approving disposal systems for radioactive, toxic, and other hazardous wastes into underground waters. Applicants must be able to show beyond a reasonable doubt that there will be no pollution from the system.

A. NAME OF PERMIT OR APPROVAL:

- Permit for Subsurface Disposal Systems

B. STATUTORY AUTHORITY:

- CRS 1973, 25-8-505

C. TITLE OF REGULATION:

- 5 CCR 1002-4

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This permit applies in all cases where there is any discharge, deposit, generation or disposal of any radioactive, toxic, or other hazardous wastes into underground waters.

2. General Requirements:

- As a general rule, other regulatory decisions are not required prior to a decision on the permit itself.
- The one exception occurs in cases involving impoundments with embankments that are subject to approval by the State Engineer's Office.

CHAPTER 5.6 (continued)

3. Submission Requirements:

- Legal description of the area within a radius of 2 miles
- An accurate map of the area.
- Description of geologic impacts.
- Description of topography, land use, wildlife and an estimate of probable effects upon land use and wildlife.
- Description of water resources.
- Description of mineral resources.
- Description of chemical, physical, radiological and biological properties of the wastes to be disposed.
- If the disposal system is an injection well, more specific information is required.

4. Procedures for Obtaining Permit or Approval:

- Contact CWQCD for preliminary review by CWQCD to determine general feasibility of the project.
- Submit formal application.
- WQCD reviews for completeness, technical accuracy.
- Public hearing on application (20 days notice must be given).
- Decision to deny, approve, or approve with conditions.

5. Operations Requirements:

- To remain in compliance, the permittee is required to provide monthly reports.
- A separate notice is needed for abandonment, termination, and plugging of the site.

CHAPTER 5.6 (concluded)

6. Fees:

- None for application.
- \$1,000.00 permit fee required prior to issuance of the permit.
- A bond is required in conjunction with the permit to cover reclamation costs. It is calculated on a site-by-site basis.

7. Appeal Process:

- Any party directly affected by the Water Quality Control Commission's action has the right to request reconsideration within 30 days following the agency's final action on the application.
- The request must be acted upon by the CWQCD within 10 days after its receipt.
- The final decision by the CWQCD is subject to judicial review.

E. ADMINISTERING AGENCY:

Colorado Water Quality Control Division
Colorado Department of Health
4210 East 11th Avenue
Denver, Colorado 80220
(303) 320-8333, Ext. 4380

CHAPTER 5.7

LICENSE FOR WATER AND WASTEWATER TREATMENT PLANT OPERATORS

INTRODUCTION

The Colorado Department of Health (CDOH), Water and Wastewater Treatment Plant Certification Board, is responsible for certifying the operators of water and domestic/industrial wastewater treatment facilities. An operator must demonstrate adequate experience and ability to insure the proper operation of such facilities.

A. NAME OF PERMIT OR APPROVAL:

- License for Water and Wastewater Treatment Plant Operators

B. STATUTORY AUTHORITY:

- CRS 1973, 25-9-101 through 110

C. TITLE OF REGULATION:

- 5 CCR 1003-2

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- All operators of water and domestic/industrial wastewater treatment facilities must be certified by the State to ensure adequate operations of such facilities.
- The license is potentially applicable to all energy and mineral developments.

2. General Requirements:

- See below.

3. Submission Requirements:

- The applicant is required to submit information regarding his experience in the field of water treatment.
- Any relevant educational experience should also be included.

CHAPTER 5.7 (continued)

4. Procedures for Obtaining Permit or Approval:

- There are three methods of becoming certified by the Water and Wastewater Treatment Plant Operators Certification Board: examination, reciprocity (direct transfer of a certificate from another state), or restriction (being certified for a particular plant only).
- Examinations are given twice yearly, in March and September.
- Applications for examination must be received by the board 60 days prior to the date of the exam.
- The Board approves these applications and notifies the applicant as to the status of the request.
- The applicant must pass the exam with 70 percent or above to be issued a certification.
- The reciprocity process takes 4 months to a year, depending on the other state contacted.
- When an application for reciprocity is received, the State in which the applicant holds his present certification is contacted by letter and asked to furnish the Colorado Board with a copy of their rules and regulations, law regarding certification, and a copy of their examinations.
- This material is circulated through the subcommittee members in charge of reviewing examinations.
- The subcommittee sends its recommendations to the board based on comparability to Colorado examinations, as well as the passing score (passing score cannot be lower than 70 percent).
- A certificate is then issued for the classification of certificate deemed equivalent to Colorado.
- A restricted certificate takes only 1 month to receive.
- The applicant, in an operating capacity, must meet only one requirement; they must have been working in the plant for which they are requesting certification on or before July 1, 1973.

CHAPTER 5.7 (concluded)

E. ADMINISTERING AGENCY

Technical Secretary
Water and Wastewater Treatment Plant Certification Board
Colorado Department of Health
4210 East 11th Avenue
Denver, Colorado 80220
(303) 320-8333, Ext. 3322

CHAPTER 5.8

PERMIT TO CONSTRUCT A NEW NONEXEMPT (LARGE CAPACITY) WELL OUTSIDE DESIGNATED BASINS AND PERMIT TO RELOCATE OR REPLACE AN EXISTING NONEXEMPT WELL OUTSIDE DESIGNATED BASINS

INTRODUCTION

An application must be made to the Colorado Division of Water Resources (CDWR) for a permit to construct, relocate, or replace a large capacity well (15 gallons per minute or more) outside of designated basins.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Construct a New Nonexempt (Large Capacity - more than 15 gallons per minute) Well Outside Designated Basins
- Permit to Relocate or Replace an Existing Nonexempt Well Outside Designated Basins

B. STATUTORY AUTHORITY:

- CRS 1973, 37-90-137

C. TITLE OF REGULATION:

- Regulation not cited

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any energy or mineral development may require these permits.
- Their purpose is to control the use of tributary ground water, regulate drilling for water wells, and protect existing water rights.
- A permit must be obtained before constructing, deepening, enlarging, or relocating a well.
- "Outside designated basins" means areas where ground water is under the jurisdiction of the water courts or the State Engineer.

2. General Requirements

- Prior to the construction of a nonexempt well, a water right must be obtained from the district water court.

CHAPTER 5.8 (continued)

- Relocating or replacing a non-exempt well also requires approval from the water courts.

3. Submission Requirements

- Application should be made on the CDWR's Permit Application Form (WRJ-5), which requires the following information:
 - Legal description of land owned and land on which well is to be located
 - Distances from section line to well site
 - Source of water (aquifer)
 - Proposed pumping rate in gallons per minute
 - Average annual appropriation to be made, in acre-feet
 - Proposed use of water
 - Other water rights associated with the property
 - Name of ditch or reservoir and well permit number for wells.
 - For permit to relocate - description of historic use, previous permits, and court actions.

4. Procedures for Obtaining Permit or Approval

- Contact CDWR to determine fee requirements.
- Submit application and appropriate fee; CDWR determines if application is complete (1 month).
- Incomplete or inaccurate applications are returned for corrections.
- CDWR evaluates complete applications to determine potential injury to senior water users and reviews geology and hydrology (3 weeks).
- CDWR staff approves or denies application (2 days).
- Permit finalization and mailing (3 days).
- Approval or denial of application must be decided within 60 days.

CHAPTER 5.8 (concluded)

5. Operations Requirements

- Upon completion of the well, the permittee must submit a well completion report and a statement that the water has been put to beneficial use.
- A meter must be installed and reports subsequently made on volumes pumped.

6. Fees

- \$25.00 for permit to construct a new well.
- \$10.00 fee for the permit to replace or relocate an existing well.

7. Appeal Process

- The applicant may take a denial to the water court and present testimony to prove that water is available for appropriation and that senior vested water rights will not be materially injured.
- The court will then grant or deny the permit based upon the testimony.

E. ADMINISTERING AGENCY:

State Engineer-Ground Water
Colorado Division of Water Resources
1313 Sherman Street, Room 818
Denver, Colorado 80203
(303) 866-3581

CHAPTER 5.9

PERMIT TO CONSTRUCT A NEW EXEMPT WELL (SMALL CAPACITY) OUTSIDE DESIGNATED BASINS AND PERMIT TO RELOCATE OR REPLACE AN EXISTING EXEMPT WELL OUTSIDE DESIGNATED BASINS

INTRODUCTION

An application must be made to the Colorado Division of Water Resources (CDWR) for a permit to construct, relocate or replace a small capacity well (less than 15 gallons per minute) outside of designated basins.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Construct a New Exempt (Small Capacity - less than 15 gallons per minute) Well Outside Designated Basins
- Permit to Relocate or Replace an Existing Exempt Well Outside Designated Basins

B. STATUTORY AUTHORITY:

- CRS 1973, 37-92-602

C. TITLE OF REGULATION:

- Regulation not cited

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- These permits may apply to any energy or mineral development.
- Their purpose is to control the use of tributary ground water, regulate drilling for water wells, and protect existing water rights.
- A permit must be obtained before constructing, deepening, enlarging, or relocating a well.
- "Outside designated basins" means areas where ground water is under the jurisdiction of the water courts or the State Engineer.

CHAPTER 5.9 (continued)

2. General Requirements

- Prior to the construction of an exempt well, a water right must be obtained from the district water court.
- Relocating or replacing an exempt well also requires approval from the water court.
- Local government approval is necessary prior to the issuance of either permit if an exempt well is part of a subdivision under county jurisdiction.

3. Submission Requirements

- Application should be made on the CDWR's Permit Application Form (WRJ-5), which requires the following information:
 - Legal description of land owned and land on which well is to be located
 - Distances from section line to well site
 - Source of water (aquifer)
 - Proposed pumping rate in gallons per minute
 - Average annual appropriation to be made, in acre-feet
 - Proposed use of water
 - Other water rights associated with the property
 - Name of ditch or reservoir and well permit number for wells.
 - For permit to relocate - description of historic use, previous permits, and court actions.

4. Procedures for Obtaining Permit or Approval

- Contact CDWR to determine fee requirements.
- Submit application and appropriate fee, CDWR determines if application is complete (1 month).
- Incomplete or inaccurate applications are returned for corrections.

CHAPTER 5.9 (concluded)

- CDWR evaluates complete applications to determine potential injury to senior water users and reviews geology and hydrology (3 weeks).
- CDWR staff approves or denies application (2 days).
- Permit finalization and mailing (3 days).
- Approval or denial of application must be decided within 60 days.

5. Operations Requirements

- The permittee must file a a well completion report and a statement of beneficial use.

6. Fees

- \$25.00 for the permit to construct a new well.
- \$10.00 fee for the permit to replace or relocate an existing well.

7. Appeal Process

- The applicant may take a denial to the water court and present testimony to prove that water is available for appropriation and that senior vested water rights will not be materially injured.
- The court will then grant or deny the permit based upon the testimony.

E. ADMINISTERING AGENCY:

State Engineer-Ground Water
Colorado Division of Water Resources
1313 Sherman Street, Room 818
Denver, Colorado 80203
(303) 866-3581

CHAPTER 5.10

CONDITIONAL AND FINAL PERMITS TO CONSTRUCT A WELL AND APPROPRIATE DESIGNATED GROUND WATER

INTRODUCTION

An application must be made to the Colorado Division of Water Resources (CDWR) for a conditional permit to construct a well within designated basins. A final permit is issued after all terms of the conditional permit have been met.

A. NAME OF PERMIT OR APPROVAL:

- Conditional and Final Permits to Construct a Well and Appropriate Designated Ground Water

B. STATUTORY AUTHORITY:

- CRS 1973, 37-90-107 and 108

C. TITLE OF REGULATION:

- 2 CCR 402-2

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- These permits apply to any energy or mineral developments.
- Their purpose is to control the use of nontributary ground water within designated basin areas, regulate drilling of exempt and nonexempt water wells, and protect existing water rights.
- A conditional permit must be obtained before constructing, deepening, enlarging, or relocating a well.
- A final permit will be issued after the well has been put to beneficial use.

2. General Requirements

- Exempt wells have a maximum capacity of 15 gallons per minute; nonexempt wells produce more than 15 gallons per minute.

CHAPTER 5.10 (continued)

- Water rights are established by the Colorado Ground Water Commission.

3. Submission Requirements

- Application should be made on the CDWR's Permit Application Form (WRJ-5), which requires the following information:
 - Legal description of land owned and land on which well is to be located
 - Distances from section line to well site
 - Source of water (aquifer)
 - Proposed pumping rate in gallons per minute
 - Average annual appropriation to be made in acre-feet
 - Acres to be irrigated
 - Proposed use of water
 - Other water rights associated with the property.

4. Procedures for Obtaining Permit or Approval

- CDWR conducts a 2-week review of application followed by a 2-week local advertisement period, after which objectors have 30 days in which to file protests.
- If there are no objections, the conditional permit is issued.
- If there are objections, a hearing is held and the final review is made by the Colorado Ground Water Commission.
- Additional appeals are made at the district court level.
- Upon completion of the well, the applicant must furnish the Colorado Ground Water Commission with information that the water has been put to beneficial use.
- If the commission finds after investigation that the water has been put to beneficial use and that all other terms of the conditional permit have been met, the commission instructs the State Engineer to issue a final permit.

CHAPTER 5.10 (concluded)

- This process may take several years.
- Public notice is required before the final permit is issued.
- If objections are entered, hearings must be held before a final decision is made.

5. Operations Requirements

- Upon completion of the well, the permittee must submit a well completion report and a statement that the water has been put to beneficial use.
- A meter must be installed and reports subsequently made on volumes pumped.

6. Fees

- \$25.00 required for the conditional permit. No fee for the final permit.

7. Appeal Process

- Appeals of the permit can be made to the Colorado Ground Water Commission.
- A second appeal of the commission's decision can be made before the district court.

E. ADMINISTERING AGENCY:

State Engineer-Ground Water
Colorado Division of Water Resources
1313 Sherman Street, Room 818
Denver, Colorado 80203
(303) 866-3581

CHAPTER 5.11

APPROVAL OF PLANS FOR RESERVOIR

INTRODUCTION

The Colorado Division of Water Resources (CDWR) is responsible for the approval of large reservoirs. This responsibility is carried through the review and approval of plans for new dams, enlargements, alterations, and/or repairs to existing dams.

A. NAME OF PERMIT OR APPROVAL:

- Approval of Plans for Reservoir

B. STATUTORY AUTHORITY:

- CRS 1973, 37-87-105

C. TITLE OF REGULATION:

- 2 CCR 402-1

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- No reservoir of a capacity of more than 1,000 acre-feet, or having a dam or embankment in excess of 10 feet in vertical height, from the bottom of the channel to the bottom of the spillway, or having a water surface at the high waterline in excess of 20 acres shall be constructed in Colorado unless the plans and specifications have been approved by the State Engineer and filed in this office.
- This applies to new dams and enlargements, alterations, or repairs to existing dams.
- It is potentially applicable to all energy and mineral developments.

2. General Requirements

- See below.

CHAPTER 5.11 (continued)

3. Submission Requirements

- The plans and specifications for the dam or dike and related structures must be prepared by a registered professional engineer in Colorado in accordance with State Engineer regulations.
- Supporting data such as geotechnical reports and hydrological reports are required.
- A storage right to legally impound any water from the district water court may be required.
- Other data and calculations may be requested during review.

4. Procedures for Obtaining Permit or Approval

- It is recommended that the applicant contact the CDWR to obtain regulations and discuss the project.
- CDWR reviews the hydrologic report before final design of the spillway - 1 week.
- Plans and specifications may be submitted for preliminary review - 2 weeks.
- There are no public comments or hearings.
- Final processing and filing - 1 week.
- Due to staff/workload limitation, a waiting period of up to 3 months may occur before the plans are reviewed.

5. Operations Requirements

- The Dam Safety Branch of the CDWR must be notified when construction begins.
- The Field Engineer must be provided with test data and reports on a periodic basis.
- Any future changes in the dam must be approved by the State Engineer.

CHAPTER 5.11 (concluded)

6. Fees

- \$2.00 per \$1,000.00 of the estimated cost of construction, or fraction thereof, not to exceed \$200.00.

7. Appeal Process

- None.
- If the permit is denied, the applicant must revise the plans until all specifications are met as required by the State Engineer.

E. ADMINISTERING AGENCY:

Design Review Unit, Dam Safety Branch
Colorado Division of Water Resources
1313 Sherman Street, Room 818
Denver, Colorado 80203
(303) 866-3581

CHAPTER 5.12

PERMIT TO CONSTRUCT AN EROSION CONTROL DAM

INTRODUCTION

The Colorado Division of Water Resources (CDWR) is responsible for reviewing plans and issuing permits for the construction of erosion control dams. This permit is required for the construction of small dams on intermittent streams for erosion control purposes.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Construct an Erosion Control Dam

B. STATUTORY AUTHORITY:

- CRS 1973, 34-87-122

C. TITLE OF REGULATION:

- 2 CCR 402-1

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- This permit is required for the construction of small dams on intermittent streams for erosion control purposes.
- It is potentially applicable to all energy and mineral developments on federal, state and private lands.

2. General Requirements

- See below.

3. Submission Requirements

- A completed application form includes information on the dimensions of the proposed dam, location, and surrounding topographic and geologic features.

CHAPTER 5.12 (continued)

4. Procedures for Obtaining Permit or Approval

- Submit application and filing fee to the Division Engineer having jurisdiction over area in which dam is to be located.
- Division Engineer will send approved application to Dam Safety Branch in the State Engineer's Office for processing and further approval - 1 to 2 weeks.
- Approved permit is sent to applicant along with the State Engineer's standard specifications governing construction.

5. Operations Requirements

- The permittee must conform to the standard plans and specifications as designated by the State Engineer.
- The State Engineer must be notified upon completion of construction of the dam.

6. Fees

- \$1.00.

7. Appeal Process

- None.
- If the permit is denied, the applicant must revise the plans until all specifications are met as required by the State Engineer.

E. ADMINISTERING AGENCY:

Design Review Unit, Dam Safety Branch
Colorado Division of Water Resources
1313 Sherman Street, Room 818
Denver, Colorado 80203
(303) 866-3581

CHAPTER 5.13

RADIOACTIVE MATERIALS LICENSE (URANIUM MILLS)

INTRODUCTION

The Colorado Radiation and Hazardous Waste Control Division (CRHWCD) is responsible for the regulation of radioactive materials handling. A license must be obtained to construct and operate a uranium mill.

A. NAME OF PERMIT OR APPROVAL:

- Radioactive Materials License (Uranium Mills)

B. STATUTORY AUTHORITY:

- CRS 1973, 25-11-101 et seq.

C. TITLE OF REGULATION:

- 6 CCR 1007-1

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- The process described below summarizes the requirements for an uranium mill licenses. Inquiries about other radioactive materials' licensing requirements should be directed to CRHWCD.

1. Applicability

- This government action is designed to regulate all persons who receive, possess, use, transfer, own or acquire any source of radiation.

2. General Requirements

- See below.

3. Submission Requirements

A. Application Requirements

- Company name, address, and organization.

CHAPTER 5.13 (continued)

- Detailed description and illustration of the mill process and site.
- Information on personnel and training.
- Description of radiation monitoring and protection program.
- Description of emergency procedures.
- Description of method of transporting radioactive materials.

B. Environmental Report (ER) Requirements:

- ER should carefully follow the Nuclear Regulatory Commission's regulatory guide 3.8, "Preparation of Environmental Reports for Uranium Mills," and must include:
 - Environmental baseline study based on 1-year's data
 - Description of environmental monitoring program during operation
 - Description of tailings pond design plan, plan for mill decommissioning, and post-operational monitoring program.

4. Procedures for Obtaining Permit or Approval

- Preliminary meeting with CRHWCD is encouraged.
- At least 1 year prior to submittal of application, proponent should begin environmental baseline monitoring.
- Submit application, ER, and proposed financial surety arrangements.
- CRHWCD reviews for completeness.
- If the application is incomplete, applicant is informed of inadequacies and may correct them.
- If the application is complete, CRHWCD will issue public information release to news media, and distribute copies of application to other government agencies for review and comment.

CHAPTER 5.13 (continued)

- CRHWCD passes along agency comments to applicant, who is requested to respond in writing to each agency with a copy to the CRHWCD.
- Agencies and applicant resolve significant issues raised by comments.
- CRHWCD and applicant agree on financial surety arrangements.
- Preliminary decision on license, followed by a public comment period.
- Public hearing usually held.
- CRHWCD will prepare a final decision (sometimes with conditions) in a timely manner after completion of comment period. License issued within 60 days.
- Total Time: approximately 2 to 3 years.

5. Operations Requirements

- Semi-annual monitoring and dose assessment reports are required.
- Some projects may require more frequent reports.
- Compliance with all specific license conditions and regulations is required.

6. Fees

- The fees charged for a radioactive materials license vary according to the category of materials licensed.
- For any given project, an applicant can expect to pay an application fee, license fee, amendment fee, renewal fee, and inspection fee.
- For more information on the fee schedules, contact the CRHWCD.

7. Appeal Process

- Prior to the issuance or denial of the license, an adjudicatory hearing with right of judicial appeal is held.

CHAPTER 5.13 (concluded)

- If the permit is denied, the applicant may request an administrative hearing.
- The administrative appeal process may require 60 to 90 days.

E. ADMINISTERING AGENCY:

Colorado Radiation and Hazardous Waste Control Division
Colorado Department of Health
4210 East 11th Avenue
Denver, Colorado 80220
(303) 320-8333, Ext. 4380

CHAPTER 5.14

CERTIFICATION OF DESIGNATION FOR SOLID WASTE DISPOSAL SITES

INTRODUCTION

The Colorado Radiation and Hazardous Waste Control Division (CRHWCD), is responsible for reviewing and approving plan for solid waste disposal sites within the state. The actual Certification of Designation, however, is issued by the appropriate county commissioners.

A. NAME OF PERMIT OR APPROVAL:

- Certificate of Designation for Solid Waste Disposal Sites

B. STATUTORY AUTHORITY:

- CRS 1973, 30-20-101 et seq., as amended

C. TITLE OF REGULATION:

- 6 CCR 1007-2

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- This certificate regulates the siting, design, construction, operation, and closure of solid waste disposal sites.
- The certificate is issued by the County Commissioners, but only upon approval by the Colorado Department of Health.
- It potentially is applicable to all energy and mineral development.

2. General Requirements:

- A Certificate of Designation is required for all solid waste disposal sites in the state of Colorado with the exception of sites on residential property, and sites within the boundaries of incorporated areas.
- In such cases, evidence of public nuisance or contamination may require action by the Department of Health.

CHAPTER 5.14 (continued)

3. Submission Requirements:

- Owner or operation of the facility must submit the following technical information:
 - Alternative sites' feasibility
 - Size and expected life of site
 - Feasibility of resource recovery-technical and economic
 - Engineering geologic data (composition of overburden and bedrock, geologic hazards)
 - Engineering hydrologic data (surface and ground water)
 - Operational data.

4. Procedures for Obtaining Permit or Approval:

- Technical information is submitted to the Department of Health.
- The proposed facility is reviewed by the staff of the Radiation and Hazardous Waste Control Division, the Water Quality Control Division, and the Air Pollution Control Division.
- Comments and questions are forwarded to the lead person in the Radiation and Hazardous Waste Control Division for a final decision.
- The CRHWCD recommendation is then forwarded to the county commissioners.
- Total time: approximately 45 to 90 days.
- A problematic site with severe environmental impacts may take as long as 18 months.

5. Operations Requirements:

- Reports and/or monitoring procedures are required on a project-specific basis.
- The owner or operator of the facility will be advised to include such requirements in the plan of operations.

CHAPTER 5.14 (concluded)

- All major sites are inspected on an annual basis; sites of major environmental and public impact area inspected according to need.

6. Fees:

- \$25.

7. Appeal Process:

- None.

E. ADMINISTERING AGENCY

Colorado Radiation and Hazardous Waste Control Division
Colorado Department of Health
4210 East 11th Avenue
Denver, Colorado 80220
(303) 320-8333, Ext. 4380

SECTION 6.0
SOCIAL ECOLOGICAL PRESERVATION

CHAPTER 6.1
CULTURAL RESOURCE CLEARANCE

INTRODUCTION

The Compliance and Continuity Division within the Colorado State Historical Society (CSHS) has responsibility for issuance of cultural resource clearances, under the authority of Colorado Revised Statutes (CRS), Title 24. The purpose of this clearance is to protect cultural resources which may be affected by mining activities.

A. NAME OF PERMIT OR APPROVAL:

- Cultural Resource Clearance

B. STATUTORY AUTHORITY:

- CRS 1973, 24-80.1-101 through 108
- CRS 1973, 24-65.1-104(6), 24-65.1-201(C), 24-65.1-202(3), and 24-65.1-302

C. TITLE OF REGULATION:

- No regulations have been promulgated.

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- All mining activity which involves any state action which might affect those cultural resources listed in the State Register of Historic Properties is governed by the clearance.

2. General Requirements:

- Within 30 days the CSHS must complete a file search and prepare comments and opinions.
- Within a subsequent 30-day period the applicant must respond to the comments and opinions provided by the CSHS.
- No other regulatory decisions are required prior to a decision on the clearance application.

CHAPTER 6.1 (continued)

3. Submission Requirements:

- Description of the proposed project.
- Map showing the proposed area of activity.
- Description of township, range and section.

4. Procedures for Obtaining Permit or Approval:

- The applicant submits a transmittal letter to the CSHS requesting a file search - attaching the necessary information set out above.
- The CSHS completes the file search and prepares comments and an opinion.
- The applicant must respond to the CSHS's opinion.

5. Operations Requirements:

- After obtaining approval, the applicant in letter must agree to comply with the CSHS's opinion to avoid and in what means to avoid potential adverse effects of cultural resources.

6. Fees:

- No fee charged for the clearance process.
- Basic \$5.00 per township charged for the file search.

7. Appeal Process:

- If the applicant disagrees with the CSHS's opinion and cannot negotiate successfully with the CSHS as to a possible compromise, the governor will make the final decision.

E. ADMINISTERING AGENCY

Compliance Reviewer
Compliance and Continuity Division
Colorado State Historical Society
Heritage Center
1300 Broadway
Denver, Colorado 80203
(303) 866-3394

CHAPTER 6.2

FISH AND WILDLIFE PERMITS

INTRODUCTION

The Division of Wildlife within the Colorado Department of Natural Resources has responsibility for issuance of fish and wildlife permits, under the authority of Colorado Revised Statutes (CRS), Title 34. The purpose of these permits is to protect the fish and wildlife which may be affected by mining activities.

A. NAME OF PERMIT OR APPROVAL:

- Consultation and Written Guidance
- Post-Mining Land Use Approval
- Fish and Wildlife Collection Permit

B. STATUTORY AUTHORITY:

- CRS 1973, 34-32-101 et seq. (coal only)

C. TITLE OF REGULATION:

- CCR 2.04.11 (coal only)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability:

- The Consultation and Written Guidance serves as clearance for fish and wildlife resource information at the mine site.
- The Post-Mining Land Use Approval is a basic part of the reclamation activities.
- The Fish and Wildlife Collection Permit provides for the testing of animals and fish when relevant scientific data are not available.
- All mining activity is regulated by the Collection Permit.
- Coal mining is governed by the Written Guidance and the Approval; all other mining activity is only voluntarily governed by these two processes.

CHAPTER 6.2 (continued)

2. General Requirements:

- Both the Written Guidance and Approval require approximately 60 days each to complete their processes.
- The Collection Permit takes about 20 days.
- No other regulatory decisions are required prior to a decision on any of the Division of Wildlife applications.

3. Submission Requirements:

Written Guidance and Collection Permit

- Legal description.
- Mine plan.

Approval

- Reclamation plan.

4. Procedures for Obtaining Permit or Approval:

- For all three regulatory processes, a submittal that includes requisite information is required by the Division of Wildlife.

5. Operations Requirements:

Written Guidance and Approval

- No compliance responsibilities.

Collection Permit

- Annual reports are due.

6. Fees:

- None.

7. Appeal Process:

- Written Guidance procedure - not applicable.
- Post-Mining Land Use Approval - appeal to the Mined Land Reclamation Board.
- Collection Permit - appeal to the Colorado Wildlife Commission.

CHAPTER 6.2 (concluded)

E. ADMINISTERING AGENCY

Wildlife Program Specialist
Colorado Division of Wildlife
Department of Natural Resources
6060 Broadway
Denver, Colorado 80216
(303) 825-1192

SECTION 7.0
LOCAL REGULATORY POLICY

CHAPTER 7.1

LOCAL REGULATORY POLICY

LOCAL GOVERNMENT LAND USE AND NATURAL RESOURCE CONTROL ENABLING LAWS

This section summarizes the enabling legislation under which county governments may plan for and regulate the use of their land. It is important to note that individual counties utilize these authorizations to varying degrees. Therefore, users of this guide should always contact individual counties to determine the regulations in effect in the project area.

SUMMARY OF ENABLING LEGISLATION

- Colorado Land Use Act of 1974 - commonly called HB 1041.
 1. Statutory Authority: CRS 1973, 24-65.1-101 et seq., as amended
 2. Summary: HB 1041 authorizes local government to identify, designate, and adopt regulations pertaining to areas and activities of state interest. Areas of state interest include:
 - mineral resource areas
 - natural hazard areas
 - areas containing or having a significant impact of historic, natural or archaeological resources of statewide importance.

(CRS 1973, 24-65.1-201, as amended).

Activities of state interest include:

- location, construction, and extension of major domestic water and sewage treatment systems
- site location and development of solid waste disposal sites
- site selection of airports
- site selection of certain rapid or mass transit facilities
- site selection of certain highways and interchanges
- site selection and construction of major facilities or a public utility

CHAPTER 7.1 (continued)

- site selection and development of new communities
- efficient utilization of municipal and industrial water projects
- conduct of nuclear detonations.

(CRS 1973, 24-65.1-203(1), as amended).

Under HB 1041, local government may regulate areas and activities of state interest through the issuance of permits after those localities officially designate those matters and promulgate regulations for their administration.

NOTE: The Colorado Land Use Commission (LUC) may also initiate identification, designation, and promulgation of guidelines for matters of state interest by submitting a formal request to local government to take action on a matter the LUC considers to be of state interest. If the local government fails to act, the LUC may seek judicial review (CRS 1973, 24-65.1-407, as amended).

In addition, if the LUC determines that the public health, welfare, or safety is jeopardized by any proposed development or any development in progress, the LUC may evoke temporary emergency powers as stipulated in CRS 1973, 24-65-104(2), as amended.

- Local Government Land Use Control Enabling Act of 1974 - commonly called HB 1034.
 1. Statutory Authority: CRS 1973, 29-20-101 et seq., as amended
 2. Summary: HB 1034 authorizes local government to plan for and regulate the use of land by:
 - regulating development and activities in hazardous areas
 - protecting lands from activities that adversely affect wildlife
 - preserving areas of historical and archaeological importance
 - regulating roads on public lands subject to certain conditions
 - regulating the location of activities that produce significant changes in population density
 - providing for phased development of services and facilities

CHAPTER 7.1 (continued)

- regulating the use of land on the basis of the impact on the community or surrounding areas
- otherwise planning for and regulating the use of land so as to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights

(CRS 1973, 29-20-104, as amended).

Although HB 1034 provides broad grants of authority to local government to regulate the above land use concerns, it provides no mechanism for enforcement of those regulations.

o State Subdivision Statutes - commonly referred to as SB 35.

1. Statutory Authority: principally at CRS 1973, 30-28-101 et seq., as amended.
2. Summary: Senate Bill 35 requires each county to adopt and enforce subdivision regulations for the unincorporate portions of the county. The definition of subdivision is found at CRS 1973, 30-28-101(10)(a), as amended. Exemptions from the definition are found at CRS 1973, 30-28-101(10)(b),(c),(d).

The subdivision regulations adopted by the county commissioners shall at least require the subdividers to provide the following information:

- property survey and ownership
- relevant site characteristics
- a plat showing the layout of the development
- evidence that an adequate water supply is available
- property survey and ownership of the surface and mineral estates including mineral leases, if any.

(CRS 1973, 30-28-133(3), as amended.)

The statute requires that subdivision regulations provide for:

- sites and land areas for schools
- standards and technical procedures applicable to storm drainage plans, sanitary sewer plans, and water systems.

(CRS 1973, 30-28-133(4), as amended).

CHAPTER 7.1 (continued)

Conditions for final plat approval include:

- evidence of adequate water supply, sewage and disposal system
- evidence that proposed uses are compatible with geologic conditions.

(CRS 1973, 30-28-133(6))

● Zoning

1. Statutory Authority: principally at CRS 1973, 30-28-101 et seq.
2. Summary: Zoning is a tool available to local government to regulate permissible uses of land. County Commissioners are empowered to adopt a zoning plan for the regulation, by districts or zones, of the
 - location, height, bulk, and size of buildings and other structures
 - percentage of lot which may be occupied, the size of lots, courts, and other open spaces
 - density and distribution of population
 - location and use of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes
 - uses of land for trade, industry, recreation, or other purposes.

(CRS 1973, 30-28-111(1), as amended).

o Preservation of Mineral Deposits

1. Statutory Authority: CRS 1973, 34-1-301 et seq., as amended.
2. Summary: The county planning commission in a county having a population of 65,000 or more, according to the latest decennial census, is required to develop a master plan for the extraction of mineral deposits. In developing the master plan the planning commission must consider:
 - any system adopted by the Colorado Geological Survey grading commercial mineral deposits according to such factors as magnitude of the deposit and time of

CHAPTER 7.1 (continued)

availability for and feasibility of extraction of a deposit

- the potential for effective multiple-sequential use which would result in optimum benefit to the landowner, neighboring residents, and the community as a whole
- the development or preservation of land to enhance development of physically attractive surroundings compatible with the surrounding area
- the quality of life of the residents in and around areas which contain commercial mineral deposits
- other master plans of the county, city and county, city, or town
- maximization of extraction of commercial mineral deposits
- the ability to reclaim an area.

(CRS 1973, 34-1-304(1), as amended).

NOTE: "After adoption of a master plan for extraction for an area under its jurisdiction, no board of county commissioners, governing body of any city and county, city, or town, or other governmental authority which has control over zoning shall, by zoning, rezoning, granting a variance, or other official action or inaction, permit the use of any area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor."

(CRS 1973, 34-1-305(2))

- Air and Water Quality
 1. Statutory Authority: CRS 1973, 25-1-506, as amended.
 2. Summary: Each county health department has the power and duty to administer laws pertaining to public health and water quality control and the orders, rules, regulations, and standards of the State Board of Health and the State Water Quality Control Commission. County health departments are also charged to enforce the orders of the Division of Administration of the Department of Health with respect to air pollution control.

CHAPTER 7.1 (continued)

- Air Pollution Control

1. Statutory Authority: CRS 1973, 25-7-128(1), as amended.
2. Summary: Counties are authorized to enact air pollution controls which may be more stringent than those adopted by the State Air Pollution Control Division.

- Individual Sewage Disposal Systems Act

1. Statutory Authority: CRS 1973, 25-10-101 et seq., as amended.
2. Summary: The Individual Sewage Disposal Systems Act establishes minimum standards for individual systems. The Division of Administration of the Department of Health is charged with developing guidelines for rules and regulations implementing the legislation. Local boards of health are charged with developing those rules and regulations. In addition, the local boards of health have primary enforcement authority. However, if a local health department substantially fails to administer and enforce the provisions of the law, the State Department of Health may assume enforcement responsibility.

- Solid Waste Disposal Sites: Certification of Designation

1. Statutory Authority: CRS 1973, 30-20-101 et seq., as amended.
2. Summary: To operate a facility for the disposal of solid wastes, the proponent must first obtain a certificate of designation. The application for a certificate must be accompanied by basic information regarding location, proposed processing techniques, etc., as well as any additional information required by the county commissioners.

The application is referred to the Department of Health for review and recommendation. The county commissioners may not issue a certificate of designation if the Department of Health has recommended disapproval.

- Noise Control

1. Statutory Authority: CRS 1973, 25-12-101 et seq.
2. Summary: The noise abatement statute established statewide standards for noise level limits for various time period and areas. Counties are empowered to adopt resolutions or ordinances prohibiting the operation of motor vehicles which produce sound levels in excess of an established maximum.

CHAPTER 7.1 (concluded)

- Building Codes

1. Statutory Authority: CRS 1973, 30-28-201 et seq.
2. Summary: The Board of County Commissioners is authorized to adopt a building code to provide for the regulation of the future construction or alteration of buildings with some limited exceptions. Counties are authorized to enforce their building codes. Violations are a misdemeanor and subject to prosecution.

- Miscellaneous

In addition to the powers summarized above, counties may influence energy and mineral development through a variety of nonregulatory techniques including taxation and condemnation.

CHAPTER 7.2

SUB-STATE MANAGEMENT DISTRICTS

In Colorado there are currently fourteen regional councils responsible for sub-state planning and management. This set of regional councils is composed of twelve councils of government and two regional planning commissions. By Executive Order, these regional commissions are responsible for sub-state planning and management in thirteen Planning and Management Regions.

- REGIONAL PLANNING COMMISSION (RPC): Usually the first variety of regional council to be established in an area is a regional planning commission. Most RPCs are responsible only for comprehensive planning, assisting localities to formulate land use regulations, and coordinating facility plans. An RPC may have a board consisting of citizens appointed by member town and county governments, or the board may be made up of elected officials. The RPC may have a full-time staff or may hire consultants to perform specific tasks. CRS 1973, 30-28-105 "Regional Planning Commission" enables counties and towns to establish RPCs.
- COUNCIL OF GOVERNMENTS (COG): In many areas of Colorado requiring more services than a Regional Planning Commission can supply, the local governments have established a COG. COGs in Colorado vary in size from one to six counties. Most Councils of Governments have a full-time staff. The form of operation of a COG is not prescribed by statute. Rather, the COGs are organized by member counties and municipalities under the law enabling intergovernmental cooperation (CRS 1973 29-1-201). COGs may take on health planning, transportation services, economic development, criminal justice, and solid waste disposal. COG boards consist mostly or entirely of elected county and town officials, providing for greater government involvement in council activities. COGs generally have a broader authority than organizations formed as RPCs.

COLORADO COUNCILS OF GOVERNMENTS AND REGIONAL PLANNING COMMISSIONS

Northeastern Colorado Council of Governments P.O. Box 1782 Sterling, Colorado 80751 (303) 522-0040	Region 1 - Sedgwick, Phillips, Yuma, Logan, Washington, and Morgan counties
Larimer-Weld Regional Council of Governments 201 East 4th Street, Room 201 Loveland, Colorado 80537 (303) 532-4480	Region 2 - Larimer and Weld counties
Denver Regional Council of Governments 2480 West 26th Avenue, Suite 200B Denver, Colorado 80211 (303) 455-1000	Region 3 - Denver, Adams, Arapahoe, Boulder, and Jefferson counties
Pikes Peak Area Council of Governments 27 East Vermijo Colorado Springs, Colorado 80903 (303) 471-7080	Region 4 - El Paso and Park counties
East Central Council of Governments 127 Colorado Avenue P.O. Box 28 Stratton, Colorado 80836 (303) 348-5562	Region 5 - Lincoln, Elbert, Kit Carson, and Cheyenne counties
Pueblo Area Council of Governments City Hall #1 City Hall Place P.O. Box 1427 Pueblo, Colorado 81002 (303) 545-0561	Regiona 7a - Pueblo County
Huerfano-Las Animas Council of Governments Room 201, Courthouse Building Trinidad, Colorado 81082 (303) 846-4401	Region 7b - Huerfano and Las Animas counties
San Luis Valley Council of Governments Box 28, Adams State College Alamosa, Colorado 81102 (303) 589-7925	Region 8 - Alamosa, Saguache, Mineral, Rio Grande, Conejos, and Costilla counties

San Juan Regional Commission
1911 North Main Avenue
Durango, Colorado 81301
(303) 259-2614

Region 9 - Dolores,
Montezuma, La Plata, San Juan,
and Archuleta counties

District 10 Regional Planning Commission
301-B North Cascade
P.O. Drawer 849
Montrose, Colorado 81402
(303) 249-2436

Region 10 - Gunnison,
Delta, Montrose, Ouray,
San Miguel, and Hinsdale
counties

Colorado West Area Council of Governments
P.O. Box 351
Rifle, Colorado 81650
(303) 625-1723

Region 11 - Garfield, Moffat,
Mesa, and Rio Blanco
counties

Northwest Colorado Council of Governments
P.O. Box 739
Frisco, Colorado 80443
(303) 668-5445

Region 12 - Routt, Jackson,
Grand, Summit, Eagle,
and Pitkin counties

Upper Arkansas Area Council of Governments
P.O. Box 510
Canon City, Colorado 81212
(303) 275-8350

Region 13 - Lake, Chaffee,
Fremont, and Custer
counties