



ECMC CHANGES TO APPROVED OIL AND GAS DEVELOPMENT PLANS OPERATOR

GUIDANCE

FORM 4 SUNDRY

Rule 301.c. - Changes to Approved Oil and Gas Development Plans

Document Control

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Rule Citation

301.c. Changes to Approved Oil and Gas Development Plans.

- (1) Operators will file any proposed change to an approved Oil and Gas Development Plan with the Director in writing through a Form 4, Sundry Notice. The Form 4 will be posted to the Commission's website at least 14 days prior to approval or denial of the requested change.
- (2) The Director will determine what applications, forms, and information are required for the review and approval of the proposed change, and whether:
 - A. The proposed change is significant and requires Commission approval;
 - B. The proposed change requires consultation with the Colorado Department of Public Health and Environment ("CDPHE") or Colorado Division of Parks and Wildlife ("CPW"); or

- C. The proposed change will not alter the basis upon which the Oil and Gas Development Plan is approved and can be administratively approved by the Director.
- (3) The Operator will not begin work until the Director or Commission provides written approval.
- (4) The Director or Commission will only approve changes that comply with the Commission's Rules.
- (5) Notice of a Director-approved change to an Oil and Gas Development Plan will be posted to the Commission's website.

Associated rules are included in Appendix A, including:

- **304.a.(1-3). Form 2A, Oil and Gas Location Assessment Application**
- **404.a.-d. Form 4, Sundry Notices**

Purpose of OGD Form 4 Sundry

The primary purpose of the OGD Form 4 Sundry is for compliance with the Rule 301.c. 14-day posting requirement. Staff will place an announcement regarding the posting on the ECMC website homepage. Following the posting period and approval of the OGD Form 4 Sundry, Operators will usually submit a Form 4 Sundry for the proposed changes to the Oil and Gas Location.

Rule 301.c. applies to **any proposed change** that requires an update to any approved OGD application material. This includes permit conditions (BMPs and COAs) and development and operational plans (equipment, operation timing, layout, etc.). The rule does not apply to updates submitted in response to a permit condition (i.e. a COA that required submission of an ambient noise study). The rule also does not apply to contingencies included in the approved permit application, such as using an engine alternative to line power for drilling rigs if line power cannot be obtained.

The Rule 301.c. OGD Form 4 Sundry may address proposed changes to information on the Form 2A or Form 2B. The subsequent Form 4 Sundry for the changes to the Oil and Gas Location should clearly indicate the nature of the changes. An amended Form 2B may also be required for the changes.

Changes to the OGD Form 4 Sundry that would result in a deviation from the Commission Order (i.e. a change in the application development lands) must be approved by the Commission in a Commission hearing. However, a proposed change to a Drilling and Spacing Unit (DSU) is not necessarily a proposed change to the OGD Form 4 Sundry because DSUs are addressed in separate Commission orders that address downhole issues.

Operators are encouraged to reach out to ECMC staff prior to submitting Sundries for complex changes or for changes that may require an amended Form 2A. Operators are also advised to plan in advance to accommodate the posting and processing timeframe in their operation schedules. The time frames will vary depending on the complexity of the proposed changes and the parties involved with the review.

Guidance/Requirements

Set of Guidelines

1. Submission Process: The process involves submission of a Form 4 Sundry for the OGD Form 4 Sundry.

The following data fields must be filled in properly to allow identification and processing of the Form 4 Sundry:

- FORM 4 SUBMITTED FOR: Facility Type:OIL AND GAS DEVELOPMENT PLAN
ID Number: ##### - this is the OGD ID
- PROPOSED CHANGES TO AN APPROVED OGD:
 - [X] This Sundry Form 4 is being submitted pursuant to Rule 301.c. to propose changes to an approved Oil and Gas Development Plan.

- At least one other box must be checked to indicate what is being requested; multiple boxes may be checked
 - COMMENT ON SUBMIT TAB:
 - Add a comment with a description of the proposed changes. This is the only information regarding the change that is available to the general public and should provide sufficient details.
 - Note: Since a primary function of the Rule 301.c. OGD Form 4 Sundry is to communicate proposed OGD changes on the ECOM website, Operators should provide a clear and concise description of the proposed OGD changes in an operator comment. Sundries that do not adequately describe the proposed changes will be returned to Draft status.
2. Attachments: The only attachments generally allowed on the Rule 301.c. OGD Form 4 Sundry are those that are specific to the Form 2C for the OGD.
- Attachments for individual Oil and Gas Locations should not be included on the OGD Sundries. These types of attachments should be submitted on the subsequent Form 4 Sundry for the Oil and Gas Location. Location Sundries are typically not reviewed by Staff until approval of the Rule 301.c OGD Form 4 Sundry.
- Note: if the operator is requesting an expansion of the OGD Application Lands, they may attach a revised OGD Map. Staff will add a comment indicating that the map is merely preliminary until the Commission approves any hearing application associated with it.
- Note: attachments on Sundries posted to the website cannot be accessed or viewed by the public via the website announcement.

3. Rule 301.c OGD Form 4 Sundry Review and Approval;

During the posting period, the Rule 301.c OGD Form 4 Sundry is available for review by the public and all stakeholders. There is no formal comment portal for Form 4 Sundries, therefore, these parties must directly contact staff if there are comments or questions regarding the proposed changes.

- A. The Rule 301.c OGD Form 4 Sundry will typically be approved shortly after the 14-day posting period has passed. Staff will place the following comment on all Sundries to indicate that Rule 301.c. posting requirement was satisfied:

This Form 4 Sundry for proposed changes to the ____ OGD #____ was posted to the ECMC Website for 14 days as required by Rule 301.c.

- B. Based on the review of the Rule 301.c. OGD Form 4 Sundry during the 14-day posting period, the Director will determine if the proposed OGD changes are at a significant level to require Commission approval. Staff will notify the Operator of the Director's decision and place a comment on the Sundry that indicates a Commission hearing is necessary for approval of the proposed changes as applicable. In these cases, Staff will place the following comment on the Rule 301.c OGD Form 4 Sundry:

The approval of this Sundry does not grant approval of the requested changes. The Director has determined that the proposed changes are significant and require Commission approval in a Commission hearing.

- C. Staff will place the following comment on the Rule 301.c. OGD Form 4 Sundry if the proposed OGD change requires an amendment to the Commission order:

The approval of this Sundry does not grant approval of the requested changes. The proposed changes to the OGD must be approved in a Commission hearing.

- D. Staff will place the following comment on Rule 301.c. Sundries with proposed location changes that can either be administratively approved or where additional detail is required for determination of the next steps:

The approval of this Sundry does NOT grant approval of the requested changes; Operator must submit a Form 4 Sundry for the Oil and Gas Location for approval prior conducting any changes to the Oil and Gas Location

- E. If the OGD Form 4 Sundry for the Oil and Gas Location reveals details that indicate the proposed changes are significant, a new Form 2A that is part of an amended OGD will be required in accordance with Rule 304.a.(3).

Additional Information

Common Errors and Issues Encountered by ECMC Staff

1. The description of the proposed changes lack sufficient detail.
2. The operator has included an attachment for the Oil and Gas Location on the OGD Sundry.
3. The Form 4 Sundry box for proposed changes to an approved OGD is not checked.

General Notes

1. N/A

Frequently Asked Questions

1. N/A

Document Change Log

Change Date	Description of Changes
April 18, 2025	Updated Guidance language
October 14, 2025	Reviewed, ADA Accessibility verified, Prepared for publication

Appendix A - Associated Rules

304. FORM 2A, OIL AND GAS LOCATION ASSESSMENT APPLICATION

Submitting Form 2A. Operators will submit a completed Form 2A, Oil and Gas Location Assessment as part of their Oil and Gas Development Plan application, as required by Rule 303.a.(2). Operators will submit and obtain approval of a Form 2A prior to:

- (1) Surface disturbance at a site previously undisturbed by Oil and Gas Operations;
- (2) Surface disturbance for purposes of expanding an existing Working Pad Surface or Oil and Gas Location; or
- (3) Any significant change to the design and operation of an Oil and Gas Location, including but not limited to the addition of a Well or a Pit, except an Emergency Pit or a lined Plugging Pit. The Director will determine if a Form 2A is required for significant changes at an existing Oil and Gas Location made in response to new requirements or regulations from other state or federal agencies or the Relevant Local Government.

404. FORM 4, SUNDRY NOTICES

- a. The Form 4, Sundry Notice is a multipurpose form which will be used by an Operator to request approval from or provide notice to the Director pursuant to the Commission's Rules or when no other specific form exists.
- b. An Operator will comply with Rule 301.c for any Form 4 submitted to propose a change to an approved Oil and Gas Development Plan.
- c. An Operator will comply with Rule 304.a for any Form 4 submitted to propose a change to an approved Form 2A.

- d. If an Operator submits a Form 4 proposing a change to a previously approved noise, light, odor, or dust plan pursuant to Rules 423.a, 424.a, 426.a, or 427.a, the Director may approve the proposed change only if it provides equally protective or more protective standards to avoid, minimize, or mitigate adverse impacts from noise, light, odor, or dust.

Citations from Statement of Basis and Purpose

Rule 301.c

In Rule 301.c., the Commission specified a procedure for changing already-approved oil and gas development plans. The Commission intends for significant and substantive changes to oil and gas development plans, such as a proposed change in location, to undergo more thorough review, including Commission approval, and potentially consultation with CPW and CDPHE. However, more minor or purely administrative changes, such as changing an operator's phone number, may be approved by the Director. Substantive changes will require the submission of an amended permit application for the proposed operation. The Commission did not specifically authorize a formal public comment process for purely administrative changes to oil and gas development plans. However, the Commission will allow for informal input from the public about a proposed change that may shape the Director's determination of whether a change is significant and requires formal Commission approval, which will allow for greater, formalized public input.

Rule 304.a

In Rule 304.a, the Commission adopted clear guidelines for when a Form 2A must be submitted. That includes surface disturbance at an existing working pad surface or oil and gas location if the surface disturbance is a significant change to or expansion of the site. Rule 304.a.(3) is intended to work in concert with Rule 301.c and 404.c, to ensure that operators appropriately notify the Commission's Staff about proposed changes to Form 2A that may be classified as a "significant change" to the design or operation of an oil and gas location and require submission of a new Form 2A.

The Commission also adopted a new definition of Working Pad Surface in its 100-Series Rules. The Commission adopted the definition to create a clearly delineated area for the purposes of measuring distances from oil and gas operations to other locations. The Commission's definition of working pad surface does not include off-location flowlines, crude oil transfer lines, produced water transfer systems, cut and fill slopes, access roads, stockpiles, landscaped areas, and stormwater controls that are not located on the improved surface where oil and gas operations take place. Working pad surfaces may be delineated by sound walls in some, though not all, cases.