ECMC PIT PERMITTING/REPORTING REQUIREMENTS OPERATOR GUIDANCE

FORM 15

Rule 908, 909, 910, and 911 - Pit Permitting Requirements

Document Control

- **Created Date:** May 28, 2025
- **Last Updated:** June 17, 2025
- **Document Owner:** ECMC Planning and Permitting Unit
- Change log may be viewed at the bottom of the document.

Rule Citation

908. Pit Permitting/Reporting Requirements

a. Operators will submit a Form 15, Earthen Pit Report/Permit to the Director for review and approval prior to constructing any of the following:

(1) All Production Pits;

(2) Special Purpose Pits except those listed in Rules 908.c.(1) or (2);

(3) Drilling Pits; and

(4) Multi-Well Pits, including those located at Centralized Exploration & Production (E&P) Waste Management Facilities.

b. Operators will submit a Form 15, to the Director for review and approval prior to enlarging or otherwise modifying an existing properly permitted Pit.

c. Operators will submit a Form 15 within 30 days after constructing:

(1) Emergency Pits, Plugging Pits, and Workover Pits if they are used in the initial phase of an emergency response; and

(2) Cuttings Trenches approved on a Form 2A.

d. In order to allow adequate time for Pit permit review and approval, Operators will submit a Form 15 at the same time they submit a Form 2A or Oil and Gas Development Plan. The Director may condition approval of the Form 15 upon compliance with additional terms, provisions, or requirements necessary to protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources. The Director may deny a Form 15 if the Director determines it does not provide necessary and reasonable standards to protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources. Notwithstanding the foregoing, no Form 15 will be approved until the associated Form 2A or Oil and Gas Development Plan is approved.

Purpose of Rule 908 and Form 15

The purpose of this Guidance Document will focus on new pits being permitted in the State of Colorado. Per Rule 909.a.(3)., for reporting sample analysis and updating the database with existing pits, please confer with the Environmental Group.

All proposed new pits must be evaluated for surface water, groundwater, and Colorado Parks and Wildlife (CPW) mapped high priority habitats (HPH). Any pit that is proposed to be constructed in CPW mapped HPH will have additional specific requirements outlined below in the Set of Requirements Section.

The Form 15 has multiple uses. This section will address the different types of Form 15s that fall under this rule:

1. Production Pits are defined in the 100 Series as pits used after drilling operations and initial completion of a well, including pits related to produced water flowlines or associated with E&P waste from gas gathering, processing and storage facilities, which consist of:

a. Skimming/Settling Pits - used to provide retention time for settling of solids and separation of residual oil for the purposes of recovering the oil or fluid.

b. Produced Water Pits - used to temporarily store produced water prior to injection for enhanced recovery or disposal, off-site transport, or surface-water discharge.

c. Percolation Pits - used to dispose of produced water by percolation and evaporation through the bottom or sides of the pits into surrounding soils.

d. Evaporation Pits - used to contain produced waters which evaporate into the atmosphere by natural thermal forces.

2. Special Purpose Pits are defined in the 100 series as pits used in Operations, including pits related to produced water flowlines or associated with E&P Waste from gas gathering, processing and storage facilities which consist of:

a. Blowdown Pits - used to collect material resulting from, including but not limited to, the emptying or depressurizing of wells, vessels, or flowlines, or E&P waste from gathering systems.

b. Flare Pits - used exclusively for flaring gas.

c. Emergency Pits - used to contain liquids during an initial phase of emergency response operations related to a spill/release or process upset conditions.

d. Basic Sediment Tank/Tank Bottom Pits - used to temporarily store or treat the extraneous materials in crude oil which may settle to the bottoms of tanks or production vessels and which may contain residual oil.

e. Workover Pits - used to contain liquids during the performance of remedial operations on a producing well in an effort to increase production.

f. Plugging Pits - used for containment of fluids encountered during the plugging process.

3. Drilling Pits are defined in the 100 Series as pits used during drilling operations and initial completion of a well, and include:

   a. Ancillary Pits - used to contain fluids during drilling operations and initial completion procedures, such as circulation pits and water storage pits.

   b. Completion Pits - used to contain fluids and solids produced during initial completion procedures, and not originally constructed for use in drilling operations.

   c. Flowback Pits - used to contain fluids and solids produced during initial completion procedures.

   d. Reserve Pits - used to store drilling fluids for use in drilling operations or to contain E&P waste generated during drilling operations and initial completion procedures.

4. Multi-Well Pits are defined in the 100 Series as: Pits used for treatment, storage, recycling, reuse, or disposal of E&P Wastes generated from more than one Well.

Guidance/Requirements

Set of Requirements for All Pits

1. Operators will ensure that the Form 15 is filled out completely and accurately.

   a. For existing pits that are to be enlarged or otherwise modified, Operators must ensure that the pit is properly permitted through the

Form 15 and approved by the Director, and registered by their names with an active Pit Facility ID#;

b. A complete and accurate Form 15 must be submitted prior to construction (unless in an emergency scenario as described below in the Special Purpose Pits section);

c. The Location must be accurately mapped with a Latitude and Longitude in decimal format;

d. The following Attachments must be included: Sensitive Area Determination, Topographic Map identifying the Location of the pit, Design: Plan and Cross Section, Layout Drawing, Hydrology Map, and Wildlife Habitat Drawing.

2. Best Management Practices (BMPs):

a. Freeboard. As per Rule 909.c., the Operator will provide BMP(s) committing to maintaining a minimum of 2 feet of freeboard at all times between the top of the pit wall at its point of lowest elevation and the Fluid Level of the Pit. The Operator will describe how they will employ a method of monitoring and maintaining the freeboard on the Form 15. The Operator will also commit to reporting any unauthorized Release of Fluids from a Pit pursuant to Rule 912.

b. Liquid Hydrocarbons. The Operator will provide BMPs committing to no liquid hydrocarbons being present in a pit. As per Rule 909.e.(1)., the Operator will provide BMP(s) stating that immediately upon discovery or notification, Operators will remove any accumulation of oil or condensate, including free product or hydrocarbon sheen, from a Pit. If the Operator is unable to immediately remove the accumulation, the accumulation will be removed within 24 hours of discovery.

c. Liquid Hydrocarbons Management. As per Rule 909.e.(2)., this BMP will discuss how the Operator will use skimming, cleaning of exposed liners, or other safe and legal methods necessary to maintain Pits in clean condition and to control hydrocarbon odors.

d. Liners. As per Rule 910.c., provide BMPs discussing the liner being utilized, the permeability of the liner, and the basic construction of the liner. Provide an additional BMP stating that records will be available upon request.

e. Wildlife. As per Rule 1202.a.(4)., to prevent access by wildlife, including birds and bats, Operators will fence and net or install other CPW-approved exclusion devices on new Drilling Pits, Production Pits, and other Pits associated with Oil and Gas Operations that are intended to contain Fluids.

    i. As per Rule 1202.a.(4).A., such fencing and netting or other CPW-approved exclusion device will be installed within 5 days after the cessation of active drilling and completion activities and maintained until the Pit is removed from service and dried or closed pursuant to the Commission's 900 Series Rules.

    ii. As per Rule 1202.a.(4).B., the Director may require an Operator to fence and net or install other CPW-approved exclusion devices on an existing Pit if the Director determines that the installation is necessary and reasonable to protect Wildlife Resources based on the analysis required by Rule 909.j., or other information that demonstrates additional protections for Wildlife Resources are appropriate.

    iii. As per Rule 1202.a.(4).C., Operators will properly maintain and repair all fences, nets, and CPW-approved exclusion devices required by this Rule 1202.a.(4).

f. Wildlife (Pests). As per Rule 1202.a.(9)., Operators will provide a BMP clarifying their practice for eliminating mosquitos if the pit is intended to contain Fluids.

    i. Operators will treat Drilling Pits, Production Pits, and any other Pit associated with Oil and Gas Operations containing water that provides a medium for breeding mosquitoes with Bti (Bacillus thuringiensis v. israelensis) or take other effective action to control mosquito larvae that may spread West Nile Virus to Wildlife Resources. Such treatment will be conducted in a manner which will not adversely affect aquatic Wildlife Resources.

g. Interim Reclamation. As per Rule 1003, provide BMPs detailing Interim Reclamation Practices that will be performed surrounding the Pit. Provide BMPs regarding topsoil management and weed management.

Additional Requirements for All Production Pits

In addition to the Set of Requirements for All Pits, the Operator will complete the following for Production Pits:

1. The Operator will provide BMPs as per Rule 905.c.(1)., that describe how the Operator will treat produced water prior to placing it in a production pit to prevent crude oil, condensate, or hydrocarbon sheen from entering the Pit. The Operator will commit to sampling within the guidelines of Rule 915 for groundwater sampling and analysis.

Additional Requirements for Special Purpose Pits

In addition to the Set of Requirements for All Pits, the Operator will complete the following for Special Purpose Pits:

1. Operators will submit a Form 15 within 30 days after constructing Emergency Pits, Plugging Pits, and Workover Pits, if they are used in the initial phase of an emergency response.

2. If Cuttings Trenches are approved on a Form 2A, a Form 15 must be submitted by the Operator within 30 days after constructing.

3. The Operator will provide BMPs regarding Rule 1202.a.(5). for trenches that are left open for more than 5 consecutive days during construction of Pipelines regulated pursuant to the Commission's 1100 Series Rules, Operators will install wildlife escape ramps at a minimum of one ramp per 1/4 mile of trench.

Additional Requirements for Drilling Pits

In addition to the Set of Requirements for All Pits the Operator will complete the following for Drilling Pits:

1. If permitting a Drilling Pit for Closed Loop Drilling, the Operator will provide BMPs as per Rule 408.(a).

2. The Operator will provide BMPs as per Rule 603.f. stating that a pit level indicator will be utilized.

Additional Requirements for Multi-Well Pits

At this time there is no additional guidance for Multi-Well Pits. See Requirements for All Pits above.

Additional Information

Common Errors and Issues Encountered by ECMC Staff

1. Staff has observed in cross sections that the pit fluid level will be above the original surface and post construction grade. To the extent practicable, the operator should endeavor to operate the pit with the fluid level below surrounding grade.

General Notes

1. Production Pits, Special Purpose Pits (other than Emergency Pits), and Flowback Pits containing E&P Waste are prohibited within a defined Floodplain. (See Rule 412.a.(4).)

2. The Operator will not construct new Skim pits. Staff cannot permit new Skim pits. (See Rule 910.b.)
3. Because pits are required to be lined, percolation pits are no longer permitted.
4. The Director may require the use of additional liners or a leak detection system for the Pit or other equivalent protective measures, including but not limited to, increased recordkeeping requirements, monitoring systems, and underlying gravel filled sumps and lateral systems. In making such a determination, the Director will consider the site-specific information provided by the Operator, including but not limited to surface and subsurface geology, the presence and depth to Groundwater, the quality of the produced water, the hydraulic conductivity of the surrounding soils, the distance to surface water and water wells, and the type of liner. (See Rule 910.f.)

Frequently Asked Questions

1. What about updating existing pits as per Rule 909.a.(3).?
   ECMC Response: These will be reviewed by the Environmental Staff, not the LAS Staff.

2. Is there a tool to use for calculating pit emissions?
   ECMC Response: Please refer to the Pit Emissions Working Group Recommendations from June 2023 and indicate which recommended method of calculation has been utilized.

Document Change Log

Change Date	Description of Changes
June 9, 2025	Guidance updated to reflect Dec 2024 Rules
Date	Description

Appendix A - Associated Rules

408. General Drilling Rules

Unless altered, modified, or changed for a particular Field or formation upon hearing before the Commission the following will apply to the drilling or deepening of all Wells:

a. Closed Loop Drilling. Closed loop drilling is required except where only water-based bentonitic drilling Fluids will be used, the wellbore will not penetrate salt-bearing formations, the Pit will not be in contact with shallow Groundwater, and the Pit will not be located within 2,000 feet of any Building Unit, a lined drilling Pit system may be used.

905. Management of E&P Waste

c. Produced Water.

(1) Treatment of Produced Water. Operators will treat produced water prior to placing it in a production pit to prevent crude oil, condensate, or hydrocarbon sheen from entering the Pit.

909. Pits – Construction and Operation

a. Operators will ensure that the Pits they operate are:

(1) Properly permitted through a Form 15 approved by the Director, or registered in their names with an active Pit Facility ID;

(2) Accurately mapped; and

(3) Listed according to current facility records in the Commission's database. Operators may update facility records using a Form 15.

b. Operators will construct, maintain, and operate Pits used for exploration and production of oil and gas in a manner that protects and minimizes adverse impacts to public health, safety, welfare, the environment, and wildlife

resources. Operators will operate and maintain Pits and Pit liners to prevent Spills and Releases.

c. Operators will construct, monitor, and operate Pits to provide for a minimum of 2 feet of freeboard at all times between the top of the Pit wall at its point of lowest elevation and the Fluid level of the Pit. Operators will employ a method of monitoring and maintaining the freeboard. Operators will report any unauthorized Release of Fluids from a Pit pursuant to Rule 912.

d. Operators will not store oil or any other produced liquid hydrocarbon substance in earthen Pits or reservoirs, except in emergencies where such substances cannot be otherwise contained. Operators will remove the oil or produced hydrocarbons as soon as the emergency is controlled. Operators will submit a Form 15 for the Director's approval within 30 days of the emergency, pursuant to Rule 908.c.

e. No liquid hydrocarbons may be present in a Pit unless the Pit is specifically permitted as a Skimming/Settling ("Skim") Pit.

(1) Immediately upon discovery or notification, Operators will remove any accumulation of oil or condensate, including free product or hydrocarbon sheen, from a Pit. If the Operator is unable to immediately remove the accumulation, the accumulation will be removed within 24 hours of discovery.

(2) Operators will use skimming, steam cleaning of exposed liners, or other safe and legal methods as necessary to maintain Pits in clean condition and to control hydrocarbon odors.

(3) If an Operator allows oil or condensate (free product or sheen) to accumulate in a Pit, then the Director may revoke the Operator's Form 15 and require the Operator to close and remediate the Pit.

f. Operators will fence and net or install CPW-approved exclusion devices on all new Pits pursuant to Rule 1202.a.(4).

g. Operators may use Multi-Well Pits for a period of no more than 3 years, unless:

(1) The Operator obtains a permit to operate the Multi-Well Pit pursuant to Rule 907 at a Centralized E&P Waste Management Facility;

(2) The Multi-Well Pit is located in Huerfano or Las Animas Counties and was constructed prior to May 1, 2011; or

(3) The Multi-Well Pit is located in Logan, Morgan, Washington, and Yuma Counties and was constructed prior to May 1, 2013.

(4) Based on evidence of risks to public health, safety, welfare, the environment, or wildlife resources, the Director may require an Operator to line, net, cover, fence, or close an existing Multi-Well Pit that is subject to Rules 909.g.(2) & (3), or submit a Form 28 for such a Multi-Well Pit.

h. Operators will treat produced water pursuant to Rule 905.c.(1) before placing it in a Production Pit.

i. Operators will utilize appropriate biocide treatments to control bacterial growth and related odors.

j. Produced Water Quality Analyses. Beginning January 15, 2021, Operators will submit an initial water quality analysis for produced water for each Well from which produced water is placed into a permitted or registered Pit, including Pits that were constructed prior to January 15, 2021.

(1) The water sample will be analyzed for the following:

A. pH;

B. Specific conductance;

C. Total dissolved and suspended solids (TDS and TSS);

D. Alkalinity (total, bicarbonate, and carbonate as CaCO3);

E. Major anions (bromide, chloride, fluoride, sulfate, nitrate and nitrite as N, and phosphorus);

F. Major cations (calcium, iron, magnesium, manganese, potassium, and sodium);

G. Other elements (barium, boron, selenium, and strontium);

H. Naphthalene;

I. Total petroleum hydrocarbons ("TPH") as total volatile hydrocarbons (C6 to C10) and total extractable hydrocarbons (C10 to C36);

J. BTEX compounds (benzene, toluene, ethylbenzene, and xylenes); and

K. Radium (226Ra and 228Ra).

(2) Subsequent Sampling and Analysis. After initial sampling, Operators will collect and analyze subsequent samples at the following frequencies:

A. For lined Pits, Operators will collect and analyze a second confirmation sample during the period between 33 and 39 months after the initial sampling and analysis;

B. For unlined Pits:

i. Operators will collect and analyze samples on an annual basis after the initial sampling and analysis;

ii. If subsequent sampling and analysis indicates stable water quality over time, the Operator may request relief from

further subsequent sampling and analysis by submitting a Form 4, which the Director will review and approve or deny;

C. For all Pits, Operators will collect and analyze a subsequent sample for any new Well that contributes water to the Pit;

D. For all Pits, Operators will collect and analyze a subsequent sample any time the Operator or Director has reason to believe the water quality in the Pit has changed; and

E. For all Pits, if subsequent sampling and analysis indicates variable water quality, the Director may require more frequent or additional sampling.

(3) Operators will submit all water quality analysis data using a Form 43, Analytical Sample Submittal, and will include suitable electronic data deliverable generated by the laboratory and PDF of lab reports within 3 months of sample collection. Results for the initial samples collected pursuant to Rule 909.j.(1) will be submitted no later than July 15, 2022, or prior to Pit closure, whichever is earlier.

(4) Operators will collect samples according to standard environmental procedures.

(5) Operators will analyze samples in an accredited laboratory using established methodologies. For those analytes with Groundwater threshold concentrations listed in WQCC Regulation 41, as incorporated by reference in Rule 901.b, the analytical technique will be capable of achieving, and will achieve, reporting limits at concentrations less than the WQCC Regulation 41 thresholds in the matrix submitted. The Director may review the analytical standard used for each analyte and may request the analysis be run by a different method.

(6) As an alternative to the sampling required by Rules 909.j.(1)–(5) the Operator transporting produced water produced from the same formation(s) in the same Field or unit to the same Pit may submit a Form 4 to request the Director's approval for an alternative sampling program to consolidate the number of samples required from the same formation(s).

910. Pit Lining Requirements and Specifications

a. Except for Cuttings Trenches and Pits constructed as an initial emergency response measure pursuant to Rule 908.c.(1), all Pits constructed after January 15, 2021 will be lined.

b. Skim Pits. Operators will not construct new Skim pits. All existing Skim Pits, regardless of date of construction, will be lined. For any unlined Skim Pits in existence on January 15, 2021, the Operator will submit a Form 27 outlining the Operator's plan to delineate and remediate any associated impacts and a plan to either properly line or close the Pit. The Form 27 for an unlined Skim Pit must be submitted to the Director by April 1, 2021. If the Pit will be lined and returned to service, the Operator will also submit and obtain the Director's approval of a Form 15.

c. Operators will construct all Pits according to the following specifications:

(1) Materials used in lining Pits will be of a synthetic material that is impervious, has high puncture and tear strength, has adequate elongation, and is resistant to deterioration by ultraviolet light, weathering, hydrocarbons, aqueous acids, alkali, fungi, or other substances in the produced water.

(2) All Pit lining systems will be designed, constructed, installed, and maintained in accordance with the manufacturers' specifications and good engineering practices. Operators will maintain records

demonstrating that the Operator followed manufacturers' specifications, and provide them to the Director upon request.

(3) Field seams will be installed and tested in accordance with manufacturer specifications and good engineering practices. Operators will maintain testing results, repair documentation (including the dates of tests and repairs), and provide them to the Director upon request.

d. Operators will construct all Pits, except those at Centralized E&P Waste Management Facilities, according to the following specifications:

(1) Liners will have a minimum thickness of 24 mils. The synthetic or fabricated liner will cover the bottom and interior sides of the Pit with the edges secured with at least a 12- inch deep anchor trench around the Pit perimeter. The anchor trench will be designed to secure, and prevent slippage or destruction of, the liner materials.

(2) The foundation for the liner will be constructed with material containing no sharp rocks, debris or other material that could puncture the liner. The foundation for the liner will have a minimum thickness of 12 inches after compaction, cover the entire bottom and interior sides of the Pit, and be constructed so that the hydraulic conductivity will not exceed 1.0 x 10-7 cm/sec after testing and compaction. Operators will maintain compaction and permeability test results measured in the laboratory and field and provide the results to the Director upon request.

(3) As an alternative to the soil foundation described in Rule 910.d.(2), Operators may construct the foundation with bedding material that exceeds a hydraulic conductivity of 1.0 x 10-7 cm/sec, if a double synthetic liner system is used. However, the bottom and sides of the Pit will be padded with soil or synthetic matting type material and will be free of sharp rocks or other material that are capable of puncturing the liner. Each synthetic liner will have a minimum thickness of 24 mils.

e. Operators will construct Pits used at Centralized E&P Waste Management Facilities according to the following specifications:

(1) Liners will have a minimum thickness of 60 mils. The synthetic or fabricated liner will cover the bottom and interior sides of the Pit with the edges secured with at least a 12- inch deep anchor trench around the Pit perimeter or in accordance with the liner manufacturer's specifications. The anchor trench will be designed to secure, and prevent slippage or destruction of, the liner materials.

(2) The foundation for the liner will be constructed with material containing no sharp rocks, debris, or other material that could puncture the liner. The foundation for the liner will have a minimum thickness of 24 inches after compaction, cover the entire bottom and interior sides of the Pit, and be constructed so that the hydraulic conductivity will not exceed 1.0 x 10-7 cm/sec after testing and compaction. Operators will maintain compaction and permeability test results measured in the laboratory and field and provide them to the Director upon request.

(3) As an alternative to the soil foundation described in Rule 910.e.(2), Operators may use a secondary liner consisting of a geosynthetic clay liner, which is a manufactured hydraulic barrier typically consisting of bentonite clay or other very low permeability material, supported by geotextiles or geomembranes, which are held together by needling, stitching, or chemical adhesives.

(4) As an alternative to the soil foundation described in Rule 910.e.(2), Operators may use a double synthetic liner system. However, the bottom and sides of the Pit will be padded with soil or synthetic matting type material and will be free of sharp rocks or other materials that are capable of puncturing the liner. Each synthetic liner will have a maximum thickness of 60 mils.

(5) All Pits will be constructed and operated with a leak detection system.

f. The Director may require the use of additional liners or a leak detection system for the Pit or other equivalent protective measures, including but not limited to, increased recordkeeping requirements, monitoring systems, and underlying gravel filled sumps and lateral systems. In making such a determination, the Director will consider the site-specific information provided by the Operator, including but not limited to surface and subsurface geology, the presence and depth to Groundwater, the quality of the produced water, the hydraulic conductivity of the surrounding soils, the distance to surface water and water wells, and the type of liner.

911. Closure of Oil and Gas Facilities

a. Operators will close all Oil and Gas Facilities, including Drilling Pits and Cuttings Trenches, in accordance with an approved Form 27.

(1) Operators will obtain the Director's approval of the Form 27 prior to conducting any investigation or closure operations.

(2) The Form 27 will include a description of the proposed investigation and Remediation activities pursuant to Rule 913.

(3) Operators will close and remediate Emergency Pits as soon as the initial phase of emergency response operations is complete or any process Upset Conditions are controlled.

(4) Oil and Gas Facility closure pursuant to this Rule 911.a will be at the time of final site closure, Plugging and Abandonment, or decommissioning, unless the Director determines that a substantive change to the site requires a Form 27, or a reportable Spill or an historic impact is discovered during facility operation or removal.

b. Discovery of a Spill or Release During Closure. If an Operator discovers a Spill or Release during closure operations, the Operator will report the Spill or Release on a Form 19, Spill/Release Report, pursuant to Rule 912.

c. Pit Closure.

(1) Pit Evacuation. Operators will treat or dispose of E&P Waste pursuant to Rule 905 prior to backfilling and site Reclamation.

(2) Operators will collect a sufficient number of representative samples from locations beneath a Pit to demonstrate that no leakage of managed fluids has occurred. Operators will ensure that any soil left in place meets the cleanup concentrations listed in Table 915-1.

(3) Liner Disposal.

A. Synthetic Liner Disposal. Operators will remove and dispose of synthetic liners pursuant to all state and federal requirements for Solid Waste Disposal.

B. Constructed Soil Liners. Operators may remove constructed soil liner material for treatment or disposal. Alternatively, if an Operator leaves the constructed soil liner material in place, the Operator will rip the material and mix it with native soils in a manner to alleviate compaction and prevent an impermeable barrier to infiltration and Groundwater flow. Operators will demonstrate that the resulting material meets cleanup concentrations for contaminants of concern listed in Table 915-1.

1202. Operating Requirements

a. The operating requirements identified in this Rule 1202.a apply to Oil and Gas Operations statewide unless the Operator obtains a signed waiver from CPW and the Director or Commission approves a Form 4, Sundry Notice or Form 2A documenting the relief.

(4) To prevent access by wildlife, including birds and bats, Operators will fence and net or install other CPW-approved exclusion devices on new Drilling Pits, Production Pits, and other Pits associated with Oil and Gas Operations that are intended to contain Fluids.

A. Such fencing and netting or other CPW-approved exclusion device will be installed within 5 days after the cessation of active drilling and completion activities and maintained until the Pit is removed from service and dried or closed pursuant to the Commission's 900 Series Rules.

B. The Director may require an operator to fence and net or install other CPW- approved exclusion devices on an existing Pit if the Director determines that the installation is necessary and reasonable to protect Wildlife Resources based on the analysis required by Rule 909.j, or other information that demonstrates additional protections for Wildlife Resources are appropriate.

C. Operators will properly maintain and repair all fences, nets, and CPW-approved exclusion devices required by this Rule 1202.a.(4).

(5) For trenches that are left open for more than 5 consecutive days during construction of Pipelines regulated pursuant to the Commission's 1100 Series Rules, Operators will install wildlife escape ramps at a minimum of one ramp per 1/4 mile of trench.

(6) When conducting interim and final Reclamation pursuant to Rules 1003 and 1004, Operators will use CPW-recommended seed mixes for Reclamation when consistent with the Surface Owner's approval and any local soil conservation district requirements.

(7) Operators will use CPW-recommended fence designs when consistent with the Surface Owner's approval and any Relevant Local Government requirements.

(8) Operators will conduct all vegetation removal necessary for Oil and Gas Operations outside of the nesting season for migratory birds (April 1 to August 31). For any vegetation removal that must be scheduled between April 1 to August 31, Operators may implement appropriate hazing or other exclusion measures prior to April 1 to avoid take of migratory birds. If hazing or other exclusion measures are not implemented, Operators will conduct pre-construction nesting migratory bird surveys within the approved disturbance area prior to any vegetation removal during the nesting season. If active nests are located, Operators will provide work zone buffers around active nests.

(9) Operators will treat Drilling Pits, Production Pits, and any other Pit associated with Oil and Gas Operations containing water that provides a medium for breeding mosquitoes with Bti (Bacillus thuringiensis v. israelensis) or take other effective action to control mosquito larvae that may spread West Nile virus to Wildlife Resources. Such treatment will be conducted in a manner which will not adversely affect aquatic Wildlife Resources.