

Summary of Comments Received as of August 9, 2019

Technical, legal and administrative clarifications - definitions, regulatory scope and performance standards	
Comment	Staff recommendation
Tasks within emergency response requirements are outside Operator scope that are coordinated with the serving first responders.	Modified language to clarify Operator's role and requirements.
Make neighborhood meetings always required.	Modified language to clarify neighborhood meetings always required.
Unclear definitions of terms in numerous sections prompting reporting, documentation and permit requirements; incorrect terms used that do not apply to exploration & production activities or conditions within the Denver-Julesburg Basin; refine oil and gas facility definition (Chapter 2) to clarify scope of OGF Permit.	Added/Revised language of several terms to align with COGCC and/or APCD definitions, i.e., revised safety incident to reportable safety event under safety requirements; replaced waste with produced water where requirement clearly applies to produced water; replaced subsurface safety valve with surface safety valve; clarified "incident" by incorporating COGCC and OSHA definitions of reportable incident; replaced current 'oil and gas facility' definition with COGCC definition of oil and gas exploration and production facilities.
Define 'substantial modification' as it pertains to existing facilities and applicability of OGF Permit.	Add definition to Chapter 2, OGF Permit: "new wells, well connects, increase to onsite storage, addition of production equipment, disturbance to well pad site area."
Further define 'environmentally sensitive areas' as used in setback requirements and what constitutes "significant degradation" of air quality.	Added to Chapter 11, Definitions, of Development Standards and Regulations.
Well descriptions are not accurate / do not reflect industry terminology.	Replaced terminology within Impact Area Map requirement to align with industry terminology for operational condition of wells: replaced "existing oil and gas wells" with "producing oil and gas wells"; deleted the word "closed" to describe non-producing wells and kept "abandoned, plugged and shut-in".
Not all existing well locations are catalogued in accessible database or mapped, both gas and water wells	Added qualifiers: "known existing oil and gas well" and "permitted water wells."
Setting up a community meeting for every potential location may create unintended harm to development, cause private negotiations with landowners to become public and create friction among residents.	Added language in permit application review steps to clarify neighborhood meeting follows conceptual review of sites and site selection.
Exact drilling and completions schedules not known at permit application stage. Schedules are often dictated and impacted by markets and other factors that cannot be controlled. Delete requirement to identify proposed drilling and completion schedules.	Replace "proposed" with "tentative" schedule.
Road Maintenance Agreements not typically covered within Traffic impact Fees. Suggest moving "Maintenance Agreement" to separate requirement and clarify not part of TIF. Requiring Road Maintenance Fee is duplicative and excessive.	Moved Road Maintenance Agreement requirement to separate subitem to clarify no fee associated with requirement to maintain right-of-way access to OGF location.
Request for clarification on how OGF regulations will affect existing permitted facilities; define what qualifies as "substantially modified."	Clarified that any work which requires major amendment as defined within the codes will require application for OGF Permit and proposed regulations will apply.
Define "water bodies" as used throughout regulation. Does this apply to manmade ditches and canals, intermittent and ephemeral streams? Consider including wetlands.	Added definition to Chapter 11, Definitions, Development Standards and Regulations.
Air quality requirements in their entirety are an overstep of local authority and should at least follow procedural requirements as outlined in CO-APCA section 25-7-128: hearings, judicial review, and injunctions consistent with APCA; meet with AQCC to reconcile county regulations with state regs.	Noted and legal counsel is addressing through additional procedural language within Chapter 4, enforcement and appeals, of proposed regulations.
Requirements modified, enhanced, or removed	
Comment	Staff recommendation
Require larger notification signs at the OGF for both land use notice and operational notice that can be seen from the public right-of-way (ROW); require contact information signs are legible from the ROW.	Enhanced posting requirement in performance standards to require 24-hour contact and project information sign be posted at the intersection of the access road and public ROW with text of a size that is legible from the public ROW.
Do not permanently vest an OGF; include permit expiration.	Carried over current requirement in existing regulations to proposed regulation as part of conditions of approval.
Surface locations are dependent on access to minerals. Many times, finding 3 surfaces can be extremely difficult, therefore, recommend 2 sites for alternative analysis. Include location's ability to access the minerals efficiently and economically as a factor in determining which location best satisfies the goal of protecting public health, safety, welfare and the environment.	Enhanced language in alternative site analysis to clarify all three alternative sites do not need to be on separate parcels by specifying that proposed OGF locations must be at least 1,000-ft apart but can be located on the same parcel.
Do not allow development within Floodplain.	Added requirement for Resource Review when developing within Natural Resource Conservation Overlay (floodplain) to the Floodplain Use Permit section of the OGF Permit regulation amendment.
Remove requirement to store IR Camera videos taken during LDAR inspection for 5 years since video stills will not provide useful information.	Agree; deleted storage requirement since LDAR results are documented on state reporting forms that can be reviewed by staff.

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Requirements modified, enhanced, or removed	
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Providing 10-years of Safety Management System records & reports for all incidents construed as excessive and may be impossible to provide; who will review the large amount of data and what is the expected benefit.	Modified requirement to require five (5) years of reportable safety event records.
Require submittal of water supply quality plan.	Incorporated from MOU into final-draft regulation.
Requiring Operators to certify new OGF will not increase total air emissions from all permitted facilities within the County essentially places cap on VOC emissions and regulates downhole operations, which could have unintended consequences such as Operator delaying plugging of wells or remediating abandoned wells, and exceeds scope of authority of SB-181.	After further evaluation, staff agrees this section may be problematic and it was removed.
Remove all sections that state County must approve OGF Permit if it meets all regulations.	Added language to clarify that County retains discretionary authority to condition a permit, even if it meets all criteria, which provides flexibility to remain current with emerging technologies & land-use compatibility concerns.
Prohibiting all flaring from combustion device except in emergencies should be based on location and proximity to other land uses; impractical to implement when pipelines are not co-located or available to OGF.	Changed restriction on combustion device flaring except during emergencies or upset conditions from an across the board requirement to an applied requirement based on specific site, project and land use analysis of particular OGF.
All of the components listed in the Safety Standards are a function of federal regulations governing highly hazardous chemicals above specific thresholds and therefore, should not be applied to OGF, which do not meet this criteria.	Listed safety standard requirements are taken from Associated Petroleum Institute's standards that are directly applicable to exploration and production facilities; however, recordkeeping duration and document submittals reduced to reflect actual industry practice
Prohibiting specific chemicals from fracturing fluid is in effect regulating downhole activities; Flowback (produced) water from well stimulation could contain prohibited chemicals even though not added to frac fluid on surface.	While staff disagrees that regulating fracturing fluids is a regulation on downhole activities, they acknowledge that certain listed chemicals could come from in-situ materials, such as bedrock, formations, existing reserves during stimulation and flowback operations. Requirement modified to clearly restrict use of listed chemicals as additives to fracturing fluid.
Ongoing, multiple year monitoring of surveyed plugged and abandoned wells along track of borehole is burdensome and requires long-term agreements and coordination with property owners to conduct work; reduce waiting time for property owner response from 30-days to 15-days.	Requirement changed to capture highest risk time frame for assessments and soil gas surveys, then base subsequent soil surveys on initial findings. Regulation now requires p/a well assessment and soil surveys within 90 days of well completion for each mobilization with subsequent monitoring of wells one year based on results of first survey. Timeframe maintained at 30-days.
Requirement to size secondary containment capable of holding 150% of largest tank volume and restricting two or less tanks per containment berm is excessive and will in effect increase the footprint of the facility and likelihood of land-use compatibility issues.	Changed capacity requirement to 110% of the largest tank volume capacity, which aligns with EPA spill control regulations and removed two tank restriction requirement.
30-day storage limit for produced water and waste is unreasonable since time it takes to characterize, profile and prepare waste for shipment often exceeds 30-days.	Removed / modified time limit on waste storage.
Would like to see an exemption provision within waiver process for sites that only require setback waiver but have property owner/resident written consent for placement within buffer.	Staff is working on implementing within proposed regulations.
No Changes Proposed	
Comment	Staff recommendation
Multiple requests to increase setback distance to 2,500-ft or more.	No changes proposed
Mandatory setbacks and zone district restrictions are prescriptive and arbitrary.	No changes proposed
Require remediation of all plugged and abandoned wells within 6 months with liability coverage to pay for remediation if Operator doesn't complete within 6 months.	No changes proposed
Increase LDAR inspection frequency from biannual to monthly.	No changes proposed
Why doesn't County regulations just reference compliance with APCD regulations for air emissions and air quality control as requirements rather than implement new requirements?	No changes proposed
Incorporate Party Status provision into public hearing process.	No changes proposed
Numerous comments requesting requirements that are already established within the proposed regulations.	No changes proposed
Setbacks are arbitrary and there is no distinction between rural and urban areas within alternative site analysis provisions.	No change proposed
Request at least one off-ramp that allows for contractual agreements between the county and applicants. This would allow for more site-specific conditions as opposed to a one size fits all approach; alternatively allow site location waiver request to process then follow with administrative process.	No change proposed

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No Changes Proposed	
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Unreasonable for County to propose alternative locations for OGF.	No change proposed
Numerous comments pertaining to requirements already included in proposed regulations	No change proposed
To avoid unnecessary confusion, recommend using one distance of 1/2 mile for all Impact Area Map requirements.	No change proposed
Require continuous emissions monitoring for CH4 and VOC at all locations.	No change proposed
Require use of IR camera and AIMM for all LDAR monitoring and immediate reporting of all leaks.	No change proposed
Prohibit specific activities known for VOC emissions on ozone alert days.	No changes proposed; proposed regulations include these measures
Increase frequency of LDAR requirement from biannual to monthly.	No changes proposed; proposed regulations exceed current APCD regulation
Several comments requesting specific requirements for transmission lines.	Not within scope of OGF Permit
Place requirements on existing flowlines, gathering lines and transmission lines.	Not within scope of OGF Permit
Incorporate pipeline construction standards and testing methods, national and federal standards, into oil and gas permit.	Not within scope of OGF Permit
Notice all property, water and mineral rights, and business owners as well as tenants within 1-mile of proposed facility.	No change proposed
Require green completions.	No changes proposed; addressed within proposed regulations
Require noise control to below 85-dBA at all times.	No changes proposed; proposed regulations more stringent
Require all data be evaluated by independent third party.	No changes proposed; addressed within proposed regulations
Include provision for fair treatment of all employees that allows for organized employee groups.	Not within scope of land use permit
Require 75% of workforce to be ADCO residents.	Not within scope of land use permit
Extend public comment period beyond 30 days.	No change proposed
Require billboard visible from one-half (1/2) mile be posted on proposed and permitted oil and gas facility location.	No change proposed
Require operator send notices to residents within 1-mile radius before any major repair or renovation work begins.	No changes proposed: COGCC rules require such notices; major renovation will initiate OGF Permit process
Remove requirement to maintain organized list and safety data sheets for all chemicals prior to drilling activities and before construction permits issued.	No changes proposed
Remove prescriptive requirement for plugged and abandoned well marking.	No changes proposed
Define environmental assessment.	Defined within existing development standards and regulations.
Extend the moratorium.	No changes proposed
Taken Under Advisement for Future Consideration	
Comment	Staff recommendation
Staff should run the neighborhood meetings; third party transcribe meetings & provide to County and noticed residents; interpretation services paid for by Operator when requested.	Taken under advisement
Provide notices in Spanish; use clear language in notices so easier to understand project scope and location;	Evaluating modifications to notices on a policy basis
Encourage development of sustainable energy rather than oil and gas development	Addressed in Comprehensive Plan
There is some concern that the county is requiring operators to prepare extensive documentation and planning schemes, and then pay to have those reviewed by the county at the operators expense while retaining no input into the third party who will be reviewing the plans	Approved list of third-party professional consultants would be vetted through RFQ process and Operators will have access to County approved list.
Request clarity on the process for any changes in required document submittals for OGF permits and what procedural standards are in place to ensure decisions are based on rational and technical input.	Guidance Document and Application Submittal Checklist
Extend public comment period beyond 30 days	Taken under advisement
Regulations are so stringent that they may very well have the effect of substantially limiting or even banning oil and gas development within the County.	Taken under advisement