

COMMENTS FROM BOARD OF TRUSTEES 8/20/2019 WORK SESSION
8/7/2019 Draft Revisions to UDC Title 10 Chapter 12,, Oil and Gas Regulations

TOPIC AREA	INPUT FROM BOT	CONSIDERATION	COMMENT
Fees and Fines	Share updated general fee recommendations. Actual costs in addition to general fees.	Fees should cover cost for consultants, inspection, development, legal.	Being a statutory Town has limitations on amount of fines for violations of certain regulations. Legal review required.
Financial Assurance	Enough financial assurance to cover accidents, stop work, abandonment, health concerns	Calculation of financial assurance requirements will require case-by-case analysis and technical expertise.	
Cumulative Impacts	Analysis of cumulative impacts. Limitations on new wells until old wells taken out of production. Cap on the number of wells in Erie?	If we cap, will they move to counties to process permit? Town has an interest in getting operators out of Erie as quickly as possible. How would cap effect?	Legal review required.
Air Quality	Venting: emergencies ok? associate ok ? Total VOC? Flaring: prohibited except in emergencies More comprehensive air quality monitoring - before/during/after, with sample every 10 degrees circularly instead of just 1 or 2 canisters INSTARR or other permanent air quality monitoring site	Air Quality Control Commission is beginning a rulemaking process	

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Leak Detection	Monthly inspections indefinitely, not reducing over time Map and plan to find and fix leaks quickly		BOT needs more information on LDAR standard.
Public Notice of hearings/meetings on an application for Oil and Gas Permit	Mailed notice of public hearing to owners/occupants within 1 mile area instead of 1000' Mailed notice to occupant and property owners	Can operators be required to notice non-Erie residents? Can non-Erie residents be notice by request?	Is timing of notices sufficient? Don't want to rush public feedback process. Want people to be able to both share concerns and we can explain how we are addressing it and they can suggest changes if needed AND allow detailed comments.
Neighborhood meetings	15-day notice for mailed notices Staff or electronic method to gather feedback. Possibly 2 notices? Mailed to owners/occupants. Staff should prepare notes summarizing the meeting.	Should neighborhood meetings have a different timeframe/radius than application notice?	
Geologic and Natural Hazards	Seismic testing should be regulated, including notice of such testing. Subsidence/undermining need to be addressed.		Likely needs additional study, potentially recommend adoption in 2020

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Inspections	Monthly inspections	Monthly reports What's to be inspected and by whom?	
Noise	ADD db(c) scale noise not to exceed a certain amount over ambient. Recommend 3 above Only Tier 4 frack/fleet/pumps	Is this technology available.	Requires technical input
Vibrations	Where do vibration standards come from - want to be sure these will protect Town from another Pratt site.		
Odor	Cover all loads Regulation at the landfill Prohibit use of Gibson D8-22	Drill cuttings have odor If no diesel and Gibson D8 22 is not allowed, is there a scent from drill cuttings?	Need to investigate landfill as source of odor and whether it can/should be regulated.
Property Rights Protection	Delete this provision.	This standard is too vague. Not possible to evaluate or measure	Too general, doesn't add value.
Reclamation	Include improvements?		
Reporting	Monthly reports on noncompliance		What reports? Identify

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Setbacks	1,000 foot setback from occupied buildings may not be the correct distance. 1500 is better?	Fixed setbacks may not be appropriate throughout the Town assuming that zoning is required.	Rational nexus between setback and protection of public health requires findings. Need to review "impact" potentially study in 2020
Water Quality	Soil sampling - pre-construction, construction, operation, post operations	Need to establish baseline of soil conditions before operations begin.	Requires technical expertise to determine factors to monitor for.
Water Supply	Use of water from municipal water supply/grey water only with BOT approval	Trucking in water requires more truck traffic.	
Water Wells	Water quality testing prior to beginning construction, during construction and operations, and long-term		
Heavy Industrial Zoning	Oil and gas operations should be confined to heavy industrial zone. Does this need additional study?	Should Town identify any zones in advance or wait What if BOT doesn't rezone any recommended sites?	
Operator Agreements:	Operator agreements might be allowed. Likely needs additional study, conversation, potentially recommend adoption in 2020	Operator agreements would need to be at least as stringent as regulations.	
Violations	Operators being required to cease operations for violations of standards		Likely needs additional study, conversation, potentially recommend adoption in 2020
Regulation across municipalities	Does the Town of Erie want to have same regulations as other municipalities?	Timing may not work. Erie has unique conditions.	Continue collaboration with partners (Broomfield, Lafayette, Boulder County, etc) Could continue work on and stay

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			abreast into 2020, update UDC as needed
Research total number of wells yet to come by Erie			Likely needs additional study, conversation, potentially recommend adoption in 2020