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From: Sara Loflin
Sent: Tuesday, September 29, 2020 2:04 PM
To: Jennifer Carroll; Adam Haid; Bill Gippe; Christiaan van Woudenberg; Brandon Bell; Ari Harrison; Barbara Green; Farrell Buller; Malcolm Fleming
Subject: Notes on the draft oil and gas regs

All,
I wanted to provide my initial feedback on the draft oil and gas regulations. Farrell, These are - thus far - incredibly strong, and this is a great start. My notes are below.

Oil and Gas Notes

General:

I'd like to get some legal guidance on the questions below, and would like to hear from the author about both the intent and parameters on "Reasonable and Necessary."

There is only one reference to denial. Why?

Second, there are a number of places where guardrails or parameters are missing.

The Board should receive a briefing from Sen. Mike Foote or EarthJustice or Rep. Mike Weissman. SB181, parameters around "Reasonable and Necessary," "Avoid and Minimize" vs. "Mitigate. Avoid and Minimize should replace mitigate throughout.

Comments on the Definitions:

Which definitions were eliminated? I am noting the absence of the following:

Alternate Location Analysis - should reference the new COGCC definitions

Comprehensive Drilling Plan - should reference the new COGCC definition

Cumulative Impacts - Should reference the new COGCC definition

Oil and Gas Exploration

Oil and Gas Development

Flowline - Should be consistent with COGCC and reference

Flowline System

Gathering line - this is completely absent and should match the new COGCC definition

Leak Detection and Repair - also absent and definition should be consistent with COGCC and A

Seismic Testing

Zero Bleed Pneumatics - should be spelled out

QUESTION: Who is the LGD vs. the Director? Is that two roles now, will it be?

Comments on sections

The following notes go along specifically with language in the draft UDC.

10.12.1.B

-Where did the prohibition on seismic testing go?

-In this section, need to add language: "The Town reserves the right to exercise its planning and plenary authority to deny oil and gas proposals in order to protect public health, safety, welfare, the environment and wildlife resources."

10.12.1.B.2. Where do we put guardrails on reasonable and necessary?

10.12.D.2. There shall also be no exploration w/o consent

10.12.1.E. Need a definition or parameters on "Substantial" and on "minor"

10.12.1.E.4. Does this assert that the Operator is liable for all operations: Contractors, subcontractors, employees, agents, etc?

10.12.1.E.6 COGCC regs say expiration after 2 years.

10.12.1.H Needs to have the following definitions:

Section 10.12.2

Overall, discussions from the pre-application conference and throughout the materials should discuss scale (size, number of wells, tanks, compressors, and general footprint), proximity (how close to people), and intensity (what is the timeline and operating hours for what phases, how many re-fracks, how many miles of proposed flow line or gathering line?)

10.12.2.B.1. Should require a pretty direct discussion and relay of that discussion to the BOT regarding Operator's intentions for scale, proximity and intensity.

10.12.2.E.2.

-Registration as an operator with the COGCC should be mandated in our regs.

-Incidents including NOAVs and incident forms (spills, leaks, equipment failures, etc.) from the last year with a summary from the operator of each of the incidents

10.12.2.E.5 & 10.12.2.E.6 - Distances on the Aerial Photo and Topographic Map need to note everything within 1 mile and note every residential and high occupancy building unit within 1 mile. These should include number of residences within 1 mile, 1/2 mile, and 2,500 feet.

10.12.2.E.8 needs to include the number of parties to be forced pooled, their disposition, and the unitization. Further, this should include a certification from the COGCC that the operator/negotiator is in compliance with all statutory and COGCC requirements regarding pooling for Erie residents/owners.

10.12.2.E.9 The Town needs the Operator to have a third-party of the town's choosing conduct the cumulative impact analysis.

10.12.2.E.9.c. Will review Boulder County, Adams County and Broomfield's standards here.

10.12.2.E.9.e. This must include all AQCC reports for the operator for sites within 1,000 feet of a well within and within 1 mile of Erie's borders.

10.12.2.E.9.h. An initial groundwater baseline for all ground water sources within 1 mile of proposed well and a surface water baseline for all sources within 1 mile.

10.12.2.E.9.j - Include an estimated number of lifts or re-fracks and amount of water needed for each re-frack.

10.12.2.E.9.n.vii Certified consultations regarding the emergency management plan with Public Works, Planning Department, the Fire Department and EPD and their assessment regarding the plan's adequacy.

10.12.2.E seems to be missing a gathering line connection/management plan.

10.12.2.F. If an Application is deemed complete, ALL materials shall be referred and made available to the Planning and Zoning Board and to the Board of trustees.

10.12.2.G.3

-What is our standard for all other hearing notices and meeting notices is it not 30 days?

-Need to incorporate here that the meeting SHALL be open to the public and that it will be noticed on the Town Oil and Gas Page and social media.

[10.12.2.G.3.vi](#) - Can I get a definition for "reasonable good faith"

10.12.2.G.4.ii - do we have a standard or monitoring procedure for signage?

10.12.3. Need definitions for "minor" and "substantial"

10.12.3.B Where did seismic surveying go?

10.12.4.C Setback should be at least 2,500 feet with no variances. Additionally, schools, school u and playgrounds should be written in here.

10.12.4.C.4-5 Operation should be at least 1,500-2,000 feet from surface and domestic or comm wells.

10.12.4.D "unnecessary or excessive" - need some legal parameters here.

10.12.4.F.1.b. can we say "use at least Tier 4 fracturing pumps... or better technology..."

10.12.4.F.1.I ON venting and flaring, language should be at earliest possible point. Further, is the where the LGD is notifying neighbors within 2,500 feet or 1/2 mile of the venting and flaring occur

10.12.4.F.I.ii. Where is the notification to the public - especially residents within certain distances?

10.12.4.F.2. Do we have regs and notice for residents within one mile during specific phases of o and development - i.e. when operators are pulling pipe - that are known to cause acute health im

10.12.4.F.3 Requirement that the operator report the amount of flared natural gas and the value o assets flared.

10.12.4.F.3 Again, where are we posting and notifying residents within ` 1/2 Mile of leaks?

10.12.4.F.4 Explain the "infeasible" condition to me here and why it's here?

10.12.4.F.5.a. Operator should be required to conduct continuous air quality monitoring within 1/2 homes, submit monthly reports during drilling and completion, and quarterly reports after complet the life of the well.

10.12.4.F.I remove "significant"

10.12.4.J. Has COGCC rule 318A.f. been changed?

10.12.4.Z.Vibration should be measured at multiple intervals - 500, 1000, and 1500 feet

10.12.4.FF.4 - we need a setback according to blast radius from flowlines and gathering lines. an marking for all developers and workers

10.12.4.FF there also needs to be a setback of the access road from building units and residence

10.12.6.B.1. The board needs to hear from Adam Peltz from EDF or the COGCC themselves on well integrity standard and how this matches up.

Added projects on oil and gas

Below are a few additional thoughts.

-Intergovernmental Agreement on Data-sharing

-An annual cumulative impacts assessment or NEPA analysis ahead of any further consideration

-A suggested job description for the Director/LGD regarding oil and gas that meets the needs of l

-A suggested set of parameters similar to the API standard on community outreach. https://www.api.org/~media/Files/Policy/Exploration/100-3_e1.pdf

-What is the feasibility of creating an enterprise fund to address oil and gas and are there ways to get us past the \$1,000 fine?

-We need a complaint line/web portal for Erie.

I hope these are helpful. Thank you,

Sara

Sent from my iPad