



Board of County Commissioners

Boulder County has in place a set of Policies to ensure that people of all opinions are comfortable attending public meetings and hearings, and are able to express their opinions without fear.

As public hearings and meetings are official civil proceedings, it is the policy of the County that the following Rules of Conduct be observed for all hearings in order to facilitate an orderly, respectful and fair discussion where all points of view may be heard and the Board may conduct county business:

C. Rules of conduct

1. It is inappropriate to cheer, boo, hiss, talk, cry out or applaud. Members of the public are not expected to agree on all issues but must make an effort to respect the process so that all viewpoints are heard.

...

4. The waving or posting of signs, banners or other materials in the hearing room is not allowed.

5. So that everyone can hear the proceedings, side conversations must be taken outside of the hearing room.

6. The use of profanity, threatening or abusive language is not allowed.

...

8. The placement of electronic recording devices and cameras, including but not limited to audio recorders, video cameras, still cameras, motion picture cameras or microphones, may be regulated by the Chair so as to avoid interference with the orderly conduct of the hearing.

In accordance with Boulder County Policies and Colorado State Law, disruption of a public hearing or meeting by audience members will not be tolerated. At the discretion of the Chair, the hearing or meeting may be suspended. In addition, individuals who violate the provisions of this policy may be subject to removal by law enforcement from the public hearing and/or the County Courthouse and, depending on the seriousness of the violation, may be prosecuted under state law.

**Docket DC-16-0004: Amendments to
Oil and Gas Development Regulations:**
**Public Hearing to consider proposed Land Use Code
amendments addressing oil and gas development within
the Boulder County Land Use Code**

Board of County Planning Commission
October 12, 2016
1:30 p.m.

Today's Agenda - Oct. 12

- I. **County staff presentation**
- II. **Public comment (3-min allowance per individual speaker)**
- III. **Planning Commission discussion / direction to staff**
 - Staff will return to Planning Commission with any necessary revisions on October 27

Anticipated Schedule for Public Review

Planning Commission

Thursday, Oct. 27, 4 p.m. Planning Commission public meeting – no further testimony will be taken.

Board of County Commissioners

Tuesday, Nov. 15, 12 p.m. Board of County Commissioners public hearing – public comment to be taken. (Note: Online speaker sign-ups will begin Nov. 1. Limit 3 min. per speaker)

Thursday, Nov. 17 11 a.m. Board of County Commissioners public **meeting** – no further testimony will be taken.

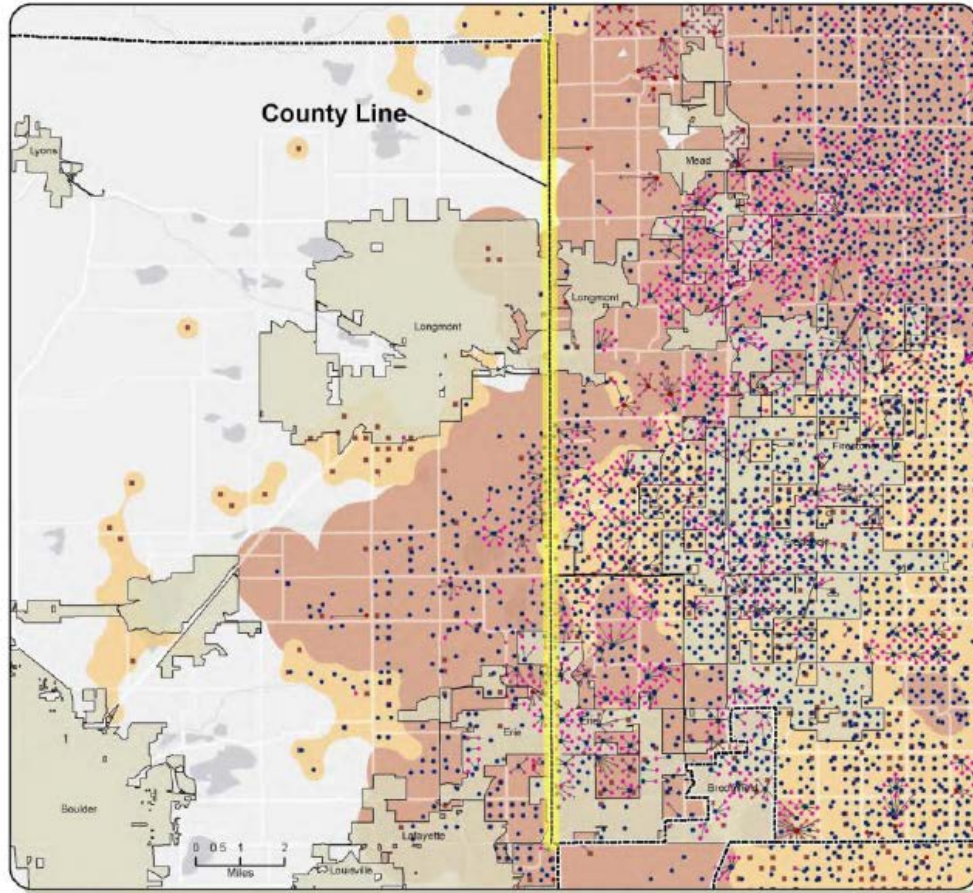
Oil & Gas Development Website

<http://www.bouldercounty.org/dept/landuse/pages/oilgas.aspx>

Comments on the proposed oil and gas development regulations may be emailed to oilgascomment@bouldercounty.org

Background

- Boulder County enacted a moratorium in February 2012
- Planning Commission adopts BCCP amendments in August 2012
- New regulations adopted in December 2012, amended May 2013
- Transportation fees adopted in May 2013
- In November 2014 the moratorium was extended to July 1, 2018

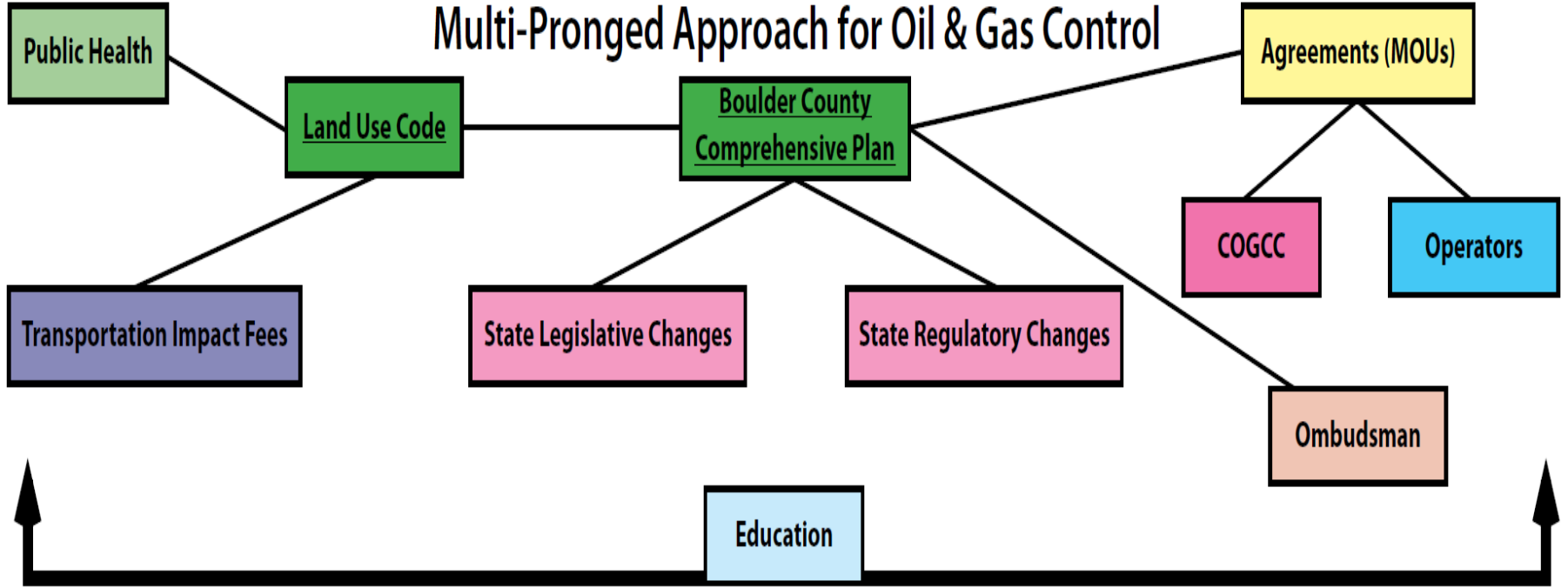


Colorado Oil and Gas Conservation Commission Wells: GIS Data Map

- Wells
- State Permitted Sites
- Pit Facility
- Directional Well Bottomhole: Actual
- Directional Well Bottomhole: Planned
- Directional Well Line
- Oil or Gas Field
- Wattenberg Gas Field



Multi-Pronged Approach for Oil & Gas Control

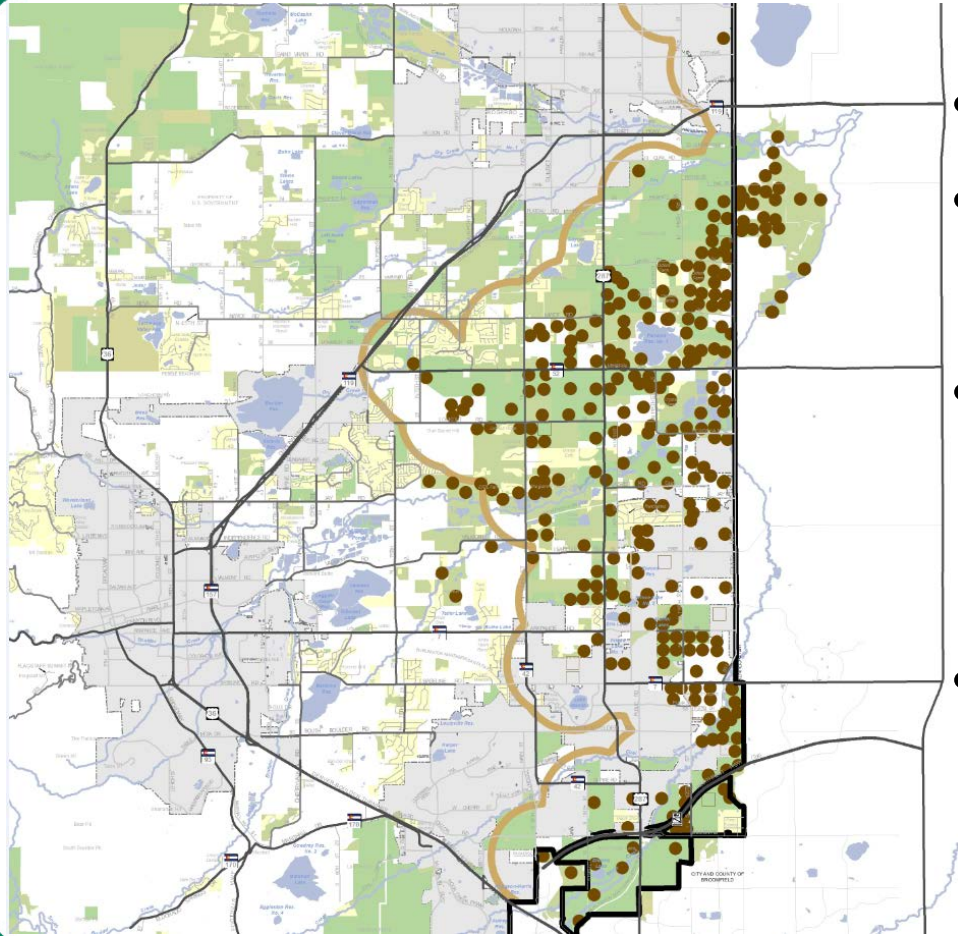


External Efforts to Address Impacts of Oil and Gas Development

- New Air Quality Rules adopted by CO AQCC
- Colorado General Assembly Sessions – no legislation passed
- COGCC Rulemakings (Complainant, Floodplain, Governor’s Task Force) – nothing significant came out of these rulemakings to address local impacts
- Statewide Ballot Initiatives

CO Supreme Court Decisions

- Two CO Supreme Court decisions overturned efforts to limit hydraulic fracturing
 - *City of Longmont v. Colo. Oil and Gas Ass'n* – fracking ban
 - *City of Fort Collins v. Colo. Oil and Gas Ass'n* – 5-year moratorium
- In light of these decisions, the BOCC voted to terminate the temporary moratorium and establish a new moratorium until November 18, 2016
- Draft Regulations reflect direction given to staff by the BOCC in May 2016



- Oil & gas development is intensive
- Concerns with impacts on community and environment
- Traditional zoning generally would separate industrial uses from residential areas
- Severed mineral estate does not allow for complete separation

Current Update

- **Purpose:**

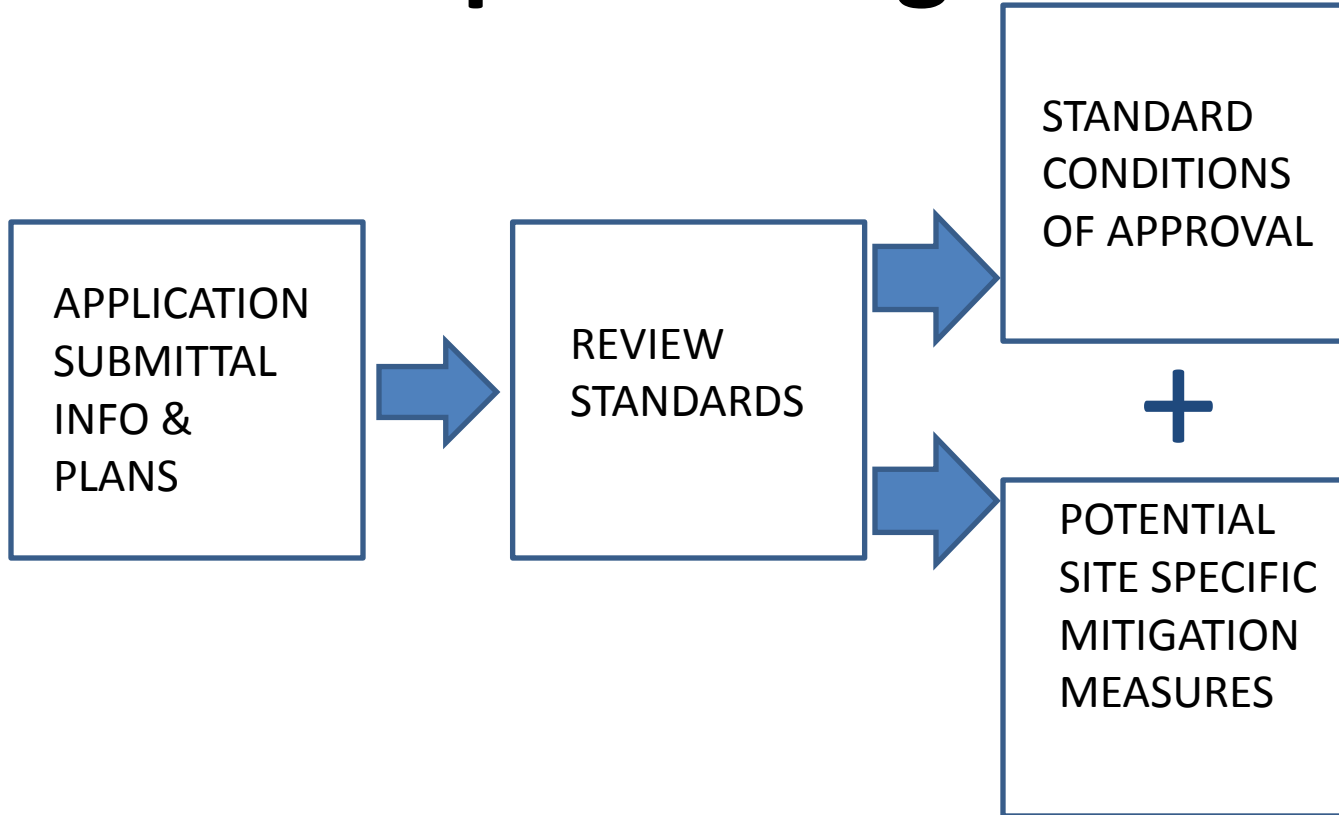
To review the 2012 regulations and respond to additional information about impacts, changes in oil & gas drilling practices, the rulemakings at the State level, and the CO Supreme Court cases

- County's objective is to **protect public health, safety, welfare, and the environment to the maximum extent** permitted by law
- Reduce incompatibility and minimize potential land use conflicts between oil and gas operations and surrounding land uses

Proposed Regulations

- The proposed regulations employ our **local land use authority** to **protect** public health and the environment
- Close **scrutiny** of oil and gas development through Special Use Review
- Multiple opportunities for **public input** prior to any decision
- Consideration of **site-specific circumstances** related to each application
- Avoidance, Minimization, and **Mitigation Measures** customized to address specific circumstances
- Implementation of **conditions of approval**

Proposed Regulations



Application Submittal Requirements (12-500)

Applicants must submit detailed information on the proposal, including:

- Siting plan showing location of proposed wells and associated facility
- Plan showing existing structures within one (1) mile from the operation
- Analysis of alternative sites
- Air quality plan
- Emergency preparedness and response plan
- Mitigation plans for impacts on agricultural land, land disturbance, cultural and historic resources, geologic hazard, natural resources, and scenic attributes and rural character
- Operations Plan, including schedule and duration of time for phases
- Surrounding land uses and potential impacts
- Transportation route and traffic plan
- Water Quality Plan
- Water supply and quantity
- Offsite transport plan, including options for both pipelines and vehicles
- Site electrification information

Review Process/Public Involvement (12-400)

Operator requirements:

- A pre-application conference, which may involve a site visit to begin to identify potential site-specific concerns
- A neighborhood meeting with adjacent and surrounding landowners and other interested parties 30-45 days in advance of application submittal
- Notice (approved by County) within ½-mile prior to application submittal and commencement
- Public notice signage
- A Planning Commission public hearing
- A Board of County Commissioners public hearing
- If the proposed well is on or near county open space, Parks and Open Space Advisory Committee (POSAC) review
- Referrals to county departments and agencies
- Technical consultants, if needed

Review Standards (12-600)

16 special review standards to evaluate the impacts and of the proposed operation and minimize potential land use conflicts:

- Adequate water supply
- Agricultural land
- Air Quality
- Cultural and Historic resources
- Emergency Prevention and Response
- Floodplains and Floodways
- Geologic Hazard Areas
- Land disturbance
- Natural Resources
- Pipelines (Art. 4-514.E) and tandem application and review for new or modified pipelines
- Recreational Activity
- Scenic Attributes and Rural Character
- Surrounding Land Uses
- Transportation, Roads, and Access
- Water quality
- Wetlands Protection

Conditions of Approval (12-700)

Board of County Commissioners may impose specific conditions of approval to ensure compliance with the review standards:

- Anchoring
- Applications and permits
- Certification of compliance with State and/or County air quality requirements
- Color
- Secure discharge valves
- Dust Suppression and Fugitive Dust
- Emergency Preparedness Plan – updated annually
- Exhaust venting
- Flammable material
- Flare and combustion devices design and operation
- Hydrocarbon Emissions Leak Detection & Repair (LDAR) program / prompt repair of leaks
- Lighting
- Maintenance of a daily log
- Maintenance of machinery
- Noise – compliance with State levels
- Notice 30 days prior to commencement of drilling
- Performance guarantee / letter of credit
- Interim and final Reclamation procedures required by COGCC
- Removal of debris
- Removal of equipment within 30 days of completion of work
- Representations
- Spills and leak reporting and clean-up
- Stormwater control
- Temporary Access Roads reclamation / revegetation
- Transportation Fees
- Transportation Infrastructure improvements / costs
- Transportation Permits
- Baseline Vegetation analysis
- Vehicle Tracking Control practices
- Water Quality
- Weed Control
- Well Abandonment

Potential Site Specific Mitigation Measures (12-701)

Application of potential mitigation measures:

- Air Quality / Hydrocarbon emissions control measures
 - Electrification from the power grid or from renewable sources
 - Environmentally sensitive and efficient production techniques
 - Hydrocarbon destruction or control efficiency of 98% or better
 - Closed loop pitless systems.
 - A leak detection and repair program using modern leak detection technologies such as infra-red cameras for equipment used on the well site
 - Continuous ambient air quality monitoring to measure hydrocarbon emissions and meteorological data
- Water Quality Monitoring and Well Testing
- Location, number of wells, pad dimensions
- Disruption payments
- Use of shared infrastructure
- Visual buffering
- Natural screening and maintenance of existing vegetation

Pipelines (4-514.E)

- Oil and gas pipelines also require Special Review
- Specific standards that address the permitting of flow lines and gathering lines associated with new oil and gas wells, as well as pipelines for the collection and transmission of natural gas or other hazardous liquids
- New requirements for configuration and location of pipelines
- Notice to and minimum distances (50 ft.) from occupied structures
- Provisions to minimize disturbance, share existing rights-of-way, and consolidate new corridors
- LDAR requirements for lines within 150 ft. of general residential, commercial, and industrial buildings or the high water mark of any surface body

| Year | # Facilities Visited with IR Camera | # Facilities Found to Have a Leak or Venting Identified | Percentage with Leak or Venting Identified | Average Time Span For Repair |
|-----------------------|-------------------------------------|---|--|---------------------------------|
| 2014 | 128 | 53 | 41% | 31 days |
| 2015 | 75 | 33 | 44% | 13 days |
| 2016 (through August) | 56 | 26 | 46% | 18 days |
| Totals | 259 | 112 | 43% | 20 days (3 year average) |

| # Repair Confirmation Visits | Issues Unresolved | Issue Resolved | New Leak Identified | Percentage With New Leak Identified |
|------------------------------|-------------------|----------------|---------------------|-------------------------------------|
| 44 | 3 | 41 | 12 | 27% |

| # Sites Visited in Multiple Years | # Sites Where a Leak is Detected in Multiple Years | % of Sites with Leaks Detected in Multiple Years |
|-----------------------------------|--|--|
| 97 | 19 | 19% |

➤ Certification, monitoring, and inspection requirements

| Release Location Data | Tank | Separator | Wellhead | ECD | Pipeline | Flowline |
|-----------------------|-----------|-----------|-----------|----------|----------|----------|
| 2014 | 18 | 22 | 24 | 0 | 3 | 1 |
| 2015 | 18 | 13 | 10 | 3 | 1 | 0 |
| 2016 (through August) | 12 | 10 | 7 | 5 | 0 | 0 |
| Totals | 48 | 45 | 41 | 8 | 4 | 1 |

Right to Enter (12-900) and Enforcement (12-1000)

- Any site under an approved Special Review may be inspected by the County, in coordination with the operator, at any time to ensure compliance with the requirements.
- The Director may issue a written order to the operator suspending the Special Use and all activity allowed if there are violations.
- Director shall provide written notice to the Applicant describing the violation, and stating a reasonable time within which the violation must be corrected.

Public Comments

- Written comments are posted on the County's Oil and Gas website:

<http://www.bouldercounty.org/dept/landuse/pages/oilgas.aspx>

- Colo. Oil and Gas Ass'n (COGA) comments

Recommendation

- We do not anticipate that Planning Commission will be able to take final action on the Draft Regulations at this initial hearing; however, we do find that proposed Land Use Code amendments meet the criteria in Art. 16-100 of the Land Use Code in that:
 1. *the existing text is in need of the amendment;*
 2. *the amendment is not contrary to the intent and purpose of this Code;*
 3. *the amendment is in accordance with the BCCP*
- Staff recommends that Planning Commission **approve and recommend approval of this docket to the Board of County Commissioners**

Discussion Questions

- General alignment with proposed regulatory framework?
- Any major additions or subtractions?
- Areas of concern?

