

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

Board of County Commissioners
March 23, 2017
2:00 p.m.

Today's Agenda - March 23

I. County staff presentation

II. Board of County Commissioners discussion and action on regulations

*The opportunity to provide public testimony regarding this item was at the public hearing on March 14th. **No additional public testimony will be taken today.**

All public comment received to date is available on the County's oil and gas website at:

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

CO Supreme Court Decisions

- In May 2016 two CO Supreme Court rulings invalidated fracking bans and long-term moratoria
 - *City of Longmont v. Colo. Oil and Gas Ass'n*
 - *City of Fort Collins v. Colo. Oil and Gas Ass'n*
- In light of these decisions, the BOCC terminated the temporary moratorium through July 2018 and establish a new moratorium until May 1, 2016 in order to update the regulations adopted in 2012 and prepare for their successful implementation

Recent Moratorium & Current Update

- Regulations adopted in 2012 needed updating to address:
 - ✓ Industry's shift toward large-scale, consolidated facilities
 - ✓ Concerns with intensity of oil & gas development
 - ✓ Additional information about impacts
 - ✓ Rulemakings at the State level (Governor's Task Force, etc.)
 - ✓ Concerns with impacts on community and environment

OVERVIEW - Proposed Regulations

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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
- Map showing other wells and oil and gas operations within one (1) mile of the proposed site
- Analysis of at least three (3) alternative site locations
- Air quality plan + Water 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

Review Process/Public Involvement (12-400)

- **Pre-application conference**, which may involve a site visit to begin to identify potential site-specific concerns
- **Neighborhood meeting** with adjacent and surrounding landowners and other interested parties
 - Must occur at least 20 days after the pre-application conference + 14-day notice
 - An application cannot be submitted for 20 days following the neighborhood meeting and must include summary from meeting
- **“Waitlist,” Application Submittal, and Completeness determination** – 45 days
- **Notice to landowners and owners of water wells** and to **residents (physical address)** within ½-mile prior to application submittal and again before drilling commencement
- Public notice **signage**
- **Referrals** to county departments, fire district, County Sheriff, adjacent municipalities, school district and any necessary technical consultants
- **Planning Commission and Board of County Commissioners public hearings**
- If the proposed well is on or near county open space, **Parks and Open Space Advisory Committee (POSAC) review** may be required

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OVERVIEW - Proposed Regulations

- The proposed regulations employ our **local land use authority** to **protect** public health and the environment
- County will require **Special Use Review** for all new oil & gas development

The regulations are:

COMPREHENSIVE

INCLUSIVE

PROTECTIVE

SPECIFIC

ENFORCEABLE

OVERVIEW - Proposed Regulations

Some of the more defining components include:

- Air quality monitoring
- Hydrocarbon emissions control measures, including use of infra-red cameras & LDAR
- Water well sampling and testing
- Conditions of approval that will reduce impacts to the site/area/resources, including location, use of pipelines to reduce truck traffic, adjustment of pad dimensions, use of shared infrastructure, visual buffering, and landscaping, etc.
- Disruption payments to surrounding occupants who are affected by drilling activities
- Emergency preparedness and response plan
- Reporting, monitoring, and inspections

Public Review of Proposed Regulations

Previous meetings

- ✓ **Wednesday, Oct. 12** Planning Commission public hearing
- ✓ **Thursday, Oct. 27** Planning Commission public meeting
- ✓ **Tuesday, Nov. 15** Board of County Commissioners
public hearing
- ✓ **Thursday, Nov. 17** Board of County Commissioners
public meeting
- ✓ **Tuesday, Mar. 14, 2 p.m.** Board of County Commissioners
public hearing

March 14, 2017 BOCC Direction

- Staff presented the revised Draft Regulations at a BOCC public hearing on March 14, 2017
 - Public Testimony was taken
- **The **Revised** Draft Regulations presented today reflect direction given to staff by the BOCC on March 14th**

Containment of onsite spills

- Edits made to Section 12-701(C) adding the ability to condition approvals on operators using **pitless systems** and constructing **containment berms** or other containment devices around storage tanks and production facilities
 - Prevent migration of onsite contamination and help prevent surface and groundwater contamination caused by onsite spills

Comprehensive planning information

- Added a requirement in Section 12-400(B)(2)(a) to include number of **estimated “well sites”** (in addition to number of wells) as part of the comprehensive planning information to be submitted as part of the operator registration provisions

Site Visit

- Added consideration of other **site-specific features** for review during the site visit that takes place as part of the **pre-application conference** before an Applicant submits an application for Special Use Review (Section 12-400(D)(3))

Notice of Application

- Changed “water well owners” to “**water source owners**”
- Added “**secure**” to “methods of delivery” for required notice
- Added “**lessees**” of parcels within ½ mile of a proposed facility
(Section 12-400(H)(1) and (2))

Decommissioned Wells

- Added a requirement to identify the **wells to be decommissioned within the next 5 years** (Section 12-500(I))

As-built plans

- Clarified that as-built plans of approved oil and gas facilities that are required as part of the Emergency Preparedness Plan are **not needed until a facility is completed** (Section 12-500(M))

Public Availability of Information

- **Leaks and spills** – County will develop protocols for posting reports of spills and leaks on the public website
- **Inspection and monitoring** – Make regular reports from LDAR program (for hydrocarbon emissions) available to the public

(Sections 12-700(X) and 12-701(A)(2))

Spill Volume Estimates

- Added the **estimated worst case liquid spill volumes** to be included along with information on any existing and proposed lines of various types (Section 12-500(J)(12))

Pipelines and Transmission Lines

- Clarified review of lines under **Article 12** vs. **Article 4**
- Clarified delineation of types of lines and pipes to which provisions apply
- Included **“existing or proposed” development** for consideration of pipeline siting
- Added **“without compromising pipeline integrity and safety”** to provision allowing for consolidation of pipelines in the same ditch or ROW
- Removed duplicative pipeline LDAR requirements and **kept most restrictive version**
- Modified definitions of transmission lines to **exclude federally-regulated lines**
(Sections 12-600(K), 4-514(E), and 12-700(S))

Water Testing

- Increased frequency of post-completion water testing to require water testing to occur within **6 months** after completion, between **12-18 months**, and again between **60-72 months** after completion

Well Integrity

- Added a requirement for **bradenhead monitoring** and reporting as a way of detecting **well integrity issues**
- Expanded emergency preparedness plan to include specifications on **how well integrity problems would be addressed**

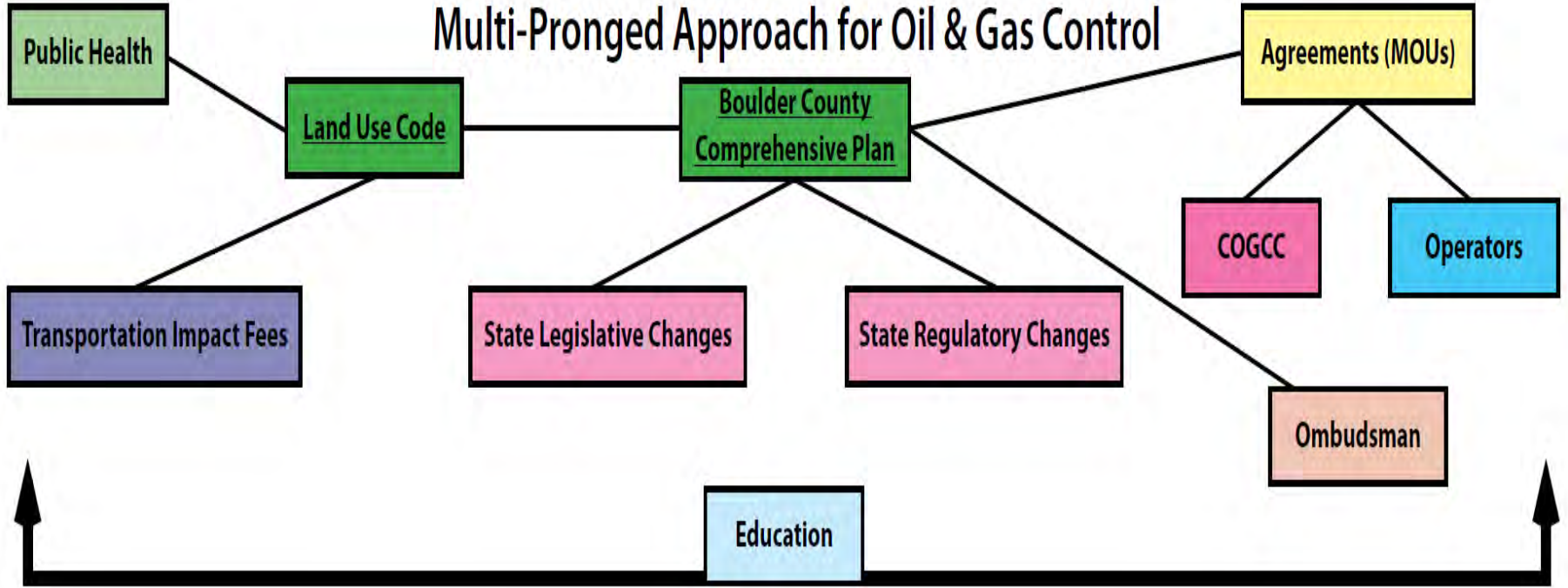
(Sections 12-701(B)(3)(b), 12-500(M))

Reclamation, Revegetation, and Weed Control

- Clarified the improvements on the well pad are subject to **COGCC reclamation requirements**
- **Revegetation plan** is required for any **off-pad disturbance**
- Added **weed control** in any **off-site pipeline easement areas**

(Section 12-700(T) and (GG))

Multi-Pronged Approach for Oil & Gas Control



- Changes to state and federal legislation
- Changes to state AQCC rules
- Changes to COGCC rules
- Statewide Ballot Initiatives

Recommendation

- County's objective is to **protect public health, safety, welfare, and environment**
- Draft Regulations are intended to **reduce incompatibility** and **minimize potential land use conflicts** between oil and gas operations and surrounding land uses

The proposed Land Use Code amendments meet the criteria in Art. 16-100 of the Land Use Code. Staff recommends that the Board of County Commissioners

APPROVE

Docket DC-16-0004 Amendments to Oil and Gas Development Regulations

(including Appendix B from March 14, 2017 – Disruption Payments)

