

1 **Longmont Oil and Gas Regulations Draft**

2
3 **Purpose Statement**

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5 1. The purpose of this section is to facilitate the exploration and production of oil and gas
6 resources within the City in a responsible manner. The City has a recognized, traditional authority and
7 responsibility to regulate land use within its jurisdiction, including oil and gas drilling. These regulations
8 are intended as an exercise of this land use authority and the police power.

9 2. The City’s goal is to work cooperatively with oil and gas applicants and operators, affected
10 individuals, groups or institutions, the Colorado Oil and Gas Conservation Commission, and other
11 municipal, county, state and federal agencies and interested parties to ensure that potential land use and
12 environmental conflicts are adequately addressed and mitigated. These regulations are enacted to preserve
13 the rights and privileges of surface and mineral estate owners and lessors, while ensuring the health,
14 safety, and general welfare of the present and future residents of Longmont and surrounding areas and the
15 preservation and protection of wildlife and the environment.

16
17 **Authority**

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19 This section is adopted pursuant to C.R.S.A § 31-15-401, Colorado Constitution Article XX, § 6
20 and C.R.S. §§ 29-20-11 et seq., 34-60-101 et seq., and 30-28-101 et seq. These standards are not intended
21 to supersede state laws, regulations, and rules pertaining to oil and gas development, but rather are meant
22 to supplement those requirements where appropriate.

23
24 **Applicability**

25
26 1. All oil and gas well operations and facilities within the City both on the surface and below the
27 surface are subject to the requirements of this section. In the event that the provision of this section
28 conflict with any other provisions of the code, this section shall supercede as it applies to oil and gas well
29 operations and facilities.

30 2. In instances of directional and horizontal drilling where surface operations associated with a
31 well occur outside of the City limits but subsurface operations occur within the City limits, the operator
32 shall be required to comply with the applicable process and standards contained in this section and the
33 City will provide comments to the COGCC through the LGD consultation process in conjunction with the
34 COGCC permit application.

35 3. City oil and gas well permits issued pursuant to this section shall encompass within its
36 authorization the right of the operator, its agents, employees, subcontractors, independent contractors, or
37 any other person to perform that work reasonably necessary to conduct the activities authorized by the
38 permit, subject to all other applicable City regulations and requirements.

39 4. City oil and gas well permits may be issued for sites within the City excluding oil and gas well
40 surface operations and facilities in residential zoning districts. For purposes of this section, residential
41 zoning shall include residential and mixed use planned unit development (PUD) districts and mixed use
42 (MU) zoning districts that included existing or planned residential uses. Any proposed oil and gas well
43 location not complying with the requirements of this subsection, may apply for an operational conflict
44 special exception according to the procedures in this section.

45
46 **Exceptions**

47
48 1. Oil and gas well facilities that are in existence on the effective date of this subsection or that
49 are located within territory which thereafter is annexed to the City may continue operating without the
50 issuance of a City oil and gas well permit until any of the following are proposed: oil and gas well
51 location expansion, new wells on the well site, and operations including completing, recompleting,
52 hydraulic fracturing, reworking, sidetracking, or trimming of a well. The right to operate oil and gas well

1 facilities terminates if the use thereof is discontinued for six months or more, other than by temporary
2 abandonment or shut-in which is in conformance with COGCC rules.

3 2. Accessory equipment and pumping systems that are in existence on the effective date of this
4 subsection or are located within territory which thereafter is annexed to the City may continue operating
5 without the issuance of a City oil and gas well permit. Any renovation or repair of nonconforming
6 accessory equipment or pumping systems shall be permitted without a City oil and gas well permit,
7 provided the work does not increase the degree of nonconformity. Any replacement of existing accessory
8 equipment or any addition of accessory equipment shall conform to this section subject to the applicable
9 review process in this section. The replacement or addition of individual tanks, treaters, or separators shall
10 not require the remaining accessory equipment in an oil and gas well location to conform to the
11 development standards in this section.

12 **Prohibitions**

13 The following oil and gas facilities are prohibited within the City of Longmont:

- 14 1. Injection wells for disposal of oil and gas exploration and production wastes;
- 15 2. Commercial disposal facilities;
- 16 3. Centralized E&P waste management facility;
- 17 4. Subsurface disposal facility;
- 18 5. Temporary housing at an oil and gas well location, including trailers, recreational vehicles,
19 etc.
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23 **Definitions**

24 For the purposes of these oil and gas well regulations only, term definitions are included at the
25 end of this section.
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28 **General Provisions**

29 **Application Process**

30 **Applications subject to administrative review**

31 The following are subject to administrative limited use review:

- 32 1. Oil and gas wells operations and facilities that comply with all minimum and
33 recommended standards in this section are subject to limited use site plan review.
- 34 2. Seismic survey operations are subject to administrative review.
- 35 3. Pipelines that cross public property are subject to a work in right-of-way
36 permit review.
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41 **Applications subject to public hearing review**

42 The following are subject to public hearing review:

- 43 1. Oil and gas well operations and facilities that meet minimum standard
44 requirements and some or none of the recommended standards listed in this section are
45 subject to conditional use site plan review.
- 46 2. Variances and operational conflicts special exceptions.
- 47 3. Planning and Zoning Commission determination of designated outside activity
48 areas.
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1 **Determination of designated outside activity areas**
2

3 The Planning and Zoning Commission, upon application and hearing, shall
4 determine the appropriate boundary and setbacks for designated outside activity areas as
5 defined in this section.
6

7 **Submittal Requirements**
8

9 1. Applications for a limited use or conditional use permit for oil and gas facilities under
10 this subsection shall contain all relevant information required for limited and conditional use
11 permits contained in Appendix B of this development code and the specific information for oil
12 and gas facilities contained in Table 15.04-B of this development code.

13 2. Applications for designation of an outside activity area shall include a written narrative
14 requesting the designation and describing the proposed area and compliance with the
15 definition/criteria for a designated outside activity area, along with a map and aerial image of the
16 proposed outside activity area showing the proposed boundaries and setback requirements.
17

18 **Issuance of oil and gas well permit for unsubdivided property.**
19

20 A City oil and gas well permit for may be granted on unsubdivided property without
21 requiring the property to be subdivided.
22

23 **Notice and procedures**
24

25 **Limited use review**
26

27 Applications for limited use review of oil and gas well operations and facilities
28 are subject to the notice requirements of Section 15.02.040(H) and the minor application
29 procedures requirements of Section 15.02.080.
30

31 **Conditional use review**
32

33 Applications for conditional use review of oil and gas well operations and
34 facilities are subject to the notice requirements of Section 15.02.040(H) and the major
35 application procedure requirements of Section 15.02.050
36

37 **Other notices**
38

39 1. Operators shall provide the City with notice 30 days prior to the
40 commencement of oil and gas well drilling, completion, recompletion, hydraulic
41 fracturing, reworking, sidetracking, or trimming, plugging and abandoning and
42 reclamation

43 2. Operators shall also provide the City with notice of spills within 24 hours after
44 an occurrence and remediation efforts prior to commencement.
45

46 **Review Criteria**
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48 **Limited use review**
49

50 Applications for limited use review are subject to the limited use and site plan
51 review criteria in Sections 15.02.090(E)(3) and 15.02.090(F)(5) respectively, in addition
52 to the development standard compliance criteria listed below.

1
2 **Conditional use review**
3

4 Applications for conditional use review are subject to the conditional use and site
5 plan review criteria in Sections 15.02.060(D)(2) and 15.02.090(F)(5), respectively, in
6 addition to the development standard compliance criteria listed below.
7

8 **Compliance with development standards**
9

10 1. Applications for limited use review shall comply with all standards, including
11 recommended standards in this section.

12 2. Applications for conditional use review shall comply with the minimum
13 standards in this section, unless a variance or special exception is granted by the decision
14 making body, as well as conditions of approval specified in the conditional use
15 agreement.
16

17 **Variances and Operational Conflicts Special Exceptions**
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19 Variance requests.

20 1. Variance requests to the standards of this section may be requested by the applicant.

21 All applications where a variance is requested shall be processed in accordance with the standards
22 and procedures outlined in section 15.02.060(F)(6) for variances.

23 2. Requests for variances may include, but not be limited to, one or more of the following
24 factors:

- 25 a. Topographic characteristics of the site;
- 26 b. Duration of use of the facility;
- 27 c. Proximity of occupied structures to the facility;
- 28 d. Ownership status of adjacent and/or affected land;
- 29 e. Construction of adequate infrastructure to serve the project; and
- 30 f. Planned replacement and/or upgrading of facility equipment.

31 3. If the decision making body finds, based upon competent evidence in the record, that
32 compliance with the regulations of this division is impractical, a variance may be granted by the
33 decision making body permanently or for a period of defined duration.
34

35 Operational conflicts special exception.

36 1. Special exceptions to the standards of this section may be granted where the actual
37 application of requirements of this section conflicts in operation with the requirements of the Oil
38 and Gas Conservation Act or implementing regulations.

39 2. All applications where a special exception due to operational conflicts is requested
40 shall be processed as a public hearing and reviewed in a noticed public hearing by the decision
41 making body acting in a quasijudicial capacity.

42 3. The applicant shall have the burden of pleading and proving an actual, material,
43 irreconcilable operational conflict between the requirements of this division and those of the
44 COGCC in the context of a specific application.

45 4. For purposes of this section, an operational conflict exists where actual application of a
46 City condition of approval or regulation conflicts in operation with the state statutory or
47 regulatory scheme, and such conflict would materially impede or destroy the COGCC's goals of
48 fostering the responsible, balanced development and production and utilization of the natural
49 resources of oil and gas in the State of Colorado in a manner consistent with protection of public
50 health, safety, and welfare, including protection of the environment and wildlife resources, and no
51 possible construction of the regulation in question could be found that would harmonize it with
52 the state regulatory scheme.

1 5. Additional City requirements in areas regulated by the COGCC, which fall within City
2 land use powers and which are necessary to protect the public health, safety and welfare under the
3 facts of the specific application presented, and which do not impose unreasonable burdens on the
4 applicant and which do not materially impede the state's goals, shall be presumed not to present
5 an operational conflict.

6 6. If the decision making body finds, based upon competent evidence in the record, that
7 compliance with the requirements of this section shall result in an operational conflict with the
8 state statutory and regulatory scheme, a special exception to this section may be granted, in whole
9 or in part, but only to the extent necessary to remedy the operational conflict.

10 7. The decision making body may condition the approval of a special exception as
11 necessary to protect the public health, safety and welfare by mitigating any adverse impacts
12 arising from the grant of approval. Any such condition shall be designed and enforced so that the
13 condition itself does not conflict with the requirements of the COGCC.

14 8. If the applicant or any interested party wishes to seek judicial review of a final decision
15 by the City on the exception request, appeal to the district court shall be pursuant to C.R.C.P.
16 Rule 106(a)4.

17 18 **Third Party Technical Review**

19
20 Upon determination that the application is complete, the City may require that the
21 application materials, including requests for minor modifications, variances, and operational
22 conflicts special exceptions, be submitted to a technical consultant deemed by the City to be
23 appropriate and necessary to complete the review. Reasonable costs associated with such review
24 shall be paid by the applicant.

25 26 **Sales and Use Tax License Requirement**

27
28 Operators shall obtain and maintain a City sales and use tax license prior to commencing
29 operations. Operators must conform to applicable provisions of Chapter 6.04 of the Longmont
30 Municipal Code related to licensing.

31 32 **Building Permit Requirement**

33
34 The operator shall obtain building permits prior to the construction of any above ground
35 structures to the extent required by the City building and fire codes then in effect.

36 37 **Approval Period**

38
39 Approval of limited use or conditional use applications for oil and gas well operations
40 and facilities are valid for one year from the date of approval until the start of the operation,
41 unless the decision making body grants a longer approval period.

42 43 **Extensions**

44
45 Requests for extensions to the approval period for oil and gas well operations and
46 facilities shall be reviewed according to the procedures outlined in Section 15.02.050(O)

47 48 **Issuance of Oil and Gas Well Permit**

49 The following items are required by the City prior to issuance of an oil and gas well
50 permit:

- 51 1. Approval of a limited use site plan or conditional use site plan, as applicable.

- 1 2. Satisfaction of any conditions of approval of the above applications prior to
2 commencement of operations.
3 3. Copies of:
4 a. Applicable executed agreements,
5 b. Applicable transportation related permits,
6 c. A City sales and use tax license,
7 d. Required liability insurance, and
8 e. All necessary state or federal permits issued for the oil and gas well operation
9 and facilities.
10 4. Financial securities, or payment of fees, as applicable.

11
12 **Right to Enter / Inspections**
13

14 1. Right to Enter - For the purpose of implementing and enforcing this section, duly
15 authorized City personnel or contractors may enter onto subject property upon notification of the
16 permittee, lessee or other party holding a legal interest in the property. If entry is denied, the City
17 shall have the authority to discontinue application processing, revoke approved permits and
18 applications, or to obtain an order from a court of competent jurisdiction to obtain entry.

19 2. Operator contact - The applicant shall provide the telephone number of a contact
20 person who may be reached 24 hours a day for purposes of being notified of any proposed City
21 inspection under this Section or in case of emergency. Any permitted oil and gas operations and
22 facilities may be inspected by the City at any time, to ensure compliance with the requirements of
23 the approved permit, provided that at least one hour's prior notice is given to the contact person at
24 the telephone number supplied by the applicant. Calling the number (or leaving a message on an
25 available answering machine or voice mail service at the number) at least one hour in advance of
26 the proposed inspection shall constitute sufficient prior notice if the contact person does not
27 answer. By accepting an approved City oil and gas well permit, the applicant grants consent to
28 such inspections. The cost of any City inspection deemed reasonable and necessary to implement
29 or enforce the regulations for the applicant shall be borne by the applicant, provided such
30 inspections and fees are not in conflict with COGCC inspections and rules.
31

32 **Enforcement and Penalties**
33

34 Oil and gas operations and facilities in violation of these regulations.
35

36 1. Oil and gas operators that have not obtained a City oil and gas well permit in
37 compliance with these regulations or do not comply with oil and gas well permit requirements.

38 Any operator engaging in oil and gas well operations who does not obtain a City oil and
39 gas well permit pursuant to these regulations, who does not comply with oil and gas well permit
40 requirements, or who acts outside the jurisdiction of the oil and gas well permit may be enjoined
41 by the City from engaging in such oil and gas well operations and may be subject to such other
42 criminal or civil liability as may be prescribed by law. In addition, if the City prevails in whole or
43 part in any action, the operator shall pay all reasonable attorney fees and expert costs incurred by
44 the City.

45 2. Suspension of oil and gas permit.

46 If the City determines at any time that there is a violation of the conditions of the City oil
47 and gas well permit or that there are material changes in an oil and gas operation or facility as
48 approved by the permit, the development services manager or designee may, for good cause
49 temporarily suspend the oil and gas well permit. In such case, upon oral or written notification by
50 the development services manager or designee, the operator shall cease operations immediately.
51 The development services manager or designee shall forthwith provide the operator with written
52 notice of the violation or identification of the changed condition(s). The operator shall have a

1 maximum of fifteen (15) days to correct the violation. If the violation is not timely corrected, the
2 permit may be further suspended pending a revocation hearing. The operator may request an
3 immediate hearing before the Planning and Zoning Commission regarding the suspension. The
4 Planning and Zoning Commission shall hold the hearing within ten (10) days of the operator's
5 written request.

6 3. Revocation of oil and gas permit.

7 The Planning and Zoning Commission may, following notice and hearing, revoke a City
8 oil and gas well permit granted pursuant to these regulations if any of the activities conducted by
9 the operator violate the conditions of the oil and gas well permit or these regulations, or constitute
10 material changes in the oil and gas operation approved by the City. The City shall provide written
11 notice to the operator of the violation or the material changes, and the time and date of the
12 hearing. No less than thirty (30) days prior to the revocation hearing, the City shall provide
13 written notice to the permit holder setting forth the violation and the time and date for the
14 revocation hearing. Public notice of the revocation hearing shall be published in a newspaper of
15 general circulation not less than thirty (30) days prior to the hearing. Following the hearing, the
16 City may revoke the oil and gas permit or may specify a time by which action shall be taken to
17 correct any violations of the oil and gas permit to avoid revocation.

18 4. Transfer of permits.

19 A City oil and gas well permit may be transferred only with the written consent of the
20 City. The City shall ensure, in approving any transfer, that the proposed transferee can and will
21 comply with all the requirements, terms, and conditions contained in the oil and gas permit and
22 these regulations, and appropriate state and federal regulations and conditions, that such
23 requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of
24 the public, and the environment; and that an adequate guaranty of financial security can be timely
25 made.

26 5. Judicial review.

27 Any action seeking judicial review of a final decision of the City shall be initiated within
28 thirty (30) days after the decision is made, in the district court in and for the City of Longmont,
29 pursuant to rule 106 of the Colorado rules of civil procedure.

30 6. No review or approval for persons subject to enforcement action.

31 No permit application shall be processed or approved pursuant to these regulations for an
32 operator, or for property that is subject to an ongoing enforcement action.

33
34 **General Development Standards**

35
36 The following sections provide minimum and/or recommended standards for review of the
37 surface impacts and natural resource protection requirements for oil & gas well and production
38 operations, that also consider applicable state and federal standards. Use of well consolidation and
39 directional and horizontal drilling when and where appropriate, closed loop ("pitless") systems and non-
40 toxic or "green" drilling and fracturing fluids, appropriate water quality monitoring systems, and other
41 techniques, including current and available best management practices, are intended to protect the
42 integrity of the surface estate and subsurface resources and ensure the health, safety, and general welfare
43 of the present and future residents of Longmont and surrounding areas and the preservation and protection
44 of wildlife and the environment.

45
46 **Multi Well Sites and Directional/Horizontal Drilling**

47
48 Oil and gas well operations and facilities will be consolidated on multi well sites and
49 directional and horizontal drilling techniques will be used whenever possible and appropriate. In
50 determining appropriateness, the benefits of consolidation and directional and horizontal drilling,
51 such as drilling from outside of a prohibited zoning district, minimizing surface disturbance and
52 traffic impacts and increasing setbacks, will be weighed against the potential impacts of

1 consolidated drilling and production activities on surrounding properties, wildlife and the
2 environment.

3
4 **Well Facilities Siting**

5
6 Oil and gas well facilities and operations shall be located and designed to minimize
7 impacts on surrounding uses, including residential areas, schools, medical facilities, churches, day
8 care and retirement centers, and other places of public assembly, and natural features such as
9 distinctive land forms, vegetation, river or stream crossings, ridgelines and vistas, City-owned
10 and City-designated open space areas, and other designated landmarks to the maximum extent
11 practical without adversely impacting the well spacing requirements of the COGCC or the ability
12 of the oil and gas well operator to develop the resource. Facilities should be located at the base of
13 slopes where possible and access roads should be aligned to follow existing grades and minimize
14 cuts and fills.

15
16 **Water Supply**

17
18 The operator of any oil and gas well facility that is proposed to use water during
19 exploration, completion, or production shall identify the proposed source of water to be used.
20 The operator shall also provide an estimate for the amount of any water to be used, when it will
21 be used, and evidence of legal entitlement to use such water. On-site containment, pre-treatment,
22 and disposal of water associated with oil and gas well facilities and operations shall be in
23 accordance with any applicable federal, state, or City requirements. The operator shall protect all
24 water sources from any significant degradation relating to its operations.

25
26 **Cultural Resources**

27
28 Applications for all oil and gas well facilities and operations may require a cultural
29 resources report, as determined by the City. The report, if required, will be prepared by a
30 qualified professional, and meet state of Colorado requirements, including a complete written
31 description and identification of the cultural resources on the site and within the surrounding area
32 of the proposed oil and gas well facility and will include mitigation measures, if necessary, to
33 ensure that appropriate actions are taken to avoid or minimize negative impacts to the maximum
34 extent practical.

35
36 **Drainage**

37
38 Oil and gas well operations and facilities shall comply with applicable City drainage
39 requirements and standards.

40
41 **Hazard Areas**

42
43 Oil and gas well operations and facilities in hazard areas, including floodplains and man-
44 made (e.g., airport) conditions which constitute a hazard to public health and safety or to property
45 should be avoided. Land should not be developed for oil and gas well facilities and operations
46 until hazards have been identified and avoided, removed, or until the applicant can show that the
47 impact of the hazard(s) can be mitigated to the maximum extent practical. All well facilities and
48 operations conducted within a floodplain shall comply with title 20 of the Longmont Municipal
49 Code pertaining to floodplain regulations.

1 **Emergency Preparedness**
2

3 Oil and gas well operations and facilities shall provide the City with an acceptable written
4 emergency response plan for the potential emergencies that may be associated with the operation
5 of the facilities. This shall include, but not be limited to, any or all of the following:

6 1. Explosions, fires, gas or water pipeline leaks or ruptures, hydrogen sulfide or other
7 toxic gas emissions, and hazardous material vehicle accidents or spills.

8 2. Operation-specific emergency preparedness plans are required for any oil and gas
9 operation that involves drilling or penetrating through known zones of hydrogen sulfide gas.

10 3. The plan shall include a provision for the operator to reimburse the appropriate
11 emergency response service provider for costs incurred in connection with the emergency.
12

13 **Hazardous Materials**
14

15 Full disclosure, including material safety data sheets, of all hazardous materials that will
16 be transported on any public or private roadway within the City for the oil and gas operation shall
17 be provided to the Longmont hazards prevention officer. This information will be treated as
18 confidential and will be shared with other emergency response personnel only on an as needed
19 basis.
20

21 **Safety/Security**
22

23 The operator of oil and gas facilities shall demonstrate compliance with COGCC
24 requirements for initial and ongoing site security and safety measures. Such requirements shall
25 adequately address security fencing, the control of fire hazards, equipment specifications,
26 structural stabilization and anchoring, and other relevant safety precautions.
27

28 **Maintenance and General Operation**
29

30 1. The operator shall at all times keep the wellsites, roads, rights-of-way, facility
31 locations, and other oil and gas operations areas safe and in good order, free of noxious weeds,
32 litter and debris.

33 2. The operator shall dispose of all water, unused equipment, litter, sewage, waste,
34 chemicals and debris off of the site at an approved disposal site.

35 3. The operator shall promptly reclaim and reseed all disturbed sites and shall not permit
36 the release or discharge of any water, toxic or hazardous chemicals or wastes on the site or into
37 the atmosphere.
38

39 **Indemnification**
40

41 Each City oil and gas well permit issued by the City shall include the following language:
42 "Operator does hereby expressly release and discharge all claims, demands, actions, judgments,
43 and executions which it ever had, or now has or may have, or its successors or assigns may have,
44 or claim to have, against the City and/or its departments, its agents, officers, servants, successors,
45 assigns, sponsors, volunteers, or employees, created by, or arising out of personal injuries, known
46 or unknown, and injuries to property, real or personal, or in any way incidental to or in
47 connection with the actions or inactions of the Operator or its agents, or caused by or arising out
48 of, that sequence of events which occur from the Operator's or its agents actions or inactions. The
49 Operator shall fully defend, protect, indemnify, and hold harmless the City and/or its
50 departments, agents, officers, servants, successors, assigns, sponsors, or volunteers, or employees
51 from and against each and every claim, demand, or cause of action and any and all liability,
52 damages, obligations, judgments, losses, fines, penalties, costs, fees, and expenses incurred in

1 defense of the City and/or its departments, its agents, officers, servants, successors, assigns,
2 sponsors, volunteers, or employees, including, without limitation, personal injuries and death in
3 connection therewith which may be made or asserted by Operator, its agents, assigns, or any third
4 parties on account of, arising out of, or in any way incidental to or in connection with the
5 performance of the work performed by the Operator under any permit, and the Operator agrees to
6 indemnify and hold harmless the City and/or its departments, its agents, officers, servants,
7 successors, assigns, sponsors, volunteers, or employees from any liabilities or damages suffered
8 as a result of claims, demands, costs, or judgments against the City and/or, its departments, its
9 agents, officers, servants, successors, assigns, sponsors, volunteers, or employees, created by, or
10 arising out of their acts or omissions occurring on the drill site or operation site or in the course
11 and scope of inspecting, permitting or monitoring the oil/gas wells including, but not limited to,
12 claims and damages arising in whole or in part from their sole negligence occurring on the drill
13 site or operation site or in the course and scope of inspecting, permitting and monitoring the
14 oil/gas wells. It is understood and agreed that the indemnity provided for in this section is an
15 indemnity extended by the Operator to indemnify and protect the City and/or its departments,
16 agents, officers, servants, successors, assigns, sponsors, volunteers, or employees from the
17 consequences of the negligence of the City, its departments, agents, officers, servants, successors,
18 assigns, sponsors, volunteers, or employees, whether that negligence is the sole or contributing
19 cause of the resultant injury, death, and/or damage. Liability for any action or inaction of the City
20 is limited to the maximum amount of recovery under the Tort Claims Act.”

21 **Financial Securities/Liability Insurance**

22 **Minimum standard**

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24
25
26 1. Performance guarantees. The applicant may be required to provide reasonable
27 performance guarantee to the City through a minor improvement security agreement as outlined
28 in Section 15.02.120(A)(1)(b), in an amount to be determined by the City and in a form
29 acceptable to the City as outline in 15.05.210(B) to ensure compliance with mitigation
30 requirements set forth in this section and specific conditions of approval for the facility.
31 Conditions of approval covered by this performance guarantee shall consist of mitigation
32 measures addressing specific impacts affecting the general public and any damage to public
33 infrastructure. Reclamation and other activities which fall under COGCC jurisdiction are
34 exempted from this performance guarantee coverage.
35

36 2. Liability insurance. For any oil or gas well facility permitted under this section, the
37 applicant shall submit a certificate of insurance to the economic development department,
38 showing that a policy of comprehensive general liability insurance or a self-insurance program
39 approved by the Colorado Insurance Commission, in the amount of no less than one million
40 dollars (\$1,000,000) per occurrence, insuring the applicant against all claims or causes of action
41 made against the applicant for damages arising out of the oil or gas well operations. The policy
42 shall be written by a company authorized to do business in the state, unless the applicant is self-
43 insured. The certificate shall require at least thirty (30) days' notice to the city prior to termination
44 of coverages for any reason.
45

46 **Recommended standard**

47
48 Performance security. The applicant may be required to provide reasonable performance
49 security to the City through a minor improvement security agreement as outlined in Section
50 15.02.012(A)(1)(b), in an amount to be determined by the City and in a form acceptable to the
51 City to ensure compliance with mitigation requirements set forth in this section and specific
52 conditions of approval for the facility. Conditions of approval covered by this performance

1 security shall consist of mitigation measures addressing specific impacts affecting the general
2 public and any damage to public infrastructure.

3
4 **Impact fees**

5
6 Every permit issued by the City under this section shall require the applicant or operator
7 to pay a fee that is sufficient to pay for all impacts which the proposed operation will cause to
8 facilities owned or operated by the City or used by the general public, including, but not limited
9 to: repair and maintenance of roads, bridges and other transportation infrastructure; improvements
10 made or to be made by the City to accommodate the operations and to protect public health,
11 safety and welfare; costs incurred to process and analyze the application, including
12 the reasonable expenses paid to independent experts or consultants; and impact fees comparable
13 to those charged to other businesses or industries who operate within the City which are not
14 specifically mentioned herein, and other impacts. The City shall establish a mechanism to assess
15 and obtain payment of such fees, subject to the right of the City to request additional funds if the
16 fees prove to be insufficient, or to refund surplus funds to the operator if the fees paid exceed the
17 true cost of the impacts.

18
19 **Operation Plan**

20
21 Applications for all oil and gas well facilities and operations will include an operation
22 plan, which should, at a minimum, include the operator's method and schedule for drilling, well
23 completion, transportation, resource production, and post-operation activities.

24
25 **Specific Development Standards**

26
27 **Setbacks to Buildings, Public Roads, Major Above Ground Utility Lines, Railroads, and**
28 **Designated Outside Activity Areas**

29
30 **Minimum standard**

31
32 1. Wells and production equipment shall be a minimum of 350 feet from any occupied
33 building or occupied building permitted for construction, platted residential lot, or designated
34 outside activity area, except that in high density areas production equipment shall be a minimum
35 of 500 feet from an educational facility, assembly building, hospital, nursing home, board and
36 care facility, jail or designated outside activity area.

37 2. Wells and production equipment shall comply with COGCC rules in Section 603, as
38 amended, regarding setbacks from public roads, major above ground utility lines, or railroads.

39
40 **High density area determination**

41
42 1. High density areas for building units. A high density area shall be determined by
43 calculating the number of building units within the seventy-two (72) acre area defined by a one
44 thousand (1000) foot radius from the wellhead or production facility. If thirty-six (36) or more
45 actual or platted building units as defined in this section are within the one thousand (1000) foot
46 radius or eighteen (18) or more building units are within any semi-circle of the one thousand
47 (1000) foot radius (i.e., an average density of one (1) building unit per two (2) acres, it shall be
48 deemed a high density area. If platted building units are used to determine density, then fifty
49 percent (50%) of said platted units shall have building units under construction or constructed.

50 2. High density areas for other facilities. If an education facility, assembly building,
51 hospital, nursing home, board and care facility, or jail is located within one thousand (1000) feet
52 of a wellhead or production facility, high density area rules shall apply.

1
2 Recommended standard
3

4 Wells and production equipment shall be a minimum of 750 feet from any occupied
5 building or occupied building permitted for construction, platted residential lots, or designated
6 outside activity area.
7

8 Visual Mitigation
9

10 1. Analysis

11 Applications for all oil and gas facilities may be required to include a visual impact
12 analysis. The analysis, if required, shall include photographic simulations of the site from nearby
13 public rights-of-way and land use(s) as determined by the development services manager or
14 designee and proposed impact mitigation measures as indicated below. The development
15 services manager or designee will determine the appropriate land use(s) from which a
16 photographic simulation of the site shall be provided based upon topography, existing vegetative
17 and/or structural screening, and the linear distance from the proposed oil and gas facility to the
18 respective land use(s).
19

20 2. Mitigation

21 a. Methods for appropriate visual impact mitigation include, but are not limited to, use of
22 low profile tanks, facility painting, vegetative or structural screening, berming, or minor
23 relocation of the facility to a less visible location on the respective site.

24 b. On-site relocation may be necessary where the proposed facility would cause visual
25 impacts to natural ridgelines, rock outcroppings, or other distinct geologic formations, provided
26 relocation does not adversely impact the well spacing requirements of the COGCC or the ability
27 of the oil and gas well operator to develop the resource.

28 c. Where the painting of a facility or any structural screening (i.e., fence or wall) is
29 required as a method of impact mitigation, such facility and screening shall be painted a uniform,
30 non-contrasting, non-reflective color tone. The facility or structural screening paint color shall be
31 matched to the land, not the sky, and shall be slightly darker than the adjacent landscape.
32

33 Noise
34

35 Minimum standard
36

37 Sound emission levels and mitigation, at a minimum shall be in accordance with the
38 standards as adopted and amended by COGCC.
39

40 Recommended standard
41

42 1. Sound emission levels shall be in accordance with the standards as adopted and
43 amended by COGCC.

44 2. The operator shall provide additional noise mitigation that may be required by the City.
45 In determining such additional noise mitigation, specific site characteristics shall be considered,
46 including, but not limited to, the following:

- 47 a. Nature and proximity of adjacent development (design, location, type);
- 48 b. Prevailing weather patterns, including wind directions;
- 49 c. Vegetative cover on or adjacent to the site or topography.

50 3. Further, based upon the specific site characteristics, the nature of the proposed activity,
51 and its proximity to surrounding development, and type and intensity of the noise emitted,
52 additional noise abatement measures above and beyond those required by the COGCC may be

1 required by the City. The level of required mitigation may increase with the proximity of the
2 facility to existing residences and platted subdivision lots and/or the level of noise emitted by the
3 facility. One of more of the following additional noise abatement measures shall be provided by
4 the operator if requested by the City:

- 5 a. Acoustically insulated housing or covers enclosing any motor or engine;
- 6 b. Screening of the site or noise-emitting equipment by a wall or landscaping;
- 7 c. Solid wall of acoustically insulating material surrounding all or part of the
8 facility;
- 9 d. A noise management plan specifying the hours of maximum noise and the type
10 frequency, and level of noise emitted;
- 11 e. Use of electric-power engines and motors, and pumping systems; and/or
- 12 f. Construction of buildings or other enclosures may be required where facilities
13 create noise and visual impacts that cannot otherwise be mitigated because of proximity,
14 density, and/or intensity of adjacent land use.

15 **Vibration**

16 All mechanized equipment associated with oil and gas wells and production facilities
17 shall be anchored so as to minimize transmission of vibration through the ground according to
18 COGCC rules.

19 **Lighting**

20 All on-site lighting used in the construction of the well and its appurtenances shall
21 comply with the State of Colorado Oil and Gas Rule 803. All permanent lighting fixtures installed
22 on the site shall comply with the City of Longmont lighting standards found in Section 15.05.140,
23 Outdoor Lighting.

24 **Water Protection**

25 Rivers, streams, reservoirs, irrigation ditches, groundwater, wetlands and other water
26 bodies are considered important water systems for the City. The value of both surface and ground
27 water are significant and the City finds that protection of water resources is of primary
28 importance, and must be adequately addressed by any applicant for an oil and gas facility permit.

29 1. Oil and gas well operations shall not adversely affect the quality or quantity of surface
30 or subsurface waters. Water bodies classified as part of a public water system, oil and gas well
31 operations shall be consistent with COGCC Rule 317.B Public Water System Protection.

32 2. Oil and gas well operations shall not adversely affect the water quality, quantity or
33 water pressure of any public or private water wells.

34 **Setbacks to Water Bodies**

35 **Minimum standard**

36 Oil and gas well operations and facilities and operations shall comply with setback
37 requirements for river/stream corridors and riparian areas, and wetlands under Section
38 15.05.020(E). If the water body is associated with a designated outside activity area, the
39 minimum setback from the water body shall be consistent with the setback for the outside activity
40 area. If the water body is classified as part of a public water system, oil and gas well operations
41 shall be consistent with COGCC Rule 317.B Public Water System Protection.

1 Recommended standard

2
3 Oil and gas well operations and facilities shall be located a minimum of 300 feet from the
4 normal high water mark of any water body. If the water body is associated with a designated
5 outside activity area, the minimum setback from the water body shall be consistent with the
6 setback for the outside activity area. If the water body is classified as part of a public water
7 system, oil and gas well operations shall be consistent with COGCC Rule 317.B Public Water
8 System Protection.
9

10 Water Quality Monitoring

11
12 1. The applicant shall comply with COGCC water well testing and water-bearing
13 formation protection procedures and requirements.

14 2. If the City determines that additional water quality monitoring is required, the
15 applicant shall submit a water quality monitoring plan to the City for review and approval.

16 3. The plan will outline a monitoring program to monitor water quality conditions and
17 pollutants in surface or groundwater that could be impacted by production of oil or natural gas
18 from any well in an adjacent single or consolidated well site. The plan, at a minimum, will
19 include the following:

20 a. The type and number of wells needed to establish baseline groundwater
21 quality upgradient and downgradient of the proposed oil and gas operations, including
22 depth, materials of construction and location of wells on and around the site;

23 b. The constituents to be sampled for, taking into account State of Colorado
24 groundwater standards and any materials used in the oil and gas operations that could
25 affect groundwater;

26 c. The type and frequency of samples to be collected and analyzed before
27 operations start, during operations and after operations have been completed;

28 d. The analytical methods and reporting levels to be used;

29 e. The proposed frequency of reporting results to the City and COGCC.
30

31 4. The plan shall be based on hydrologic studies or equivalent information showing the
32 subsurface conditions and mobility of the groundwater aquifer(s) that will be affected by the oil
33 and gas operations. The plan shall be prepared by an engineer registered in the State of Colorado
34 with experience in groundwater monitoring and subsurface condition investigations.

35 5. The procedures and provisions in the approved plan shall be implemented by the oil
36 and gas well operators prior to any construction or operations on the site. Oil and gas well
37 operators shall fund the development and implementation of the water quality monitoring plan
38 and program for the duration of operations on the site and for a minimum of five (5) years
39 following completion of operations and abandonment of the well(s). All monitoring records
40 related to the program shall be provided to the City as soon as they are available to the operator.
41

42 Waste and Wastewater Disposal & Closed Loop/Pitless System

43
44 1. All water, waste, chemicals, fluids, solutions or other solid materials or liquid
45 substances produced or discharged by the operation of the oil and gas well's facilities shall be
46 treated and disposed of in accordance with all applicable rules and regulations of the
47 governmental authorities having jurisdiction over such matters; provided however, there shall be
48 no pits, production, reserve, waste, or otherwise, constructed or maintained on the site and any
49 produced water or waste and chemicals, fluids, hydrocarbons, fracturing solutions or other solid
50 materials or liquid substances of any kind shall not be discharged on the site and shall be
51 discharged and held only in a "closed loop system" comprised of sealed storage tanks, commonly
52 used for such purposes in the industry, which contents shall be promptly removed from the site

1 and disposed of off of the site at a licensed disposal site, in accordance with COGCC or other
2 applicable rules and regulations.

3 2. Drilling or operation of any waste water or other injection or disposal wells is
4 prohibited. Except to the extent that materials are injected into a well as part of normal and
5 ordinary drilling, completion and production operations, an operator shall not inject or re-inject
6 any fluid, water, waste, fracking material, chemical or toxic product into any well.
7

8 **Drilling and Hydraulic Fracturing Fluids**

9 **Minimum standard**

10 1. Oil and gas operators shall comply with COGCC rules regarding the use and disclosure
11 of all drilling and fracturing fluids.

12 2. The use of biodegradable, non-toxic neutral PH, residue free, non-corrosive, non-
13 polluting and non-hazardous fluids is recommended, as is the use of a tracer in the fracturing
14 solution to allow the City to trace and determine migration of the solution.
15

16 **Recommended standard**

17 1. Oil and gas operators shall assure that any water, fluid, solid or chemical used in the
18 fracturing process (“fracturing solution”) will be biodegradable, non-toxic neutral pH, residue
19 free, non-corrosive, non-polluting and non-hazardous in the volumes, forms and concentrations
20 being used, and will maintain and provide the City with a current list of the volumes, composition
21 and concentrations of any fracturing solution used.

22 2. Operators shall use a “tracer” in the fracturing solution which will allow the City to
23 trace and determine the migration of the solution, and shall provide the City with evidence of any
24 information about the tracer.

25 3. The operator shall provide representative samples of the fracturing solution used
26 during any well drilling or completion operation, the City shall have the right to have the samples
27 analyzed by a third party at the operator’s cost.
28

29 **Production Site Containment**

30 Berms or other containment devices shall be constructed around crude oil condensate, or
31 produced water and waste storage tanks and shall enclose an area sufficient to contain and
32 provide secondary containment for 150 percent of the largest single tank. Berms or other
33 secondary containment devices shall be sufficiently impervious to contain all spilled or released
34 material. No more than two storage tanks shall be located within a single berm. All berms and
35 containment devices shall be inspected at least every six months and maintained in good
36 condition. No potential ignition sources shall be allowed inside the secondary containment area.
37

38 **Spill, Release, Discharge**

39 The operator shall implement best management practices to prevent the spill, release or
40 discharge of any pollutants, contaminants, chemicals, solid wastes, or industrial, toxic or
41 hazardous substances or wastes at, on, in, under, or near the site. Any such spill, release or
42 discharge, including without limitation, of oil, gas, grease, solvents, or hydrocarbons that occurs
43 at, on, in, under, or near the site shall be remediated immediately in compliance with applicable
44 laws. Any such spill, release or discharge that is reportable to regulatory authorities under
45 applicable laws shall be reported to the City and owners of the site within 24 hours by telephone,
46 fax, or e-mail, to be followed by copies of written notices that the operator has filed with
47 regulatory authorities within five business days after such filing.
48
49
50
51
52

1 **Stormwater Management**
2

3 The construction and operation of oil and gas wells and production equipment, including
4 access roads and storage areas for equipment and materials, shall meet all stormwater
5 management and pollution prevention requirements of the Colorado Department of Public Health
6 and Environment and any applicable requirements of Chapter 14.26 of the City of Longmont
7 Municipal Code.
8

9 **Pipeline and Gathering Systems**
10

11 The design, construction, cover, and reclamation of all pipelines and gathering lines for
12 oil and gas operations shall be subject to the COGCC rules. The alignment location of any
13 approved pipeline or gathering system shall be recorded against the respective property in the
14 records of the County Clerk and Recorder. The location of any pipelines and gathering lines
15 which are proposed for abandonment shall also be recorded against the respective property in the
16 records of the County Clerk and Recorder upon abandonment.
17

18 **Air Quality**
19

- 20 1. Air emissions from the operation shall be, at a minimum, in compliance with the
21 permit and control provisions of the Colorado Air Quality Control Program, Title 25, Section 7,
22 C.R.S.
23 2. Oil and gas well operations are prohibited from causing airborne emissions in
24 concentrations that are known to cause negative health impacts.
25 3. The operator shall make reasonable efforts to minimize methane emissions by using all
26 feasible “green completion” techniques, pursuant to COGCC Rules Section 805(3) and the
27 installation of “low bleed” pneumatic instrumentation.
28 4. To the maximum extent practicable, all fossil fuel powered engines used on site shall
29 employ the latest emission-reduction technologies.
30 5. The use of electric-power engines and motors, and pumping systems are recommended
31 to reduce airborne emissions wherever practical given an oil and gas well facility’s proximity to
32 available electric transmission lines.
33

34 **Odor/Dust Containment**
35

36 Oil and gas facilities and equipment shall be operated in such a manner that odors and
37 dust do not constitute a nuisance or hazard to public health, safety, welfare, and the
38 environment, including compliance with COGCC Rules section 805.b.(1) and LMC Section
39 15.05.150(D) regarding use of best available technologies to control odor.
40

41 **Wildlife and Habitat**
42

43 Oil and gas facilities shall comply with federal and state requirements regarding the
44 protection of wildlife and habitat, including the COGCC wildlife resource protection rules, and
45 the provisions of LMC section 15.03.030, "Habitat and Species Protection,". The applicant shall
46 implement such procedures as recommended by the Colorado Division of Wildlife after
47 consultation with the City Natural Resources staff. The applicant shall not engage in activities
48 that the Colorado Division of Wildlife determines threaten endangered species.
49

50 **Reclamation and Re-vegetation**
51

- 52 1. Site Vegetation Analysis

1 Applications for oil and gas well facilities shall include an analysis of the existing
2 vegetation on the site to establish a baseline for re-vegetation upon abandonment of the facility or
3 upon final reclamation of the site. The analysis shall include a written description of the species,
4 character, and density of existing vegetation on the site and a summary of the potential impacts to
5 vegetation as a result of the proposed operation.
6

7 2. Re-vegetation

8 Applications for oil and gas facilities shall include a copy of any COGCC accepted
9 interim and final reclamation procedures and consultation with City Natural Resources staff
10 regarding site specific re-vegetation plan recommendations.
11

12 **Transportation Impacts, Road and Access**

13 1. Transportation Impact Study

14 a. Applications for all oil and gas well facilities may be required to include a
15 transportation impact study, which shall clearly identify and distinguish the impacts to City roads
16 and bridges related to facility construction, operations, and ongoing new traffic generation.
17 Transportation impact studies shall be prepared in accordance with the City standards
18 requirements or other guidelines as provided by the City engineer. The process for mitigation of
19 transportation impacts typically includes a plan for traffic control, the receipt of all necessary
20 permits, ongoing roadway maintenance, and improving or reconstructing City roads, including
21 providing financial assurance.
22

23 b. A traffic control plan shall be prepared for each phase of construction where City roads
24 will be utilized for transportation of materials in support of site construction and/or operations.
25

26 c. In the event that public road improvements are required to accommodate an oil and gas
27 well facility, engineered drawings prepared by a Colorado licensed civil engineer shall be
28 approved prior to permitting work in the right-of-way. Such drawing shall be in substantial
29 conformance with City standards. Financial assurance shall be required for the construction or
30 reconstruction of all public roads.
31

32 2. Maintenance

33 In the event that the activities of a facility operator cause any City roadway to become
34 substandard, the City may require the operator to provide ongoing maintenance of the applicable
35 substandard City roadway. Such maintenance may include dust control measures and roadway
36 improvements such as graveling, shouldering, and/or paving as determined in the Transportation
37 Impact Study.
38

39 3. Site Access

40 Any access to a property from a City street requires a City-issued access permit. Permits
41 are revocable upon issuance of a stop work order or if other permit violations occur. The
42 permitting and construction of site accesses shall comply with the City design standards.
43

44 4. Private Access Roads

45 For private access roads connecting oil and gas well facilities with a public street or state
46 highway, the applicant shall provide written documentation as part of the application
47 demonstrating that it has the legal right to use such road(s) for the purpose of accessing the
48 facilities. All private roads used to access oil and gas well facilities shall be graded for
49 appropriate drainage, and surfaced and maintained to provide adequate access for oil and gas
50 operation vehicles and emergency vehicles. The operator shall comply with City standards
51 regarding vehicle tracking and dust mitigation. The operator shall also enter into an agreement
52 with the private road owner regarding maintenance and reimbursement for damages.

1
2 5. State Highway Access

3 If access is directly to a state highway, the applicant must have an approved State
4 Highway Access Permit for the proposed facility.

5
6 **Signs**

7
8 Oil and gas well facilities shall have signage consistent with the COGCC rules. In
9 addition, each well site and production site shall have posted in a conspicuous place a legible sign
10 of not less than three square feet and not more than six square feet bearing the current name of the
11 operator, a current phone number including area code, where the operator may be reached at all
12 times, name or number of the lease and number of the well printed thereon. The sign shall warn
13 of safety hazards to the public and shall be maintained on the premises from the time materials
14 are delivered for drilling purposes until the well site and production site is abandoned.

15
16 **Definitions**

17
18 For purposes of these oil and gas well regulations only, the following words shall have
19 the following definitions:

20
21 *Act* means the Oil and Gas Conservation Act of the State of Colorado

22 *Ancillary Facilities* means all of the equipment, buildings, structures, and improvements associated with
23 or required for the operation of a well site, pipeline, or compressor facility. Ancillary facilities include,
24 but are not limited to, roads, well pads, tank batteries, combustion equipment and exclude gathering lines.

25 *Assembly Building* means any building or portion of building or structure used for the regular gathering of
26 fifty (50) or more persons for such purposes as deliberation, education, instruction, worship,
27 entertainment, amusement, drinking or dining, or awaiting transport.

28 *Best Management Practices (BMPs)* are practices that are designed to prevent or reduce impacts caused
29 by oil and gas operations to air, water, soil, or biological resources, and to minimize adverse impacts to
30 public health, safety and welfare, including the environment and wildlife resources.

31 *Building Unit* means a building or structure intended for human occupancy. A dwelling unit is equal to
32 one (1) building unit, every guest room in a hotel/motel is equal to one (1) building unit, and every five
33 thousand (5,000) square feet of building floor area in commercial facilities, and every fifteen thousand
34 (15,000) square feet of building floor area in warehouses, or other similar storage facilities, is equal to one
35 (1) building unit.

36
37 *Centralized Exploration and Production (E&P) Waste Management Facility* means a facility, other than a
38 commercial disposal facility regulated by the Colorado Department of Public Health and Environment,
39 that (1) is either used exclusively by one owner or operator or used by more than one operator under an
40 operating agreement; and (2) is operated for a period greater than three (3) years; and (3) receives for
41 collection, treatment, temporary storage, and/or disposal produced water, drilling fluids, completion
42 fluids, and any other exempt E&P wastes as defined by the COGCC Rules that are generated from two or
43 more production units or areas or from a set of commonly owned or operated leases. This definition
44 includes oil-field naturally occurring radioactive materials (NORM) related storage, decontamination,
45 treatment, or disposal. This definition excludes a facility that is permitted in accordance with Rule 903
46 pursuant to Rule 902.e.
47

1 *Commercial Disposal Well Facility* means a facility whose primary objective is disposal of Class II waste
2 from a third party for financial profit.

3
4 *COGCC* means the Colorado Oil and Gas Conservation Commission.

5
6 *Completion means* an oil well shall be considered completed when the first new oil is produced through
7 well head equipment into lease tanks from the ultimate producing interval after the production string has
8 been run. A Gas well shall be considered completed when the well is capable of producing gas through
9 wellhead equipment from the ultimate producing zone after the production string has been run. A dry
10 hole shall be considered completed when all provisions of plugging are complied with as set out in these
11 rules. Any well not previously defined as an oil or gas well, shall be considered completed ninety (90)
12 days after reaching total depth. If approved by the Director, a well that requires extensive testing shall be
13 considered completed when the drilling rig is released or six months after reaching total depth, whichever
14 is later.

15
16 *Dedicated Injection Well* means any well as defined under 40 C.F.R. §144.5 B, 1992 Edition, (adopted by
17 the U.S. Environmental Protection Agency) used for the exclusive purpose of injecting fluids or gas from
18 the surface. The definition of a dedicated injection well does not include gas storage wells.

19
20 *Designated Agent* means the designated representative of any oil and gas well operator.

21
22 *Designated Outside Activity Areas* means a well-defined outside area (such as a playground, recreation
23 area, outdoor theater, or other place of public assembly) that is occupied by twenty (20) or more persons
24 on at least forty (40) days in any twelve (12) month period or by at least five hundred (500) or more
25 people on at least three (3) days in any twelve (12) month period.

26
27 *Educational Facility* means any building used for legally allowed educational purposes for more than
28 twelve (12) hours per week for more than six (s) persons. This includes any building or portion of
29 building used for licensed day-care purposes for more than six (6) persons.

30
31 *Exploration and Production Waste (E&P Waste)* means those wastes associated with operations to locate
32 or remove oil or gas from the ground or to remove impurities from such substances and which are
33 uniquely associated with and intrinsic to oil and gas exploration, development, or production operations
34 that are exempt from regulation under Subtitle C of the Resource Conservation and Recovery Act
35 (RCRA), 42 USC Sections 6921, et seq. For natural gas, primary field operations include those
36 production-related activities at or near the well head and at the gas plant (regardless of whether or not the
37 gas plant is at or near the wellhead)but prior to transport of the natural gas from the gas plant to market.
38 In addition, uniquely associated wastes derived from the production stream along the gas plant feeder
39 pipelines are considered E&P wastes, even if a change of custody in the natural gas has occurred between
40 the wellhead and the gas plant. In addition, wastes uniquely associated with the operations to recover
41 natural gas from underground storage fields are considered to be E&P Wastes.

42
43 *Flowlines* mean those segments of pipe from the wellhead downstream through the production facilities
44 ending at: in the case of gas lines, the gas metering equipment; or in the case of oil lines the oil loading
45 point or LACT unit; or in the case of water lines, the water loading point, the point of discharge to a pit,
46 the injection wellhead, or the permitted surface water discharge point.

47
48 *Gathering Line* means a pipeline and equipment described below that transports gas from a production
49 facility (ordinarily commencing downstream of the final production separator at the inlet flange of the
50 custody transfer meter) to a natural gas processing plant or transmission line or main. The term
51 “gathering line” includes valves, metering equipment, communication equipment cathodic protection
52 facilities, and pig launchers and receivers, but does not include dehydrators, treaters, tanks separators, or

1 compressors located downstream of the final production facilities and upstream of the natural gas
2 processing plants, transmission lines, or main lines.
3
4 *Green Completion Practices* mean those practices intended to reduce emissions of salable gas and
5 condensate vapors during cleanout and flowback operations prior to the well being placed on production.
6
7 *Groundwater* means subsurface waters in a zone of saturation.
8
9 *High Density Area* mean any tract of land determined to be a high density area in accordance with Rule
10 603.b.
11
12 *Hospital, Nursing Home, Board and Care Facilities* mean buildings used for the licensed care of more
13 than (5) in-patients or residents.
14
15 *Inactive Well* means any shut-in well from which no production has been sold for a period of twelve (12)
16 consecutive months; any well which has been temporarily abandoned for a period of (6) consecutive
17 months; or, any injection well which has not been utilized for a period of twelve (12) consecutive months.
18
19 *Jail* means those structures where the personal liberties of occupants are restrained, including but not
20 limited to mental hospitals, mental sanitariums, prisons, reformatories.
21
22 *Local Government Designee* means the office designated to receive, on behalf of the local government,
23 copies of all documents required to be filed with the local government designee pursuant to these rules.
24
25 *Mineral Estate Owner* means the owner or lessee of minerals located under a surface estate that are
26 subject to an application for development.
27
28 *Multi-well Site* means a common well pad from which multiple wells may be drilled to various
29 bottomhole locations.
30
31 *Oil* means crude petroleum oil and any other hydrocarbons, regardless of gravities, which are produced at
32 the well in liquid form by ordinary production methods, and which are not the result of condensation of
33 gas before or after it leaves the reservoir.
34
35 *Oil and Gas* means oil or gas or both oil and gas.
36
37 *Oil and Gas Well* means a hole drilled into the earth for the purpose of exploring for or extracting oil, gas,
38 or other hydrocarbon substances.
39
40 *Oil and Gas Well Facility* means equipment or improvements used or installed at an oil and gas well
41 location for the exploration, production, withdrawal, gathering, treatment, or processing of oil or natural
42 gas.
43
44 *Oil and Gas Well Location* means a definable area where an operator has disturbed or intends to disturb
45 the land surface in order to locate an oil and gas well facility.
46
47 *Oil and Gas Well Operations* means exploration for oil and gas, including the conduct of seismic
48 operations and the drilling of test bores; the siting; drilling; deepening, recompletion, reworking, or
49 abandonment of an oil and gas well, or gas storage well; production operations related to any such well
50 including the installation of flowlines and gathering systems; the generation, transportation, storage,
51 treatment,; and any construction, site preparation, or reclamation activities associated with such
52 operations.

1
2 *Operating Plan* means a general description of a facility identifying purpose, use, typical staffing pattern,
3 equipment description and location, access routes, seasonal or periodic considerations, routine hours of
4 operating, source of services and infrastructure, and any other information related to regular functioning
5 of that facility.

6
7 *Operator* means any person who exercises the right to control the conduct of oil and gas operations.
8

9 *Owner* means any person with a working interest ownership in the oil and gas or leasehold interest
10 therein.

11
12 *Pit* means a subsurface earthen excavation (lined or unlined), or open top tank, used for oil or gas
13 exploration or production purposes for retaining or storing substances associated with the drilling or
14 operation of oil and gas wells. Pits may include drilling pits, production pits, reserve pits and special
15 purpose pits as defined in COGCC Rules

16
17 *Plugging and Abandonment* means the cementing of a well, the removal of its associated production
18 facilities, the removal or abandonment in-place of its flowline, and the remediation and reclamation of the
19 wellsite.

20
21 *Pollution* means man-made or man-induced contamination or other degradation of the physical, chemical,
22 biological, or radiological integrity of air, water, soil, or biological resource.

23
24 *Production Facilities* mean all storage, separation, treating, dehydration, artificial lift, power supply,
25 compression, pumping, metering, monitoring, flowline, and other equipment directly associated with oil
26 or gas wells.

27
28 *Production Site* means that surface area immediately surrounding proposed or existing production
29 equipment, or other accessory equipment necessary for oil and gas production activities, exclusive of
30 transmission and gathering pipelines.

31
32 *Public Water System* means those systems listed in Appendix VI to these Rules. These systems provide
33 to the public water for human consumption through pipes or other constructed conveyances, if such
34 systems have at least fifteen (15) service connections or regularly serve an average of at least twenty-five
35 (25) individuals daily at least sixty (60) days out of the year. Such definition includes:

- 36
37 (i) Any collection, treatment, storage, and distribution facilities under control off the operator of
38 such system and used primarily in connection with such system.
39 (ii) Any collection or pretreatment storage facilities not under such control, which are used primarily
40 in connection with such system.

41
42 The definition of “Public Water System” for purposes of Rule 317B does not include any “special
43 irrigation district,” as defined in Colorado Primary Drinking Water Regulations (5 C.C.R. 1003.1).
44

45 *Reclamation* means the process of returning or restoring the surface of disturbed land as nearly as
46 practicable to its condition prior to the commencement of oil and gas operations or to landowner
47 specifications with an approved variance under Rule 502.b.

48
49 *Remediation* means the process of reducing the concentration of a contaminant or contaminants in water
50 or soil to the extent necessary to ensure compliance with the concentration levels in Table 910-1 and other
51 applicable ground water standards and classifications.
52

1 *Seismic Operations* means all activities associated with acquisition of seismic data including but not
2 limited to surveying, shothole drilling, recording, shothole plugging and reclamation.
3

4 *Sensitive Area* means an area vulnerable to potential significant adverse groundwater impacts, due to
5 factors such as the presence of shallow groundwater or pathways for communication with deeper
6 groundwater; proximity to surface water, including lakes, rivers, perennial or intermittent streams, creeks,
7 irrigation canals, and wetlands. Additionally, areas classified for domestic use by the Water Quality
8 Control Commission, local (water supply) wellhead protection areas, areas within 1/8 mile of a domestic
9 water well, areas within ¼ mile of a public water well, ground water basis designated by the Colorado
10 Ground Water Commission, and surface water supply areas are sensitive areas.
11

12 *Sidetracking* means entering the same well head from the surface, but not necessarily following
13 the same well bore, throughout its subsurface extent when deviation from such well bore is
14 necessary to reach the objective depth because of an engineering problem.
15

16 *Spill* means any unauthorized sudden discharge of E&P waste to the environment.
17

18 *Subsurface Disposal Facility* means a facility or system for disposing of water or other oil field wastes
19 into a subsurface reservoir or reservoirs.
20

21 *Surface Water Supply Area* means the classified water supply segments within five (5) stream miles
22 upstream of a surface water intake on a classified water supply segment. Surface Water Supply Areas
23 shall be identified on the Public Water Supply Area Map or through use of the Public Water System
24 Surface Water Supply Area Applicability Determination Tool described in Rule 317B.b.
25 *Tank* shall mean a stationary vessel that is used to contain fluids, constructed of non-earthen materials
26 (e.g. concrete, steel, plastic) that provide structural support.
27

28 *Treatment facilities* means any plant, equipment or other works used for the purposes of treating,
29 separating or stabilizing any substance produced from a well.
30

31 *Twinning* means the drilling of a well within a radius of fifty feet from an existing well bore
32 when the well cannot be drilled to the objective depth or produced because of an engineering
33 problem, such as a collapsed casing or formation damage.
34

35 *Water Bodies* mean reservoirs, lakes, perennial or seasonally flowing rivers, streams, creeks, springs,
36 irrigation ditches, aquifers, and wetlands.
37

38 *Waters of the State* mean any and all surface and subsurface waters which are contained in or flow in or
39 through this state, but does not include waters in sewage systems, waters in treatment works of disposal
40 systems, water in potable water distribution systems, and all water withdrawn for use until use and
41 treatment have been completed. Waters of the state include, but are not limited to, all streams, lakes,
42 ponds, impounding reservoirs, wetlands, watercourses, waterways, wells, springs, irrigation ditches or
43 canals, drainage systems, and all other bodies or accumulations of water, surface and underground,
44 natural or artificial, public or private, situated wholly or partly within or bordering upon the State.
45

46 *Well* means an oil or gas well for purposes of exploration and production.
47

48 *Well Site* means the areas that are directly disturbed during the drilling and subsequent operation of, or
49 affected by production facilities directly associated with, any oil or gas well or injection well and its
50 associated well pad.
51

1 All terms used in this section that are defined in the Act or in COGCC rules and are not otherwise defined
2 in Chapter 15.10 of this development code shall be defined as provided in the Act.

3
4 All other words used in this section shall be given their usual customary and accepted meaning, and all
5 words of a technical nature, or peculiar to the oil and gas industry, shall be given that meaning which is
6 generally accepted in the oil and gas industry.
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