

Oil and Gas Task Force
Minutes for Meeting #2 – July 18, 2019, 4:30 – 7:30 p.m.
Held at County Building, 200 W. Oak St., Fort Collins

The following minutes are a high-level summary of the proceedings because a video recording is available. For a more thorough review of the proceedings, please refer to the video recording of the meeting: <https://fortcollinstv.viebit.com/player.php?hash=b1gmTrtqxx14>

4:30 - The second meeting of the Task Force began with staff Frank Haug and Matt Lafferty providing presentations about:

1. Overview of HB 19-181 and potential local topics (e.g., process, regulations)
2. What Larimer County land use regs might cover
3. Summarize task force “homework” results

Presentations can be found on the project webpage: (www.larimer.org/planning/oil-and-gas-task-regulations-force).

5:25 - Following that, staff asked task force members and liaisons to prioritize the topics for discussion at the meeting, and topics selected were as follows:

1. Land Use
2. Setbacks
3. Environmental
4. Nuisance Issues
5. Transportation
6. Reclamation
7. Site Design
8. Water quality
9. Air quality
10. Operational protocols
11. Fire and emergency response
12. Screening
13. Security
14. Natural Resources

5:45 - The group then provided input first about general siting of facilities and then about the first four topics on the list above.

Task Force suggestions regarding siting

- Evaluate siting based on surrounding uses (e.g., housing)
- Consider how siting affects future land uses
- Zoning should speak to what’s permitted
- Consider cohesiveness and viability of open lands, wildlife corridors
- Modern day spacing units for facilities from west to east are larger than they used to be now can be up to 2 miles long and 1 mile wide

- Consider landowner and surface owner rights, but also location of schools, populated areas and open water and environmental factors
- Address long-term reclamation and impacts
- Consider natural hazard areas, floodplains
- Consider residential and open spaces
- Consider property owners, current and future uses, wetlands, wildlife, municipalities
- Floods – wells on the South Platte flooded and condensate tanks washed out. Have setbacks in floodplain and consider spacing
- Sensitive water quality features
- Surrounding land use, long-term land use, nuisances, noise, and light, transportation and road capacity
- Agricultural settings – restore sites – impact on soil health and quality
- Aquifers
- Reclamation
- Distance to population
- Proximity to schools, housing – discussion risk and perspective (e.g., explosives, fire, security) – use those to create siting boundaries.
- Data to understand risk assessment is important – define clean air and water. Need to be able to analyze data for regulations – that’s a challenge
- Cumulative impacts of wells
- Minimize incompatibility, given flexibility to locate well sites (e.g., closer to trail as tradeoff for school setback)
- Drinking water wells (state’s role?)
- Access of facilities for well pad and availability of reasonable alternatives
- Location related to site decisions not infinite on a given property, considering landowner – sometimes a small window/limited
- Pipeline and road infrastructure
- Water, wind flow patterns
- Sometimes siting in unproductive area – neighboring properties, drainage

Task Force input on Land Use

- Public health – construction phase (e.g., fugitive dust, light, noise, trucks, etc.) can work with industry on plans regarding these topics
- Operator specs regarding facilities – is there a standard? (e.g., pressure tanks)
- To be designed, maintained, operated properly (facilities)
- Overall use/type on a property
- Size relative to risk and impact (larger facility has larger impact on air quality for instance)
- What capacity does the site have?
- Size determines the equipment, infrastructure, noise, and therefore should affect proximity. Specifications are challenging based on changing technology.
- Don’t preclude future or planned uses.
- Farm and agriculture – lights and dust have impacts – different regulations may be necessary based on rural and remote locations

- Look at state regulations – what’s not addressed (gaps) and should we address the gap?
- Traffic, transportation – schools and bus routes – walking relative to access roads.
- Diverse county – criteria and site specific “nexus” relative to a site – balance future and existing land use patterns and near communities (towns) – work with operator
- Considering other federal and state regulations and timing/protocol.
- Existing zoning and projected development – sliding scale
- Address cuttings disposal (i.e., waste products and fluids), is it allowed in the county? Injection wells? How should we handle?
- Surface facilities (i.e., flaring) – once reclamation is done – visual – what’s left?- in populated areas, what facilities are at risk?
- Flexibility, spacing, new horizontal – now 3-mi laterals – good for land use but bad for revenue – Weld County benefits from revenue and Larimer County doesn’t
- Land Use process – public participation, hearing early and public notice regarding shift or change in activity
- Capture methane flares? Infrastructure for that?
- Emergency Response Plan (not covered by COGCC)
- Nuisance, dust, noise, traffic, mitigation plan
- Compatibility with land use and relative to size of facility
- Impacts and cost (e.g., traffic)
- Enforcement – violations – what happens to the companies with more infractions?
- Water use – sustainable reuse at well pad site and treating for irrigation?
- Methane measurements? And flaring

Task Force input on Setbacks

- Relates to zoning, flexibility versus hard setback. Reciprocal setbacks.
- If we put in place stricter setbacks that COGCC, we need sound reasoning and to base the reasoning on facts.
- There should be some sort of nexus with the 16 COGCC criteria, now depends on the site. They suggest a serious increase. Consider setbacks relative to wildlife, floodplains, etc.
- The group had some discussion that the director’s criteria are not really setbacks, they are heightened review triggers
- The setback ballot question in the county may have lost because of fear of job loss, but the county cares about how to protect resources because voters approve open space initiatives. Maintain distance around wells
- Existing setbacks are OK. Schools – 1,000 feet – a 1/8 mile is hard to accomplish
- Topic relative to takings – mineral owner, flexibility and some common sense (outside populated areas)
- Avoid hard setbacks beyond COGCC’s – maybe heightened review in some cases
- What are negative consequences of a different setback, development coming into the setback can create conflicts (e.g., what’s within the radius and future development) – would it cause leapfrog, sprawl, takings?
- If flexibility is offered – what about people, wildlife when a waiver occurs and how it affects existing properties within the vicinity – consider neighbors

- Flexibility important and reasoning and potential for waivers
- Balancing property rights and flexibility is nice idea but confusing – maybe a little less flexibility with rules – look to other industries, other counties- more in favor of harder setbacks
- Really relative to state’s setbacks and what we do here
- Tool to address noise, lighting, etc. and compatibility regarding public health
- Site inventory – how does the site fit, design to avoid impacts
- Collaboration requirement?
- If we don’t know about risk, there could still be, so we can’t have all the factor, or have complete certainty regarding size. With size increasing concentration – air concentration drops relative to distance. Emissions relative to different operators – some better than others.
- Sacrifice environment to allow development – jobs values balanced
- Network of pipelines associated with pads, flowlines, electric service
- Consider these factors – corridors and setbacks from these items and comes back to risk factors to help determine distances, size increases, risk increases
- Relative to state setbacks here: best water, worst air
- Well pad and pipelines and corridors for trucking – make public maps

Task Force input on Environment

- Surface water protection, development prevents impacts
- Surface water protection – look at stormwater and drainage and adjacent land uses – require Drainage Plans
- Inventory natural environmental conditions first, then design the standards
- Drinking water and wells for water-protection (setbacks can do this)
- Reclamation – “leave the place better” – all sites aren’t pristine
- Climate issues – cumulative impacts – summer, winter, seasonal ozone
- What others regulate? Why? Gaps? – Larimer County focus
- Water – wells protection
- Wildlife impacts
- Water – violations in Larimer County? Drilling versus production process and what the state regulates? Underground? (Contamination on site to prevent fluids spill from entering well or water source) E.g., standards relative to floodplain
- Check out the COGCC website data regarding spills – improve wastewater treatment (wastewater) – containing companies mostly do a good job to prevent accidents
- Monitoring not done properly, sometimes too far or wrong direction – groundwater
- Water, clean water, farmland loss. Water rights sold to oil and gas production and how much for oil and gas production?
- Renumeration
- Subsurface oil and gas – interpret statute that we can look at that (e.g., groundwater) if we decide to identify a harm, risk, given no impacts in Larimer County
- Secondary containment tanks to prevent harm
- Groundwater – how would we monitor to fix a harm? Could require control discharge – predrilling, drainage plan, stormwater plan
- Monitoring – raw water storage facility and increase

- Monitor well requirements
- Soil vapor and water quality – near future “harm” not all over
- Many topics currently covered EPA, CDPHE regarding air quality
- Recycled water – positive – can we include a percentage requirement back into water supply?
- Extra scrutiny in floodplains
- Pipeline depths – relative to flood events beyond the floodplain
- Gaps regarding other agencies, proximity to other areas – and if we need to expand
- Compliance – history of operators
- Baseline important

Task Force input and requests regarding desired information and community engagement

- Water quality and air quality monitoring
- Weld County regarding process and procedures
- Not a conversation on caps – other communities – public
- Public outreach – those who can be here – survey online for people
- Notice regarding revision to master plan
- Frustration by public who doesn’t feel represented
- Environmental community and research experts – air, water, noise, climate change notice
- Who is regulating – what and why and responding – if it falls on one side or the other
- Resources in Larimer county – where is the geographic area?
- Counties that have decided to wait and put in moratoriums – why?
- Air quality
- CDPHE, COGCC, EPA Region 8
- 181 attorney and someone who’s worked on it
- Another meeting?
- Surface and subsurface?
- Procedures – in interim – e.g., Jodster approvals explain that continued discussion – what’s up for review next or status?

4:30 - The meeting concluded with a request that Task Force members indicate types of speakers they may want at the upcoming meetings.