

**Oil and Gas Task Force**  
**Minutes for Meeting #4 – September 25, 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 fourth meeting of the Task Force began with report on recent events regarding the development of Oil and Gas Regulations, which included:
- Introduction of new member Arian Krause to the Task Force,
  - An overview of the September 12, 2019 Oil and Gas Open House, and
  - An overview of where we are in the process and what is expected to come in the following months.
- 5:00 - Sean Hackett from the Colorado Department of Health and Environment gave a presentation regarding what the state does with regards to Air Quality and how this might be changing based upon Senate Bill 19-181.
- 5:45 - The Task Force discussed what should be required and who should be responsible for the following:

***Setbacks and Review Procedures***

- Like idea of threshold that defines simpler applications – if that is the case, make standards objective and measurable (e.g., meet a certain setback from occupied building). If more negotiated, subjective those are better for special review with an elected board and a hearing.
- A concern regarding sharing border with Weld Co, and most operators would be coming from there, so a question about how close is the regulation with that? The map with 1,000 foot setback radii make it look like few areas remain that would be available for facilities. (clarification that it means a higher review standard with a hearing.)
- Are the circles based on the current standard? No, based on the table.
- Would like to see a comparative map with 500 feet. For areas in the red, what other constraints might exist there? Base assessment on facts of surface assessment today. What is the 1,000 foot measurement based on? (may need to be greater or less).
- Agree that distance is arbitrary, since some studies show health risks at a kilometer. Residents might have concerns that they know better for the area beyond 1,000 feet. Even if administrative, there should be some notification. (clarification that we provide notification for neighboring properties within 500 feet).

- Why not have these facilities be a similar or the same process to gravel mining standards? Initial impact tends to be intense. (clarification that gravel mining standards were in place at time of Public Site Plan, and now we tend to do more tiered process with options for administrative review).
- What's a "residential building not used for dwelling purposes"? That should be a lower setback number. They don't currently trigger COGCC criteria.
- Do we anticipate or could we work a waiver provision into minimum setback requirements? E.g., farmer house near well site, and if no objection from that resident, could it be an administrative process? (be careful of too many layers because of challenge to administer. Application needs to describe mitigation measures.)
- What about an affidavit from nearby property owners, or redacted purpose use agreement – indicating that property owner is OK with it being closer if meeting setback regulations? (county would have to validate)
- It becomes complicated with people moving in/out of neighborhoods.
- Wouldn't the new owners and residents know / caveat?
- Setbacks – sites getting larger, heavy industrial. County known for natural lands and open spaces? Nothing noted about county open lands and conservation easements and that's important. Public participation – we've made a good start, but missing review process with PSP – it should take 2-4 months for people to know, attend neighborhood meeting and work through items with operator. A process to request a public hearing. There should be 2 public hearings for Special Review. Can notification extend beyond 500 feet? ¼ to ½ mile.
- To be clear – this isn't a setback, rather it's a buffer zone that determines which process the application goes into. State requires notification of people within 1,000 feet. (county can extend that based on various factors).
- Adjoining municipal boundary? Would the notification extend to those municipalities, e.g., with referrals.
- No scientific basis for the 1,000 feet. With phone calls about concern about unknown in neighborhoods related to home value, health, etc. How do you address? (process does not typically address; we address compatibility and other factors)
- Empirical evidence that in Weld Co property values have increased while O&G has increased.
- Pad sites getting smaller. May not present as much of an intrusion as a gravel pit.
- Straw poll – (11 members)
  - Should there be a tiered review process? 7 says yes.
  - Should we use 1,000 feet (from residential buildings) when determining the threshold for determining the type of process? 5 say yes – come up with alternatives.
    - 500 feet, based on state. Would group support 500? 2 say yes.
    - Why not increase all to 1,000 feet, as with hospitals?
    - If you rephrase to at least 1,000 feet?
    - Clarify map layer – did it include all residential buildings? The two tier system would hardly be used if we go with 1,000 feet.
      - Are setbacks the way to do it? Yes - Most wanted. (approx. 10)
      - Does this include sending notice? (we'll address that later.)

- Would like ½ mile (to be conservative) because of a health study related to congenital heart defects. Does state health dept. verify? No, haven't looked at.
  - Clarify that study was correlation not causation.
  - We'll need to further study setbacks.
  - Setbacks
- Should the setback threshold be greater than 1,000 feet? 4 say yes.
- Should it be at least 1,000 feet? 6 say yes.
- Should it be 1,000 feet or less? 6 say yes.

### ***Air Quality***

What should we consider adding into our regulations?

- Would like to hear from industry about continuous air monitoring? Is it feasible? What is cost?
- Response: Technology is improving and cost is decreasing, so it is becoming more possible. In some sensitive areas, industry might be in favor. It should be on the table.
- Still gathering data. Exploring and actively using the technology.
- As we look at BMP, are small operators going to be able to stay productive?
- Assuming discussion applies to new wells and not existing facilities. If an operator comes in to retrofit and improve, it would be a new permit. Put at edge of facilities on the perimeter. County has never had a process, so only applying to new.
- Are continuous air monitors really \$500/well? Most likely not and are more. Can get some information for cost per well. State may be looking at.
- State: 181 requires state to look at. Then we decide locally if we should be part of it.
- No objection to continuous monitoring. Leak detection is important and a way to ensure that maintenance and monitoring of operation is occurring on a regular basis. Don't mimic state if they require it. It's in place in reg 7 for new facilities. Don't see reason for the county to duplicate.
- Why do d. and f. on handout say "encourage" vs. "require"? Could be site specific issue related to operator characteristics or the site.
- Tankless sites might be doable and if so could they be in only industrial areas?
- Horizontal facilities are tankless, but caution. Safety back up on site. Require necessary infrastructure e.g., pipeline.
- Few pipeline infrastructure in county, gas gathering lines. In certain parts of the county for certain operators. Unique field in Weld, subject to rules when there isn't infrastructure.
- Infrastructure is getting better developed. There will be pipeline at every facility. So can't go tankless everywhere. Can encourage tankless where available.
- Ideas from surveys - Tier 4 fracking? Electric drill rigs? Reasonable asks?
  - Electric drill rigs not readily available – and possibility of getting power to it. Then may be transferring pollution load to rawhide. Tier 4 fracking – getting less intrusive.
  - Go with gas instead of diesel? Alternatives for compressed air.
  - Don't tend to be used here.
  - Can you capture diesel fumes? No.

- Ideas to address high ozone levels? What would be helpful those days?
  - Industry puts in effort to reduce VOC precursors. Not that many trips per day. Not a lot other than telling employees to not go to work. Emissions at low level already. Not much activity, so can't reduce a lot.
  - Reg. 7 will take care of. State has controls already and will add more measures.
  - There may be a year before those are done. Can we put something in place in interim.
  - CDPHE puts out voluntary reduction on high ozone days – alerts. Industry, individual operator, tries to implement those voluntary programs.
  - Engines are not within scope of first round of rulemaking. That will be Mar. 2020. Look at Adam's County and Erie's proposed regs.
  - Could request at time of application that operator makes a mitigation plan to illustrate what they can do to orchestrate reduction? Say what we'd like and ask for demonstration of what they could do. Plan and mitigation.
  - Another topic: Local dust permitting process. Local could require for smaller than 25 acre site.
  - Deadline as to when regulations pertain? Currently upon approval.
  - Sheet 6 list to supplement current state requirements at county level.
- A – no
  - B – 8 say yes.
  - C – 9 say yes.
  - D – add “feasibility” – 10 say yes.
  - E – it means vapor recovery unit – no flaring. But it still doesn't make sense. (come back for clarification)
  - F – safe? Good business practice. Could only apply in production phase. Use it to power water clean up. 10 say yes.
  - G – resources = flowlines. Tankless. Feasibility study. Could apply to wastewater or water resource movement. Replace word “encourage” vs. support. Evaluate what the county is going to permit via streamlined permit process for the pipelines. Define resources. Come back to this.
  - H – is a subset of G.
  - (new) I – require continuous air monitoring? 3 say yes.
  - (new idea) J Local dust permitting for sites less than 25-acres?
  - Dust mitigation plan as proposed in the application materials a good idea. Permit a bad idea
    - Look at alternatives to reduce emissions.
    - There are multiple layers of air quality monitoring that operators are required to.
    - Does I assume industry or third party?
    - Could we put a threshold on process for small operators – e.g., if one well this might not apply but might apply to multi well pads.

**7:15 – Wrap up**

The Task Force was unable to complete the agenda and agreed to move the discussion regarding water and transportation to the meeting in October.

Other suggested topics for discussion in October included: Feedback on application requirements? Related to site alternatives. (setbacks might limit). Question is should we look at that type of analysis? Companies evaluate closely and come up with what works best. They'll avoid neighborhoods when possible. Could ask for explanation of alternative sites considered.

Neighbors at meeting. A substantial number of people are concerned about setbacks. N

EXT MEETING IN LOVELAND.