



Memorandum

TO: Board of County Commissioners
FROM: Kirby Wynn, Oil and Gas Liaison
DATE: November 5, 2012
SUBJECT: **Summary and Analysis of COGCC proposed well setbacks and ground water sampling rulemakings and request for staff policy and procedure guidance**

COGCC DOCKET NO. 1211-RM-03: *Statewide Ground Water Sampling and Monitoring Rulemaking (**Ground Water**)*

COGCC DOCKET NO. 1211-RM-04: *Statewide Setbacks and Aesthetic and Noise Control Rulemaking (**Setbacks**)*

Staff requests for BOCC policy and procedure guidance:

- Nov. 6 prehearing Conference.
- BOCC preferences regarding each category of proposed rule change:
 - Neutral
 - Support
 - Support with modification
 - Do not support
- BOCC instruction to staff regarding development and submittal to COGCC a preliminary prehearing statement (hardcopies due to COGCC November 9). To be developed by Nov 7.
- Nov. 14, Dec. 10/11 Rulemaking hearings.

609 Ground Water draft proposed rule

Proposed rule would replace the current COGA voluntary pre and post oil and gas development sampling program. The COGA program is already adopted by all current Oil and gas operators in Garfield County. Resulting data are posted on the COGCC website for public access/review.

Sample timing: before drilling or before location preparation; prior to re-stimulation; more than 12 months and less than 18 months after latest well completion activity; 60-78 months after drilling; additional 'post completion samples if water quality changes are observed.

- *Analysis:* The proposed rule would implement required rather than voluntary ground water monitoring and do so using different sampling protocols, analyte list, and a more robust sampling design. The proposed rule excludes coal bed methane wells.

Setbacks draft proposed rules (proposals touch on most sections of existing COGCC rules: Setbacks, Permitting, Notice, Consultations, Drilling, Completion, Production, Safety and Nuisance Control/Mitigation)

603a **Adjusted well setbacks:** 200' minimum from Bldgs, Roads, Utility lines, Railroad.

604a **Four Buffer Zones Setbacks**

- *Exception Zone:* If well/production facility is 350' or less from any building, requires Building owner approval to obtain drilling permit.
- *Buffer Zone:* If well/production facility is 1,000' or less from any building: Requires nearby building owner consultations.
- *High Occupancy Building:* Less than 750' from School/hospital/nursing home/etc. requires Commission approval.
- *Designated Outside Activity area:* 350' minimum. Commission may designate greater setback on case by case basis.
 - *Analysis:* New Buffer Zone schema to direct permitting, notification, consultation and mitigation requirements. Existing wellhead and production facility setback rule includes 150' setback for rural/low density; 350/500' for high density area, schools/hospitals, etc.;

604c Buffer Zone Mitigation Measures: Applicable for 350' Exception Zone, 1,000' Buffer Zone, 1000' within High Occupancy buildings, 700' within Designated Outside Activity Areas

During Building Unit owner consultations, must develop and document location-specific mitigation plans to address:

- Daylight operations if inside 350' Exception Zone
- Noise: Baseline sound measurements
- Pits
- Traffic
- Emission Control Systems:
 - Analysis: 805 Currently COGCC rules for Garfield, Mesa and Rio Blanco Counties require enhanced Emission/Odor Control and for all crude oil, condensate, and produced water tanks and pits that emit 5 tons per years VOCs within 1,320' (¼ mile) of any building unit or designated outside activity area. DRAFT proposed rule seem decrease this protection to a 1,000' zone.

305c Extended permit application comment period: Increase from 20 to 40 days if facility is within 350' Exception Zone. Permit application requires documentation of setback from building units and results of consultations with building owners.

305e Notice of Location Assessment:

- 350' *Exception Zone Building Unit owners, detailed application packet.*
- 500' *Surface owners, detailed application packet.*
- 1000' *Buffer Zone Building Unit owners, general information postcard.*

- *Analysis: Existing rules addressed Surface Owner notifications only.*

306e Meetings to confer with Building Unit Owners: Discuss Operational plans, Setback distance, Equipment, Reclamation plan. Operator must discuss possible nuisance issues: odor, lights, dust, traffic and provide information on proposed measures to eliminate, minimize, or mitigate issues. *Individual meetings for building owners inside 350' Exception Zone. Group meetings for building owners inside 350-1,000' Buffer Zone.*

- *Analysis: This proposed Building Unit owner consultation and mitigation planning process is entirely new. Represents effort to prevent and minimize issues for adjacent building owners who may have been excluded from formal notification and consultation previously.*