



# Oil & Gas Update Regulation Text Amendments

*May 11, 2021*





# Oil & Gas Update

## Regulation Amendments

### Agenda



**Amendment Timeline**



**Proposed Regulation Summary**



**Proposed Noise Standards Overview**



**Setbacks**

- **Setback Measurement**
- **Setback spatial analysis**



**Community Engagement**



**Public and Referral Agency Comment Summary**



**Staff's Proposal – 2<sup>nd</sup> Draft**

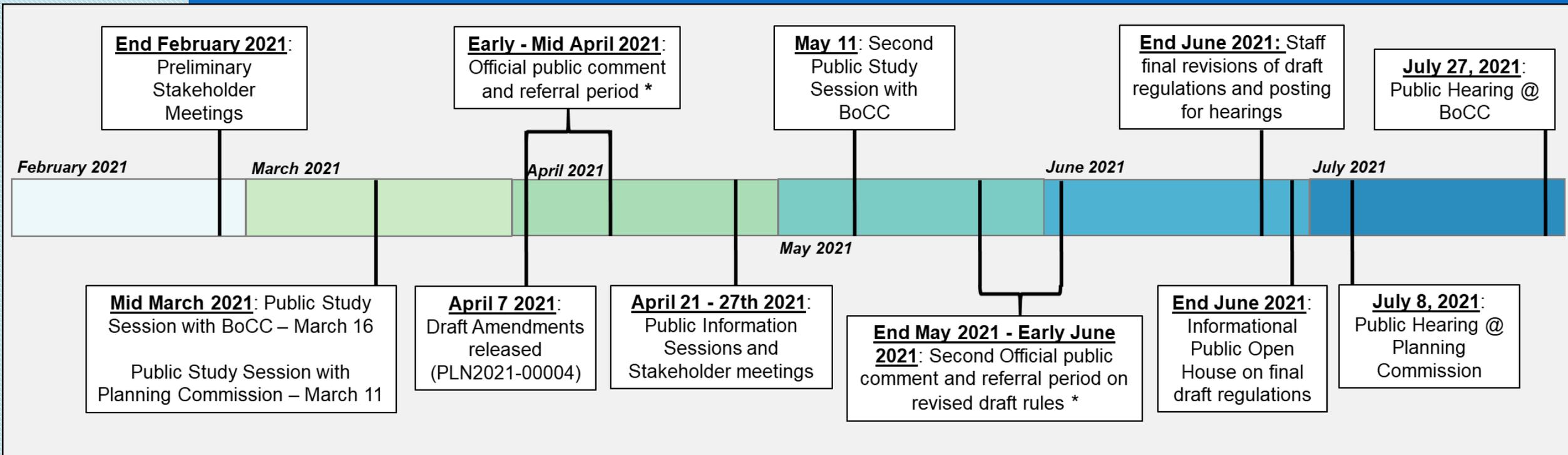


# Oil & Gas Update

## Regulation Amendments

### Process Timeline

*AdCo Staff's Timeline*



*\* The County will accept all public comments until the final hearing deadlines*



# Oil & Gas Update

## Regulation Amendments

### Proposed Regulation Summary

*\*\*This summary table is for reference only and does not represent all proposed changes to the Adams County regulations for this amendment process*

Regulation / Topic	Current Adams County Regulation	Proposed Adams County Regulations	Proposed changes vs. COGCC standards
<b>Setbacks</b>	<ul style="list-style-type: none"> <li>1,000-feet from the property line of:               <ul style="list-style-type: none"> <li>Existing and high occupancy residences</li> <li>Platted residential lots</li> <li>Schools, future schools, and childcare/daycare centers</li> <li>Environmentally sensitive areas</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li><b>2,000-feet</b> from the property line of:               <ul style="list-style-type: none"> <li>All currently protected entities in AdCo regulations</li> <li>Designated Parks and Open Spaces</li> </ul> </li> <li>1,000-feet from groundwater wells</li> </ul>	<b>Proposed AdCo regulations exceed COGCC standards</b>
<b>Cumulative Impacts</b>	<ul style="list-style-type: none"> <li>Not directly regulated in County rules</li> </ul>	<ul style="list-style-type: none"> <li>Cumulative Impacts Plan submission for all applications that submit quantitative and qualitative analysis of short-term and long-term cumulative impacts to: <i>Air, Noise, Light, Dust, Odor, Water (Public Health &amp; Welfare), Traffic, Wildlife, Ecosystems, &amp; Soil</i></li> <li>Plans for addressing, mitigating, and offsetting</li> </ul>	<b>Proposed AdCo regulations meet or exceed COGCC standards</b>
<b>Noise</b>	<ul style="list-style-type: none"> <li>AdCo adopted COGCC noise standards</li> <li>Required Background Noise Study</li> </ul>	<ul style="list-style-type: none"> <li>Retains COGCC increased noise standards in AdCo rules</li> <li>2,000-foot pseudo-setback for noise</li> <li>Requires background noise and noise modelling analysis for all applications</li> </ul>	<b>Proposed AdCo regulations exceed COGCC standards</b>
<b>Community Outreach</b>	<ul style="list-style-type: none"> <li>Neighborhood meetings during pre-application/conceptual review process</li> </ul>	<ul style="list-style-type: none"> <li>Identification of Disproportionately Impacted Communities within ½ mile of the site</li> <li>Requires quarterly neighborhood meetings for locations within ½ mile of any residences or schools post-approval</li> <li>Can require Operators to provide interpretation services and publish all information in languages other than English</li> </ul>	<b>Proposed AdCo regulations exceed COGCC standards</b>



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## Regulation Amendments

### Proposed Regulation Summary

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Regulation / Topic	Current Adams County Regulation	Proposed Adams County Regulations	Proposed changes vs. COGCC standards
<b>Traffic</b>	<ul style="list-style-type: none"> <li>Traffic Impact Analysis requirement</li> <li>Traffic Impact Fees based on size of location and proposed infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>Retains Traffic Impact Analysis and Traffic Impact fees</li> <li>Requires lifetime truck traffic estimates during each phase of operations both cumulatively and for each proposed route</li> </ul>	<b>Traffic not directly regulated by COGCC</b>
<b>Alternative Site Analysis</b>	<ul style="list-style-type: none"> <li>Required for all applications</li> <li>Minimum 3 alternative sites, that are at least 1,000-feet apart</li> <li>Can require any plans necessary for Staff to review protectiveness of sites</li> </ul>	<ul style="list-style-type: none"> <li>Required for all locations</li> <li>Minimum of 3 alternative sites, that are at least 500-feet apart and determined to be distinctly unique by AdCo</li> <li>Can require any plans necessary for Staff to review the protectiveness of sites</li> </ul>	<b>Proposed AdCo regulations exceed COGCC standards</b>
<b>Water and Wildlife Protection</b>	<ul style="list-style-type: none"> <li>Proof of adequate water supply from applicable source or Water District available for industrial use</li> <li>Water Quality plan and various water source sampling requirements</li> <li>Natural Resource Conservation Overly Resource Review, where applicable</li> </ul>	<ul style="list-style-type: none"> <li>Maintains all current AdCo water protection standards</li> <li>Requires identification of contaminate migration pathways</li> <li>Natural Resources Evaluation for all applications</li> <li>Requires plans for consultation with Colorado Parks and Wildlife</li> </ul>	<b>Proposed AdCo regulations meet or exceed COGCC standards</b>
<b>Other Changes</b>		<ul style="list-style-type: none"> <li>Creation of an entirely new Development Application Guide for OGF Permits and the relocation of all application submittal requirements from Chapter 2</li> <li>Creation and consolidation of development standards for various topics into Chapter 4</li> <li>Other formatting and grammatical changes</li> </ul>	<b>Not applicable</b>



# Oil & Gas Update

## Regulation Amendments

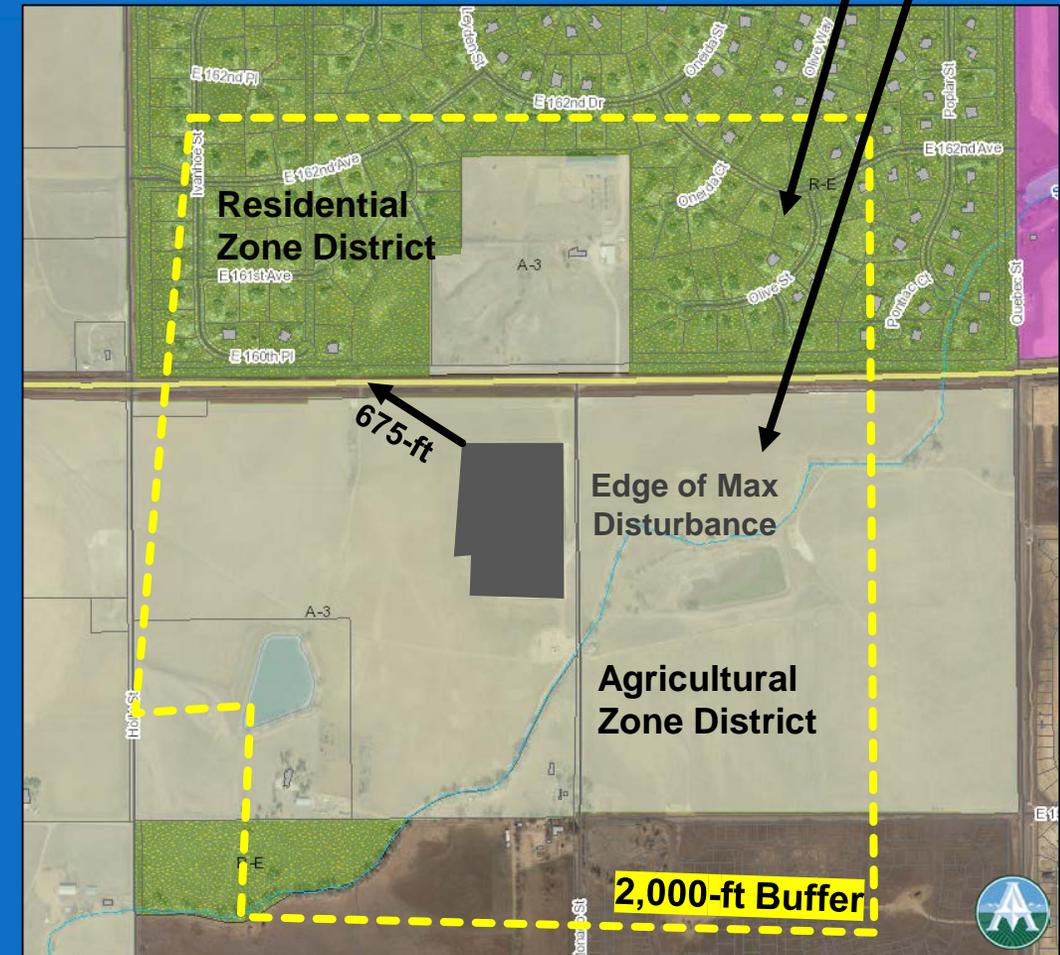
### Proposed Noise Standards

#### Noise Mitigation Requirements:

- **Noise Mitigation Plan:** Will require an Operator to demonstrate compliance with ACDS&R and COGCC R.423 for noise
  - AdCo will require noise modeling and ambient baseline noise studies for all applications. Submissions must demonstrate compliance during each phase of operation:
    - ✓ Ambient noise study shall measure A and C-weighted noise levels for minimum of 5 days
    - ✓ Noise modeling study shall estimate noise during each phase of operations for A and C-weighted noise
    - ✓ Noise modeling shall include a low frequency noise impact analysis, available C-weighted control measures, and topographic considerations of noise propagation
  - AdCo will require continual noise monitoring at all OGFs located within ½ mile of any residential buildings, schools, or residentially zoned parcels
  - AdCo will require an Operator to comply with the lowest maximum permissible noise level in COGCC R.423 for a location within 2,000-feet of a land-use designation boundary

COGCC Table 423-1: Maximum Permissible Noise Levels

LAND USE DESIGNATION	7:00 am to next 7:00 pm	7:00 pm to next 7:00 am
Residential/ Rural/State Parks & State Wildlife Areas	55 db(A)	50 db(A)
Commercial/Agricultural	60 db(A)	55 db(A)
Light Industrial	70 db(A)	65 db(A)
Industrial	80 db(A)	75 db(A)
All Zones	60 db(C)	60 db(C)



Example for illustrative purposes



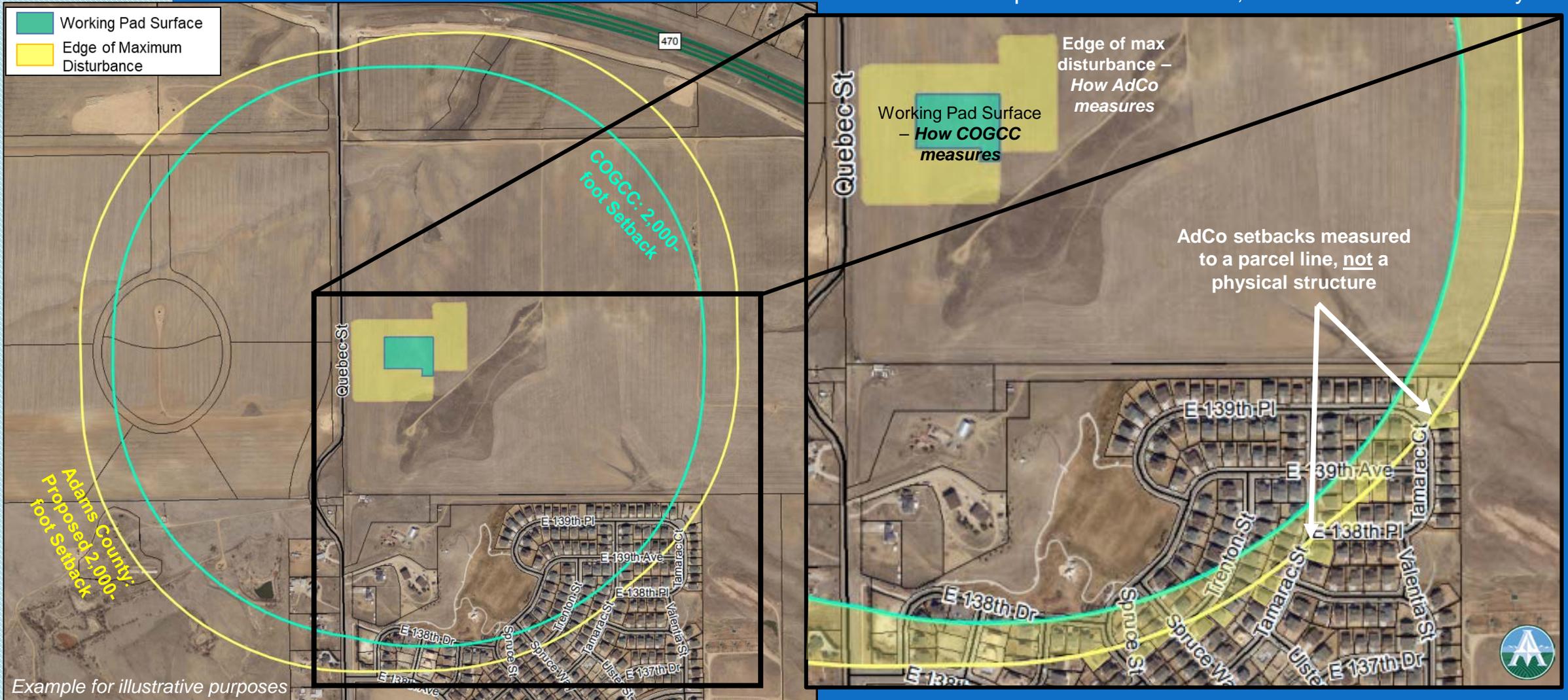
# Oil & Gas Update

## Regulation Amendments

### Setback Measurements

#### Proposed setback measurements:

- From the edge of maximum disturbance to the parcel or property line of an existing residence, platted residential lot, school or childcare facility



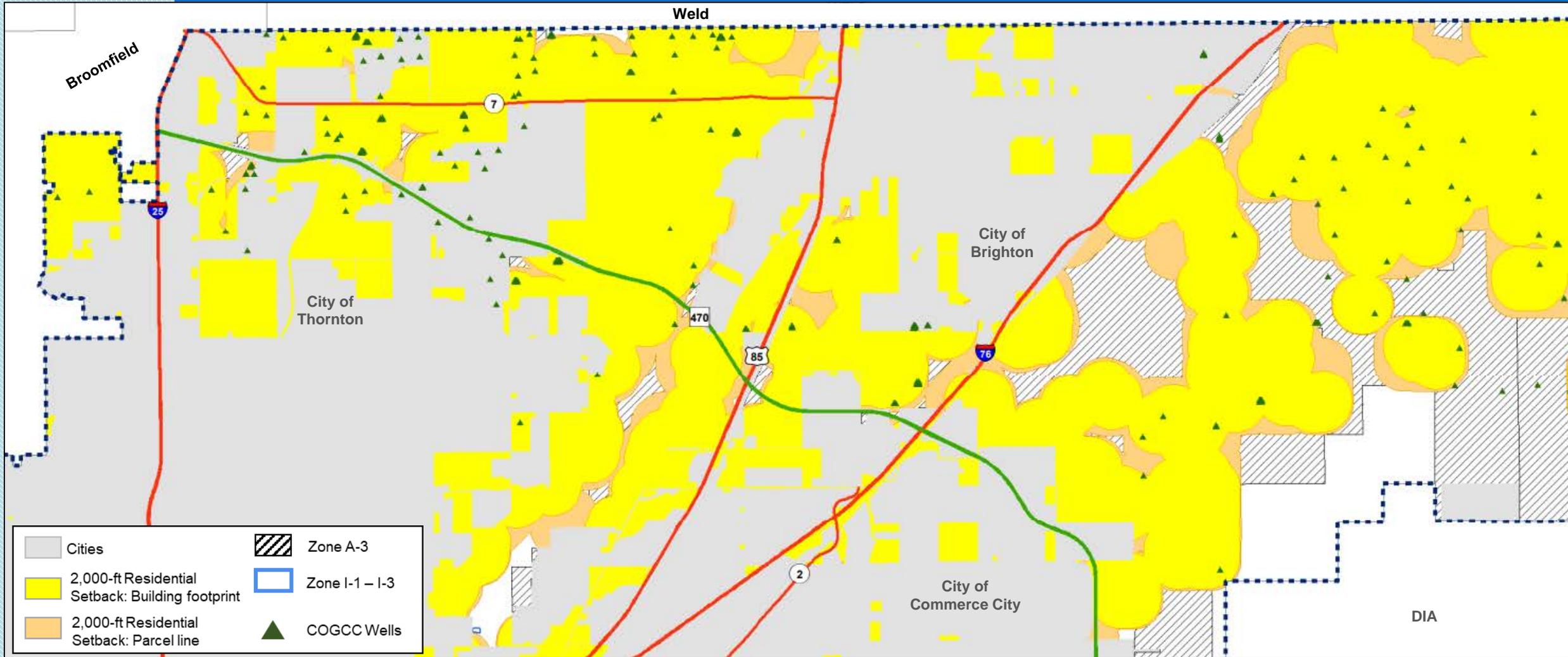
Example for illustrative purposes



# Oil & Gas Update

## Regulation Amendments

### Setback Measurements





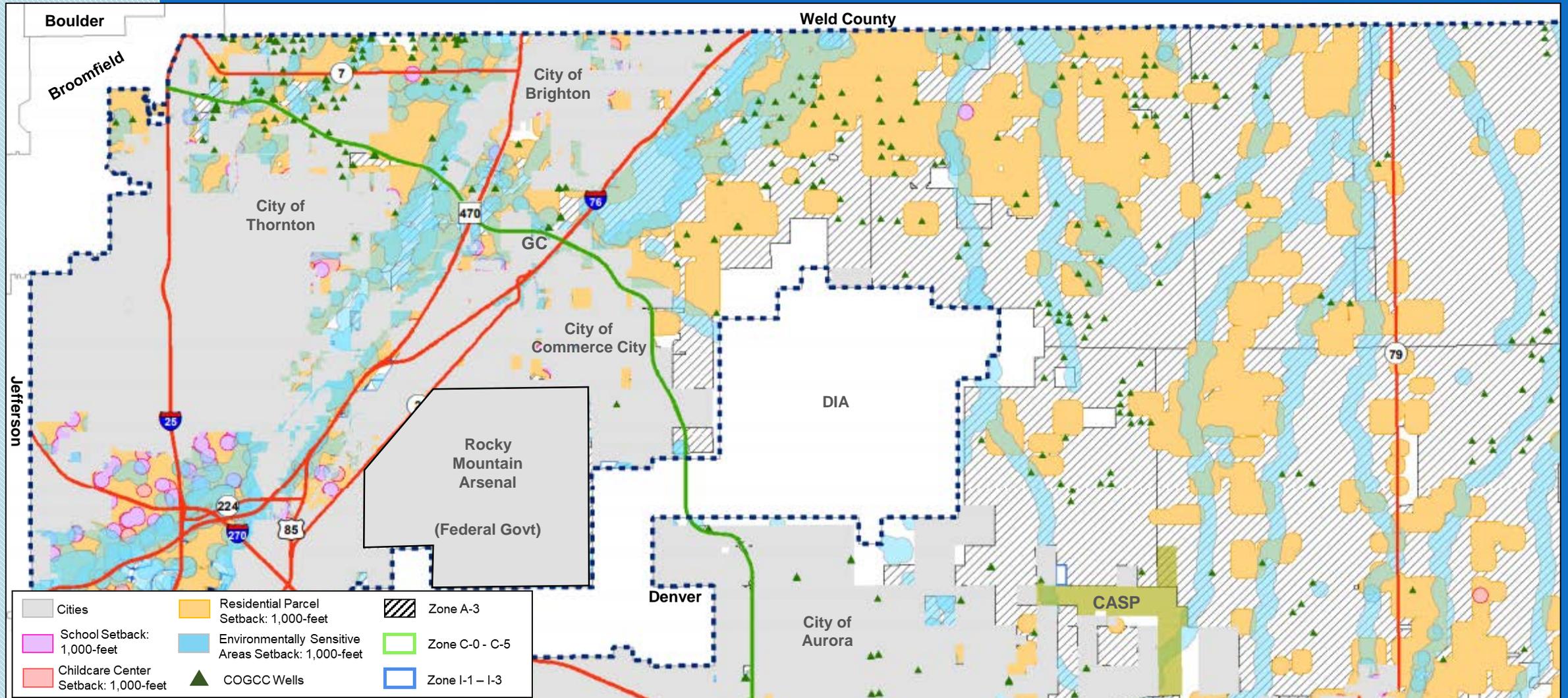
# Oil & Gas Update

## Regulation Amendments

### Setbacks

#### Current Adams County Setbacks:

- Residential Buildings and Schools: 1,000-feet
- Environmentally Sensitive Areas: 1,000-feet





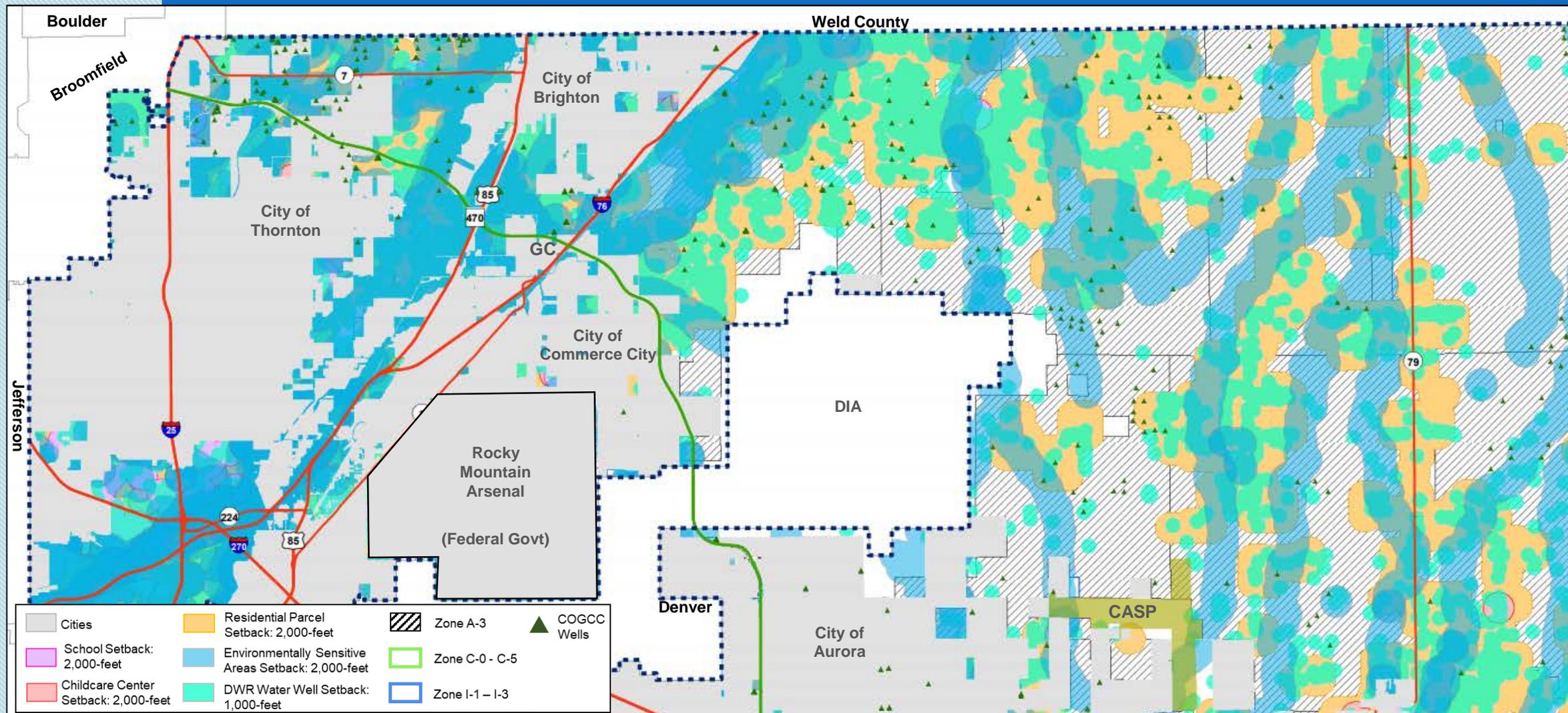
# Oil & Gas Update

## Regulation Amendments

### Setbacks

#### Proposed Setbacks:

- Residential Buildings and Schools: 2,000-feet (yellow and red)
- Environmentally Sensitive Areas: 2,000-feet (blue)
- DWR Water Wells: 1,000-feet (teal)



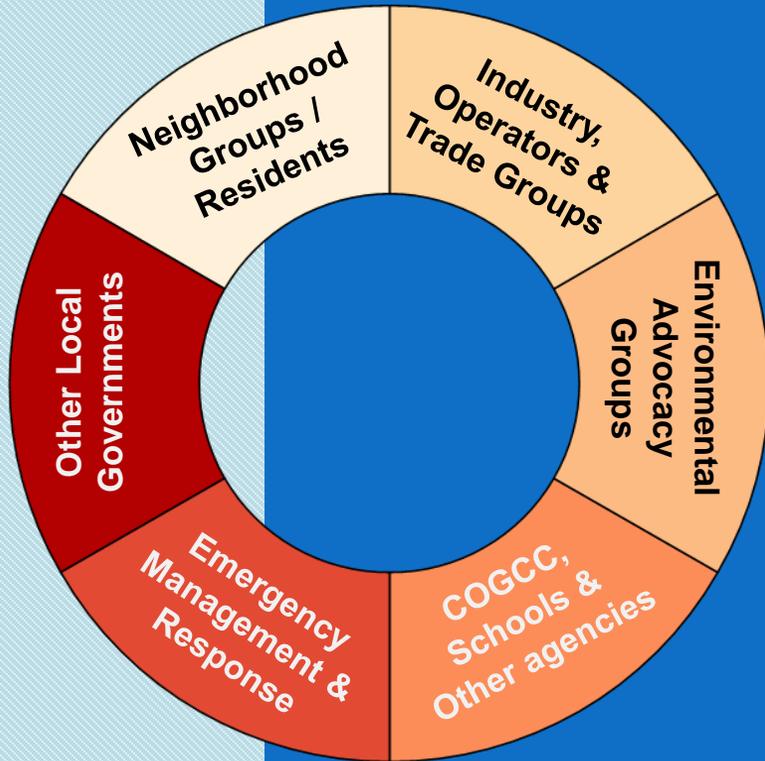


# Oil & Gas Update

## Regulation Amendments

### Community Engagement

#### Stakeholder Groups



Staff has, to-date, held 9 individual, 1-hour stakeholder meetings

**Virtual meetings on Oil & Gas Regulations for residents and neighborhood groups.**

Wednesday, April 21 | 6-7 p.m. *on Zoom*  
 Tuesday, April 27 | 5:30-6:30 p.m. *on Zoom*

*Complete login details and more information: [adcogov.org/regulation-amendments](http://adcogov.org/regulation-amendments)*



**Reuniones virtuales sobre regulaciones de petróleo y gas para residentes y vecindarios.**

Miércoles, 21 de abril | 6-7 p.m. *en Zoom*  
 Martes, 27 de abril | 5:30-6:30 p.m. *en Zoom*

*Detalles acerca de cómo entrar a las sesiones y más información en [adcogov.org/regulation-amendments](http://adcogov.org/regulation-amendments)*



#### Invitations & Announcements:



Nextdoor



Facebook



Twitter



Instagram



AdCo  
Webpages &  
Calendars



Direct  
E-Mails



## Oil & Gas Update

### Regulation Amendments

#### Public & Referral Agency Comment Summary

## *Summary of Public & Referral Agency Comments to-date:*

### Setbacks:

- Clarity on possible exceptions or waivers to proposed setback requirements:
  - Administrative Waivers
  - Waivers granted by the BoCC
  - Substantially Equivalent protections
- Specifics on the determination of Environmentally Sensitive Areas included in the setbacks
- Added specificity on the measurement and application of setbacks
- Expanded setback distances past 2,500-feet+
- Reverse setback distances of 2,500-feet+

### Noise and other nuisance-type impacts:

- Clarity on the applicability of the proposed pseudo-setback for noise
- Application of noise standards and requirements specific to oil and gas operations
- Enforcement of noise and other nuisance provisions (odor, dust, and light)
- Response and procedure in response to a nuisance-based complaints
- Additional specifics or flexibility in the proposed noise modeling requirements



## Oil & Gas Update

### Regulation Amendments

#### Public & Referral Agency Comment Summary

### *Summary of Public & Referral Agency Comments to-date:*

#### Cumulative Impacts and Air Quality:

- Request for cumulative impacts requirement alignment and concurrence with COGCC standards
- More specificity and threshold levels for cumulative impact evaluations
  - Direct reference to Greenhouse Gas Emissions
- Continuous air quality monitoring at all locations with direct notice to residents
- Immediate halt on all future oil and gas permitting based on current ozone levels

#### Other Comments:

- General enforcement comments and requests for increased/additional fines/fees for violations
- Request to retroactively apply AdCo regulations to all existing oil and gas facilities
- Increased financial assurances for spill cleanup and remediation
- OGF Permit approval processes / permit expiration terms
- Expanded automatic resident notifications and neighborhood meeting requirements
- Clarification related to the role of the Comprehensive Plan on permitting decisions



## Oil & Gas Update

### Regulation Amendments

Staff's Proposals – 2<sup>nd</sup> Draft

#### *In response to public & referral agency comments:*

##### **Substantially Equivalent Protections:**

- Add additional clarity and specific criteria of approval in the regulations for exceptions to AdCo setback requirements
  - Granted by the BoCC after a public hearing
  - BoCC determines substantially equivalent protections based on criteria such as:
    - ✓ Location and proximity of receptors
    - ✓ Nature, size, duration, and intensity of the proposed OGF
    - ✓ Planned BMPs, CoA, facility design, control measures
    - ✓ Compatibility with the surrounding areas and future land use
    - ✓ Cumulative Impacts
- Would allow permitting of OGFs closer than 2,000-feet from residences, schools, etc. on a site-specific basis



## Oil & Gas Update

### Regulation Amendments

Staff's Proposals – 2<sup>nd</sup> Draft

#### *In response to public & referral agency comments:*

##### OGF Permit Expirations:

- Modify the OGF Permit term:
  - 3 years, after which time any undrilled/uncompleted wellbore approvals expire
  - Any additional drilling after the initial term will require a new OGF
- **Other Staff Proposals for 2<sup>nd</sup> draft**