

**Summary of Public & Referral Agency Comments: PLN 2021-00004; Oil & Gas Regulation Amendments** Comments received as of: June 25, 2021

Topic Area	Comment(s)	Stakeholder(s)	AdCo Staff Response & Recommendations
Setbacks	Requested added clarity in the rules about exceptions/waivers to setback requirements to allow permitting closer than 2,000-feet.	Local Government(s), COGCC, Industry, Resident Group(s), AdCo CEDD, Resident(s), Environmental Group(s)	Staff is proposing to expand the substantially equivalent language in Chapter 4 and add a Substantially Equivalent Report submission to the Development Application Guide for second draft. Staff is proposing to move the setback waiver requirements to Chapter 2 of DSR for alignment with other land use processes.
	Suggested added clarity and flexibility allowing for administrative waivers to setbacks in more instances	Industry	Staff is proposing added clarity in Chapter 4 for the granting of Administrative Waivers for setbacks for second draft. Staff is not proposing additional changes in the final draft.
	Suggested added clarity on how the County will measure setbacks	Industry	Staff is proposing added clarity in Chapter 4 to the measurement of setbacks being from the edge of maximum disturbance for second draft. Staff is further proposing further clarification for the definition of disturbance area for the final draft to align with COGCC definition of Oil and Gas Location.
	Requested added clarity in the determination of Environmentally Sensitive Areas (ESA) and provide those maps to applicants	Industry	Staff is proposing to amend the definition of ESA in Chapter 11 to include Waters of the State. Will work with GIS to create public layers for this item. Staff will further clarify this intention for the final draft. Staff is further proposing changes to clarify our intention for the determination of ESA.
	Requested setbacks be increased to 2,500-feet+ based on scientific studies and CDPHE Report	Environmental Groups / Resident(s)	Staff reviewed this comment and are proposing no changes to this item, at this time.
	Requested no exceptions be allowable for any setback requirements	Resident(s)	Staff reviewed this comment and are proposing no changes to this item, at this time.
	Requested AdCo take up reverse setbacks now and increase them to 2,500-feet	Environmental Groups / Resident(s)	AdCo has previously adopted reverse setback provisions and will be proposing additional revisions to this topic in Phase II of the oil and gas amendments, with BoCC direction.
	Commented on the ability of AdCo to review administrative waiver requests even with resident/landowner consent. Request for administrative waivers of water well setback with Public Water Supplier support.	Industry	Staff is proposing minor edits to Chapter 4 to the final draft to clarify this point.
	Commented on the perception of differing substantially equivalent protections determinations in AdCo and COGCC rules	Industry	Staff proposing to relocate these provisions to Chapter 2 for clarification as criteria for waiver processes for setback provision.
	Requested the County measure setbacks from wellheads and/or production equipment rather than edge of disturbance.	Industry	Staff reviewed comment and are proposing no changes to this item, at this time.
Requested setbacks be left at current County standard of 1,000-feet	Resident(s) / Mineral Owner(s)	Staff has reviewed this comment and are proposing 2,000-foot setbacks for alignment with COGCC standards.	
Community Outreach, Disproportionately Impacted Communities & Notices	Requested notice of application radius be extended to 1 mile+	Environmental Group(s) / Resident(s)	Staff is proposing expanding the resident notice for OGFs to 1 mile within Chapter 2, Chapter 4 and the Development Application Guide
	Requested AdCo should facilitate, organize, and run all required neighborhood meetings.	Environmental Group(s) / Resident Group(s)	Staff reviewed this comment and are proposing no changes to this item, at this time.
	Requested AdCo require neighborhood meetings past the completion of the first wellbore.	School Districts	Staff is proposing revisions to Chapter 4 to require additional neighborhood meetings in some instances.
	Requested additional and specific protections for Disproportionately Impacted Communities.	Neighborhood Group(s) / Resident(s)	Additional identification and outreach requirements already being proposed in current draft rules. Staff is proposing reference to disproportionately impacted communities as part of the cumulative impacts evaluation.
	Request for expanded public comment for applications in Disproportionately Impacted Communities, required hearings for those applications, and specific approval criteria unique to such communities	Neighborhood Group(s) / Resident(s)	Staff reviewed this comment and are proposing no changes to this item, at this time.
	Comments regarding proposed notice to landowners and residents prior to commencing plugging and abandonment work will delay work and disincentive such in AdCo. Request to build in exceptions when 7 days is not operationally possible. Request to notify once a Form 6 is approved by COGCC.	Industry	Staff is proposing edits to the final draft that clarifies the County will require Operators to notify land owners or residents after a COGCC approval of a Form 6 for plugging and abandonment.
	Comments regarding concern with increasing resident and landowner notification past 2,000-feet as required in COGCC rules	Industry	Staff reviewed this comment and are proposing no changes to this item, at this time.
	Comments regarding the requirement to expand community/neighborhood meetings and inviting all residents within 1 mile of the site. Comment requesting flexibility for instances where there is not a substantial update to provide.	Industry	Staff reviewed this comment and believes this is already allowable in AdCo's proposed provisions under 4-11-02-03-03.20.c. The Director of CEDD may allow for a mail format in the event there are no substantial updates, for example.

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	Requests that all notices as required in ACDS&R also include mineral owners.	Industry / Resident(s) / Mineral Owner(s)	Staff reviewed this comment and are proposing no changes to this item, at this time. AdCo does not regulate mineral rights, nor does it maintain a database of mineral rights owners or require proof of mineral rights for OGF applications. Staff contends notice to mineral owners is the responsibility of the applicant and the County welcomes public input from all interested residents and groups.
Noise & other Nuisance Impacts	Suggested flexibility in proposed noise modelling requirements to allow noise studies after permitting.	State Agency / Industry	Staff proposing revisions to Chapter 4 to add clarity to the noise requirements and is proposing updates the Development Application Guide to clarify the requirements.
	Requested clarity on the applicability of this setback relative to COGCC noise standards. Presented concerns over enforcement of complaints generally.	Industry	Staff reviewed this comment and are proposing no changes to this item, at this time. AdCo Staff enforce regulations with certified Oil and Gas Inspectors
	Requested clarity on AdCo's requirement for third-party/consultant process for noise data and modeling. Request to allow Operators to submit contractors or consultants for consideration.	Industry	Staff is proposing edits to Chapter 4 to clarify this topic further for second draft. Staff proposing changes to specifically allow Operators to submit contractors for consideration in the final draft.
	Requested we remove language allowing speciated sampling in response to an odor complaint and other nuisance type complaints.	Industry	Staff is proposing minor edits to draft regulations in Chapter 4 regarding compliance with and responses to odor-related complaints for second draft.
	Request for specific off-ramps or exceptions to noise requirements	Industry	This is already built into AdCo's regulations with waivers available for all performance standards and regulations on a site-specific basis.
	Request for a provision in AdCo rules allowing the County to require Operators comply with a lower maximum noise levels beyond what is required by COGCC rules.	Neighborhood Group(s)	Staff reviewed this comment and are proposing no changes to this item, at this time.
	Comments about the legality and application of noise provisions on oil and gas operations compared to other industrial and commercial operations.	Industry / Resident(s) / Mineral Owner(s)	Staff reviewed this comment and are proposing no changes to this item, at this time.
Cumulative Impacts, Air Quality & Environmental Impacts	Requested the BoCC consider cumulative impacts as part of any approval or denial, including GHGs	Environmental Group(s)	Staff is proposing adding direct reference to cumulative impacts under substantially equivalent protections language.
	Requested AdCo cumulative impacts requirements align with COGCC standards.	Industry	This is already addressed in the current draft rules. Staff is proposing minor edits to clarify this further in the second draft.
	Requested AdCo require continuous monitoring at all OGFs. Monitoring should require resident notification for any pollutant increases.	Environmental Group(s) / Resident(s)	Amendments to air quality monitoring are not being proposed in this round of amendments. Additionally, air quality monitoring is required for all sites statewide beginning May 1.
	Question regarding cumulative impacts to wildlife resources over time. Request to require annual check-ins with CPW.	CPW	Staff reviewed this comment and believes this is already addressed in the proposed AdCo regulations and Development Application Guide. Staff intends to communicate with CPW regularly on changes to habitats, etc. within the County.
	Comments on differences in AdCo groundwater sampling requirements compared to COGCC requirements. Specifically requesting only 4 maximum sample locations required.	Industry	Staff reviewed this comment and are proposing no changes to this item, at this time.
	General comments about applying the strongest protections possible for air, soil, water, etc.	Neighborhood Group(s) / Resident(s)	Staff reviewed this comment and believe current proposals appropriately address protections for all resources.
	Comments regarding requirement for recycling of water and proof of water rights.	Industry	Staff reviewed this comment and are proposing no changes to this item, at this time.
	Requested AdCo halt permitting due to non-attainment status of Front Range region	Environmental Group(s)	Staff reviewed this comment and are proposing no changes to this item, at this time.
Financial Assurance	Requested stronger requirements for funding of cleanup and well closure. Also, for higher per-well amounts for bonding and environmental liability insurance.	Environmental Group(s) / Resident(s)	AdCo has already adopted Financial assurance provisions. Additionally, AdCo is a stakeholder in this ongoing state rulemaking process on this topic and will be proposing amendments to this topic in Phase II.
	Comment that requiring financial liability insurance is cost prohibitive and unnecessary and unreasonable.	Industry	Staff reviewed this comment and are proposing no changes to this item, at this time.
	Request to add discussion of force majeure event to Financial Assurance provisions.	Industry	Staff reviewed this comment and are proposing no changes to this item, at this time.
Enforcement, Fees & Reporting	Requested AdCo have more/increased monetary fines for violations and spills.	Environmental Group(s) / Resident(s)	AdCo has robust enforcement included in our current rules and in the COGCC rules. No additional changes are being proposed at this time.
	Request for added flexibility for an Operator to make repairs to roadways after 10 days with approval of AdCo	Industry	Staff reviewed this comment add modified the rule for clarification. Staff believes County regulations already allow flexibility for extreme circumstances such as inclement weather
	Request to reserve a certain percentage of fines/penalties for habitat protection that is owned or maintained by AdCo in consultation with CPW	CPW	Staff reviewed this comment and are proposing no changes to this item, at this time.

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	Request for an oil and gas inspection fee schedule	Industry	This is already provided and publicly available.
	Comments about the need for reporting and 72 hour repair for all LDAR detected leaks outside the EPA and AQCC requirements.	Industry	Staff are proposing changes in the final draft for further alignment with AQCC Regulations regarding LDAR leaks and repairs.
Permit Expirations	Requested that one-well completion not permanently vest an OGF Permit	COGCC / AdCo CEDD	Staff is proposing to modify the permit expiration term requirements in Chapter 2.
	Commented about the change of permit term expiration from second draft. Suggested the addition of renewal language to regulations after lapse of primary term. Request to add reference to COGCC CAPs. Specific proposals for renewal after 3 years and every 6 months.	Industry / Resident(s) / Mineral Owner(s) / Neighborhood Group(s)	Staff and County Attorney's office has reviewed this comment and are proposing no changes to this item, at this time.
Drainage / ROWs	Opposes allowing the usage of drainage culverts or ROW for temporary water lines	AdCo Public Works	Staff is proposing to modify language in Chapter 4 that prevents usage of drainage culverts and ditches for temporary water lines
	Comment opposing the change prohibiting the use of County drainage culverts for layflat water lines	Industry	Staff reviewed this comment and are proposing no changes to this item, at this time.
Alternative Site Analysis	Requested added clarity in determining a distinctly unique site	Industry	Staff is proposing to slightly modify the language to clarify the intent for distinct alternative locations.
	Requested justification for at least three potential sites for an ASA and requires consideration of loss of mineral development as part of the review. Including that the 3 location minimum be waivable on a site-specific basis.	Industry	Staff reviewed this comment and are proposing no changes to this item, at this time.
	Questions regarding required distance between alternative sites as it relates to disconnected or fragmented landscapes for wildlife	CPW	Staff reviewed this comment and are proposing no changes to this item, at this time. Staff intends to consult with CPW during the conceptual review and ASA process.
	Request for expanded requirements for ASA including cumulative impacts and other studies prior to an application submittal.	Neighborhood Group(s)	Staff reviewed and considered this comment and believe proposals already address this item. The Director of CEDD may request any plan necessary during the ASA process.
Development Application Guide	General comments about County jurisdiction on regulation topics and notice for updates to the Development Application Guide. Request for a stakeholder process for changes to the Development Application Guide	Industry	Staff reviewed this comment and are proposing no changes to this item, at this time.
	Questions regarding the confidentiality of documents / CORA requirements	Industry	Staff reviewed this comment and are proposing no changes to this item, at this time. CORA statues explain this further.
General & Other Comments	Hearing Process / Determination of affected person status	Industry	Staff reviewed this comment and are proposing no changes to this item, at this time.
	General comments on conformance with state regulations	Industry, AdCo CEDD, Resident(s)	Staff has made appropriate changes to Chapter 2 and 4 where appropriate for conformance with state rules
	Request to add direct reference to COGCC Rule 301.f regarding consultation with the COGCC in AdCo preapplication.	Industry	Staff is proposing language in Chapter 2 to clarify AdCo's intent to consult with COGCC where applicable and allowable.
	Request to define wildlife or wildlife resources in AdCo regulations	CPW	Staff is proposing edits to adopt COGCC's definition of Wildlife Resources to the final draft.
	Commented that the requirement for additional AdCo permits for remediation will delay cleanup of a spill	Industry	Staff reviewed this comment and are proposing no changes to this item, at this time.
	Comment on applying AdCo OGF provisions to operations and abandonment activities as downhole.	Industry	Staff reviewed this comment and are proposing no changes to this item, at this time.
	Comments on the applicability of Comprehensive Plan for OGF permitting and which version of the Comp Plan applies for these amendments.	Industry	Staff reviewed this comment and are proposing no changes to this item, at this time. AdCo will use the Comp Plan adopted at the time of application. The applicant should demonstrate conformance with Comp Plan in the application materials.
	Request to allow mineral rights owners to request a rezoning of the surface. Request a general reference to mineral rights owners be included throughout ACDS&R	Industry / Resident(s) / Mineral Owner(s)	Staff reviewed this comment and are proposing no changes to this item, at this time.
	Comments regarding reference to applicable zoning district requirements be added to Chapter 2	Industry	Staff reviewed this comment and believes this is already addressed in Section 3-07-01 of AdCo regulations.
	Request to add flexibility for the Operator to make repairs to spill containment and berming after a 1" or greater rain event inspection.	Industry	Staff reviewed this comment and are proposing no changes to this item, at this time.
Request to use the term "childcare" rather than daycare for consistency with state rules.	TCHD	Staff reviewed this comment and are proposing no changes to this item, at this time. County regulations define daycare in Chapter 11.	
Comments regarding changes to the landscaping requirements for added clarification. "All plant material shall be kept in a healthy growing condition at all times."	Industry	Staff reviewed this comment and are proposing no changes to this item, at this time.	