

Subject: Session 3

Date: June 5, 2019

Chris Cramer provided a brief introduction. He welcomed the group and provided information about approval of the two additional meetings, which will be taking place on June 19th and June 26th. This will provide time for expanding discussions on the agenda topics. Chris Cramer made mention that the City's goal for public discussion is August/September. Because there were additional hours granted to the focus group, Chris Cramer offered additional BMP discussion time during this meeting and will then transition to the "Zoning" topic and potentially open up "Enforcement" topic. Special Legal Counsel, Matt Sura opened the meeting with an overview of last week's minutes. Mr. Sura opened the discussion to the group to address any questions about the BMP document.

Comments from the group re: BMPs

- The usage of the terms: "if feasible" and "where practical" within the BMP documents, specific to the welfare of people and wildlife. If these BMPs were written pre 181, how do we know these BMPs are strong enough? Clarification made that these terms allow for negotiations, they are more flexible. Reminder that these terms are used with site-specific locations.
- Will some of these questions be addressed over time by state rules and regulations?
- Operator's agreement questions;
 - What is the relationship between BMP and the Operator's agreement?
 - What is the impact of the focus group discussing the Operator's agreement?
 - What is the target date to have an operator's agreement with extraction, specifically Great Western?
 - It is not this group's focus to review or make comments on the BMP document or ROA. These will go through a public process. Expectation for ROA is summer and will go through a 21 day comment period (July earliest).
 - ROA will be complete before BMPs. BMPs will be an exhibit within the ROA. ROA is not the permit for well-pad sites, these will require a City permit
 - COGCC has several processes and permitting processes.
 - Currently, the code requires ROA for Oil and Well permit.
 - Will COAs be required additional to ROAs and BMPs?

MINUTES CONTINUED

- Question regarding wanting to turn in applications before zoning applies to ensure they get approved under current regulations.
 - Allowing amendments will be added to BMPs.
- Changes to existing BMPs would need to be made in a very short time to affect current ROA.
- City of Commerce City appears to be separating state rules from local rules. COGCC could potentially “sit” on applications to make sure rules are set.

What topics are missing?

- Electric equipment
- Pipelines
 - Question: What are the odds that whatever COGCC rule making has over the next year that in an urban environment they would require pipelines to eliminate truck trips? It’s too site-specific to be required. It would be difficult to come up with regulations.
- Agreements made with an operator could supersede state criteria.
- Testing of livestock, food, water (City has requested that water testing is required within ¼ mile)
- Communication/Community Engagement(door-to-door)
 - Communication is required depending on radius and unless leasing minerals
- Expand notification requirements

What topics are not required?

- Health & Safety plan for workers since it’s already regulated by OSHA
- Pipeline removal (not all pipelines would be removed)
- Frequency of Inspections (mandatory or required?)

Misc. items:

- Air quality monitoring in real-time
- Economically feasible
- Language used, “as feasible” when it pertains to the ozone; the word “shall” was also concerning and should be reviewed by the attorneys
- Flow backs – concerns about contacting the Fire Department, how will these calls be screened, how will they notify the residents? Fire Dept. is working on these topics currently.
- *Compliance violation language to be included in ROAs (part of Enforcement topic)*



MINUTES CONTINUED

Zoning

The Future Land Use map was reviewed and the community intent was discussed at the time of creation. This is also part of the Comprehensive Plan. A question was asked if Drilling Windows were considered while creating the Future Land Use map. The response was: not unless they were already existing wells in place.

Which Districts should/could allow (well pad sites)?

- Potentially Commercial districts
- Potentially Industrial districts
- Agricultural districts depends on what the overall future land use will be and may be a case by case basis.
- Because of the quantity of wells and related impacts, no district should be made available.
- Some sites would require a re-zone to Commercial or Industrial
- No wells in residential districts
- Pockets of unincorporated Adams County were also identified and the rules and regulations for those parcels would fall under Adams County's jurisdiction.
- All sites should be looked at on a case by case basis, regardless of zoning.