

**Table 1: Summary of Draft Oil & Gas Rules**

This table provides a summary of the draft rules by category and subcategory, however, not every rule is included in this table. Refer to the Revised Draft Oil & Gas Rules for the complete proposed regulations.

RULE CATEGORY	RULE OR RULE SUMMARY	SECTION/PAGE
<b>Health &amp; Safety</b>	<b>Health and Safety Requirements</b> Site-specific Emergency Action Plans and Tactical Response Plans are required; Amend after GIS data is available for the pad and access road; Update annually or whenever there is a change at the facility.	3.a. & b. Page 5
	Coordinate establishment of emergency evacuation routes with fire district	3.c. Page 6
	Maintain and provide 24-hour contact information for the operator; Maintain 24-hour contact information for contractors and subcontractors.	3.d. Page 6
	Maintain a Hazardous Materials Inventory Statement and provide it to the fire district and OEM on an annual basis	3.e. Page 6
	Provide a list of all reportable chemicals used or stored onsite to OEM and the fire district. The list of chemicals will be updated whenever new chemicals are added or removed, and the updated list must be provided promptly to OEM.	3.f. Page 6
	Provide access to any pad for inspections to the fire district and County staff upon reasonable advance notice.	3.g. Page 6
	Mark all wells and all well pads with directional signage in a conspicuous place at or near the intersection of the access road with the public road, from the time of initial drilling until final abandonment. The operator must maintain signs in a good and legible condition and must replace damaged signs within 14 days.	3.h. Page 6
	Place a sign with the operator's 24/7 contact information and the address for the COGCC complaint website at the entrance to the Oil and Gas Facility.	3.i. Page 6.
	Repair any damages to County infrastructure or property caused by operator's activities or omissions, or that is caused by any emergencies that occur at the facility, in compliance with the operator's Road Damage Agreement.	3.j. Page 6
	<b>Training</b> Conduct a coordinated training exercise with OEM and the fire district for at least one well pad every year.	3.k.i. Page 6
	2 NIMS online training courses are required for key personnel. <i>Note: courses are free.</i>	3.k.ii. Page 7
	<b>Fire Prevention and Procedures</b> Work directly with the fire district to determine if existing (emergency) response capabilities are adequate to serve the site. If additional response capabilities are deemed necessary by fire district, the operator will work	3.l.i. Page 7

	with the fire district to provide additional fire suppression or emergency response assets needed. The need for these additional assets must be judged on a case by case basis per well pad and may be viewed in terms of the cumulative impact of overall oil & gas development within the fire district having jurisdiction.	Revised by fire district after rules were published.
	No open burning, except flaring.	3.l.ii. Page 7
	<b>Incident Reporting</b> Report all emergencies to 911 upon discovery and as soon as reasonably possible to Office of Emergency Management and the County LGD. Formal incident reports are required for, but not limited to: spills, releases, uncontrolled release of pressure, loss of well control, vandalism, terrorist activity, fires, explosions, detonations, lightning strikes, any accidental or natural event that damages equipment, accidents resulting in fatalities, significant injuries or chemical exposures, or any condition or occurrence that threatens or harms safety on any of the operator's facilities. Submit formal written incident reports for all reportable incidents to OEM, the fire and the County LGD within 3 calendar days of the incident. When in doubt as to whether the incident is reportable, the operator will contact the County LGD.	3.m.i. Page 7
	Submit copies of any initial and supplemental spill report filed with the COGCC to the County LGD, OEM, and the fire district, as well as any associated remediation reports, all within 3 calendar days of filing with the COGCC.	3.m.ii. Page 7
	<b>Spill and Release Reporting</b> Provide the Spill Prevention, Control and Countermeasures (SPCC) Plan for each facility to the fire district and OEM prior to the start of production. Also provide to the fire district and OEM a list of hazardous chemicals used on site if required by the Emergency Planning and Community Right-to-Know Act and related regulations. If either the holding capacity of any planned on-site equipment or storage tanks is changed from what is identified in the SPCC or if the listing of hazardous chemicals is changed from what was identified in the SPCC, update the SPCC and provide the update to the fire district, OEM and the LGD.	3.n.i. Page 7
	Require field staff to carry spill response kits and store kits at each wellsite that are capable of mitigating small to mid-size spills (5 to 50 gallons).	3.n.ii. Page 8
	Submit all reports required under COGCC Rule 912.b (Reporting of Spills or Releases of E&P Waste, Gas or Produced Fluids) to OEM, the fire district and the LGD.	3.n.iii. Page 8
	Install automated safety systems on all new facilities before the commencement of production. The Surface Safety Valve or wellhead master control valve must be capable of remotely shutting the well in should upset conditions be detected. Quarterly testing is required.	3.n.iv. Page 8
	<b>Lightning Response</b> If damage is sustained due to a lightning strike, the entire facility must be shut in immediately and inspected by the operator prior to restarting.	4.a. Page 8

	<p><b>Setbacks</b></p> <p>a. All pad boundaries must be located at least:</p> <p>i. 2,000 feet from any occupied structure, unless the owner of the occupied structure requests a lesser setback and the fire district agrees to provide service to the facility. This setback also may be reduced through a USR with a public hearing and provided that the reduction in setback is justified by specific and extraordinary conditions of the proposed location that make compliance with the particular standard or requirement not reasonably achievable or unnecessary and a showing that granting the request will not be detrimental to public health, safety, or welfare or the environment. However, in no case may this setback be reduced below 500 feet.</p> <p>ii. 2,000 feet from the nearest boundary of a platted lot smaller than 15 acres in area. This setback also may be reduced through a USR with a public hearing as provided in Section 5-3.4 of the LDC and provided that the reduction in setback is justified by specific and extraordinary conditions of the proposed location that make compliance with the particular standard or requirement not reasonably achievable or unnecessary and a showing that granting the request will not be detrimental to public health, safety, or welfare or the environment. However, in no case may this setback be reduced below 500 feet.</p> <p>iii. 200 feet from any adjacent property’s boundary line.</p> <p>iv. 100 feet from public right-of-ways.</p> <p>v. 2,000 feet from a Designated Outside Activity Area.</p> <p>vi. 2,640 feet from the nearest property line of an operating or closed landfill.</p> <p>vii. Outside of a 100-year floodplain.</p> <p>viii. 500 feet from the outer edge of any riparian area, or any ordinary highwater mark of any perennial or intermittent stream channel, or for any perennial surface water body, whichever is more restrictive.</p>	<p>2.a.i.-viii. Pages 4-5</p>
	<p><b>Access Roads Setbacks</b></p> <p>All access roads must be located at least 250 feet from a residential or non-residential property line, excluding industrial zoned properties.</p>	<p>2.b. Page 5</p>
	<p><b>Reverse Setbacks</b></p> <p>No new occupied structure may be constructed less than:</p> <p>i. 250 feet from an existing Oil and Gas wellhead of any status (permitted but not drilled yet, drilling, completing, producing, active gas storage, injecting, shut-in, temporarily abandoned, dry and abandoned, or plugged and abandoned prior to 2014).</p>	<p>2.c. Page 5</p>

	ii. 150 feet from a plugged and abandoned oil and gas well or remaining equipment that was plugged and abandoned from 2014 onward	
<b>Operations</b>	<b>Secondary Containment for Onsite Storage Tanks</b> Secondary Containment, either constructed of steel berms with synthetic liners or earthen berms constructed of compacted soil and armored with cobbles, is required around aboveground produced water and crude oil storage tanks and must be of sufficient capacity and effective to contain at least 1.5 times the volume of the largest tank.	5.a. Page 8
	Secondary containment is required around any other aboveground storage tanks or containers of any liquid substance other than fresh water on well pads, including but not limited to solvents, methanol, fuels, coolants, antifreezes, or lubricants or lubricating oil, and must have sufficient capacity and be effective to contain at least 1.5 times the volume of the largest tank.	5.b. Page 8
	Inspect all secondary containment for evidence of discharge weekly and within 48 hours of any precipitation event sufficient to reduce the capacity of the secondary containment to less than 1.5 times the volume of the largest tank. Precipitation must be removed within 24 hours of an inspection.	5.c. Page 8
	Maintain written records of secondary containment inspections for at least 3 years and make these records available to the County upon the written request of the PWD Director.	5.d. Page 8
	<b>Disposal of Drill Cuttings</b> Dispose of drill cuttings at least twice weekly, at a State-approved solid waste facility. No onsite disposal is allowed.	6.a. Page 9
	<b>Pad Surface</b> The pad must be paved with either crushed granite or gravel, in a sufficient amount to eliminate mud-tracking offsite and to comply with the County's Grading Erosion and Sediment Control regulations.	7.a. Page 9
	<b>Number of Tanks</b> No Oil and Gas Facility will be permitted to have more than a combined total of nine (9) oil, produced water and/or condensate tanks, with a total Facility capacity of no more than 6,750 barrels.	8.a. & b. Page 9
Ask Bob about this distinction	<b>Groundwater Baseline Sampling and Monitoring</b> Conduct baseline sampling and testing of all water sources located within a 1/2 mile radius of a facility, if requested by the owner of any water source or owner of land upon which a water source is located. If no water sources are available in a 1/2 mile radius of the proposed facility, sample and analyze up to 2 down-gradient water sources in a 1-mile radius of the proposed facility. Written results of baseline testing must be provided to the requesting property owner, COGCC and the County.	9.a. Page 9

	<p>Perform water sampling and testing in accordance with the standards and requirements in COGCC's Rule 615 a. through f., except for 615 b. (2) and 615 c. (1).</p> <p><i>Note: b. (2). Allows an exception if a water well is not well-maintained; c. (1) allows an exception if no water sources are available within ½ mile.</i></p>	9.b. Page 9
	The requirement to test a well upon request does not apply if the water well has already been tested by any operator and the operator is able to furnish the results to the County or if access is denied.	9.c. Page 9
	Sample, on a one-time basis, down-gradient and perennial surface water within a ½ mile of a proposed well pad prior to the construction phase.	9.d. Page 9
	Provide a letter notice to all owners of properties within a 1/2 mile radius of a proposed pad with a water well listed in the Colorado Division of Water Resources database, to inform those water well owners of the opportunity to have their water wells sampled prior to drilling.	9.e. Page 9
	For all water sources for which the operator has performed initial baseline sampling in accordance with these regulations, the operator must also perform subsequent sampling and testing on the schedule specified in and in accordance with COGCC's rules. The written results of subsequent testing must be provided to the requesting property owner, COGCC and to the County.	9.f. Page 9
	<p><b>Access Road Standards</b></p> <p>Prior to construction of the pad, the operator will connect the site via an access road designed to support an imposed load of 75,000 pounds that will accommodate emergency response vehicles such as, but not limited to, law enforcement, emergency command vehicles (cars/SUVs), ambulances, etc.</p>	11.a. Page 11
	Construct access roads to be at least 16' wide with at least 4" of road base.	11.b. Page 11
	<p>Maintain access roads in good condition, suitable for emergency vehicle use until the facility has been plugged and abandoned.</p> <p>Make best efforts to improve inadequate access to existing tank battery sites identified by the fire district or County as determined through service calls and demonstrated problems of access to the site.</p>	11.c. & d. Page 11
	The County and/or appropriate emergency response agency may conduct spot inspections of access roads to ensure that emergency access in accordance with this section is maintained.	11.e. Page 11
	<p><b>Locks/Emergency Access Hardware</b></p> <p>Provide approved emergency access hardware for any locked facility gates or access points.</p>	15.a. Page 12
	<p><b>New Technologies</b></p> <p>The County may require modifications to equipment for drilling, completion, or production operations to incorporate new technologies for reduction of noise, odor, dust or for mitigating other surface impacts caused by the facility or its operations if new technologies are technologically sound, economically practical, and commercially available to the operator.</p>	20. Page 14
	<b>Compliance With Laws and Regulations</b>	21. Page 14

	The Oil and Gas facility must be operated in compliance with all applicable federal, state, and local laws and regulations.	
<b>Quality of Life</b>	<b>Noise Mitigation Requirements</b> Noise emitted from the facility pad must not exceed 60 dBA (high frequency) or 65dBC (low frequency), measured at the nearest property line of the property with the nearest occupied structure.	10.a. Page 9
	During the day (7 AM to 7 PM) the maximum permissible noise levels may be increased 10 dB(A) for a period not to exceed 15 minutes in any 1-hour period. The increase is permissible only for a 1-hour period during any 12 hours.	10.b. Page 10
	The operator may apply for a modification or waiver to exceed the maximum noise limits if the facility is proposed to be located in an area with high ambient noise levels or the facility is sufficiently remote.	10.c. PAGE 10.
	An ambient noise survey is required for each proposed pad no more than 90 days prior to application to establish baseline noise level. The ambient noise survey will be used for noise modelling.	10.d. Page 10
	The noise survey and the noise modeling will be used to create a Noise Mitigation Plan for keeping sound emissions from the site within the Maximum Permissible Limit. The Noise Mitigation Plan will describe noise mitigation practices, equipment, strategies, infrastructure, or other strategies to be used and implemented at the facility in order to comply with the Maximum Permissible Level of noise. An update the Noise Mitigation Plan is required for any changes in equipment that may reasonably be expected to affect the ambient noise levels at the site or if the facility is not constructed within two (2) years of the date of the County's approval. The Noise Mitigation Plan must also be updated if any new occupied structure is constructed within 2,000 feet of the pad boundary, between the time of approval and the commencement of drilling.	10.e. Page 10
	If the noise modeling indicates that noise levels for either or both A-Scale (dBA) and C-Scale (dBC) noise (high frequency or low-frequency) for drilling and completion will exceed the Maximum Permissible Level at the property line of any property with an occupied structure, where that structure is within 2,000 feet of the pad, additional noise mitigation measures will be required as necessary to achieve the Maximum Permissible Level.	10.f. Page 10
	If the noise modeling indicates that drilling or completion activity or production equipment on a well pad without noise mitigation will exceed the Maximum Permissible Limit, notwithstanding other mitigations that may be proposed in the Noise Mitigation Plan, sound walls must be constructed prior to both drilling and completion commencing.	10.g. Page 10
	The Noise Mitigation Plan must address noise/vibration through sound walls and other practices such as, but not limited to, utilizing electric equipment, Tier 4 diesel engines, installing mufflers or covers on noisy equipment or the use of Quiet Fleet™, or similar noise mitigation. If sound walls will be required for mitigation of noise during completion, they must be erected prior to drilling.	10.h. Page 10
	Additional mitigations, as necessary to achieve the compliance with the Maximum Permissible level, must be described and used by the operator if C-scale noise levels (low frequency) are increased to the larger of either (i) 5db over ambient or (ii) 65 dBC at the property line of the property upon which the nearest occupied	10.i. Page 11

	structure exists. The County may require larger setbacks and/or sound walls or other structures on a case-by-case basis	
	Follow the most recent and most appropriate BMPs to reduce noise related to drilling and completion	10.j. Page 11
	No unloading of tubular goods from 8 PM to 7 AM unless there are no occupied structures within 2,640 feet.	10.k. Page 11
	Engine idling must be minimized.	5-3.6.F.10.l. Page 11
	Provide a 24-hour contact number for noise complaints on the facility sign required at or near the intersection of the access road with the public road, as well as the COGCC's complaint website.	10.m. Page 11
	<b>Odor Mitigation</b> Prevent odors from migrating offsite during drilling by using low-odor Category III drilling fluid, unless a waiver or modification is allowed.	12.a. Page 11
	No pits are allowed. Closed-loop systems must be used in place of pits.	12.b. Page 11
	Proactively respond to and address odor complaints.	12.c. Page 11
	The operator may be required to address odor complaints with additional measures such as wiping down drill pipe, increasing mud additives, using filtration systems, enclosing shale shakers and frequently transporting drill cuttings offsite for disposal.	12.d. Page 11
	<b>Site Lighting</b> All site lighting must be directed downward and inward to prevent light spillage outside the pad.	13.a. Page 12
	Wherever possible, lights will be mounted on the inside of the sound wall.	13.b. Page 12
	Any lights not concealed by a sound wall must be full cutoff or shielded/screened to minimize the amount of light leaving the pad.	13.c. Page 12
	During the production phase, site lighting will be turned off between the hours of 10:00 PM and dawn. Motion-sensing lights may remain active during those hours.	13.d. Page 12
	The operator may be required to address lighting complaints with additional measures.	13.e. & 13.f. Pages 12-13
	<b>Visual Mitigation</b> Design well pads within 1,320 feet of a property line of a property containing an occupied structure, a platted lot, or a parcel of 40 acres or smaller, with some form of visual mitigation, to include but not be limited to, low-profile production equipment, solid fencing, berming, or landscaping.	14.a. Page 12

	Install landscaping or fencing around the perimeter of the pad within one year of the first well's completion. Screening will be designed to minimize visual impacts from adjacent properties and the nearest streets.	14.b. Page 12
	Maintain pads free of vegetation, rubbish and debris, except vegetation required for interim reclamation.	14.c. Page 12
	Storage of equipment not associated with a specific pad is prohibited on that pad.	14.d. Page 12
	Privacy or solid fencing must be Class 5 – Solid Fencing as defined in section 4.3 of the Land Development Code, at least 8 feet high and painted or stained with natural wood colors.	14.e. Page 12
	Use existing natural contours and existing vegetation to conceal the site from view whenever possible.	14.f. Page 12
	Minimize the size and number of tanks and equipment on a production pad whenever possible. Use pipelines to reduce the size and number of tanks and equipment on a production pad when possible.	14.g. Page 12
	<b>Traffic Mitigation and Reduction Measures</b> Make best efforts to limit heavy truck traffic on County roads during peak commuting hours and during school bus hours.	16.a. Page 12
	Use pipelines for the transport of produced water and hydrocarbon liquids from the well pad, whenever possible.	16.b. Page 12
	To reduce traffic the operator is allowed to use temporary surface lines for transportation of water needed during drilling and completion activities or Modular Large Volume Tanks (MLVTs) for storage of water needed during drilling and completion. Provided that the MLVT is located on or contiguous with the Oil and Gas pad, the MLVT may be approved with the Administrative USR application or by amendment to an approved Administrative USR. The operator may use County Road Right-of-Way, and County drainage culverts, where practical, for the laying and operation of temporary water lines on the surface, provided that the County's Engineering Services Division approves the locations of the temporary water lines through a street-cut/right-of-way permit issued in accordance with the Arapahoe County Infrastructure Design and Construction Standards. Temporary water lines will be buried at existing driveway and gravel road crossings, unless the PWD Director approves an alternative to burying the lines.	16.c. Page 12
	Execute a Road Damage Agreement for the site or a field wide Road Damage Agreement for all sites within the County prior to commencing construction of a facility.	16.d. Page 13
	Provide the County with a truck access route, consistent with the Road Damage Agreement, for evaluation and approval. The County may require a route that minimizes impact on nearby residents and/or a particular County roadway.	16.e. Page 13
<b>Wildlife, Wetlands, Floodplains, Riparian Areas and</b>	<b>Wildlife, Wetlands, Riparian Areas and Stream Channel Measures</b> The operator must implement the recommendations of Colorado Parks & Wildlife (CPW) that address any site-specific site conditions, unless a waiver or modification is approved.	17.a. Page 13



<b>Stream Channel Measures</b>		
	Wetlands boundaries must be determined by a Professional Wetland Scientist (PWS) and those boundaries must be indicated on the Administrative USR plan.	17.b. Page 13
	Crossings of defined streambed and banks (stream channels) by flowlines and pipelines must be bored underneath and not trenched.	17.c.. Page 13
	All crossings of riparian areas by flowlines and pipelines must be bored under, starting 500 feet from the edge of the riparian area. All crossings of riparian corridors by access roads will be constructed with culverts, approved by Engineering Services Division.	17.d.. Page 13
	Avoid constructing in CPW-mapped High Priority Habitats (HPH) to the maximum extent possible. If an operator elects to construct in an HPH polygon, they will be subject to minimization and/or mitigation measures as specified in COGCC's 1200 Series Rules, as well as any other applicable CPW recommendations.	17.e. Page 13
	Fencing that bisects streams is prohibited.	17.f. Page 13
	<b>Floodplains/Floodways Restrictions</b> Storage of hazardous or floatable materials in the floodplain is prohibited.	18.a. Page 13
	Facilities cannot be located in a floodplain. Access roads, and underground pipelines and flowlines are permitted to cross floodplains provided that they are designed to meet Arapahoe County Floodplain Regulations and the Infrastructure Design and Construction Standards or other applicable Engineering Standards and those crossings are in accordance with a floodplain permit issued by the Arapahoe County Floodplain Administrator in accordance with Section 5-4.3 of the Land Development Code.	18.b. Page 13
<b>Process Improvements</b>	<b>Neighborhood Meeting</b> Conduct a neighborhood meeting to describe and take neighbors' input on the proposed facility prior to submitting an application. Send notification of the meeting to the Planning Division and to property owners and registered homeowners' associations within 1 mile of the proposed facility boundary. Meetings may be conducted in person or in a virtual or remote meeting platform. Notice of the meeting must be sent no less than 15 days prior to the meeting. At the meeting, the applicant must provide information concerning the development plans for the specific facility, including the timing and phasing of construction, drilling and completion, the planned access route, and mitigations planned to address noise, light, odor, traffic, and visual impacts. Include a summary of the neighborhood meeting a list of attendees from the sign-in sheet(s) with the application.	2. Page 3
	<b>Application Notice Requirements</b> Provide written notification by U.S. Mail to all property owners of record, all occupied residences if occupants are different from record owner, and all registered homeowners' associations for residential subdivisions	3.a.& 3.b. Page 3

	<p>where any portion of the platted subdivision’s boundary is within 1 mile of the pad boundary of the proposed facility at the time of application for an Administrative USR. The property owners of record will be those identified in the County Assessor’s property records.</p> <p>Within 5 days of filing an application, post a sign with the case number and type of case (Oil and Gas Facility), the phone number of the Planning Division and the distance from the sign to the facility. The sign must meet the format specified in Section 5-2.2.A.3 of the Land Development Code and must be posted for at least 14 consecutive days. The sign must be posted adjacent to and off the shoulder of the County road or other public highway, and at or near the intersection of the proposed facility’s access road and the public road, outside of the right-of-way or at such other location acceptable to and approved by Planning Division staff.</p>	
	<p><b>Waiver Requests</b></p> <p>An applicant may apply for a waiver or modification of the following requirements for a proposed facility: 1) neighborhood meetings, 2) the burying of temporary water lines at driveway and gravel road intersections, visual mitigation, or 4) any other matter specifically identified as being eligible for a waiver or modification in this Section 5-3.6. A request to waive or modify a regulation must be made in writing at the time of application and will be evaluated on the merit of the individual request. Requests must be justified by specific and extraordinary conditions of the location that make compliance with the particular standard or requirement not reasonably achievable or unnecessary and a showing that granting the request will not be detrimental to public health, safety, or welfare or the environment and is not otherwise inconsistent with the intent and purpose of the standard or requirement. A request under this Section 5-3.6.E.5 must be submitted to the Director of PWD for decision. The applicant may appeal that decision to the BoCC. A request for a waiver for a proposed facility will be decided in accordance with provisions of this Section 5-3.6.E.5 and is not processed through the procedures for variances specified in Section 5-5.4 of the LDC or subject to review by the Arapahoe County Board of Adjustment.</p>	<p>5. Page 4</p>
	<p><b>Regular Meetings</b></p> <p>The operator of any facility approved under these rules as an administrative USR or USR must meet with the Director of PWD or his/her designee annually to monitor and discuss pertinent issues associated with the operator’s facility or facilities in unincorporated Arapahoe County. At Regular Meetings, the operator and the Director or his/her designee will discuss the operator’s updated development plans, required reporting and recordkeeping, updates to the field-wide Emergency Response Plan (ERP), the facility-specific Emergency Action Plans (EAPs) and Tactical Response Plans (TRPs), outstanding training requirements, any health and safety issues, and potential implementation of new technology. An annual meeting may be conducted as a field visit to the operator’s facility/facilities and may be conducted more often than annually if desired by the operator. Additional meetings in any year may be required as necessary to address incidents, operational issues, or other issues related to the facility/facilities.</p>	<p>F.1. Page 4</p>

	<p><b>Notification of Commencement of Geophysical Exploration/Seismic Testing, Construction, Drilling, Completion, and Flaring</b></p> <p>Provide advance written notice to the Planning Division of the projected commencement of geophysical exploration/seismic testing; the construction phase, drilling phase, and completion phase of each new well; and each workover one week prior to the start of each phase.</p>	19.a. Page 14
	<p>Report flaring to the County LGD via email or text message prior to flaring whenever possible, or during the flaring event.</p>	19.b. Page 14
	<p><b>Action to Approve, Conditionally Approve or Deny</b></p> <p>The PWD Director may approve, approve with conditions, or deny an Administrative USR application for any facility. Written notice of the decision will be promptly provided to the applicant, and, if denied, the notice will include a statement of the reason(s) for denial.</p>	G.1. Page 14
	<p><b>Revocation of Approval</b></p> <p>Approval may be revoked, after notice of the grounds for a proposed revocation and a hearing before the BoCC, if the operator fails to meet or fails to continue to meet any requirements of the Land Development Code or any Conditions of Approval governing the installation and operation of a facility. The hearing will be conducted as a general business item at a regular meeting of the BoCC. At that hearing, the Planning Division will present evidence of the grounds for revocation of the approval and the operator will be afforded the opportunity to present evidence in response to the proposed revocation. The operator may appeal the BoCCs' decision in accordance with Rule 106(a)(IV) of the Colorado Rules of Civil Procedure.</p>	G. 2. Page 14
	<p><b>Recordation</b></p> <p>Arapahoe County PWD will record the approved permit for an Administrative USR or for a USR and the approved site plan in the Arapahoe County Clerk and Recorder's Office within 30 days of the approval. The applicant will pay any recordation fees.</p>	G.3. Page 14
	<p><b>PWD Director's Discretion to Refer to the Board</b></p> <p>In lieu of the PWD Director making a decision on an application, the Director has the discretion to refer any application for an Administrative USR or amendment to the Board for its consideration and decision at a public hearing. The Board will make its determination based upon the requirements of these rules. Compliance with the notice requirements is required prior to the Board hearing. At such a public hearing, the Board may approve, approve with conditions, or deny the application.</p>	G. 4. Pages 14 & 15
	<p><b>Expiration of Approval</b></p> <p>An approval of the Administrative USR will automatically expire 3 years after the date of recordation, unless the facility is already substantially commenced by drilling at least one well on a pad.</p>	G. 5.a. Page 15
	<p>For good cause shown, the Planning Division Manager or designee may grant a time extension to the expiration date, upon a written request. Such request must be submitted in writing to the Planning Division Manager no less than 60 days before the date of expiration of the approval.</p>	G.5.b. Page 15
	<p>The Board may, for good cause shown, grant an additional extension for an additional one-year period.</p>	G.5.c.

		Page 15
	If drilling of one well is not completed within the time allowed under the original permit or any granted, the approval will lapse and a new application is required. After a lapsed approval, the facility may be constructed, completed, or produced only in compliance with the Land Development Code in effect at the time of the new application.	G.5.d. Page 15
	<b>Permits Required Prior to Commencement of Operations</b> An Access Permit issued under the Infrastructure Design and Construction Standards, a GESC Permit, a Roadway Damage Agreement and Oversize/Overweight Vehicle Permit will be required prior to the development of a facility. A Floodplain Development Permit will be required prior to any work within a floodplain. A Building Permit may be required prior to construction of structures or the erection of equipment within the facility in accordance with the Arapahoe County Building Code.	6.a. Page 15
	<b>Appeal of Decision on Application for Administrative Use by Special Review</b> An applicant may appeal the PWD Director’s denial of an application for an Administrative USR for a facility, denial of a waiver request, or any conditions of approval, to the BoCC for a de novo hearing. The Applicant must file the appeal within 14 calendar days of the date of the Director’s decision by submitting a letter of appeal to the Planning Division Manager. The matter will be scheduled on the next available agenda of the Board, following public notice required by Section 5-3.4.C.2. At the hearing, the Board may affirm, reverse, or modify the decision of the PWD Director, based on the criteria in this Section 5-3.6.	7.a. Page 15
	<b>Administrative Amendment</b> If the applicant proposes changes from the plans approved through the Administrative USR, including but not limited to any changes in the source or location of water to be used at the facility, the type and size of equipment on the facility or visual mitigation measures, applicant is required to submit an amendment to the approved Administrative USR plans showing the proposed changes. The PWD Director may approve, conditionally approve, or deny the proposed amendment. The proposed amendment will be reviewed by PWD staff. The amended application must meet all requirements of these rules and be approved in writing. If the BOCC approved the original application on appeal, as a USR, or by reason of its otherwise having been elevated to the BOCC for decision, the proposed amendment will be referred to the BOCC for consideration and decision after a public hearing. The PWD Director may exercise his/her discretion to elevate any proposed amendment to the BOCC for consideration and decision. Upon recommendation of PWD Staff, the PWD Director may waive the need for amendment of the Administrative USR or other BOCC approved Oil and Gas Facility permit provided that the proposed change is found to be minor, with no material effect to or departure from the original approval, and without the potential for significant surface impacts to public health, safety, welfare, or the environment at the site.	H.1. Page 15
	<b>Transfer/Sale of Facilities to a New Operator</b> The operator must notify the Planning Division in writing within seven days of the closing of any transfer of an Oil and Gas Facility or Facilities to a different operator or other successor owner. Prior to commencing any	5-3.6.I. Page 16

	operations at the site of the transferred facility, the new operator or successor owner must first provide the following to the County: (1) Letter authorizing the transfer to the new operator and the new operator’s written acceptance of responsibility and agreement to all terms and conditions of the approval; (2) A meeting with the LGD to discuss any pertinent issues, including plans to install a pipeline; (3) Updated Emergency Response Plan(s) and Tactical Response Plan(s) with contact information for at least 2 employees of the new operator.	
	<b>Non-Administrative Approval Process</b> A USR approval for a facility may also be requested through the non-administrative/public hearing process.	J. Page 16
	<b>Plan Format</b> The site plan must comply with the requirements of the Development Application Manual, Non-Administrative USR for Energy Facilities. In addition, the final document must be submitted in both paper and electronic forms instead of Mylar, notwithstanding the requirements for a USR contained in the Development Application Manual.	J.1. Page 16
	<b>Criteria and Standards</b> In addition to the criteria set forth in Section 5-3.4 of the LDC, an application for USR for a facility will also be evaluated under the criteria specified in Section 5-3.6.D and must comply with the Standards specified in Section 5-3.6.F above, and be operated in compliance with the requirements of this Section. In addition, the provisions of Section 5-3.6.G.1 through 7 will apply to a facility approved as a USR. Also, Section 5-3.6.I will apply to the transfer of any facility approved by a USR.	J.2. Page 17
	<b>Expiration of Approval</b> A USR will automatically expire three (3) years after the date of recordation, unless the facility well pad is already substantially commenced by drilling at least one well. The operator may request an extensions as described above.	J.3. Page 17
	<b>COGCC and County Approvals Required</b> Development of a facility must not commence until and unless any required permits from the State or County, and a USR (administrative or non-administrative) from the County, have both been approved.	K. Page 17

Notes:

Please see the Oil & Gas Definitions for terms used in the rules.

Abbreviations: LGD – Local Government Designee  
OEM – Office of Emergency Management  
LDC – Land Development Code  
USR – Use by Special Review  
BoCC – Board of County Commissioners