



Arapahoe County

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Board Summary Report

File #: 22-535

Agenda Date: 9/27/2022

Agenda #:

To: Board of County Commissioners

Through: Bryan Weimer, Director, Public Works & Development

Prepared By: Diane Kocis, Energy Specialist, Jason Reynolds, Planning Division Manager, Public Works & Development

Presenter: Diane Kocis, Energy Specialist, Public Works & Development

Subject:

10:30 AM *Discussion of Amendment of the Land Development Code to Include New Language to Allow 24/7 Hours of Operation of Commercial Injection Facilities (Case LDC22-002)

Purpose and Request:

The purpose of this study session is to seek BOCC direction on the proposed text change to allow 24/7 hours of operation of commercial injection facilities related to oil and gas extraction operations, with limitations on heavy wastewater trucks entry/exit allowed only between the hours of 7 a.m. to 7 p.m., as an amendment to the existing Land Development Code (LDC) language.

Background and Discussion: At their meeting on January 24, 2022, the Board of County Commissioners directed staff to proceed with a LDC amendment to allow commercial injection facilities related to oil and gas extraction operations to operate 24 hours/7 days a week in January of 2022. Currently, the LDC only allows these facilities to operate from 7 a.m. to 7 p.m. Those hours were established in 2019 based on the Board's concerns about nighttime noise from truck traffic on county roads. These facilities do not generate noise at their property lines above state limits because the injection equipment operates at noise levels below normal human conversation; the largest source of noise would be from truck deliveries to the site. This amendment to the hours of operation would include a restriction on truck traffic hours to and from these facilities whereby trucks would only be allowed to enter and exit this kind of facility between the hours of 7 a.m. to 7 p.m., to address the Board's concern about nighttime noise from truck traffic.

The Board provided this direction when staff was processing a commercial injection facility application. The applicant explained that these facilities need to operate 24/7 to be economically viable and the 24/7 nature of wastewater generation from oil and gas fracking and production. Staff referred the draft code revision to outside agencies and industry stakeholders on March 28, 2022, and received no objections, with one respondent in favor of the amendment. The Planning Commission voted 6-0 in favor of the amendment on May 17, 2022. While the initial application was eventually withdrawn, this amendment would allow any future applications to be processed with this truck traffic restriction and 24/7 hours of wastewater injection.

Fiscal Impact: No direct fiscal impact is anticipated.

Alternatives: The Board of County Commissioners has two alternatives:

1. Direct staff to schedule a public hearing on the Land Development Code amendment.
2. Direct staff to cease processing the proposed amendment.

Alignment with Strategic Plan:

- ☐ Be fiscally sustainable
- ☒ Provide essential and mandated service
- ☒ Be community focused

Staff Recommendation: Staff recommends that this LDC amendment be approved, as recommended by the Planning Commission on May 17, 2022.

Concurrence: The Public Works & Development Department director and Planning Division managers concur with the Planning Commission's recommendation for approval of this LDC amendment. On May 17, 2022, the Planning Commission voted 6-0 to recommend approval of the proposed rules to the Board.