ARAPAHOE COUNTY

Arapahoe County

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Legislation Details (With Text)

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Title:	Potential Land Development Code Amendment to Allow 24/7 Operation of Commercial Injection Facilities without 24/7 Trucking		
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Attachments:	1. Board Summary Report, 2. December 7, 2021 Board Study Session		

Date	Ver.	Action By	Action	Result

To: Board of County Commissioners

Through: Bryan Weimer, Director, Public Works & Development

Prepared By:

Diane Kocis, Energy Specialist, Public Works & Development

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

Subject:

Potential Land Development Code Amendment to Allow 24/7 Operation of Commercial Injection Facilities without 24/7 Trucking

Purpose and Request:

The purpose of this Study Session is to seek direction from the BOCC on whether Planning Division staff should initiate a Land Development Code amendment to allow 24/7 operations at commercial injection well facilities, with trucking only allowed between the hours of 7:00 a.m. and 7:00 p.m.

Background and Discussion: The current Land Development Code (LDC) limits commercial injection facility operations to 7:00 a.m. to 7:00 p.m. This provision of the LDC was added as part of an amendment to

formalize the land use process for such facilities and was based primarily on the anticipated nighttime noise from trucking. Staff met with the Board on December 7, 2021, to seek direction for a potential LDC amendment that would allow commercial injection facilities to operate these types of facilities 24/7 and allow trucking of produced water to these facilities 24/7. The Board elected to keep the hours of operation restriction, based on concerns about nighttime noise from trucks, some of which might come from trucks entering Unincorporated Arapahoe County (UAC) from other jurisdictions. After the December 7, 2021, decision by the Board to not expand the hours of operation or allow 24/7 trucking of produced water to these kinds of facilities, the current commercial injection facility applicant proposed operators piping the wastewater to the facility and only accepting trucks during the hours of 7:00 a.m. and 7:00 p.m. The applicant has stated that injection well facilities would not be economic unless they are allowed to inject 24/7. Truck traffic would be the noisiest part of the process as the injection pumps are relatively quiet. Currently, produced water trucks travel to injection facilities in Weld County. Staff requests direction from the Board on allowing 24-hour operations at injection wells, with a restriction prohibiting truck deliveries between 7:00 p.m. and 7:00 a.m.

Fiscal Impact: The expansion of hours of operation for commercial injection facilities would have no fiscal impact on the County.

Alternatives: The Board can direct staff to initiate a LDC amendment to allow 24-hour operation for commercial injection facilities, with a restriction prohibiting truck deliveries to such facilities between 7:00 p.m. and 7:00 a.m, or the Board can direct staff not to initiate a LDC amendment for expansion of the hours of operation for commercial injection facilities and instead retain the existing LDC language.

Alignment with Strategic Plan:

☐Be fiscally sustainable

☒Provide essential and mandated service

☐Be community focused

Staff Recommendation: Staff recommends processing a change to the Land Development Code concurrent with the current injection well application. The impacts of 24-hour operations, allowing truck traffic only during the hours of 7:00 a.m. to 7:00 p.m., would be evaluated during the review process for that code amendment.

Concurrence: This report has been reviewed by Public Works and Development and the County Attorney's Office.

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