



Legislation Details (With Text)

File #: 21-825 **Version:** 1

Type: Presentation **Status:** Agenda Ready

File created: 11/23/2021 **In control:** Board of County Commissioners Study Session

On agenda: 12/7/2021 **Final action:**

Title: 11:30 AM *Potential Land Development Code Amendment to Allow 24/7 Operation of Commercial Injection Facilities

Sponsors:

Indexes:

Code sections:

Attachments: 1. March 18, 2019 Board Study Session, 2. Board Summary Report, 3. August 8, 2019 Board Study Session

Date	Ver.	Action By	Action	Result
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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

11:30 AM *Potential Land Development Code Amendment to Allow 24/7 Operation of Commercial Injection Facilities

Purpose and Request:

The purpose of this presentation is to seek direction from the Board of County Commissioners (BOCC) on whether Planning Division staff should initiate a Land Development Code (LDC) amendment to allow 24/7 operations at commercial injection well facilities.

Background and Discussion: Expedition Water Solutions, a commercial company that disposes of produced water from oil and gas wells through deep injection, submitted a USR+1041 application to the Planning Division in July 2018 and a Certificate of Designation (CD) application to the Colorado Department of Public Health and Environment (CDPHE) for review and recommendation in June 2018. The applicant proposed to

construct and operate a commercial injection well facility within unincorporated Arapahoe County. The facility would offer disposal of produced water (E&P waste) by deep well injection on the site. Expedition Water Solutions would like to be able to offer the service to oil and gas operators for disposal at their proposed facility 24/7 either by piping or trucking and intends to operate 24/7.

The applicant has stated that the facility would not be economic unless they are allowed to operate 24/7; without 24/7 operations, the applicant would not build the facility. Truck traffic would be the noisiest part of the process as the injection pumps are relatively quiet and housed inside a building. Injection-related noise would not migrate offsite. However, the Land Development Code limits commercial injection facility operations to 7:00 am to 7:00 pm. This provision of the Land Development Code 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.

Expedition Water Solutions expressed concerns about the hours of operation restriction in 2019, and staff presented their request for additional hours at a Board study session after the Board adopted the revised Land Development Code. At the time, the Board elected to keep the hours of operation restriction. It is important to note:

- 1) Oil and gas-related trucks are already on the roads during the night. Oil and gas operations take place 24/7 and this facility would support those 24/7 oil and gas operations; and
- 2) 70% of the truck traffic to this facility would be during the day.

Only 1-2 produced water trucks per hour are expected to travel to this facility during the hours of 7 p.m. to 7 a.m., rather than going to injection wells in Weld County. Before staff provides comments to the applicant from review of the 7th submittal of the USR+1041 application, staff requests direction from the Board as to whether to revisit the commercial injection hours of operation language.

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

Alternatives: The Board can direct staff to initiate a LDC amendment to allow 24/7 hours of operation for commercial injection facilities 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 bringing forward a change to the Land Development Code for consideration of the Board of County Commissioners on a time frame concurrent with the EWS applications. The impacts of 24-hour operations would be evaluated during the review process for the proposed code amendment.

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