

TOWN OF ERIE
ORDINANCE NO. 18___ -2020

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF ERIE,
COLORADO, AMENDING TITLE 10 CHAPTER 12 OF THE UNIFORM
DEVELOPMENT CODE BY ADDING SECTION 10.12.6, EXISTING OIL
AND GAS OPERATIONS.

WHEREAS, pursuant to the Land Use Control Enabling Act (Article 20 of Title 29, C.R.S), the Town of Erie ("Town") has the power to plan for and regulate the use of land within the community, including regulating surface impacts of oil and gas operations in a reasonable manner to protect public health, safety, welfare and the environment; and

WHEREAS, the Board of Trustees of the Town ("Board of Trustees") has determined that certain requirements for oil and gas operations existing prior to adoption of the Uniform Development Code Title 10 Chapter 12, Regulations for Oil and Gas Operations ("UDC Title 10 Chapter 12") are necessary to protect the health, safety and welfare of the community and its citizens; and

WHEREAS, pursuant to UDC 10.7.21 the Planning Commission has reviewed the proposed amendment of UDC Title 10 Chapter 12 to include requirements for existing oil and gas operations ("Proposed Amendment"), and recommended that the Board of Trustees deny approval of the Proposed Amendment based on the Commission's findings that:

- the Proposed Amendment does not adequately address promotion of the public health, safety, and general welfare;
- the Proposed Amendment is inconsistent with the policies of the Town's Comprehensive Master Plan and the stated purposes of the Uniform Development Code;
- the Proposed Amendment is inconsistent with being able to make a decision at this time;
- The Planning Commission would like to see a process that includes due diligence and the Commission has proper success criteria that can be measured; and

WHEREAS, proper notice of the public hearing to consider this ordinance adopting the Proposed Amendment has been accomplished; and

WHEREAS, the Board of Trustees has determined that it is in the best interest of the citizens of the Town of Erie, Colorado to amend the Uniform Development Code as set forth herein below.

NOW BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF ERIE,
COLORADO, THAT:

Section 1. Amendment to the Text of the Uniform Development Code. Title 10 Chapter 12 of the Uniform Development Code is hereby amended to add a new section 10.12.6 to read as follows:

10.12.6 Existing Oil and Gas Operations. All existing Oil and Gas Operations and significant expansion or modification of existing Oil and Gas Operations as determined by the LGD shall be subject to the requirements of UDC Title 10, Chapter 12, Regulations for Oil and Gas Operations.

A. Registration of Existing Oil and Gas Operations

Oil and Gas Operations existing at the effective date of these Regulations, including wells that are out of production and wells that are temporarily abandoned or abandoned, must be registered with the Town within thirty (30) days of the effective date of these Regulations. Any modification or expansion of an existing operation shall require an Oil and Gas Permit pursuant to 10.12.2, *et.seq.* of the UDC.

1. Submit Registration Materials

Operator shall submit the registration materials described in subsection A.2, below, and all applicable fees to the LGD.

2. Registration Materials

The following materials are required for registration of Oil and Gas Operations:

- a. Completed Oil and Gas Operation Registration form.
- b. Copy of maps and flowline records submitted to COGCC.
- c. Copy of the Emergency Response Plan.
- d. Copy of current SPCC Plan.
- e. Emissions record from previous calendar year.
- f. Copy of most recent Operator's Monthly Report of Operations submitted to COGCC.
- g. For shut-in wells:
 - i. A map at a scale designated by the Town showing the location, including GPS location, of each shut-in well and denoting the age; size, and the maximum pressure at which it is operated; and its depth from the surface.
 - ii. Copy of the most recent mechanical integrity test report submitted to COGCC for each shut-in well.
- h. For abandoned and temporarily abandoned wells:
 - i. A map at a scale designated by the Town showing the location, including GPS location, of abandoned and temporarily abandoned wells.
 - ii. Copy of the most recent mechanical integrity test report submitted to COGCC for each temporarily abandoned well.
 - iii. Copy of Form 6 Notice of Intent to Abandon submitted to COGCC.
 - iv. Quarterly inspections of temporarily abandoned and shut-in wells for surface impacts.

B. Decommissioned and Abandoned Oil and Gas Well Assessment and Monitoring Prior to and Following Fracturing

Prior to any hydraulic fracturing, and at periods following hydraulic fracturing, Operator shall conduct assessment and monitoring of oil and gas wells that are plugged and decommissioned or removed from use or dry and removed from use (abandoned wells) within one-quarter (1/4) mile of the projected track of the borehole of a proposed well. Operator shall obtain permission from each surface owner who has an abandoned well on the surface owner's property to access the property in order to test the abandoned well. If a surface owner has not provided permission to access after thirty (30) days from receiving notice, the applicant shall not be required to test the abandoned well.

1. Assessment shall include:
 - a. Based upon examination of COGCC and other publicly available records, identification of all abandoned wells located within one-quarter (1/4) mile of the projected track of the borehole of a proposed well.
 - b. Risk assessment of leaking gas or water to the ground surface or into subsurface water resources, taking into account plugging and cementing procedures described in any recompletion or plugged and abandoned report filed with the COGCC.
 - c. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well prior to hydraulic fracturing
 - d. Soil gas surveys from various depths and at various distances, depending on results of risk assessment, of the abandoned well within one (1) year and then every three (3) years after production has commenced.
2. Operator shall notify the LGD and COGCC of the results of the assessment of the plugging and cementing procedures.
3. Results of the soil gas survey shall be provided to the LGD and the COGCC within three (3) weeks of conducting the survey or advising the LGD that access to the abandoned wells could not be obtained from the surface owner.
4. If contamination is detected during any soils testing, no further operations may continue until the cause of the contamination is detected and resolved and the Town has given its approval for additional operations to continue.
5. Operator shall conduct Bradenhead monitoring. Operator shall equip the Bradenhead access to the annulus between the production and surface casing, as well as any intermediate casing, with a fitting to allow safe and convenient determinations of pressure and fluid flow. Valves used for annular pressure monitoring shall remain exposed and not buried to allow for visual inspection. The Operator shall take Bradenhead pressure readings on a monthly basis and report those readings to the LGD. Such readings shall include the date, time, and pressure of each reading, and the type of fluid reported.

Section 2. Fee Schedule. The Board of Trustees shall adopt a schedule of fees by

Resolution.

Section 3. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one, or part, or parts be declared unconstitutional or invalid.

Section 4. Public Health, Safety and Welfare. The Board of Trustees finds that the adoption of this Ordinance is necessary for the protection of the public health, safety and welfare.

Section 5. Effective Date. This Ordinance shall take effect 30 days after publication following adoption.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED THIS 10TH DAY OF MARCH, 2020.

PUBLISHED IN FULL ON THE 18ND DAY OF MARCH, 2020.

TOWN OF ERIE, COLORADO
A Colorado Municipal Corporation
s/s: Jennifer Carroll, Mayor
s/s: Joanne Salser, Deputy Town Clerk