

**WELD COUNTY
CODE ORDINANCE 2020-12**

**IN THE MATTER OF REPEALING AND REENACTING, WITH AMENDMENTS, CHAPTER 21
AREAS AND ACTIVITIES OF STATE INTEREST, OF THE WELD COUNTY CODE**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF
WELD, STATE OF COLORADO:**

WHEREAS, the Board of County Commissioners of the County of Weld, State of Colorado, pursuant to Colorado statute and the Weld County Home Rule Charter, is vested with the authority of administering the affairs of Weld County, Colorado, and

WHEREAS, the Board of County Commissioners, on December 28, 2000, adopted Weld County Code Ordinance 2000-1, enacting a comprehensive Code for the County of Weld, including the codification of all previously adopted ordinances of a general and permanent nature enacted on or before said date of adoption, and

WHEREAS, the Weld County Code is in need of revision and clarification with regard to procedures, terms, and requirements therein.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of the County of Weld, State of Colorado, that certain existing Chapters of the Weld County Code be, and hereby are, repealed and re-enacted, with amendments, and the various Chapters are revised to read as follows.

CHAPTER 21

AREAS AND ACTIVITIES OF STATE INTEREST

REPEAL AND RE-ENACT

**ARTICLE V - Guidelines and Regulations for Oil and Gas Exploration and Production in
the Unincorporated Area of Weld County (Designated as Mineral Resource Area of State
Interest)**

Division 1 - General and Introductory Provisions

Sec. 21-5-10. Purpose, intent and authority.

On June 10, 2019, pursuant to the provisions of Article I of this Chapter, the Board of County Commissioners of Weld County designated the entire unincorporated area of Weld County, Colorado, as a mineral resource (oil and gas) area of state interest [the "Weld Mineral Resource (Oil and Gas) Area"], through the authority delegated to Local Governments in Section 24-65.1-202, C.R.S. Such designation is contained in Sec. 21-5-200, below. The regulations (referred to herein as "1041 WOGLA Regulations") set forth in this Article V are also made pursuant to the authority granted Weld County in the Colorado Areas and Activities of State Interest Act ("AASIA"), Sections 24-65.1-101, et seq., C.R.S.; the Colorado Local Government Land Use Enabling Act, Sections 29-20-101, et seq., C.R.S., including, without

limitation, Section 29-20-104, C.R.S.; the County Planning and Building Code statutes set forth in Title 30, Article 28, C.R.S.; the powers and authorities conferred upon home rule counties set forth in Title 30, Article 35, C.R.S., including authority to adopt the Weld County Home Rule Charter to ensure self-determination and to promote the health, safety, security and general welfare of the people of Weld County; and all of the authorities granted to Local Governments in Title 34, Article 60, C.R.S. and in particular all of the amendments thereto included in S.B. 19-181. The purpose and intent of the 1041 WOGLA Regulations set forth in this Article V are to:

- A. Encourage planned and orderly oil and gas development in Weld County;
- B. Provide for the needs of agriculture, industry, commerce, residential communities and recreation in future growth in Weld County;
- C. Encourage Uses of land and other natural resources which are in accordance with their original character and adaptability in Weld County;
- D. Conserve soil, water and agricultural resources; to protect vested water and property rights; and to encourage exploration and production of oil and gas within the Weld Mineral Resource (Oil and Gas) Area in Weld County;
- E. Protect air quality in Weld County;
- F. Protect the environment and wildlife in Weld County;
- G. Promote the efficient and economic use of public resources in Weld County;
- H. Protect and administer the Weld Mineral Resource (Oil and Gas) Area in such a manner as to permit the exploration and production of oil and gas through efficient location siting to eliminate or mitigate material adverse impacts and thereby minimize waste, unless such exploration and production would cause significant danger to public health, safety, welfare, environment and wildlife in Weld County;
- I. Balance the protection, mitigation of damage to and enhancement of environmental resources with the exploration and production of oil and gas within the Weld Mineral Resource (Oil and Gas) Area in Weld County; and
- J. Regulate the exploration and production of oil and gas within the Weld Mineral Resource (Oil and Gas) Area to balance the rights associated with property ownership of mineral owners with the protection of the environment and wildlife in Weld County and the health, safety and welfare of the citizens of Weld County.

Sec. 21-5-20. Definitions.

In addition to the terms defined in Sec. 21-1-90 of this Code, the following terms specific to the designation of site selection and construction of Oil and Gas Locations and Oil and Gas Facilities shall be construed to have the meanings set forth as follows:

1041 WOGLA Hearing Officer: means the Oil and Gas Energy Department Hearing Officer and may also be referred to herein as the "Hearing Officer."

1041 WOGLA Permit: means a 1041 Weld Oil and Gas Location Assessment permit issued pursuant to this Article V.

1041 WOGLA Sundry Form: means a multipurpose form supplied by the OGED used by the Operator to request approval, propose amendments or provide notice of various operations on any Oil and Gas Location located in the Weld Mineral Resource (Oil and Gas) Area. It may also be referred to herein as "Sundry Form."

1041 WOGLA Zone: means a boundary measuring one thousand (1,000) feet from the Oil and Gas Location.

Applicant: means the person or entity who applies for a 1041 WOGLA Permit. The Applicant may be referred to herein as the “1041 WOGLA Permittee” or “Operator.”

Application: means the 1041 WOGLA Permit application filed by the Applicant pursuant to Sec. 21-5-320 of this Code and may also be referred to herein as the “1041 WOGLA Permit Application.”

Application for Intervention: means an application supplied by OGED for the purpose of applying to intervene in a 1041 WOGLA Hearing pursuant to Sec. 21-5-340 of this Article V.

AQCC: means the Colorado Air Quality Control Commission.

Authority Having Jurisdiction: means any other entity which may have jurisdiction over a certain area or may own or operate certain features affected by the Application. Certain examples may include the State of Colorado, municipalities, metro districts, or ditch companies. Authority Having Jurisdiction may also be referred to herein as “AHJ.”

Barrel: means 42 (U.S.) gallons at 60°F at atmospheric pressure.

Base Fluid: means the continuous phase fluid type, such as water, used in a Hydraulic Fracturing.

Best Management Practices (BMPs): means practices that are designed to prevent or reduce impacts caused by Oil and Gas Operations to air, water, soil, or biological resources, and to Minimize Adverse Impacts to public health, safety and welfare, including the environment and Wildlife Resources.

Building Unit: means a Residential Building Unit, as defined in this Article V, and any building that is used for business or commercial purposes that is normally occupied during working hours.

CDPHE: means the Colorado Department of Public Health and Environment.

Chemical(s): means any element, Chemical compound, or mixture of elements or compounds that has its own specific name or identity such as a Chemical abstract service number, whether or not such Chemical is subject to the requirements of 29 C.F.R. Section 1910.1200(g)(2) (2011).

Child Care Center: means a Child Care Center as defined in Section 26-6-102(5), C.R.S., that is in operation at the time of the 1041 WOGLA Permit notice pursuant to Sec. 21-5-315.B, below. A Child Care Center will include any associated outdoor play areas adjacent to or directly accessible from the center and is fenced or has natural barriers, such as hedges or stationary walls, at least four (4) feet high demarcating its boundary.

Classified Water Supply Segment: means perennial or intermittent streams, which are surface waters classified as being suitable or intended to become suitable for potable water supplies by the Colorado Water Quality Control Commission, pursuant to the Basic Standards and Methodologies for Surface Water Regulations (5 C.C.R. 1002-31).

Closed Loop System: means a mechanical system that separates liquids and solids during drilling operations to eliminate the need for reserve pits.

COGCC: means the Colorado Oil and Gas Conservation Commission.

Completion: An Oil Well shall be considered completed when the first new oil is produced through wellhead equipment into lease Tanks or LACT unit from the ultimate producing interval after the production string has been run. A Gas Well shall be considered completed when the Well is capable of producing gas through wellhead equipment from the ultimate producing zone after the production string has been run. A dry hole shall be considered completed when all provisions of plugging are complied with as set out in these rules. Any Well not previously defined as an Oil Well or Gas Well, shall be considered completed ninety (90) days after reaching total depth. If approved by the OGED Director, a Well that requires extensive testing shall be considered completed when the drilling rig is released or six months after reaching total depth, whichever is later.

Comprehensive Development Plan: means a plan covering future Oil and Gas Operations in a defined geographic area within a geologic basin. Comprehensive Development Plans may also be referred to herein as a "CDP."

Construction Phase: means all those activities related to the site construction, drilling and well completion that occur prior to interim reclamation being performed in accordance with Sec. 21-5-555 of this Code. Construction Phase does not include activities such as surveying, staking, etc.

Container: means any portable device in which a hazardous material is stored, transported, treated, disposed of, or otherwise handled. Examples include, but are not limited to, drums, barrels, totes, carboys, and bottles.

CPW: means Colorado Parks and Wildlife.

Crop Land: means lands which are cultivated, mechanically or manually harvested, or irrigated for vegetative agricultural production, excluding range land.

Day: means calendar day.

Designated Outside Activity Area ("DOAA"): means:

1. An outdoor venue or recreation area, such as a playground, permanent sports field, amphitheater, or other similar place of public assembly owned or operated by a Local Government, which the Local Government requests to have established as a DOAA; or
2. An outdoor venue or recreation area, such as a playground, permanent sports field, amphitheater, or other similar place of public assembly where ingress to, or egress from the venue could be impeded in the event of an emergency condition at an Oil and Gas Location less than three hundred and fifty (350) feet from the venue due to the configuration of the venue and the number of persons known or expected to simultaneously occupy the venue on a regular basis.

Development Area: means the subsurface area in which Operator intends to extract oil, gas and other resources from.

Drilling Fluid: means the fluid mixture of water, mud, oil, and chemicals used to lubricate the drill bit during drilling operations.

Drilling Pits: means those Pits used during drilling operations and initial Completion of a Well, and include:

1. Ancillary Pits used to contain fluids during drilling operations and initial Completion procedures, such as circulation Pits and water storage Pits.

2. Completion Pits used to contain fluids and solids produced during initial Completion procedures, and not originally constructed for use in drilling operations.
3. Flowback Pits used to contain fluids and solids produced during initial Completion procedures.
4. Reserve Pits used to store drilling fluids for use in drilling operations or to contain E&P Waste generated during drilling operations and initial Completion procedures.

Enhanced Recovery: means a technique of recovering additional oil and gas from a mineralized zone by injecting fluids in an effort to force more of the hydrocarbons to a Well.

EPA: means the Environmental Protection Agency.

Emergency Pit: means a man-made depression in the ground that is used to contain liquids during an initial phase of emergency response operations related to a Spill/Release or process upset conditions.

Exploration And Production Waste ("E&P Waste"): means those wastes associated with operations to locate or remove oil or gas from the ground or to remove impurities from such substances which are uniquely associated with and intrinsic to oil and gas exploration, development, or production operations that are exempt from regulation under Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 USC Sections 6921, et seq. For natural gas, primary field operations include those production-related activities at or near the wellhead and at the gas plant (regardless of whether or not the gas plant is at or near the wellhead), but prior to transport of the natural gas from the gas plant to market.

In addition, uniquely associated wastes derived from the production stream along the gas plant feeder Pipelines are considered E&P Wastes, even if a change of custody in the natural gas has occurred between the wellhead and the gas plant. In addition, wastes uniquely associated with the operations to recover natural gas from underground storage Fields are E&P Waste.

Field: means the general area which is underlaid or appears to be underlaid by at least one (1) pool; and "Field" shall include the underground reservoir or reservoirs containing oil or gas or both. The words "Field" and "pool" mean the same thing when only one (1) underground reservoir is involved; however, "Field," unlike "pool," may relate to two or more reservoirs.

Financial Assurance: means a surety bond, cash collateral, certificate of deposit, letter of credit, sinking fund, escrow account, lien on property, security interest, guarantee, or other instrument or method in favor of and acceptable to the OGED Director. The term encompasses general liability insurance.

Floodplain: means any land area susceptible to being inundated as a result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir. The FEMA-mapped Floodplains are shown on FEMA's DFIRM, FIRM and FBFM maps.

Flowback: means the liquid used in Hydraulic Fracturing operations that returns to the surface after being injected into the formation.

Flowline: means a segment of pipe transferring oil, gas, or condensate and/or water between a wellhead and processing equipment to the load point or point of delivery to a U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration or Colorado Public Utilities Commission regulated Gathering Line or a segment of pipe transferring

Produced Water between a wellhead and the point of disposal, discharge, or loading. This definition of Flowline does not include a Gathering Line. The different types of Flowlines are:

1. *Wellhead Line*: A Flowline that transfers Well production fluids from an Oil or Gas Well to processing equipment (e.g., separator, production separator, Tank, heater treater), not including preconditioning equipment such as sand traps and line heaters, which do not materially reduce line pressure.
2. *Production Piping*: A segment of pipe that transfers Well production fluids from a wellhead line or production equipment to a Gathering Line or storage vessel and includes the following:
 - a. *Production Line*: A Flowline connecting a separator to a meter, LACT, or Gathering Line;
 - b. *Dump Line*: A Flowline that transfers Produced Water, crude oil, or condensate to a storage Tank, Pit, or process vessel and operates at or near atmospheric pressure at the Flowline's outlet;
 - c. *Manifold Piping*: A Flowline that transfers fluids into a piece of Production Facility equipment from lines that have been joined together to comingle fluids; and
 - d. *Process Piping*: All other piping that is integral to oil and gas exploration and production related to an individual piece or a set of Production Facility equipment pieces.
3. *Off-Location Flowline*: A Flowline transferring produced fluids (crude oil, natural gas, condensate, or Produced Water) from an Oil and Gas Location to a Production Facility, injection facility, Pit, or discharge point that is not on the same Oil and Gas Location. This definition also includes Flowlines connecting to gas compressors or gas plants.
4. *Peripheral Piping*: A Flowline that transfers fluids such as fuel gas, lift gas, instrument gas, or power fluids between Oil and Gas Facilities for lease use.
5. *Produced Water Flowline*: A Flowline on the Oil and Gas Location used to transfer Produced Water for treatment, storage, discharge, injection or reuse for Oil and Gas Operations.

A segment of pipe transferring only Fresh Water is not a Flowline.

Fresh Water: means water currently being used as drinking water or having a total dissolved solids (TDS) concentration of less than ten thousand (10,000) milligrams per liter (mg/l).

Freshwater Pit: means a man-made depression in the ground that is lined with an impermeable substance which contains Fresh Water used for drilling or Hydraulic Fracturing operations.

Future School Facility: means a School Facility that is not yet built, but that the School or School Governing Body plans to build and use for students and staff within three (3) years of the date the School or School Governing Body receives a 1041 WOGLA Permit notice pursuant to Sec. 21-5-315.B., below. To be considered a Future School Facility, the following requirements must be satisfied:

1. For public, non-charter Schools, the School Governing Body must affirm the nature, timing, and location of the Future School Facility in writing; or

2. For charter Schools, the School must have been approved by the appropriate School district or the State Charter School Institute, Section 22-30.5-505, C.R.S., at the time it receives a 1041 WOGLA Permit notice pursuant to Section 21-5-315.B, below, and the School Governing Body must affirm the nature, timing, and location of the Future School Facility in writing; or
3. For private Schools, the School Governing Body must be registered with the Office of the Colorado Secretary of State at the time it receives a 1041 WOGLA Permit notice pursuant to Sec. 21-5-315.B, below, and must provide documentation proving its registration with the Office of the Colorado Secretary of State, its tax-exempt status, and its submitted Land Use plans to the relevant Local Government building and planning office.

Gas Facility: means those facilities that process or compress natural gas after production-related activities which are conducted at or near the wellhead and prior to a point where the gas is transferred to a carrier for transport.

Gas Storage Well: means any Well drilled for the injection, withdrawal, production, observation, or monitoring of natural gas stored in underground formations. The fact that any such Well is used incidentally for the production of native gas or the enhanced recovery of native hydrocarbons shall not affect its status as a Gas Storage Well.

Gas Well: means a Well, the principal production of which at the mouth of the Well is gas, as defined by the Oil and Gas Conservation Act of the State of Colorado ("the Act").

Gathering Line: means a gathering Pipeline or system as defined by the Colorado Public Utilities Commission, Regulation No. 4, 4 C.C.R. 723-4901, Part 4, (4 C.C.R. 723-4901) or a Pipeline regulated by the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration pursuant to 49 C.F.R. Section 195.2 or 192.8. 49 C.F.R. Section 195.2 or 192.8 and 4 C.C.R. 723-4901 in existence as of the date of this regulation and does not include later amendments. 49 C.F.R. Section 195.2 or 192.8 and 4 C.C.R. 723-4901. Additionally, 49 C.F.R. Section 195.2 or 192.8 may be found at <https://www.phmsa.dot.gov>, and 4 C.C.R. 723-4901 may be found at <https://www.sos.state.co.us>.

Groundwater: means subsurface waters in a zone of saturation.

High Occupancy Building Unit: means any Nursing Facility as defined in Section 25.5-4-103(14), C.R.S., Hospital, Life Care Institutions as defined in Section 12-13-101, C.R.S., or Correctional Facility as defined in Section 17-1-102(1.7), C.R.S., provided the facility or institution regularly serves fifty (50) or more persons.

High Priority Habitat: means the high priority wildlife habitat areas in Weld County identified in Rule 1203 of the COGCC Rules.

HMWMD: means Hazardous Materials and Waste Management Division of the CDPHE.

Hydraulic Fracturing Additive: means any Chemical substance or combination of substances, including any Chemicals and Proppants, that is intentionally added to a Base Fluid for purposes of preparing a Hydraulic Fracturing Fluid for treatment of a Well.

Hydraulic Fracturing Fluid: means the fluid, including the applicable Base Fluid and all Hydraulic Fracturing Additives, used to perform Hydraulic Fracturing.

Hydraulic Fracturing: means all stages of the stimulation process of a Well by the application of Hydraulic Fracturing Fluid under pressure that is expressly designed to initiate or propagate fractures in a target geologic formation to enhance production of oil and natural gas.

LACT ("Lease Automated Custody Transfer"): means the transfer of produced crude oil or condensate, after processing or treating in the producing operations, from storage vessels or automated transfer facilities to Pipelines or any other form of transportation.

Land Application: means the disposal method by which E&P Waste is spread upon or sometimes mixed into soils.

Land Treatment: means the treatment method by which E&P Waste is applied to soils and treated to result in a reduction of hydrocarbon concentration by biodegradation and other natural attenuation processes. Land Treatment may be enhanced by tilling, disking, aerating, composting and the addition of nutrients or microbes.

Local Government: means a county (in this Article V other than Weld County), home rule or statutory city, town, territorial charter city or city and county, or any special district established pursuant to the Special District Act, Sections 32-1-101 to 32-11-807 (2013) C.R.S, which is located within one thousand (1,000) feet from the Oil and Gas Location.

Local Governmental Designee ("LGD"): means the office designated to receive, on behalf of the Local Government, copies of all documents required to be filed with the LGD pursuant to these rules.

Mineral Owner: means the person who has the right to drill into and produce from a pool and to appropriate the oil or gas produced therefrom either for such owner or others or for such owner and others, including owners of a Well capable of producing oil or gas, or both.

Minimize Adverse Impacts: means, wherever reasonably practicable, and taking into consideration cost effectiveness, technical feasibility and the Development Standards set forth in Division 4 of this Article V, to avoid adverse impacts to public health, safety, environment and Wildlife Resources, including cumulative impacts where practicable Operators shall consolidate facilities and Pipeline rights-of-way, and minimize the extent and severity of those impacts that cannot be avoided, mitigate the effects of unavoidable remaining impacts, regarding Development Standards and actions and decisions taken to Minimize Adverse Impacts from Oil and Gas Operations. See Sec. 21-5-525.

Minimize Erosion: means implementing BMPs that are selected based on site specific conditions and maintained to reduce erosion. Representative erosion control practices include, but are not limited to, revegetation of disturbed areas, mulching, berms, diversion dikes, surface roughening, slope drains, check dams, and other comparable measures.

Mitigation with respect to Wildlife Resources: means measures that, in instances where alternative siting is not feasible, compensate for adverse impacts to such resources, including, as appropriate, habitat enhancement, on-site habitat mitigation, off-site habitat mitigation, or mitigation banking.

Multi-Well Pits: means Pits used for treatment, storage, recycling, reuse, or disposal of E&P Wastes generated from more than one (1) Well that will be in use for no more than three (3) years.

Non-Crop Land: means all lands which are not defined as Crop Land, including range land.

OGED: means the Weld County Oil and Gas Energy Department.

OGED Director: means the Director of the Weld County Oil and Gas Energy Department, or his/her designee.

Oil and Gas Facility: means equipment or improvements used or installed at an Oil and Gas Location for the exploration, production, withdrawal, treatment, or processing of crude oil, condensate, E&P Waste, or gas; excluding Pipeline - natural gas and Pipeline - petroleum products other than natural gas, as those terms are defined in Chapter 23 of this Code, and all other Pipelines and Flowlines used or installed at the Oil and Gas Facility. Oil and Gas Facility may also be referred to herein in certain circumstances synonymously as "Facility".

Oil and Gas Location: means a definable area where an Operator has disturbed or intends to disturb the land surface to locate an Oil and Gas Facility for the purposes of obtaining a 1041 WOGLA Permit. Oil and Gas Location may also be referred to herein in certain circumstances synonymously as "Disturbance Area" or "Location."

Oil and Gas Operations: means exploration for and production of oil and gas, including, but not limited to, conducting seismic operations and the drilling of test bores; siting, drilling, deepening, recompleting, reworking, injection of fluids for Enhanced Recovery, or abandoning a Well; producing operations related to any Well, including installing Flowlines; the generating, transporting, storing, treating, or disposing exploration and production wastes; and any constructing, site preparing, or reclaiming activities associated with such operations.

Oil Well: means a Well, the principal production of which at the mouth of the Well is oil, as defined by the Act.

Oily Waste: means those materials containing crude oil condensate or other E&P waste, such as soil, frac sand, drilling fluids, and pit sludge that contain hydrocarbons.

Operator: means any person who exercises the right to control the conduct of Oil and Gas Operations. An Operator may be an Applicant for a 1041 WOGLA Permit. The Operator may be referred to herein as the "1041 WOGLA Permittee" or "Applicant."

Operator Registration: means the process by which a person, company or other entity has submitted an Operator Registration to the OGED Director. Operator Registration shall be completed on a form provided by OGED and shall be kept on record so long as the person, company or other entity has operational Wells, Oil and Gas Facilities or Oil and Gas Locations in Weld County.

Person: means any natural person, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or other representative of any kind.

Pipeline: for this Article V, means a Flowline, crude oil transfer line or Gathering Line as defined herein.

Pit: means any natural or man-made depression in the ground used for oil or gas exploration or production purposes. Pit does not include Fresh Water Pits, steel, fiberglass, concrete or other similar vessels which do not Release their contents to surrounding soils.

Plugging and Abandonment (P&A): means the cementing of a Well, the removal of its associated Production Facilities, the abandonment of its Flowline(s), and the Remediation and Reclamation of the wellsite.

Point of Compliance: means one (1) or more points or locations at which compliance with applicable Groundwater standards established under Water Quality Control Commission Basic Standards for Groundwater, Section 3.11.4, must be achieved.

Pollution: means man-made or man-induced contamination or other degradation of the physical, Chemical, biological, or radiological integrity of air, water, soil, or biological resource.

Production Facility: means any storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, and other equipment directly associated with a Well.

Production Phase: All those activities on an Oil and Gas Location related to production that occur after the Wells are first turned to sales, or interim Reclamation has been performed in accordance with Sec. 21-5-555 of this Article V.

Production Pit: means a man-made depression in the ground that is lined with an impermeable substance which is used after drilling operations and initial Completion of a well. Production ponds include:

1. *Produced Water Pit:* means a man-made depression in the ground that is lined with an impermeable substance used to temporarily store Produced Water prior to injection for enhanced recovery or disposal, off-site transport, or surface-water discharge.
2. *Evaporation Pit:* means a man-made depression in the ground that is lined with an impermeable substance used to contain Produced Waters which evaporate into the atmosphere by natural thermal forces.

Produced Water: means water extracted from the earth from an oil or natural gas production well, or separated from crude oil, condensate, or natural gas after extraction.

Proppant: means sand or any natural or man-made material that is used in a Hydraulic Fracturing to prop open the artificially created or enhance natural fractures within the formation during Completion operations.

Public Water System: means those systems shown and/or listed in Appendix VI of the COGCC Rules. These systems provide to the public water for human consumption through pipes or other constructed conveyances, if such systems have at least fifteen (15) service connections or regularly serve an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such definition includes:

1. Any collection, treatment, storage, and distribution facilities under control of the Operator of such system and used primarily in connection with such system.
2. Any collection or pretreatment storage facilities not under such control, which are used primarily in connection with such system.

The definition of "Public Water System" does not include any "special irrigation district," as defined in Colorado Primary Drinking Water Regulations (5 C.C.R. 1003.1).

Reclamation: means the process of returning or restoring the surface of disturbed land as nearly as practicable to its condition prior to the commencement of Oil and Gas Operations or to landowner specifications. Reclamation may be interim or final as set forth in Sec. 21-5-555 and 21-5-560 of this Article V.

Reference Area: means an area either (1) on a portion of the site that will not be disturbed by Oil and Gas Operations, if that is the desired final Reclamation; or (2) another location that is undisturbed by Oil and Gas Operations and proximate and similar to a proposed Oil and Gas Location in terms of vegetative potential and management, owned by a person who agrees to allow periodic access to it by the OGED Director and the Operator for the purpose of providing

baseline information for Reclamation standards, and intended to reflect the desired final Reclamation.

Release: means any unauthorized discharge of E&P Waste to the environment over time.

Remediation: means the process of reducing the concentration of a contaminant or contaminants in water or soil to the extent necessary to ensure compliance with the concentration levels in Appendix 21-A of this code and other applicable ground water standards and classifications.

Remote Location: means an Oil and Gas Location where there are no sensitive receptors (e.g. Building Units, High Priority Habitats, or Designated Outside Activity Areas) that are located within 1.0 mile (5,280 ft), a remote location may otherwise be determined by the OGED Director based on existing topographical, geographical, and other factors.

Reserve Pits: means those Pits used to store drilling fluids for use in drilling operations or to contain E&P Waste generated during drilling operations and initial Completion procedures.

Residential Building Unit: means a building or structure designed for use as a place of residency by a person, a family, or families. The term includes manufactured, mobile, and modular homes, except to the extent that any such manufactured, mobile, or modular home is intended for temporary occupancy, or for business purposes.

Responsible Party: means an owner or Operator who conducts an Oil and Gas Operation in a manner which is in contravention of any then-applicable provision of this Code, or order of the Hearing Officer, or of any permit, that threatens to cause, or actually causes, a significant adverse environmental impact to any air, water, soil, or biological resource. Responsible Party includes any person who disposes of any other waste by mixing it with exploration and production waste so as to threaten to cause, or actually cause, a significant adverse environmental impact to any air, water, soil, or biological resource.

Riser: means the component of a Flowline transitioning from below grade to above grade.

School: means any operating Public School as defined in Section 22-7-703(4), C.R.S., including any Charter School as defined in Section 22-30.5-103(2), C.R.S., or Section 22-30.5-502(6), C.R.S., or Private School as defined in Section 22-30.5-103(6.5) C.R.S.

School Facility: means any discrete facility or area (property), whether indoor or outdoor, associated with a School, that students use commonly as part of their curriculum or extracurricular activities. A School Facility is either adjacent to or owned by the School or School Governing Body, and the School or School Governing Body has the legal right to use the School Facility at its discretion. The definition includes Future School Facility.

School Governing Body: means the School district board or board of directors for public Schools or the board of trustees, board of directors, or any other body or person charged with administering a private School or group of private Schools, or any-body or person responsible for administering or operating a Child Care Center. A School Governing Body may delegate its rights under these rules, in writing, to a superintendent or other staff member, or to a principal or senior administrator of a School that is in proximity to the proposed Oil and Gas Location.

Sensitive Area: means an area vulnerable to potential significant adverse Groundwater impacts, due to factors such as the presence of shallow Groundwater or pathways for communication with deeper Groundwater; proximity to surface water, including lakes, rivers, perennial or intermittent streams, creeks, irrigation canals, and wetlands. Additionally, areas classified for domestic use by the Colorado Water Quality Control Commission, local (water

supply) wellhead protection areas, areas within one-eighth (1/8) mile of a domestic water Well, areas within one-quarter (1/4) mile of a public water supply Well, ground water basins designated by the Colorado Ground Water Commission, and surface water supply areas are Sensitive Areas. When the Operator or OGED Director has data that indicate an impact or threat of impact to ground water or surface water, the OGED Director may require the Operator to make a Sensitive Area determination and that determination shall be subject to the OGED Director's approval. The Sensitive Area determination shall be made using appropriate geologic and hydrogeologic data to evaluate the potential for impact to ground water and surface water, such as soil borings, monitoring Wells, or percolation tests that demonstrate that seepage will not reach underlying ground water or Waters of the State and impact current or future uses of these waters. Operators shall submit data evaluated and analysis used in the determination to the OGED Director. Operations in Sensitive Areas shall incorporate adequate measures and controls to prevent significant adverse environmental impacts and ensure compliance with the concentration levels in Appendix 21-A of this Code, with consideration to WQCC standards and classifications.

Site Analysis: means the comprehensive planning process performed by the Applicant which considers the site the Applicant intends to deliver to Staff inside of a 1041 WOGLA Permit Application against one or more alternative sites considered by the Applicant in terms of protecting public health, safety, welfare, environment and wildlife.

Solid Waste: means any garbage, refuse, sludge from a waste treatment plant, water supply plant, air pollution control facility, or other discarded material; including solid, liquid, semisolid, or contained gaseous material resulting from industrial operations, commercial operations, or community activities. Solid Waste does not include any solid or dissolved materials in domestic sewage, or agricultural wastes, or solid or dissolved materials in irrigation return flows, or industrial discharges which are point sources subject to permits under the provisions of the Colorado Water Quality Control Act, Title 25, Article 8, C.R.S. or materials handled at facilities licensed pursuant to the provisions on radiation control in Title 25, Article 11, C.R.S. Solid Waste does not include: (a) materials handled at facilities licensed pursuant to the provisions on radiation control in Title 25, Article 11, C.R.S.; (b) excluded scrap metal that is being recycled; or (c) shredded circuit boards that are being recycled.

Solid Waste Disposal: means the storage, treatment, utilization, processing, or final disposal of Solid Wastes.

Special Purpose Pits: means Pits used in Oil and Gas Operations, including Pits related to Produced Water Flowlines or associated with E&P Waste from gas gathering, processing and storage facilities, which constitute:

1. Blowdown Pits used to collect material resulting from, including but not limited to, the emptying or depressurizing of Wells, vessels, or Flowlines, or E&P Waste from gathering systems.
2. Flare Pits used exclusively for flaring gas.
3. Basic Sediment/Tank Bottom Pits used to temporarily store or treat the extraneous materials in crude oil which may settle to the bottoms of Tanks or production vessels and which may contain residual oil.
4. Workover Pits used to contain liquids during the performance of remedial operations on a producing Well to increase production.
5. Plugging Pits used for containment of fluids encountered during the plugging process

Spill: means any unauthorized sudden discharge of E&P Waste to the environment.

Spud: means to start the well drilling process by removing rock, dirt, and other sedimentary material with the drill bit.

Stormwater Runoff: means rain or snowmelt that flows over land and does not percolate into soil and includes stormwater that flows onto and off an Oil and Gas Location or Oil and Gas Facility, being more specifically defined in Chapter 8 of this Code.

Stratigraphic Well: means a Well drilled for stratigraphic information only. Wells drilled in a delineated Field to known productive horizons shall not be classified as "stratigraphic." Neither the term "Well" nor "Stratigraphic Well" shall include seismic holes drilled for obtaining geophysical information only.

Surface Owner: means any person currently owning all or part of the surface of land upon which Oil and Gas Operations are conducted, as shown by the tax records of the county in which the tract of land is situated, or any person with such rights under a recorded contract to purchase.

Surface Use Agreement ("SUA"): means any agreement in the nature of a contract or other form of document, signed by the landowner and notarized, binding on the Operator, including any lease, damage agreement, waiver, Local Government approval or permit, or other form of agreement, which governs the Operator's activities within the Oil and Gas Location.

Surface Water Intake: means the works or structures at the head of a conduit through which water is diverted from a Classified Water Supply Segment and/or source (e.g., river or lake) into the treatment plant.

Surface Water Supply Area: means the Classified Water Supply Segments within five (5) stream miles upstream of a Surface Water Intake on a Classified Water Supply Segment. Surface Water Supply Areas shall be identified on the Public Water System Surface Water Supply Area Map.

Tank: means a stationary vessel constructed of non-earthen materials (e.g. concrete, steel, plastic) that provides structural support and is designed and operated to store produced fluids or E&P Waste. Examples include, but are not limited to, condensate Tanks, crude oil Tanks, Produced Water Tanks, and gun barrels. Exclusions include containers and process vessels such as separators, heater treaters, free water knockouts, and slug catchers.

Turn-in-Line: means a well turned to sales, and may also be referred to herein as "TIL."

USDA: means the United States Department of Agriculture.

Use: means any purpose for which a structure or a tract of land may be designed, arranged, intended, maintained or occupied; also, any activity, occupation, business or operation which is carried on in or on a structure or on a tract of land. The term may also be referred to herein as "Land Use".

Weed: means any undesirable plant.

Well: means an Oil Well or Gas Well, a hole drilled for the purpose of producing oil or gas, a Well into which fluids are injected, a Stratigraphic Well, a Gas Storage Well, or a Well used for the purpose of monitoring or observing a reservoir.

Well Site: means the areas that are directly disturbed during the drilling and subsequent operation of, or affected by Production Facilities directly associated with, any Oil Well, Gas Well, or injection Well and its associated Well pad.

Wildcat (Exploratory) Well: means any Well drilled beyond the known producing limits of a pool.

Wildlife Resources: means fish, wildlife, and their aquatic and terrestrial habitats.

WQCC: means Water Quality Control Commission of the CDPHE.

WQCD: means Water Quality Control Division of the CDPHE.

All Other Words used herein shall be given their usual customary and accepted meaning, and all words of a technical nature, or peculiar to the oil and gas industry, shall be given that meaning which is generally accepted in said oil and gas industry.

Sec. 21-5-30. Applicability and general rules.

- A. A Weld Oil and Gas Location Assessment pursuant to this Chapter ("1041 WOGLA") requires additional consideration to ensure the Oil and Gas Facility and Oil and Gas Location are developed in a manner that complies with various Development Standards set forth in Division 4 of this Article V and provides compatibility with Uses located within one thousand (1,000) feet of the Oil and Gas Location (including School Facilities and Child Care Centers within one thousand (1,000) feet of the Oil and Gas Location). The 1041 WOGLA Permit is designed to protect and promote the health, safety, and welfare of Weld County's citizens, environment, and wildlife.
- B. A 1041 WOGLA Permit is required after August 5, 2019, for the construction of an Oil and Gas Location in all zone districts. Existing approved WOGLA's as of August 5, 2019, are not required to obtain a new 1041 WOGLA Permit and are not subject to the Development Standards as set forth in Division 4 of this Article V.
- C. No Oil and Gas Facility shall be constructed in any zone district until a 1041 WOGLA Permit has been granted by a 1041 WOGLA Hearing Officer pursuant to the procedures set forth in Sec. 21-5-340 of this Article V or following appeal to the Board of County Commissioners pursuant to Sec. 21-5-340.E of this Code. This applies to:
 - 1. Any new Oil and Gas Location, meaning surface disturbance at a previously undisturbed or fully reclaimed site;
 - 2. Surface disturbance for purposes of permanently expanding an existing Oil and Gas Location beyond the originally disturbed area; and
 - 3. Any major change to an existing Oil and Gas Facility or Oil and Gas Location as outlined in Sec. 21-5-360.
- D. No 1041 WOGLA Permit or 1041 WOGLA Sundry Form shall be required for:
 - 1. An Oil and Gas Facility for which an application on a Form 2A has been submitted to the COGCC on or before February 1, 2017. However, if changes are submitted to the COGCC which materially expand the on-site equipment beyond what was on the originally submitted Form 2A, a 1041 WOGLA Permit or Sundry Form will be required, and this exemption will not apply.
 - 2. Refracs, recompletions, or routine Well Site operations, including, but not limited to, swabbing, workovers and normal repairs and maintenance of an existing Oil and Gas

Facility. Like kind replacement of equipment would be considered routine Well Site operations.

3. Surface disturbance at an existing Oil and Gas Location within the original disturbed area which does not have the effect of permanently expanding the Oil and Gas Facility or the Oil and Gas Location.
4. Repairs or maintenance of an Oil and Gas Facility required by a state or federal compliance order.
5. Facilities permitted, constructed, operated and maintained pursuant to Chapter 23, Article II, Divisions 4 and 11 of this Code, including, but not limited to, all Oil and Gas Support Service, Pipeline - Natural Gas, and Pipeline - Petroleum Products Other Than Natural Gas Facilities.

However, other permits or agreements may need to be obtained for the activities listed above, including those permits or agreements listed in Sec. 21-5-320.C, as well as any applicable State or Federal permits.

- E. Any person or Operator filing an Application for a 1041 WOGLA Permit shall comply with the procedures and regulations set forth in this Article V.
- F. Any person or Operator filing an Application for a 1041 WOGLA Permit shall comply with Article V and Article XI of Chapter 23 of this Code if the proposal is located within any Overlay District Area or a Special Flood Hazard Area identified by maps officially adopted by the County.
- G. Applications for a 1041 WOGLA Permit shall be completed as set forth in Sec. 21-5-320 of this Article V. The completed Application and application fees shall be submitted to the OGED Director.
- H. The review, consideration and issuance of a 1041 WOGLA Permit is an administrative hearing process and is exempt from the definition of development set forth in the agreements contained in Chapter 19 of the Weld County Code. However, oil and gas exploration and production in Weld County is considered development as that term is defined in Section 24-65.1-102(1), C.R.S. As such, Section 24-65.1-108, C.R.S., is applicable to permitting of oil and gas development in Weld County.
- I. Information regarding the status of or facts and circumstances regarding an approved 1041 WOGLA Permit, including any desired changes or modifications, may be transmitted by a 1041 WOGLA Permittee to the OGED Director via electronic means.

Sec. 21-5-40. Relationship of 1041 WOGLA Regulations to other county, state, and federal requirements affecting oil and gas exploration and production.

- A. Nothing in these 1041 WOGLA Regulations shall be construed as exempting an Applicant for a 1041 WOGLA Permit from any other requirements of this County.
- B. As stated in Sec. 21-5-10, above, these 1041 WOGLA Regulations are written, in part, according to the authority granted exclusively to Local Governments in Subsections 29-20-104(1)(g) and (1)(h), C.R.S., and are intended to address the following areas and topics regarding oil and gas exploration and production in Weld County:
 1. Land Use;
 2. The location and siting of Oil and Gas Facilities and Oil and Gas Locations;

3. Impacts to public facilities and services;
4. Water quality and source, noise, vibration, odor, light, dust, air emissions and air quality, land disturbance, Reclamation procedures, cultural resources, emergency preparedness and coordination with first responders, security, and traffic and transportation impacts;
5. Financial securities, indemnification, and insurance as appropriate to ensure compliance with these 1041 WOGLA Regulations;
6. All other nuisance-type effects of oil and gas development addressed in these 1041 WOGLA Regulations; and
7. Otherwise planning for and regulating the Use of land so as to provide planned and orderly Use of land and protection of the environment in a manner consistent with constitutional rights.

Because these 1041 WOGLA Regulations are written pursuant to the authorities granted to Weld County in the AASIA and specifically the express authorities set forth in Sections 24-65.1-202 and 24-65.1-402, C.R.S., to adopt guidelines and regulations governing oil and gas exploration and production in Weld County, to the extent these 1041 WOGLA Regulations are inconsistent with the regulations of the COGCC regarding any of the areas and topics regarding oil and gas exploration and production in Weld County listed above, these 1041 WOGLA Regulations control.

- C. Pursuant to Section 34-60-131, C.R.S., it is the intent of the Board of County Commissioners to regulate oil and gas exploration and production in Weld County cooperatively with the COGCC, deferring regulation of the areas and topics regarding oil and gas exploration and production not addressed in these 1041 WOGLA Regulations to the COGCC.

Sec. 21-5-50. Operator Registration

Prior to construction or operation of facilities related to upstream Oil and Gas Operations, an Operator shall submit a one-time Operator Registration Form provided by the OGED Director.

Division 2 - Designation of area of state interest

Sec. 21-5-200. Designation of the entire unincorporated area of Weld County as a mineral resource (oil and gas) area of state interest.

The Board of County Commissioners, having considered the intensity of current and foreseeable development pressures; the Guidelines and Criteria for Identification and Land-Use Controls of Geologic Hazard and Mineral Resource Areas, Special Publication 06, Colorado Geological Survey/Dept. of Natural Resources/Denver, Colorado/1974; the guidelines set forth in Section 24-65.1-202, C.R.S.; and the provisions and requirements of these 1041 WOGLA Regulations, hereby orders that the designation of the entire unincorporated area of Weld County as a mineral resource (oil and gas) area of state interest [the "Weld Mineral Resource (Oil and Gas) Area"] made by the Board on June 10, 2019, is hereby ratified and confirmed and that this activity shall be regulated pursuant to the provisions of this Chapter.

Sec. 21-5-210. Boundaries of area covered by designation; division of the Weld Mineral Resource (Oil and Gas) Area into two Planning Areas.

The entire unincorporated area of Weld County has been designated as a mineral resource (oil and gas) area and the exploration and production of oil and gas within the area shall be subject to this designation and these 1041 WOGLA Regulations. The Weld County Mineral

Resource (Oil and Gas) Area is divided into the two (2) planning regions shown on the map in Appendix 21-B, denominated as the “Ag-Rural Planning Area” and the “Near-Urban Planning Area.” The regulations set forth in this Article V may be dependent upon the planning region in which the Oil and Gas Location is situated.

Sec. 21-5-220. Reasons for designation.

Because oil and gas resources are found throughout the unincorporated area of Weld County and are being developed rapidly, the Board of County Commissioners has designated the unincorporated area of Weld County as a mineral resource (oil and gas) area:

- A. To regulate oil and gas development in a manner that respects local values and protects the health, safety and welfare of Weld County's community and environment;
- B. To ensure coordination and compatibility between oil and gas exploration and production and agriculture;
- C. To adequately plan for and properly mitigate the instances of encroachment of residential development upon existing Oil and Gas Operations; and
- D. To have local oversight in Land Use planning decisions regarding oil and gas exploration and production in Weld County.

Division 3 - 1041 WOGLA Permit Program for Oil and Gas Exploration and Production in the Weld Mineral Resource (Oil and Gas) Area

Sec. 21-5-300. Prohibition on exploration or production of oil and gas within the Weld Mineral Resource (Oil and Gas) Area without 1041 WOGLA Permit.

- A. No person may explore or produce oil and gas within the Weld Mineral Resource (Oil and Gas) Area without first obtaining a 1041 WOGLA Permit pursuant to these 1041 WOGLA Regulations.
- B. No local authority, including the County, may issue a building permit for purposes of exploration or extraction of oil and gas within the Weld Mineral Resource (Oil and Gas) Area without the Applicant first having obtained a 1041 WOGLA Permit pursuant to these 1041 WOGLA Regulations.
- C. Operator Registration. All persons or entities desiring to perform Oil and Gas Operations within the Weld Mineral Resource (Oil and Gas) Area shall have a valid Operator Registration Form on file with OGED.

Sec. 21-5-310. Procedural requirements.

The Application, notice, and conduct of 1041 WOGLA Permit hearings, appeal of Hearing Officer decisions and issuance and content of permits for exploration or production of oil and gas within the Weld Mineral Resource (Oil and Gas) Area shall comply with the provisions set forth in this Article V.

Sec. 21-5-312. Comprehensive Development Plans (CDPs).

Operators are encouraged to initiate and enter into Comprehensive Development Plans (“CDP”) where feasible and with the agreement of Surface Owner(s). CDPs will identify foreseeable oil and gas activities in a defined geographic area, facilitate discussions about potential cumulative impacts, and identify mitigation measures to Minimize Adverse Impacts to public health, safety, welfare, and environment, including Wildlife Resources. The plan shall (a) identify natural features of the geographic area, including vegetation, Wildlife Resources, and

other attributes of the physical environment; (b) describe the Operator's future Oil and Gas Operations in the area; (c) identify potential impacts from such operations; (d) develop agreed-upon measures to avoid, minimize, and mitigate the identified potential impacts; and (e) include other relevant information. A Comprehensive Development Plan must be approved by the 1041 Hearing Officer and shall be valid for a period of up to ten (10) years, as recommended by the OGED Director and approved by the Hearing Officer, unless extended by the 1041 WOGLA Hearing Officer.

Sec. 21-5-315. Pre-application meeting and 1041 WOGLA notice.

A. Pre-application meeting. Prior to delivery of the 1041 WOGLA notice, the Applicant shall request a pre-application meeting with the OGED Director. This meeting can be conducted through a face-to-face meeting, electronic mail exchange, or conference call, as determined by the OGED Director. The purpose of the pre-application meeting is to give the Applicant an opportunity to demonstrate, through written and graphic information, how the Oil and Gas Location complies with the standards set forth in this Article V, while protecting the health, safety, and welfare of Weld County's citizens, environment, and wildlife. One of the prime reasons for the pre-application meeting is to discuss comprehensive planning and pros and cons of alternative sites. The following shall be submitted to the OGED Director as part of the request for a pre-application meeting:

1. Pre-Application Meeting Request. The pre-application meeting request shall be submitted by the Applicant on the current form supplied by OGED Director.
2. Notification Zone drawing. The purpose of the notification zone drawing is to identify all required notice parties. This shall be a scaled drawing with scaled aerial photograph of the Oil and Gas Location to include: the 1041 WOGLA Zone, all property lines and parcel numbers, as well as the name and address of the owner(s) of any parcel(s) located within one thousand (1,000) feet of the Oil and Gas Location.
3. Development Area drawing. The purpose of the Development Area (DA) drawing is to illustrate the surroundings to assist in comprehensive planning and in the discussion of Oil and Gas Location siting. The drawing shall identify the DA for which the Wells on the Oil and Gas Location are intended to produce, and the preferred and alternative sites the Applicant is considering. In the case of an Oil and Gas Location with no Wells, the Well(s) producing to that Oil and Gas Location shall be identified.
4. Haul Route map. The purpose of the haul route map is to identify the Applicant's desired route to and from the Oil and Gas Location. The map shall identify the proposed haul route, including off-site haul route(s), from the Oil and Gas Location to the nearest County designated collector or arterial roadway or nearest highway, and indicate the desired new or existing access point.
5. Surface Owner name, address, phone number and date of signed SUA, if available.

Upon submittal of the request, the OGED Director shall be responsible for scheduling the pre-application meeting. This meeting shall take place within fourteen (14) days of the submitted request. Attendees of the pre-application meeting will be the Applicant and the OGED Director. Invitations to participate in the pre-application meeting will also be sent to the COGCC Director and CPW (if the proposed Oil and Gas Location is within a High Priority Habitat). The requirement of the pre-application meeting may be waived at the discretion of the OGED Director.

At the conclusion of the pre-application meeting, the Applicant shall send 1041 WOGLA notice to all required notice parties listed in Sec. 21-5-315.B., below. The notice shall encompass any agreed upon changes resulting from the pre-application meeting.

B. 1041 WOGLA notice. The 1041 WOGLA notice shall be delivered by the Applicant to the following parties:

1. The OGED Director;
2. The Surface Owner;
3. Property owner(s) whose property boundaries are located within one thousand (1,000) feet or less of the Oil and Gas Location;
4. The COGCC Director, the CPW, and LGD for any Local Government(s); and
5. The principal, senior administrator, or School Governing Body of any School Facility, Future School Facility, or Child Care Center whose properties or jurisdictional boundaries are located within one thousand (1,000) feet of the Oil and Gas Location.

Delivery of the 1041 WOGLA notice shall occur not more than six (6) months, nor less than thirty (30) days, prior to submitting a 1041 WOGLA Permit application. The thirty (30) day period may be waived, at the discretion of the OGED Director. The 1041 WOGLA notice letter shall include the following information:

- a. The parcel number and legal description of the Oil and Gas Location.
- b. A general description of the proposed Oil and Gas Facility, including the number of proposed wells.
- c. Total disturbed acreage of the Oil and Gas Location.
- d. The anticipated date operations will commence (calendar quarter and year).
- e. A statement that the notice recipient may request a meeting to discuss the proposed Oil and Gas Location with the Operator or the County.
 - 1) Both Operator and assigned OGED Permit and Enforcement Specialist's contact information shall be provided.
- f. A statement that the Applicant will consider reasonable mitigation measures proposed by the notice recipient to Minimize Adverse Impacts of the proposed Oil and Gas Location.
- g. The following shall be attached to the letter:
 - 1) Notification Zone drawing. The purpose of the notification zone drawing is to identify any required notice parties. This shall be a scaled drawing with scaled aerial photograph of the Oil and Gas Location to include the 1041 WOGLA Zone, all property lines and parcel numbers, as well as the name and address of the owner(s) of any parcel(s) located within one thousand (1,000) feet of the Oil and Gas Location.
 - 2) Haul Route map. The purpose of the haul route map is to identify the Applicant's desired route to and from the Oil and Gas Location. The map shall identify the proposed haul route, including off-site haul route(s), from the Oil and Gas Location to the nearest County designated collector or arterial roadway or nearest highway, and indicate the desired new or existing access point.

Upon receipt of the 1041 WOGLA notice by the OGED Director, he or she may request additional parties to be noticed. If requested by the OGED Director, the Applicant shall provide proof of notice delivered. All required notice parties may waive receipt of such notice(s) via Surface Use Agreement (SUA) or other agreement with the Operator or by written request to the OGED Director.

Sec. 21-5-320. Application requirements for 1041 WOGLA Permit.

A 1041 WOGLA Permit application shall be submitted to the OGED Director for processing and determination of whether the application is complete and in compliance with the requirements of this Section. The following shall be submitted as a part of the application:

- A. Weld County Oil and Gas Location Assessment Application. A 1041 WOGLA Permit application form shall be submitted to the OGED Director by electronic mail.
 1. Application. A 1041 WOGLA Permit application on the current form supplied by OGED, shall be fully completed and executed by the Applicant. If an authorized legal agent signs the application on behalf of the Applicant, evidence of a power of attorney or other authorization must be provided.
 2. Certification of 1041 WOGLA Notice. Completion of this form certifies that a 1041 WOGLA notice has been delivered to all required notice parties, pursuant to Sec. 21-5-315.B of this Article V.
 3. Certification of Surface Use Agreement. Completion of this form certifies that a SUA or other agreement has been executed between the Operator and the Surface Owner(s) of the property where the Oil and Gas Location will be located. This form demonstrates that the Operator and Surface Owner have agreed to the Oil and Gas Location. If no SUA or other document is available at the time of application, the Applicant shall proceed with the 1041 WOGLA Permit process and shall provide a statement that the SUA, or other agreement negotiations are taking place and the Applicant is willing to provide financial security as set forth in Sec. 21-5-325 of this Article V. In the case where no SUA or other agreement is necessary, the Applicant shall provide a statement of explanation and attach supporting documentation.
 4. Authorization. Where an Applicant is not the Surface Owner of the parcel(s) on which the Oil and Gas Location is sited, an authorization form executed by the Surface Owner(s) must be provided. If a copy of the SUA is provided with the application, then the SUA's grant of access to the site fulfills the requirement of providing an authorization form.
 5. Required Information. The Applicant shall provide site-specific Best Management Practices (BMPs) illustrating how the health, safety, and welfare of Weld County's citizens, environment, and wildlife will be protected. With the consent of the Surface Owner(s), BMPs may include mitigation measures relevant to the SUA or other agreement.
 - a. A statement which explains that the application complies with Article V and Article XI of Chapter 23 of this Code, if the Oil and Gas Location is within any Overlay District Area or a Special Flood Hazard Area identified by maps officially adopted by Weld County.
 - b. A thorough explanation of the Site Analysis the Applicant has performed for the Oil and Gas Location, as supported by the DA drawing described in Sec. 21-5-320.B.2, below. Each alternative site shall include a short narrative of its pros and cons. The

Site Analysis, beginning with the pre-application meeting, must describe how the Applicant's proposed location is superior to other alternatives considered by the Applicant in terms of protecting Weld County's residents, resources and infrastructure. Although it is not incumbent upon an Applicant to describe a certain number of alternatives that were considered against the Applicant's chosen site, it is generally expected that in the Ag-Rural Planning Area an Applicant have one (1) or more alternatives within the analysis that the Applicant demonstrates as inferior. In the Near-Urban Planning Area it is expected that a more fulsome Site Analysis will be performed that includes a minimum of three (3) alternatives. In both Planning Areas, the Site Analysis may include more alternatives if the Applicant's chosen site has the following cultural items within one thousand (1,000) feet of the Applicant's chosen site as measured from the Disturbance Area to the cultural item: Building Units, High Occupancy Building Units, hospitals, Schools, churches, Sensitive Areas, High Priority Habitats, local government boundaries, and water resources including lakes, ponds, rivers, and ditches. Conversely, in both Planning Areas the Site Analysis may include fewer alternatives (including no alternatives in the Ag-Rural Planning Area) if there are no cultural items within one (1) mile of the Applicant's preferred site.

- c. BMPs and a narrative which explains how the Applicant will comply with the Development Standards set forth in Division 4 of this Article V and any applicable state and federal regulations.
- d. A narrative describing plans for final Reclamation.
- e. A traffic narrative for the Oil and Gas Location addressing operations for construction, drilling, and completions, shall include the following information:
 - 1) The number of roundtrips/day (Roundtrip = 1 trip in and 1 trip out) expected for each vehicle (type, size, weight).
 - 2) The expected haul routes for the vehicles.
 - 3) The travel distribution along the routes (e.g. 50% of traffic will come from the north, 20% from the south, 30% from the east, etc.).
 - 4) The time of day when the highest traffic volumes are expected.

B. Attachments. The following shall be attached to the application.

- 1. Haul Route Map. The purpose of the haul route map is to identify the Applicant's desired route to and from the Oil and Gas Location. The map shall identify the proposed haul route, including off-site haul route(s), from the Oil and Gas Location to the nearest County designated collector or arterial roadway or nearest highway and indicate the desired new or existing access point.
- 2. Development Area drawing. The purpose of the Development Area (DA) drawing is to illustrate the surroundings to assist in comprehensive planning and in the discussion of Oil and Gas Location siting. The drawing shall identify the DA for which the Wells on the Oil and Gas Location are intended to produce, and the preferred and alternative sites the Applicant is considering. In the case of an Oil and Gas Location with no Wells, the Well(s) producing to that Oil and Gas Location shall be identified.

3. Location Photos. A minimum of four (4) color photographs of the staked location, one (1) from each cardinal direction, shall be attached. Each photograph shall be identified by: date taken, location name, and direction of view.
4. Location Drawing. The purpose of the location drawing is to identify all visible improvements within the 1041 WOGLA Zone. It shall be a scaled drawing with scaled aerial photograph to include horizontal distances and approximate bearing from the Oil and Gas Location for all visible improvements. This drawing shall be stamped by a licensed professional surveyor showing any survey monuments in the 1041 WOGLA Zone and the County road right-of-way extents, if applicable.
5. Facility Drawing. The purpose of the facility drawing is to identify the positioning of all equipment on the Oil and Gas Location. This shall be a scaled drawing illustrating the approximate outline of the Oil and Gas Location and identifying all existing and proposed Well(s), equipment, and Flowline corridors on-location covered by the application.
6. Process Flow Diagram. A process flow diagram (PFD) which depicts oil and gas production operations. The PFD shall be presented as a flowchart that illustrates the general flow of processes and equipment at an Oil and Gas Location. The PFD shall include all permanent Oil and Gas Facilities and shall show the flow path and direction of all oil, gas and water produced on, or transported to or from the Oil and Gas Location. The PFD shall also illustrate fuel and power sources for major equipment. The PFD need not include detailed piping and instrumentation.
7. Multi-well plan. If the proposed Oil and Gas Location is for multiple Wells on a single pad, a drawing showing proposed wellbore trajectory with bottom-hole locations shall be attached.
8. Reclamation plan. If the final Land Use includes residential, industrial, commercial, or cropland, a reclamation plan is not needed. If the final Land Use includes rangeland, forestry, recreation, wildlife habitat, or any other non-excluded Land Use, the following information shall be attached:
 - a. Reference area map. A topographic map showing the Oil and Gas Location, and the location of the selected Reference Area; and
 - b. Reference area photos. Four (4) color photographs of the Reference Area, taken during the growing season of vegetation, one (1) from each cardinal direction. Each photograph shall be identified by date taken, location name, and direction of view. Such photographs may be submitted to OGED any time up to twelve (12) months after the granting of the 1041 WOGLA Permit.

9. Waste management plan. A waste management plan shall be provided that describes the methods for storing, transporting and disposing of wastes. The plan must include a statement that waste materials will be handled in compliance with and should cite appropriate local, state and federal regulatory requirements. The plan should further provide that wastes stored onsite will be stored in compatible containers that are regularly inspected to ensure they are in good condition and free of excessive wear, structural issues or other defects that may impact their effectiveness. Reports and information regarding the integrity and effectiveness of compatible containers will be made available for review upon request. At a minimum, the waste management plan must address the following waste streams: drilling fluids, drill cuttings, Hydraulic Fracturing Fluid, Flowback and Produced Water, oil stained soils, tank bottoms, general trash, hazardous materials, and other non-hazardous solid wastes.

C. Additional Weld County issued permits and agreements.

The following permits and agreements may be required either for the issuance of a 1041 WOGLA Permit, or after approval of a 1041 WOGLA Permit:

1. Both an Emergency Action Plan (EAP) and Tactical Response Plan (TRP) are required for a 1041 WOGLA Permit. The Applicant shall complete an EAP and TRP on the template provided by the Weld County Office of Emergency Management (OEM). OEM will consult with the local fire district on behalf of the Applicant.
2. An Access Permit is required for a 1041 WOGLA Permit. The Applicant shall complete an Access Permit application provided by the Weld County Department of Public Works pursuant to the requirements of Chapter 8 of this Code. If the access point is under the jurisdiction of the Colorado Department of Transportation or a Local Government other than Weld County, proof of access granted by such Local Government ("Authority having Jurisdiction" or AHJ) is required.
3. A Road Maintenance Agreement (RMA) or Comprehensive Road Maintenance Agreement may be required for a 1041 WOGLA Permit. Following the submittal of a 1041 WOGLA Permit application, the RMA shall be prepared by the Weld County Department of Public Works and sent to the Applicant for execution prior to the 1041 WOGLA Hearing. A Cash in Lieu one-time payment of \$2,850.00 per well for gravel roads and \$4,270.00 per well for paved roads may be considered as an alternative to the RMA.
4. A Drainage Report is required for a 1041 WOGLA Permit. At the time of application submittal, at minimum, a preliminary drainage report shall be provided for review by the Weld County Department of Public Works pursuant to the requirements of Chapter 8 Article XI, and Sec. 21-5-505 of this Code. Prior to applying for a Grading Permit, a final drainage report stamped and signed by a Professional Engineer registered in the State of Colorado is required.
5. If the Oil and Gas Location is located within a Special Flood Hazard Area identified by maps officially adopted by Weld County, a Flood Hazard Development Permit (FHDP) is required for a 1041 WOGLA Permit. The FHDP is issued by the Weld County Department of Planning Services pursuant to Article XI of Chapter 23 of this Code.
6. A Grading Permit is required prior to construction of any Oil and Gas Location greater than one (1) acre. This permit is issued by the Weld County Department of Public Works pursuant to the requirements of Chapter 8 of this Code.

7. If applicable, Building Permit(s) issued by the Weld County Department of Planning Services, shall be obtained pursuant to Chapter 23 and Chapter 29 of this Code.
8. If applicable, Right-of-Way (ROW) Permit(s), issued by the Weld County Department of Public Works, pursuant to Article XIII of Chapter 8 of this Code, are required for any work occurring within County ROW. No work within County ROW shall occur without such ROW Permits being issued.
9. If applicable, a Special Transport permit shall be obtained. No vehicles associated with the 1041 WOGLA Permit may exceed legal per axle weight limits and/or legal size limits as set forth in Article XV of Chapter 8 of this Code, unless Special Transport permits have been applied for and granted by the Weld County Department of Public Works.

Additional information may be required by the OGED Director, resulting from consultation with Referral Agencies.

Sec. 21-5-325. Financial assurance requirements.

At time of Application submittal, an Operator shall provide Financial Assurance to the County in the form of a surety bond or other collateral acceptable to the OGED Director in the amount set forth below to protect Surface Owners who are not parties to a lease, SUA or other relevant agreement with the Operator from unreasonable crop loss or land damage caused by Oil and Gas Operations. Financial Assurance for Surface Owner protection shall not be required for operations conducted on state lands when a bond has been filed with the State Board of Land Commissioners. The Financial Assurance required by this Section shall be in the amount of two thousand dollars (\$2,000) per Well for non-irrigated land, or five thousand dollars (\$5,000) per Well for irrigated land. In lieu of such individual amounts, Operators may submit blanket Financial Assurance in the amount of twenty-five thousand dollars (\$25,000). Any request for relief pursuant to such Financial Assurance must be granted by the OGED Director upon receipt of a written request from the Surface Owner, which may be submitted to the OGED Director at any time. Corrective or remedial action performed by the Operator may be considered by the OGED Director before and as part of any order to execute on the Financial Assurance provided pursuant to this Section. The Financial Assurance provided pursuant to this Section is not intended to limit any monetary award for unreasonable crop loss or land damage that cannot be remediated or corrected. Financial Assurance submitted to the OGED Director shall be held for safekeeping by the Clerk to the Board of County Commissioners. The OGED Director may release the Financial Assurance upon satisfaction that risk of loss to the Surface Owner has been eliminated.

Sec. 21-5-330. OGED review of 1041 WOGLA Permit application.

The OGED Director shall review the 1041 WOGLA Permit Application to determine if it is complete. Such review shall occur within seven (7) days of the filing of the Application. Upon completeness determination, the OGED Director shall:

- A. Send notice of a hearing for the 1041 WOGLA Permit Application before the Hearing Officer to the Surface Owner; to property owner(s) whose property boundaries are located within one thousand (1,000) feet or less of the Oil and Gas Location; to the School Governing Body of any School or Child Care Center whose properties or jurisdictional boundaries are located within one thousand (1,000) feet or less from the Oil and Gas Location. Such notification shall be sent by First-Class Mail by OGED at least thirty-seven (37) days prior to the date of hearing. The mailed notice shall inform the recipient that he or she may apply for intervention in the manner set forth in Sec. 21-5-340.A.1, below.

- B. Prepare legal notice for the hearing to be published in the newspaper designated by the Board of County Commissioners for publication of notices. The date of publication shall be at least thirty-seven (37) days prior to the date of hearing. The mailed and published notice shall inform the reader that he or she may apply for intervention in the manner set forth in Sec. 21-5-340.A.1, below.
- C. Refer the Application to the following agencies for review and comment. The agencies named shall respond within twenty-eight (28) days from the mailing of the application by the County. The failure of any agency to respond within twenty-eight (28) days shall be deemed to be a favorable response to OGED. The referral shall state that the OGED Director will conduct a formal consultation with the referral agency during the twenty-eight (28) day referral period if requested by the referral agency. Reviews and comments solicited by the County are intended to provide the County with information about the proposed Oil and Gas Location. The reviews and comments submitted by a referral agency are recommendations to the 1041 WOGLA Hearing Officer:
1. The planning commission or governing body of any Local Government whose boundaries are within one thousand (1,000) feet of the Oil and Gas Location.
 2. The Weld County Department of Public Health and Environment.
 3. The Weld County Department of Public Works.
 4. The CPW.
 5. The COGCC.
 6. The CDPHE.
 7. The appropriate school district(s).
 8. The appropriate fire district(s).
 9. Any irrigation ditch company with irrigation structures of record that are on, or adjacent to, the Oil and Gas Location.
 10. To any other agencies or individuals to whom OGED Director deems a referral necessary.
- D. Prepare staff comments addressing all aspects of the Application, its conformance with the Weld County Code in effect at the time of filing of the Application, orderly Land Use planning practices, comments received from agencies to which the proposal was referred, and the standards contained in Division 4 of this Article V. Such comments shall be provided to the Hearing Officer for consideration as evidence in the hearing.
- E. Charge a reasonable fee that covers costs incurred by Weld County for review of the Application, holding the appropriate hearing, and performing any necessary administrative tasks associated with the issuance of the 1041 WOGLA Permit. All new Applications shall adhere to the requirements contained in Division 4 of this Article V and will be assessed a new processing fee. Fees can be found in Appendix 5-D.

Sec. 21-5-340. 1041 WOGLA Hearing.

- A. 1041 WOGLA Hearing Participation. The Applicant and any person or entity who has been granted intervention by the Hearing Officer shall have the right to participate formally in the 1041 WOGLA Hearing. The process for seeking intervention is as follows:

1. Application for Intervention must be received by the Hearing Officer twenty (20) days prior to the 1041 WOGLA Hearing. Application for Intervention must be on the form provided on the OGED website. Persons who have standing to participate are limited to those who have received notice of the 1041 WOGLA Hearing by First-Class Mail or who have demonstrated they would be directly, adversely and significantly affected or aggrieved by the granting of the 1041 WOGLA Permit. Application for Intervention must include the following:
 - a. The docket number and date of the 1041 WOGLA Hearing;
 - b. Legal address of the person applying for intervention;
 - c. A general statement of the factual or legal basis for the protest or intervention;
 - e. A description of the intended presentation including a list of proposed witnesses; and
 - f. An estimate of the time required to present the protest or intervention.
 2. Applications for Intervention shall be granted or denied by the Hearing Officer within ten (10) days of their receipt. Such decision shall be communicated to the applicant for intervention in writing by the Hearing Officer.
 3. Any written comment provided by a person who is not granted intervention, or by any other member of the public, will be included in the 1041 WOGLA Hearing record, to be considered by the Hearing Officer evidence and given such weight as the Hearing Officer believes is appropriate.
- B. Conduct of 1041 WOGLA Hearing.
1. 1041 WOGLA Hearings shall be conducted with minimal technical presentation. The Hearing Officer shall control the evidence taken during a hearing in a manner best suited to fully and fairly develop the relevant evidence, safeguard the rights of all parties, and ascertain the substantive rights of the parties based on the merits of the issue(s) to be decided.
 2. Participation by the parties and/or witnesses by telephone or other electronic means shall be at the discretion of the Hearing Officer.
 3. Continuance of hearings shall not be granted without the showing of necessity by the Applicant. A hearing shall not be continued more than once, unless an unforeseen circumstance prohibits the hearing from occurring.
 4. 1041 WOGLA Hearings will be docketed to occur on a weekly basis on days to be determined by the Hearing Officer. Complete Applications whose notice requirements have been met shall be scheduled for hearing on the next available weekly docket.
- C. Decision of the 1041 WOGLA Hearing Officer. Upon the conclusion of the 1041 WOGLA Hearing, the Hearing Officer shall:
1. Grant the 1041 WOGLA Permit if he or she determines that sufficient evidence exists in the record that the standards set forth in Division 4 of this Article V will be met and that the proper Site Analysis has been performed by the Applicant, or;
 2. Continue the 1041 WOGLA Permit if he or she determines that insufficient evidence exists in the record and additional information is required in order to make a determination, or;

3. Deny the 1041 WOGLA Permit if he or she determines that insufficient evidence exists in the record or that a proper Site Analysis has not been performed by the Applicant. If a 1041 WOGLA Permit is denied, the Applicant may apply for the same parcel only if substantial changes have been made to the Application from the original submittal.
 4. Inform the participants of his or her decision. The decision of the Hearing Officer shall be clearly set forth in the order issued by the Hearing Officer. The addition, deletion or modification of any conditions of approval shall be clearly identified in the order.
 5. Inform the participants that such decision may be appealed pursuant to the appeal procedures set forth in Sec. 2-5-340.E and F, below.
- D. Motion for reconsideration. A motion for reconsideration may be considered by the Hearing Officer in cases where a 1041 WOGLA Permit has been denied. Such motion must be filed no later than ten (10) days after the Applicant has received notice of the denial. A motion for reconsideration must state, with sufficient clarity, the specific reason(s) the Applicant believes the denial was the incorrect decision.
- E. Right to appeal. The appellant must file a written notice with the OGED Director within ten (10) days of receiving the Hearing Officer's final order. The notice of appeal must specifically state what part of the decision the appellant believes the Hearing Officer either misinterpreted the facts presented in the Application and/or in the 1041 WOGLA Hearing, or misapplied the regulations set forth in Article V. The notice shall not exceed five (5) pages in length. The OGED Director may submit a memorandum brief but must do so within ten (10) working days of receiving the notice of appeal. Any such memorandum brief shall not exceed five (5) pages in length.
- F. Review of appeal and decision. The OGED Director shall transmit the Hearing Officer's order, the notice of appeal and any memorandum brief to the Board of County Commissioners for review within twenty-one (21) days of receiving the notice of appeal. The Board of County Commissioners may affirm the Hearing Officer's order, modify it in whole or in part, or remand the matter to the Hearing Officer for further fact-finding. A modification may only be made if, based upon the Hearing Officer's findings of fact, the order clearly shows the Hearing Officer either misinterpreted the facts presented in the Application and/or in the 1041 WOGLA Hearing, or misapplied the regulations set forth in Article V. The Board of County Commissioners may review the entire 1041 WOGLA Hearing record upon a majority vote of the Board of County Commissioners. The Board of County Commissioners shall transmit a written decision on the appeal to the OGED Director within ten (10) working days after receiving the notice of appeal and other documents allowed herein. The OGED Director shall thereafter communicate the decision to the Applicant and the Hearing Officer within five (5) working days of receiving the Commissioners' decision.

Delete G.

Sec. 21-5-345. Recording of the 1041 WOGLA Permit, and Vested Property Rights

Following the 1041 WOGLA Hearing, if the Hearing Officer grants approval for the 1041 WOGLA Permit, the following shall occur:

- A. The OGED Director shall record the final order with the Weld County Clerk and Recorder.
- B. Pursuant to Section 24-68-101(1)(a), C.R.S., with the intent to ensure reasonable certainty, stability, and fairness in the Land Use planning process and in order to stimulate economic growth, secure the reasonable investment-backed expectations of landowners, and foster

cooperation between the public and private sectors in the area of Land Use planning, the Board of County Commissioners declares and orders that an approved 1041 WOGLA Permit is an approved site specific development plan as that term is defined in Sec. 23-1-90 of this Code and in Section 24-68-102(4)(a), C.R.S. Therefore, an approved 1041 WOGLA Permit is a vested property right, as defined in Sec. 23-1-90, upon the completion of the notification requirements set forth in Sec. 23-8-70 of this Code. Once noticed pursuant to the requirements of Sec. 23-8-70, the approved 1041 WOGLA Permit confers upon the Operator the right to undertake and complete the exploration and production of oil and gas in Weld County under the terms and conditions set forth therein, pursuant to Section 24-68-103(1)(c), C.R.S.

Sec. 21-5-350. Compliance with 1041 WOGLA Permit conditions of approval and Development Standards.

An Applicant for a 1041 WOGLA Permit shall comply with the conditions of approval and Development Standards detailed in the 1041 WOGLA Permit and in Division 4 of this Article V. Noncompliance with the Conditions of Approval and Development Standards may be reason for revocation of the 1041 WOGLA Permit by the Hearing Officer.

Enforcement actions by the OGED Director shall be according to the following procedure:

- A. Enforcement of Conditions of Approval. The Hearing Officer shall, after hearing and upon issuing a preliminary order granting the 1041 WOGLA Permit, schedule a return date when the Operator shall present evidence to the Hearing Officer that all "Prior to Recording" conditions of approval have been satisfied. Upon providing such evidence the Hearing Officer shall issue a final order granting the 1041 WOGLA Permit. If no "Prior to Recording" conditions of approval exist, the Hearing Officer shall issue a final order granting the 1041 WOGLA Permit and no return date shall be necessary. Should at any time the Operator be found to be out of compliance with any remaining condition of approval the OGED Director may set a suspension or revocation hearing before the Hearing Officer pursuant to the provisions of Sec. 21-5-370, below.
- B. Enforcement of Development Standards. The enforcement of Development Standards stated in the 1041 WOGLA Permit and/or in Division 4 of this Article V shall be conducted by the OGED Director in the following manner:
 1. Upon receiving a complaint from any member of the public or the filing of an inspection report by an OGED inspector, alleging a violation of Development Standards stated in the 1041 WOGLA Permit and/or in Division 4 of this Article V, the OGED Director shall notify the Operator of the complaint or adverse inspection report and require Operator investigation and response within 24 hours. Within the OGED Director's required timeframe, the Operator shall correct the violation and inform the OGED Director of such correction. If the Operator is unable to achieve the required correction within the stated timeframe, the Operator shall inform the OGED Director of the circumstances and the anticipated date of correction, and the OGED Director may modify the stated timeframe.
 2. If the OGED Director has probable cause to believe the violation persists, he or she shall notify the Operator in writing of the violation, present a demand for correction and provide a date upon which the violation must be corrected. The Operator shall correct the violation within the stated timeframe and notify the OGED Director in writing of such correction.

3. If the OGED Director does not receive a written response from the Operator within the stated timeframe saying the violation has been corrected, or if upon OGED inspection there is probable cause to believe the violation persists, the OGED Director shall set a suspension or revocation hearing before the Hearing Officer pursuant to the provisions of Sec. 21-5-370, below.

Sec. 21-5-355. Required notification.

A. Notifications to the OGED Director:

1. Prior to construction notification. The Operator is required to provide written notice to the OGED Director via the 1041 WOGLA Sundry Form two (2) weeks prior to beginning the Construction Phase of the Oil and Gas Location. This written notice will meet the notification requirements of both the Road Maintenance Agreement and the Emergency Action Plan.
2. Drilling and Completions notifications. The Operator is required to provide notice to the OGED Director for the following:
 - a. Spud notice – at least 48 hours prior to Spud, the Operator shall provide written notice of such activity to OGED Director via the 1041 WOGLA Sundry Form. This notification will meet the requirements outlined in the Emergency Action Plan.
 - b. Completions notice – at least one (1) week prior to commencement of Completions activity on an Oil and Gas Location, the Operator shall provide written notice of such activity to OGED Director via the 1041 WOGLA Sundry Form. This notification will meet the requirements outlined in the Emergency Action Plan.
3. Post construction/Turn-in-Line notification. The Operator is required to provide written notice to the OGED Director via the 1041 WOGLA Sundry Form within two (2) weeks of a Well or facility being turned to sales. This written notice shall include an electronic GIS map (shapefile or .kmz) showing the off-location Flowlines. This written notification will meet the notification requirements of the Road Maintenance Agreement and the Emergency Action Plan.

B. Notifications to the Surface Owner. With respect to the notices listed in this Section, it shall be the responsibility of the notified Surface Owner to give notice of the proposed operation to the tenant farmer, lessee, or other party that may own or have an interest in any crops or surface improvements that could be affected by such proposed operation. The Operator shall, concurrent with the Surface Owner Notice, post a temporary sign not less than two-feet by two-feet at the intersection of the lease road and the public road providing access to the Well Site, with the name of the proposed Well, the legal location thereof, and the estimated date of commencement. Such sign shall be maintained until Completion operations at the Well are concluded. Unless the following is otherwise addressed in the SUA or Memorandum of SUA, or the Surface owner has signed a written waiver of the notifications required in this Section, the following notices to the Surface Owner shall occur:

1. Notification prior to construction. The Applicant is required to provide notice to the Surface Owner in writing not less than thirty (30) days in advance of commencement of operations with heavy equipment prior to the beginning of drilling of a well. This written notice shall provide the following:
 - a. The Operator's name and contact information for the Operator or its agent;
 - b. A site diagram or plat of the Oil and Gas Location and any associated roads;

- c. The date operations with heavy equipment are expected to commence; and
- d. The contact information for OGED.

This notice shall be delivered by hand; certified mail, return-receipt requested; or by other delivery service with receipt confirmation. Electronic mail may be used if the Surface Owner has approved such use in writing.

- 2. Subsequent Well operation notification. An Operator shall provide to the Surface Owner at least ten (10) days advance notice of subsequent Well operations with heavy equipment that will materially impact surface areas beyond the existing access road or Well Site, such as recompleting or stimulating the Well.
- 3. Final Reclamation notification. Not less than thirty (30) days before any final Reclamation operations are to take place, the Operator shall notify the Surface Owner. Final Reclamation operations shall mean those Reclamation operations to be undertaken when a Well is to be Plugged and Abandoned or when Production Facilities are to be permanently removed. In preparing for final Reclamation and Plugging and Abandonment, the Operator shall use its best efforts to consult in good faith with the affected Surface Owner (or the tenant when the Surface Owner has requested that such consultation be made with the tenant). Such good faith consultation shall allow the Surface Owner the opportunity to provide comments concerning preference for timing of such operations and all aspects of final Reclamation, including, but not limited to, the desired final Land Use and seed mix to be applied.

Any of the notices required in this Sec. 21-5-355.B may be waived in writing by the Surface Owner provided that a waiver by a Surface Owner shall not prevent the Surface Owner or any successor-in-interest to the Surface Owner from rescinding that waiver if such rescission is in accordance with applicable law.

- C. Notification to Building Unit owner. At least thirty (30) days, but no more than ninety (90) days, before Oil and Gas Operations or construction commences, the Operator shall provide written notice (Notice of Operations) to all Building Unit owners within the 1041 WOGLA Zone. Building Unit owners shall be re-noticed if: it has been more than one (1) year since the previous notice or since drilling activity last occurred, or notice was not previously required.
 - 1. Notice of Operations shall be delivered in writing, with receipt confirmation, to all Building Units within the 1041 WOGLA Zone (as determined by Weld County Assessor's record at the time of notice).
 - 2. The Notice of Operations must include:
 - a. A statement informing the Building Unit owner that the Operator intends to construct an Oil and Gas Location within one thousand (1,000) feet of their Building Unit;
 - b. The parcel number and legal description of the property on which the Oil and Gas Location is situated;
 - c. The location name, 1041 WOGLA Permit number, and number of Wells to be drilled;
 - d. Approximate cross streets of the Oil and Gas Location;
 - e. The anticipated date (Month and Year) the construction or operations will commence; and

- f. Both Operator and OGED contact information.
- 3. A Building Unit owner entitled to receive Notice of Operations may waive their right to be noticed, in writing, at any time. The Operator shall provide evidence of this waiver to OGED, if requested.

Sec. 21-5-360. Amendments, termination, or failure to commence use.

- A. Any amendments to an Oil and Gas Location which modify or expand the Location beyond what was originally permitted by Weld County or the COGCC shall be filed with the OGED via a 1041 WOGLA Sundry Form.
- B. Major amendments to an existing Oil and Gas Location may require the approval of a new 1041 WOGLA Permit by the Hearing Officer. The OGED Director is responsible for determining whether a major amendment exists, in which case a new 1041 WOGLA Permit Application and processing may be required. "Major amendments" include, but are not limited to, the following: any surface disturbance at a previously undisturbed or fully reclaimed site; surface disturbance for purposes of permanently expanding an existing Oil and Gas Location beyond the originally disturbed area; the addition of one (1) or more Wells; and/or moving an existing or permitted Location.
- C. The Construction Phase authorized by an approved 1041 WOGLA Permit shall be completed within three (3) years from the date of publication announcing the approval of the 1041 WOGLA Permit, or the approval shall terminate. However, if the Construction Phase has been commenced within the three (3) years, but not completed, an additional three (3) years shall be granted by the OGED Director, via a 1041 WOGLA Sundry Form, but the 1041 WOGLA Permit shall then be subject to any new rules amended into this Article V since the approval of the original 1041 WOGLA Permit.

Sec. 21-5-370. Suspension and revocation procedures.

- A. If following the notice and timeframes called for in Sec. 21-5-350 above, the OGED Director determines that one (1) or more of the 1041 WOGLA Permit Development Standards set forth in Division 4 of this Article V have not been met, the OGED Director shall notify the Operator of the Oil and Gas Location of the failure to comply with the terms of the 1041 WOGLA Permit and/or the Development Standards set forth in this Article V. The notice will inform the Operator that a hearing has been scheduled before the Hearing Officer to determine if the 1041 WOGLA Permit should be suspended or revoked. The Operator shall have the right to participate and present information at the hearing.
- B. The Hearing Officer shall hold a hearing to determine if the Operator of the Oil and Gas Location has failed to comply with the terms of the 1041 WOGLA Permit and/or the regulations set forth in this Article V. Upon such a finding, the Hearing Officer may suspend or revoke the 1041 WOGLA Permit, and/or order the Operator to cease the use of the Oil and Gas Facility immediately. In lieu of suspension or revocation, the Hearing Officer may order the Operator to submit a compliance plan and set a timeframe for return to present evidence of compliance.
- C. The Operator may appeal the Hearing Officer's order to the Board of County Commissioners by following the appeal procedures in Sec. 21-5-340.E and F.

Sec. 21-5-380. Site inspection by OGED.

OGED staff may inspect, at any time, the Oil and Gas Locations subject to the regulations set forth in this Article V to determine if the Oil and Gas Location is in compliance.

Sec. 21-5-390. Transferability of 1041 WOGLA Permits.

Once issued, 1041 WOGLA Permits are transferable to a new Operator. The new Operator is subject to all terms and conditions of the 1041 WOGLA Permit and shall be considered the Responsible Party. Within sixty (60) days of transfer, the new Operator shall notify the OGED Director and the Surface Owner in writing of the name, business address, and other contact information for the new Operator.

Division 4 - Weld Mineral Resource (Oil and Gas) Area Development Standards.

The following Development Standards (referred to herein as "Development Standards") apply to all Oil and Gas Locations within the Weld Mineral Resource (Oil and Gas) Area having received approval of a 1041 WOGLA Permit (or an amendment thereto as required by Sec. 21-5-360).

Sec. 21-5-400. Weed control.

All disturbed areas shall be kept free of Weeds. Weed control measures shall be conducted in consultation with the Surface Owner and Weld County Weed Management Specialist. The OGED Director and/or the 1041 WOGLA Hearing Officer may require the submittal of and compliance with a weed control plan as part of 1041 WOGLA Permit approval to provide impact mitigation, or pursuant to any enforcement action against an Operator.

Sec. 21-5-405. Lighting.

As part of the application for a 1041 WOGLA Permit, an Operator shall describe plans for light mitigation that demonstrates their capability to meet the maximum permissible lighting levels as described in this Sec. 21-5-405.

A. Lighting Zones ("LZ").

Table 405 A.1

Lighting Zone ("LZ")	Recommended Uses or Areas	LZ Considerations
LZ-0	Lighting Zone 0 should be applied to areas in which permanent lighting is not expected and when used, is limited in the amount of lighting and the period of operation. LZ-0 typically includes undeveloped areas of open space, wilderness parks and preserves, areas near astronomical observatories, or any other area where the protection of a dark environment is critical. Special review should be required for any permanent lighting in this zone. Some rural communities may choose to adopt LZ-0 for residential areas.	Recommended default zone for wilderness areas and undeveloped rural areas.
LZ-1	Lighting Zone 1 pertains to areas that desire low	Recommended default zone for

	ambient lighting levels. These typically include single-family and multi-family residential communities, rural town centers, business parks, and other commercial or industrial/storage areas typically with limited nighttime activity. May also include the developed areas in parks and other natural settings.	rural and low-density residential areas. Includes residential single or two family; agricultural zone districts; rural residential zone districts; business parks; open space including preserves in developed areas.
LZ-2	Lighting Zone 2 pertains to areas with moderate ambient lighting levels. These typically include multifamily residential Uses, institutional residential Uses, schools, churches, hospitals, hotels/motels, commercial and/or businesses areas with evening activities embedded in predominately residential areas, neighborhood serving recreational and playing fields and/or mixed-use development with a predominance of residential uses. Can be used to accommodate a district of outdoor sales or industry in an area otherwise zoned LZ-1.	Recommended default zone for light commercial business districts and high density or mixed-use residential districts. Includes neighborhood business districts; churches, schools and neighborhood recreation facilities; and light industrial zoning with modest nighttime uses or lighting requirements.
LZ-3	Lighting Zone 3 pertains to areas with moderately high lighting levels. These typically include commercial corridors, high intensity suburban commercial areas, town centers, mixed use areas, industrial Uses and shipping and rail yards with high nighttime activity, high use recreational and playing fields, regional shopping malls, car dealerships, gas stations, and other nighttime active exterior retail areas.	Recommended default zone for large city business districts. Includes business zone districts; commercial mixed use; and heavy industrial and/or manufacturing zone districts.
LZ-4	Lighting zone 4 pertains to areas of very high ambient lighting levels. LZ-4 should only be used for special cases and is not appropriate for most cities. LZ-4 may be used for extremely unusual installations such as high-density entertainment districts, and heavy industrial Uses.	Not a default zone. Includes high intensity business or industrial zone districts.

Source: Illuminating Engineering Society, International Dark-Sky Association, Joint IDA-IES Model Lighting Ordinance (MLO) with User's Guide, June 15, 2011.

B. Construction Phase base allowance for lighting. The following lighting limits are the standards for the LZ in which the Oil and Gas Location is situated.

Table 405 B.1

Construction Phase Base Allowance for Lighting at Oil and Gas Locations				
LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
For all LZs, up to 12.0 lumens per SF of hardscape				

Source: Illuminating Engineering Society, International Dark-Sky Association, Joint IDA-IES

Model Lighting Ordinance (MLO) with User's Guide, June 15, 2011.

The allowable base lumens for an Oil and Gas Location are calculated using the Lighting Zone as shown in Table 405 A.1, and the total hardscape. In both Planning Areas depicted on Appendix 21-B, the Construction Phase hardscape shall equal actual acres up to twelve (12) acres.

Operators shall ensure that lighting at the Oil and Gas Location does not exceed the assigned allowable base lumens.

During the Construction Phase or during operations involving Pipeline or Gas Facility installation or maintenance, use of a Workover rig, or stimulation, Operators must comply with the maximum allowable lumens per SF as shown in Table 405 B.1.

After new lighting has been erected on an Oil and Gas Location, the Operator shall certify to the OGED Director that the lighting is in compliance with the base allowances and standards set forth in this Section and perform an inspection of the boundaries to ensure lights are not impacting nearby Building Units or public rights-of-way. The OGED Director and/or the Hearing Officer may require the submittal of and compliance with a lighting plan as part of 1041 WOGLA Permit approval to provide impact mitigation, or pursuant to any enforcement action against an Operator.

- C. Production Phase base allowance for lighting. The following lighting limits are the standards for the LZ in which the Oil and Gas Location is situated (or as allowed by the OGED Director and/or the Hearing Officer):

Table 405 C.1

Production Phase Base Allowance for Lighting at Oil and Gas Locations				
LZ-0	LZ-1	LZ-2	LZ-3	LZ-4
0.5 lumens per SF of hardscape	1.25 lumens per SF of hardscape	2.5 lumens per SF of hardscape	5.0 lumens per SF of hardscape	7.5 lumens per SF of hardscape

Source: Illuminating Engineering Society, International Dark-Sky Association, Joint IDA-IES Model Lighting Ordinance (MLO) with User's Guide, June 15, 2011.

The allowable base lumens for an Oil and Gas Location are calculated using the Lighting Zone as shown in Table 405 A.1, and the total hardscape. In both Planning Areas depicted on Appendix 21-B, the Production Phase hardscape shall equal actual acres of the Oil and Gas Location after Interim Reclamation.

Operators shall ensure that lighting at the Oil and Gas Location does not exceed the assigned allowable base lumens.

1. During the Production Phase, unless another LZ is allowed by the OGED Director and/or the 1041 WOGLA Hearing Officer, Oil and Gas Locations within the Ag-Rural Planning Area as depicted on the map in Appendix 21-B shall comply with the lighting standards of LZ-0 or LZ-1, depending upon the number of and proximity to Building Units, DOAAs, and/or High Priority Habitats. Unless another LZ is allowed by the OGED Director and/or the Hearing Officer, Oil and Gas Locations within the Near-Urban Planning Area as depicted on the map in Appendix 21-B, shall comply with the lighting standards of LZ-2 or LZ-3, depending upon the number of and proximity to Building Units, DOAAs, and/or High Priority Habitats.

- a. The OGED Director and/or the Hearing Officer may require another LZ than what is allowed for the Planning Area in which the Oil and Gas Location is situated, depending upon which LZ best fits the land uses and circumstances surrounding the Oil and Gas Location.
 - b. If permanent lighting is proposed to be utilized during the Production Phase, the Operator shall provide a photometric plan with the application to be considered by the OGED Director and the Hearing Officer.
 - c. The photometric plan will demonstrate compliance with the lighting levels outlined in Table 405 B.1. In addition, the plan will demonstrate how permanent lighting will utilize BMPs and lighting technology to limit the amount of light leaving the Location.
- D. Lighting standards. Operators shall adhere to the following lighting standards at all Oil and Gas Locations during all phases of Oil and Gas Operations:
- 1. Operators shall direct site lighting downward and inward, such that no light shines above a horizontal plane passing through the center point of the light source, with lights hidden by the sound wall if one is present.
 - 2. Operators will place bulbs within fixtures that obscure, block, or diffuse the light to reduce light intensity outside the boundaries of the Oil and Gas Location.
 - 3. Operators will use BMPs including, but not limited to:
 - a. Minimizing lighting when not needed using timers or motion sensors (“use only the lights you need”);
 - b. Using full cut-off lighting;
 - c. Using lighting colors that reduce light intensity; and
 - d. Using low-glare and no-glare lighting.

Sec. 21-5-410. Visual impact mitigation.

Production Facilities, regardless of construction date, observable from any public highway shall be painted with uniform, non-contrasting, non-reflective color tones (similar to the Munsell Soil Color Coding System), and with colors matched to, but slightly darker than, the surrounding landscape.

Portable toilets for use on the Oil and Gas Location shall not be visible from adjacent properties or public rights-of-way. Sound walls or fencing may be used as screening.

Sec. 21-5-415. Fugitive dust.

Operators shall employ practices for control of fugitive dust caused by their operations on the Oil and Gas Location and private access roads. Such practices shall include, but are not limited to, the use of speed restrictions; regular road maintenance; restriction of construction activity during high-wind days; silica dust controls when handling sand used in Hydraulic Fracturing operations; and the application of dust suppression controls limited to magnesium chloride and Fresh Water.

The submittal of and compliance with a dust mitigation plan detailing additional management practices such as road surfacing, construction of wind breaks and barriers, soil stockpile stabilization or automation of Wells to reduce truck traffic may be required by the OGED Director and/or the 1041 WOGLA Hearing Officer as part of the 1041 WOGLA Permit approval

to provide impact mitigation, or pursuant to a fugitive dust enforcement action against an Operator. Should the Operator choose to provide a cash in lieu payment pursuant to the provisions of Sec. 21-5-320C.3. of this Code, the Operator shall continue to be responsible for mitigating fugitive dust on County roads that are part of the haul route for the Oil and Gas Location.

Sec. 21-5-420. Odor.

Oil and Gas Operations shall comply with the AQCC Regulation No. 2 Odor Emission (5 C.C.R. 1001-4) Subsections A.I.A., and A.II – A.V, which standards may be enforced by the OGED Director following the enforcement procedures set forth in this Article V. The OGED Director and/or the 1041 WOGLA Hearing Officer may require the submittal of and compliance with an odor mitigation plan as part of the 1041 WOGLA Permit approval to provide impact mitigation, or pursuant to any enforcement action against an Operator.

Sec. 21-5-425. Site Security and signage.

The Oil and Gas Facility shall be designed and operated in a manner that is protective of public health, safety and welfare during all phases of operation by preventing public access, unauthorized vehicular traffic, and illegal dumping of wastes. Appropriate measures shall be implemented to prevent access to the Oil and Gas Facilities by wildlife or domestic animals. Fencing maybe be required at the discretion of the OGED Director and/or included as a requirement in the Hearing Officer's final order. When used, fencing shall be appropriate to the siting of the proposed Oil and Gas Location. Within sixty (60) days after beginning construction of an Oil and Gas Location, a permanent sign shall be required. The sign shall be placed at the intersection of the lease access road with a public road but shall not be placed in the road right-of-way. Such sign, which shall be no less than three (3) square feet and no more than six (6) square feet, shall provide: the name of the operator; a phone number at which the operator can be reached at all times; a phone number for local emergency services (911 where available); the Oil and Gas Location name; the legal location, including the quarter-quarter section; and the assigned address. In lieu of providing the legal location on the permanent sign, it may be stenciled on a tank in characters visible from one hundred (100) feet.

Sec. 21-5-430. Well completions.

Oil and Gas Well Completions shall be conducted in compliance with the Reduced Emissions or "Green" Completion requirements of CDPHE, AQCC, Regulation 7 and US EPA, New Source Performance Standards, Subparts OOOO and OOOOa.

Sec. 21-5-435. Noise.

As part of the application for a 1041 WOGLA Permit, an Operator shall describe plans for noise mitigation that demonstrates their capability to meet the maximum permissible noise levels as described in this Sec. 21-5-435.A.

A. Noise Level Standards.

All Oil and Gas Operations will comply with the following maximum permissible noise levels:

Table 435 A.1

Noise Levels	7:00 a.m. to next 7:00 p.m.	7:00 p.m. to next 7:00 a.m.
A-scale		
NL-1	55 db(A)	50 db(A)
NL-2	60 db(A)	55 db(A)
NL-3	65 db(A)	60 db(A)
NL-4	70 db(A)	65 db(A)
C-scale		
All Areas	65 db(C)	65 db(C)

1. During the Construction Phase or during operations involving Pipeline or Gas Facility installation or maintenance, use of a Workover rig, or stimulation, Operators must comply with the following noise levels:
 - a. For Oil and Gas Locations within the Ag-Rural Planning Area, the OGED Director may recommend to the Hearing Officer that Operators comply with up to the maximum permissible noise level for the NL-4 standard depending upon the proximity of Building Units or High Occupancy Building Units within the 1041 WOGLA Zone.
 - b. For Oil and Gas Locations within the Near-Urban Planning Area, the OGED Director may recommend to the Hearing Officer that Operators comply with up to the maximum permissible noise level for the NL-3 standard depending upon the proximity of Building Units or High Occupancy Building Units within the 1041 WOGLA Zone.
 - c. The hearing Officer may require Operators to comply with a lower maximum permissible noise level in consultation with the Colorado Department of Public Health and Environment, or Colorado Parks and Wildlife.
2. During the Production Phase, Operators with Oil and Gas Locations in both the Ag-Rural and Near-Urban Planning Areas shall comply with the maximum permissible noise level for the NL-1 standard.
3. If any Building Units, High Priority Habitat, or DOAA are located within the 1041 WOGLA Zone, Operators will provide specific BMPs to show how noise will be mitigated in order to maintain compliance with approved noise level standards. Sound emitted from all engines, motors, coolers and other mechanized equipment shall be directed away from sensitive receptors.
4. Periodic, impulsive or shrill noises will be allowed an additional five (5) db(A) from the levels shown in Table 435 A.1. Operators shall use BMPs to limit these types of noises to the fullest extent possible.
5. If a Building Unit, High Priority Habitat, or DOAA is built or designated after an Oil and Gas Location is permitted, the Operator shall continue to comply with the standards of this Sec. 21-5-435.A, as permitted.
6. A baseline ambient noise survey by a qualified sound expert may be required when there are existing industrial or commercial types of activity within the 1041 WOGLA Zone.
 - a. When required by the OGED Director, the Operator will conduct background ambient

noise surveys to establish baseline conditions for noise levels on the site, for both A-scale and C-scale noise.

- b. When required, the 1041 WOGLA Permit will include a condition of approval requiring the Operator to conduct the background ambient noise survey not more than ninety (90) days, nor less than thirty (30) days, prior to the Construction Phase. Such survey results shall be submitted to the OGED Director for review and possible action. If necessary, the noise mitigation plan shall be updated accordingly based on the survey results and submitted to the OGED Director for approval via the 1041 WOGLA Sundry Form.
 - c. When an Operator conducts a background ambient survey the Operator will follow the same approach as outlined in Sec. 21-5-435.B and over a 72-hour period, including at least 24 hours between 10:00 p.m. on a Friday and 4:00 a.m. on a Monday. A single cumulative daytime ambient noise level and a single cumulative nighttime ambient noise level will be established by taking the logarithmic average of all daytime or nighttime one (1)-hour Leq values measured and in accordance with the sound level data collection requirements pursuant to the maximum permissible noise levels found in Table 435 A.1.
 - d. Sound levels shall be measured at a distance of 350 feet from the Oil and Gas Location, at minimum in four (4) directions.
- B. To demonstrate compliance with the standards set forth in Sec. 21-5-435.A, sound levels shall be measured according to the following standards:
1. Pursuant to an A-scale complaint:
 - a. Sound levels shall be measured at a distance of three hundred fifty (350) feet from the Oil and Gas Location, in the direction of the complainant.
 - b. At the request of the complainant or OGED Director, sound levels may be measured at a point beyond three hundred fifty (350) feet that the complainant or OGED Director believes is more representative of the noise impact.
 - c. If an Oil and Gas Location is located closer than three hundred fifty (350) feet from an existing occupied structure, sound levels shall be measured at a point twenty-five (25) feet from the structure towards the Oil and Gas Location.
 - d. On property owned by the Operator, noise levels shall be measured at three hundred fifty (350) feet from the Oil and Gas Location, or at the property line, whichever is greater.
 - e. In situations where measurement of noise levels at three hundred fifty (350) feet is unrepresentative or non-attainable due to topography, measurements may be taken at a more attainable/accessible distance and be extrapolated to a three hundred fifty (350) foot equivalent using the following formula:
$$\text{Unknown db(A)} = \text{Known db(A)} - (20 \times \log_{10}(d_2/d_1))$$

(d2 = standard distance 350 ft & d1 = measured distance)
 - f. If a baseline noise survey has been conducted, the overall Leq within the closest direction of the complainant will be utilized to determine compliance.
 2. Pursuant to a C-scale complaint:

- a. In situations where the complaint or on-site inspection indicates that low frequency noise is a component of the problem, sound level measurements shall be taken twenty-five (25) feet from the exterior wall of the complainant's residence or occupied structure in the direction of the Oil and Gas Location, using a noise meter calibrated to the db(C) scale.
 - b. If the noise source is on the same property as the complainant, db(C) readings will be taken twenty-five (25) feet from the exterior wall of the residence.
 - c. If the sound levels exceed the maximum permissible noise levels as defined in Table 435 A.1, the OGED Director shall require the Operator to obtain a low frequency noise impact analysis by a qualified sound expert, including identification of any reasonable control measures available to mitigate such low frequency noise impact. Such study shall be provided to the OGED Director for review and possible action.
 - d. If a baseline noise survey has been conducted, the overall Leq within the closest direction of the complainant will be utilized to determine compliance.
3. Sound level meters shall be equipped with wind screens and shall take readings when the wind velocity at the time and place of measurement is not more than five (5) miles per hour.
 4. Sound level measurements shall be taken from four (4) to five (5) feet above ground level.
 5. Sound levels shall be determined by taking the logarithmic average (LASEq) of minute-by-minute measurements made over a minimum fifteen (15) minute sample duration. Compliance will be determined by the highest measured LASEq average calculated and shall be rounded to the nearest whole number.
 6. Sound levels shall be taken under conditions that are representative of the noise experienced by the complainant (e.g., at night, morning, evening, or during special weather conditions).
- C. Cumulative Noise.
1. When required, or in instances when baseline noise surveys have previously been conducted, noise measurements will take into account ambient noise, rather than solely the incremental increase of noise from the facility targeted for measurement.
 2. If ambient noise levels already exceed the noise thresholds identified in Table 435 A.1, then during drilling or Completion operations, including Flowback or operations involving Pipeline or Gas Facility installation or maintenance, use of a Workover rig, or stimulation, Operators will be considered in compliance, unless at any time their individual noise contribution, measured pursuant to Sec. 21-5-435.B, increases noise above ambient levels by greater than five (5) db(C) and five (5) db(A) between 7:00 a.m. and 7:00 p.m., or three (3) db(C) and three (3) db(A) between 7:00 p.m. and 7:00 a.m.
 3. If ambient noise levels already exceed the maximum permissible noise thresholds identified in Table 435 A.1, under no circumstances shall the Production Phase exceed the ambient noise levels shown on the baseline noise survey.

Sec. 21-5-440. Pollution.

Operators shall take precautions to minimize adverse environmental impacts to air, water, soil, or biological resources to the extent necessary to protect public health, safety and welfare, including the environment and Wildlife Resources.

Sec 21-5-445. Leak detection and repair (LDAR).

Leak Detection and Repair (LDAR) shall be conducted in compliance with all state and federal regulations.

Sec. 21-5-450. Management of waste.

- A. E&P Waste. Operators shall ensure that E&P Waste is properly stored, handled, transported, treated, recycled, and/or disposed of in accordance with federal, state and Weld County regulations. Land treatment with oily waste on Oil and Gas Locations permitted through the 1041 WOGLA process is prohibited.
- B. Non-E&P Waste. Operators shall ensure that non-E&P Wastes are properly stored, handled, transported, treated, recycled, and/or disposed of in accordance with state and federal regulations. Oil and Gas Locations shall be kept free of trash, debris, scrap and/or discarded materials connected with operations on the property.

Sec 21-5-455. Storage tank control requirements.

Crude oil, condensate and Produced Water storage Tanks shall be installed and operated in compliance with all state and federal regulations.

Sec. 21-5-460. Pits - general and special rules.

- A. Drilling Pits, Multi-Well Pits, Reserve Pits, and Special Purpose Pits, (as defined in Sec. 21-5-20) used for the exploration and production of oil and gas are prohibited. Operators are required to use closed-loop systems while drilling on all Oil and Gas Locations.
- B. Emergency Pits, as defined in Sec. 21-5-20 above, may be allowed if constructed and used only in the initial phase of emergency response. The Operator shall notify the OGED Director within 24 hours of the construction of an Emergency Pit. Once the emergency is controlled, the Emergency Pit shall be reclaimed and cleared of all hydrocarbons, Produced Water or any other substance that may be contained within.
- C. Freshwater Pits, as defined in Sec. 21-5-20 above, shall be permitted in accordance with applicable state and federal regulations.
- D. Production Pits, as defined in Sec. 21-5-20 above, may be permitted in accordance with applicable state and federal regulations, and if granted a variance by the OGED Director pursuant to the rule set forth in Sec. 21-5-570.

Sec. 21-5-465. Spills and releases.

Operators shall maintain a Spill prevention plan for each Oil and Gas Location with BMPs to adequately protect any and all critical receptors. The OGED Director and/or 1041 WOGLA Hearing Officer may require the submittal of and compliance with a Spill prevention plan as part of the 1041 WOGLA Permit approval to provide impact mitigation, or pursuant to any enforcement action against an Operator.

Operators shall notify the Weld County Office of Emergency Management of the occurrence of Spills and Releases, as required by the terms of the approved Weld County Emergency Action Plan.

Sec. 21-5-470. Concentrations and sampling for soil and ground water.

Operators shall comply with applicable state and federal rules and regulations regarding concentrations and sampling for soil and ground water, if applicable. Results of such sampling

shall be made available at the request of the OGED Director and/or Weld County Department of Public Health and Environment.

Sec. 21-5-475. Venting and flaring natural gas.

Operators shall comply with applicable state and federal rules regarding venting and flaring of natural gas. Operators shall minimize venting and flaring to the greatest extent practicable.

Sec. 21-5-480. Air permits.

Facilities and equipment which are sources of regulated air emissions shall be authorized in accordance with the Air Pollutant Emission Notice (APEN) and Stationary Source Permitting requirements of CDPHE, AQCC, Regulation 3.

Sec 21-5-485. Pneumatic pumps and controllers.

Operators are encouraged to install non-pneumatic devices or pneumatic devices that are operated using instrument air wherever feasible. Natural gas operated pneumatic devices shall be installed and operated in compliance with the requirements of CDPHE, AQCC, Regulation 7, Part D and US EPA, New Source Performance Standards, Subparts OOOO and Subpart OOOOa.

Sec. 21-5-490. Setbacks.

A. General Requirements.

1. At the time of initial drilling, a Well shall be located not less than two hundred (200) feet from buildings, the current or future Right-of-Way line of public roads, major above ground utility lines, or railroads.
2. A Well shall be located not less than one hundred fifty (150) feet from a surface property line. The Hearing Officer may grant an exception if it is not feasible for the Operator to meet this minimum distance requirement and a waiver is obtained from the offset Surface Owner(s).
3. No portion of the disturbed area of the Oil and Gas Location shall be within the current or future Right-of-Way of State, County or Municipal roads, or within recorded easements of utilities or railroads, unless written documentation allowing such disturbance is included in the Application.

B. Building Unit. Oil and Gas Location shall be located a minimum of five hundred (500) feet from Building Units. For an exception from the Building Unit setback, the Operator may submit a waiver from each Building Unit owner within five hundred (500) feet of the proposed Oil and Gas Location to be approved by the Hearing Officer. Alternatively, the Hearing Officer may approve an exception by determining that potential locations outside the 500-foot setback are technically infeasible or economically impracticable and sufficient mitigation measures including, but not limited to, BMPs shall be employed to protect public health, safety and welfare.

C. High Occupancy Building Unit. Oil and Gas Location shall be located a minimum of five hundred (500) feet from a High Occupancy Building Unit.

D. Designated Outside Activity Area ("DOAA"). Oil and Gas Locations shall be located a minimum of five hundred (500) feet from the boundary of a DOAA.

E. School Facility and Child Care Center. Oil and Gas Location shall be located a minimum of five hundred (500) feet from the boundary of a School Facility or Child Care Center, unless

the relevant School Governing Body agrees in writing to the location of the proposed Oil and Gas Location and the 1041 WOGLA Hearing Officer determines that potential locations outside the applicable setback are technically infeasible or economically impracticable and sufficient mitigation measures are in place to protect public health, safety, and welfare. Such mitigation measures shall be a condition of approval of the 1041 WOGLA Permit.

- F. Existing Oil and Gas Locations. Where the Oil and Gas Location is located less than the minimum applicable setback distance solely as a result of any Building Unit, High Occupancy Building Unit, School Facility, Child Care Center, or DOAA being constructed after the Oil and Gas Location was constructed, the Hearing Officer may approve an exception to the minimum setback distance when a Well or Production Facility is proposed to be added to an existing or approved Oil and Gas Location if the Hearing Officer determines alternative locations outside the applicable setback are technically or economically impracticable and sufficient mitigation measures are in place to protect public health, safety, and welfare.
- G. The measurement for determining compliance with the minimum setback distance shall be the shortest distance between the disturbed area of the Oil and Gas Location and the nearest edge or corner of any Building Unit, High Occupancy Building Unit, or the nearest property boundary of a School Facility, Child Care Center or DOAA.
- H. Surface development pursuant to a SUA or Site-Specific Development Plan. A Surface Owner or Building Unit owner and mineral owner or mineral lessee may agree to locate future Building Units closer to existing or proposed Oil and Gas Locations than otherwise allowed pursuant to a valid SUA or Site-Specific Development Plan (as defined in Sec. 24-68-102(4)(a), C.R.S., that establishes vested property rights as defined in Sec. 24-68-103, C.R.S.) that expressly governs the location of Wells or Production Facilities on the surface estate.

Sec. 21-5-495. Mitigation measures for setback variances.

The following requirements apply to Oil and Gas Locations that have been granted a variance from the designated setback distance from a Building Unit, High Occupancy Building Unit, School Facility, Child Care Center, or DOAA:

- A. In addition to the mitigation measures agreed to between the Operator and the persons or entities noticed pursuant to Sec. 21-5-320 of this Article V, the following mitigation measures shall apply to each Oil and Gas Location that is granted a setback variance:
 - 1. Noise. Noise levels shall comply with the NL-1 standard during all phases of operation, including but not limited to the Construction Phase and Production Phase. Short-term noise increases shall be allowable as described in Sec. 21-5-435 of this Article V.
 - 2. Secondary Containment. Berms shall be constructed of steel or other suitable material and shall be designed and installed to prevent leakage and resist degradation from erosion or routine operation. Secondary containment areas shall be constructed with a synthetic or engineered liner that contains all tanks, primary containment vessels and Flowlines and is mechanically connected to the berm to prevent leakage.
 - 3. Remote monitoring and automation. Wells and production facilities shall be equipped with remote monitoring and control capabilities and automated shut in measures to prevent gas venting during emission control system failures or other upset conditions.

4. Flaring and venting. Flaring and venting of gas shall be prohibited, except during upset or emergency conditions or as allowed by the COGCC and the OGED Director.
5. A site specific risk assessment shall be included as part of the Application, for consideration by the OGED Director and the Hearing Officer. The assessment shall be prepared by a qualified professional and shall identify any potential hazards, determine a path for hazard mitigation, increase public safety, and shall give site specific policies and procedures which demonstrate protection of the health, safety and welfare of Weld County's citizens, environment, and wildlife.

Sec. 21-5-500. Safety requirements.

Operators shall comply with state and federal safety rules and regulations as applicable to all Oil and Gas Operations.

Sec. 21-5-505. Floodplain and overlay district requirements.

An Operator shall comply with Article V and Article XI of Chapter 23 of this Code if the proposed Oil and Gas Location is located within any Overlay District Area or a Special Flood Hazard Area identified by maps officially adopted by the County.

Sec. 21-5-510. Stormwater management.

As part of the application for a 1041 WOGLA Permit, an Operator shall provide proof of a valid stormwater discharge permit issued by CDPHE. The Operator shall submit a drainage report to comply with required Storm Drainage Criteria pursuant to Chapter 8, Article XI of this Code. Additional requirements for Municipal Separate Storm Sewer System (MS4) areas may be applicable pursuant to Chapter 8, Article IX of this code.

The following standards apply only to the development of oil and gas exploration and production in the Weld Mineral Resource (Oil and Gas) Area. These standards shall be supported by calculations signed and stamped by a Colorado Licensed Professional Engineer and accepted by the Weld County Department of Public Works.

- A. Oil and Gas Tank battery secondary containment. When calculating the Oil and Gas Location imperviousness and pervious areas, secondary containment areas may be excluded from the total site imperviousness and pervious calculations provided that the secondary containment area is appropriately sized to hold the originally designed safety containment volumes plus the 100-year storm rainfall.
- B. Detention pond storage volume. In non-urbanizing areas during the Construction Phase, detention ponds shall be sized to store the stormwater runoff generated by the 1-hour, 100-year storm falling on the developed site and release of the detained water at the historic runoff rate of the 1-hour, 10-year storm falling on the undeveloped site or at five (5) cubic feet per second, whichever is greater. Historic is defined as an undeveloped site (before any development) with an assumed 2.0% imperviousness maximum. During the Production Phase or in urbanizing areas, detention ponds shall adhere to Sec. 8-11-100.A.1. of this Code.
- C. Detention pond freeboard. During the Construction Phase, less than one (1) foot of freeboard may be allowed on a case-by-case basis. This exception shall be supported by calculations signed and stamped by a Colorado Licensed Professional Engineer and accepted by the Weld County Department of Public Works. During the Production Phase, the detention pond shall adhere to Sec. 8-11-100.A.4 of this Code.

- D. Emergency spillway. In order to prevent damage to publicly owned infrastructure (roads, roadside ditches), a cutoff wall is required on all privately maintained detention ponds and retention ponds. The cutoff wall permanently defines the emergency spillway opening. The emergency spillway elevation must be tied back into the top of the embankment using a maximum slope of 4:1. The cutoff wall must either be constructed of concrete or galvanized steel sheet pile. Concrete cutoff walls must adhere to Sec. 8-11-100.A.7 of this Code. Steel sheet pile cutoff walls must be hot dipped galvanized steel of one-quarter (1/4) inches thickness or three (3) gauge and extend three (3) feet below the bottom of the pond or per manufacturer's recommendation, whichever is greater. If steel sheet pile is proposed for the cutoff wall, the native soils must be tested for sulfate levels. If the sulfate levels are above 1.0%, the sheet pile shall be coated with a corrosion resistant epoxy.
- E. Retention pond. Retention facilities shall be allowed without a variance only during the Construction Phase. Retention facilities that are proposed for the Production Phase require the issuance of a variance requested by the Applicant and accepted by the Weld County Department of Public Works.

Sec. 21-5-515. Storage of non-essential items.

All Oil and Gas Locations shall be kept free of commercial products, Chemicals, materials and other supplies not necessary for use on the Oil and Gas Location, and Junk and unused Commercial Vehicles as those terms are defined in Sec. 23-1-90 of this Code. The burning or burial of any such material and/or items on the Oil and Gas Location is prohibited.

Sec. 21-5-520. Equipment anchoring requirements.

All equipment at Oil and Gas Locations in geological hazard areas and Floodplains shall be anchored. Anchors must be engineered to support the equipment and to resist flotation, collapse, lateral movement, or subsidence, and must comply with all requirements of any necessary geologic hazard recommendations and/or Flood Hazard Development Permit.

Sec. 21-5-525. Protection of Wildlife Resources.

- A. The OGED Director, utilizing the referral from CPW, shall determine whether conditions of approval are necessary to Minimize Adverse Impacts from the proposed Oil and Gas Operations in the identified High Priority Habitat. For purposes of this rule, the term "Minimize Adverse Impacts" shall mean, wherever reasonably practicable, to:
 - 1. Avoid adverse impacts from Oil and Gas Operations on Wildlife Resources;
 - 2. Minimize the extent and severity of those impacts that cannot be avoided;
 - 3. Mitigate the effects of unavoidable remaining impacts;
 - 4. Take into consideration cost-effectiveness and technical feasibility regarding actions taken and decisions made to Minimize Adverse Impacts to Wildlife Resources; and
 - 5. Follow the Operator's Wildlife Mitigation Plan, if one is required pursuant to Rule 1203 of the COGCC Rules.
- B. In selecting conditions of approval the OGED Director and/or 1041 WOGLA Hearing Officer shall consider the following factors, among other considerations:
 - 1. The BMPs for the producing geologic basin in which the Oil and Gas Location is situated;
 - 2. Site-specific and species-specific factors of the proposed new Oil and Gas Location;

3. Anticipated direct and indirect effects of the proposed Oil and Gas Location on Wildlife Resources;
4. The extent to which conditions of approval will promote the use of existing facilities and reduction of new surface disturbance;
5. The extent to which legally accessible, technologically feasible, and economically practicable alternative sites exist for the proposed new Oil and Gas Location;
6. The extent to which the proposed Oil and Gas Operations will use technology and practices which are protective of the environment and Wildlife Resources;
7. The extent to which the proposed Oil and Gas Location minimizes surface disturbance and habitat fragmentation;
8. The extent to which the proposed Oil and Gas Location is within land used for residential, industrial, commercial, agricultural, or other purposes, and the existing disturbance associated with such use.

Sec. 21-5-530. Other general operating requirements regarding wildlife protection.

Subject to exception by the OGED Director for site specific reasons and BMPs, the operating requirements identified below shall apply in all areas.

- A. To Minimize Adverse Impacts to Wildlife Resources, Operators shall plan new transportation networks and new oil and gas facilities to minimize surface disturbance and the number and length of oil and gas roads and utilize common roads, rights-of-way, and access points to the extent practicable, consistent with these rules, an Operator's operational requirements, and any requirements imposed by federal and state land management agencies, Weld County's regulations, and SUAs and other Surface Owner requirements, and taking into account cost effectiveness and technical feasibility.
- B. Establish new staging, refueling, and Chemical storage areas outside of riparian zones and Floodplains.
- C. Use minimum practical construction widths for new rights-of-way where Pipelines cross riparian areas, streams, and critical habitats.

Sec. 21-5-535. Requirements in High Priority Habitats.

An Operator of an Oil and Gas Location within a High Priority Habitat shall follow the Operator's Wildlife Mitigation Plan, if one is required pursuant to Rule 1203 of the COGCC Rules.

Sec. 21-5-540. General operating requirements in High Priority Habitats.

- A. Subject to exception by the OGED Director for site specific reasons and BMPs, within High Priority Habitat and Restricted Surface Occupancy Areas, Operators shall comply with the following operating requirements:
 1. During Pipeline construction for trenches that are left open for more than five (5) days and are greater than five (5) feet in width, install wildlife crossovers and escape ramps where the trench crosses well-defined game trails and at a minimum of one quarter (1/4) mile intervals where the trench parallels well-defined game trails.
 2. Inform and educate employees and contractors on wildlife conservation practices, including no harassment or feeding of wildlife.

3. Consolidate new facilities to minimize impact to wildlife.
4. Minimize rig mobilization and demobilization where practicable by completing or recompleting all Wells from a given Well pad before moving rigs to a new location.
5. To the extent practicable, share and consolidate new corridors for Pipeline rights-of-way and roads to minimize surface disturbance.
6. Engineer new Pipelines to reduce field fitting and reduce excessive right-of-way widths and Reclamation.
7. Use boring instead of trenching across perennial streams considered critical fish habitat.
8. Treat any Pits, Freshwater Pits or open vessels containing water that provides a medium for breeding mosquitoes with Bti (*Bacillus thuringiensis* v. *israelensis*) or take other effective action to control mosquito larvae that may spread West Nile Virus to wildlife, especially grouse.
9. Use wildlife appropriate seed mixes wherever allowed by Surface Owners and regulatory agencies.
10. Mow or brush hog vegetation where appropriate, leaving root structure intact, instead of scraping the surface, where allowed by the Surface Owner.
11. Limit access to oil and gas access roads where approved by Surface Owners, surface managing agencies, or Local Government, as appropriate.
12. Post interior speed limits and caution signs to the extent allowed by Surface Owners, as appropriate.
13. Use wildlife-appropriate fencing where acceptable to the Surface Owner.
14. Use topographic features and vegetative screening to create seclusion areas, where acceptable to the Surface Owner.
15. Use remote monitoring of Well production to the extent practicable.
16. Reduce traffic associated with transporting fluids through the use of Pipelines, large Tanks, or other measures where technically feasible and economically practicable.

Sec. 21-5-545. Site preparation and stabilization.

A. Soil removal and segregation.

1. Soil removal and segregation on Crop Land. As to all excavation operations undertaken on Crop Land, the Operator shall separate and store soil horizons separately from one another and mark or document stockpile locations to facilitate subsequent Reclamation. When separating soil horizons, the Operator shall segregate horizons based upon noted changes in physical characteristics such as organic content, color, texture, density, or consistency. Segregation will be performed to the extent practicable to a depth of six (6) feet or bedrock, whichever is shallower.
2. Soil removal and segregation on non-cropland. As to all excavation operations undertaken on Non-Crop Land, the Operator shall separate and store the topsoil horizon or the top six (6) inches, whichever is deeper, and mark or document stockpile locations to facilitate subsequent Reclamation. When separating the soil horizons, the Operator shall segregate the horizon based upon noted changes in physical characteristics such as organic content, color, texture, density, or consistency.

3. Horizons too rocky or too thin. When the soil horizons are too rocky or too thin for the Operator to practicably segregate, then the topsoil shall be segregated to the extent practicable and stored. Too rocky shall mean that the soil horizon consists of greater than thirty five percent (35%) by volume rock fragments larger than ten (10) inches in diameter. Too thin shall mean soil horizons that are less than six (6) inches in thickness. The Operator shall segregate remaining soils on Crop Land to the extent practicable to a depth of three (3) feet below the ground surface or bedrock, whichever is shallower, based upon noted changes in physical characteristics such as color, texture, density or consistency and such soils shall be stockpiled to avoid loss and mixing with other soils.
- B. Protection of soils. All stockpiled soils shall be protected from degradation due to contamination, compaction and, to the extent practicable, from wind and water erosion during drilling and production operations. BMPs to prevent weed establishment and to maintain soil microbial activity shall be implemented.
- C. Drill pad location. The drilling location shall be designed and constructed to provide a safe working area while reasonably minimizing the total surface area disturbed. Consistent with applicable spacing orders and Well location orders and regulations, in locating drill pads, steep slopes shall be avoided when reasonably possible. The drill pad site shall be located on the most level location obtainable that will accommodate the intended Use. If not avoidable, deep vertical cuts and steep long fill slopes shall be constructed to the least percent slope practical. Where feasible, Operators shall use horizontal drilling to reduce cumulative impacts and Minimize Adverse Impacts on Wildlife Resources.
- D. Surface disturbance minimization.
 1. In order to reasonably minimize land disturbances and facilitate future Reclamation, Well Sites, Production Facilities, gathering Pipelines, and access roads shall be located, adequately sized, constructed, and maintained so as to reasonably control dust and Minimize Erosion, alteration of natural features, removal of surface materials, and degradation due to contamination.
 2. Operators shall avoid or Minimize Adverse Impacts to wetlands and riparian habitats to the degree practicable.
 3. Where practicable, Operators shall consolidate facilities and Pipeline rights-of-way to Minimize Adverse Impacts to Wildlife Resources, including fragmentation of wildlife habitat, as well as cumulative impacts.
 4. Access roads. Existing roads shall be used to the greatest extent practicable to Minimize Erosion and minimize the land area devoted to Oil and Gas Operations. Roadbeds shall be engineered to avoid or Minimize Adverse Impacts to riparian areas or wetlands to the extent practicable. Unavoidable impacts shall be mitigated. Road crossings of streams shall be designed and constructed to allow fish passage, where practicable and appropriate. Where feasible and practicable, Operators are encouraged to share access roads in developing a Field. Where feasible and practicable, roads shall be routed to complement other Land Usage. To the greatest extent practicable, all vehicles used by the Operator, contractors, and other parties associated with the Well shall not travel outside of the original access road boundary. Repeated or flagrant instance(s) of failure to restrict lease access to lease roads which result in unreasonable land damage or crop losses shall subject the 1041 WOGLA Permit to suspension or revocation by the 1041 WOGLA Hearing Officer pursuant to Sec. 21-5-370.

Sec. 21-5-550. General Reclamation requirements.

- A. Surface restoration. The surface of the land shall be restored as nearly as practicable to its condition at the commencement of drilling operations, including topsoil restoration and protection.
- B. Surface Owner Reclamation release form. The Surface Owner has the right to waive Reclamation requirements set forth in Sec. 21-5-545, 21-5-555, and 21-5-560 of this Article V, unless such Reclamation is deemed necessary to protect public health, safety and welfare, environment and wildlife of Weld County, as determined by the OGED Director.

Sec. 21-5-555. Interim Reclamation.

- A. General. Debris and waste materials other than de minimis amounts, including, but not limited to, concrete, sack bentonite and other drilling mud additives, sand plastic, pipe and cable, as well as equipment associated with the drilling, re-entry, or Completion operations shall be removed. All waste shall be handled according to Sec. 21-5-450 of this Article V. All Freshwater or Production Ponds, cellars, rat holes, and other bore holes unnecessary for further Oil and Gas Operations, will be backfilled as soon as possible after the drilling rig is released to conform with surrounding terrain. On Crop Land, if requested by the Surface Owner, guy line anchors shall be removed as soon as reasonably possible after the Completion rig is released. When permanent guy line anchors are installed, it shall not be mandatory to remove them. When permanent guy line anchors are installed on Crop Land, care shall be taken to minimize disruption or cultivation, irrigation, or harvesting operations. If requested by the Surface Owner the anchors shall be specifically marked, in addition to the marking required below, to facilitate farming operations. All guy line anchors left buried for future use shall be identified by a marker of bright color not less than four (4) feet in height and not greater than one (1) foot east of the guy line anchor.
- B. Interim Reclamation of areas no longer in use. All disturbed areas affected by drilling or subsequent operations, except areas reasonably needed for production operations or for subsequent drilling operations to be commenced within twelve (12) months, shall be reclaimed as early and as nearly as practicable to their original condition or their final Land Use as designated by the Surface Owner and shall be maintained to control dust and Minimize Erosion to the extent practicable. As to Crop Lands, if subsidence occurs in such areas additional topsoil shall be added to the depression and the land shall be re-leveled as close to its original contour as practicable. Interim Reclamation shall occur no later than three (3) months on Crop Land or six (6) months on Non-Crop Land after such operations. The Operator may submit a 1041 WOGLA Sundry Form to the OGED Director requesting an extension due to conditions outside the Operator's control. Areas reasonably needed for production operations or for subsequent drilling operations to be commenced within twelve (12) months shall be compacted, covered, paved, or otherwise stabilized and maintained in such a way as to minimize dust and erosion to the extent practicable.
- C. Compaction alleviation. All areas compacted by drilling and subsequent Oil and Gas Operations which are no longer needed following completion of such operations shall be cross-ripped. On Crop Land, such compaction alleviation operations shall be undertaken when the soil moisture at the time of ripping is below thirty-five percent (35%) of field capacity. Ripping shall be undertaken to a depth of eighteen (18) inches unless and to the extent bed rock is encountered at a shallower depth.
- D. Restoration and revegetation. When a Well is completed for production, all disturbed areas no longer needed will be restored and revegetated as soon as practicable.

1. **Revegetation of Crop Lands.** All segregated soil horizons removed from Crop Lands shall be replaced to their original relative positions and contour and shall be tilled adequately to re-establish a proper seedbed. The area shall be treated if necessary and practicable to prevent invasion of undesirable species and noxious weeds, and to Minimize Erosion. Any perennial forage crops that were present before disturbance shall be re-established, if acceptable to the Surface Owner.
2. **Revegetation of Non-Crop Lands.** All segregated soil horizons removed from Non-Crop Lands shall be replaced to their original relative positions and contour as near as practicable to achieve erosion control and long-term stability and shall be tilled adequately to establish a proper seedbed. The disturbed area then shall be reseeded in the first favorable season following rig demobilization. Reseeding with species consistent with the adjacent plant community is encouraged. In the absence of an agreement between the Operator and the affected Surface Owner as to what seed mix should be used, the Operator shall consult with a representative of the local soil conservation district to determine the proper seed mix to use in revegetating the disturbed area. In an area where an Operator has drilled or plans to drill multiple Wells, in the absence of an agreement between the Operator and the affected Surface Owner, the Operator may rely upon previous advice given by the local soil conservation district in determining the proper seed mixes to be used in revegetating each type of terrain upon which operations are to be conducted. Interim Reclamation of all disturbed areas no longer in use shall be considered complete when all ground surface disturbing activities at the site have been completed, and all disturbed areas have been either built on, compacted, covered, paved, or otherwise stabilized in such a way as to Minimize Erosion to the extent practicable, or a uniform vegetative cover has been established that reflects pre-disturbance or Reference Area forbs, shrubs, and grasses with total percent plant cover of at least eighty percent (80%) of pre-disturbance levels or Reference Areas, excluding noxious weeds. Re-seeding alone is insufficient.
3. **Interim Reclamation completion.** The Operator shall notify the OGED Director via the 1041 WOGLA Sundry Form with a description of the interim Reclamation procedures and any associated mitigation measures performed, any changes, if applicable in the landowner's designated final Land Use, and at a minimum four (4) color photographs taken during the growing season of vegetation, one (1) from each cardinal direction which document the success of the interim Reclamation and one (1) color photograph which documents the total cover of live perennial vegetation of adjacent or nearby undisturbed land or the Reference Area. Each photograph shall be identified by date taken, location name, GPS location, and direction of view.
4. **Temporary Access Permits.** If a temporary access permit is associated with a drill site, the temporary access will be reclaimed in accordance with Chapter 8, Article XIV of this Code.
5. **Weed control.** All areas being reclaimed shall be kept as free of weeds as practicable. Weed control measures shall be conducted in consultation with the Weld County Weed Management Specialist. It is the responsibility of the Operator to monitor reclaimed lands for noxious weed infestations. If necessary, the OGED Director may require a weed control plan.

Sec. 21-5-560. Final Reclamation.

- A. Well Sites, associated Production Facilities, and access roads. Upon the Plugging and Abandonment of a Well, all Freshwater Pits or Production Pits, mouse and rat holes and cellars shall be backfilled. All debris, abandoned Gathering Line Risers and Flowline Risers, and surface equipment shall be removed within three (3) months of plugging a Well. All access roads to Plugged and Abandoned Wells and associated Production Facilities shall be closed, graded and recontoured. Culverts and any other obstructions that were part of the access road(s) shall be removed. Well locations, access roads and associated facilities shall be reclaimed. As applicable, compaction alleviation, restoration, and revegetation of Well Sites, associated Production Facilities, and access roads shall be performed to the same standards as established for interim Reclamation under Sec. 21-5-555, above. All other equipment, supplies, weeds, rubbish, and other waste material shall be removed. The burning or burial of such material on the premises shall be performed in accordance with applicable local, state, or federal Solid Waste Disposal regulations. In addition, material may be burned or buried on the premises only with the prior written consent of the Surface Owner. All such Reclamation work shall be completed within three (3) months on Crop Land and twelve (12) months on Non-Crop Land after plugging a Well or final closure of associated Production Facilities. The OGED Director may grant an extension where unforeseen circumstances are encountered, but every reasonable effort shall be made to complete Reclamation before the next local growing season. Such request shall be made in writing to the OGED Director via the 1041 Sundry Form.
- B. Final Reclamation threshold for approval and release. Successful Reclamation of the Well Site, associated Production Facilities, and access road means:
1. On Crop Land, Reclamation has been performed to the standards established under Sec. 21-5-555 and there has been no significant unrestored subsidence over two growing seasons.
 2. On Non-Crop Land, Reclamation has been performed to the standards established under Sec. 21-5-555 and disturbed areas have been either built on, compacted, covered, paved, or otherwise stabilized in such a way as to Minimize Erosion to the extent practicable, or a uniform vegetative cover has been established that reflects pre-disturbance or Reference Area forbs, shrubs, and grasses with total percent plant cover of at least eighty percent (80%) of pre-disturbance levels or Reference Areas, excluding noxious weeds. The Operator shall consider the total cover of live perennial vegetation of Reference Area, not including overstory or tree canopy cover, having similar soils, slope and aspect of the reclaimed area.
 3. Disturbances resulting from Flowline installations and/or removal shall be deemed adequately reclaimed when the disturbed area is reasonably capable of supporting the pre-disturbance Land Use.
- C. Final Reclamation of all disturbed areas shall be considered complete when all activities disturbing the ground have been completed, and all disturbed areas have been either built upon, compacted, covered, paved, or otherwise stabilized in such a way as to Minimize Erosion, or a uniform vegetative cover has been established that reflects pre-disturbance or Reference Area forbs, shrubs, and grasses with total percent plant cover of at least eighty percent (80%) of pre-disturbance levels or Reference Areas, excluding noxious weeds, or equivalent permanent, physical erosion reduction methods have been employed. Re-seeding alone is insufficient.

- D. Weed control. All areas being reclaimed shall be kept as free of weeds as practicable. Weed control measures shall be conducted in consultation with the Weld County Weed Management Specialist. It is the responsibility of the Operator to monitor reclaimed lands for noxious weed infestations. If necessary, the OGED Director may require a weed control plan.
- E. Final Reclamation completion. The Operator shall notify the OGED Director via the 1041 WOGLA Sundry Form with a description of the final Reclamation procedures, any associated mitigation measures performed and any changes, if applicable, in the landowner's designated final Land Use. The Operator shall attach the following:
1. If located on Crop Land a minimum of four (4) color photographs one (1) from each cardinal direction taken during both the growing and non-growing season, which document the success of the final Reclamation. If located on Non-Crop Land a minimum of four (4) color photographs one (1) from each cardinal direction taken during the growing season of vegetation and one (1) color photograph which documents the total cover of live perennial vegetation of adjacent or nearby undisturbed land or the Reference Area. Each photograph shall be identified by date taken, location name, GPS location, and direction of view.
 2. Where necessary, the Operator shall submit to the OGED Director a Surface Owner Reclamation release form if the Surface Owner wishes to have areas un-reclaimed or items left on location. The OGED Director shall review the request and determine if Reclamation will be necessary to protect public health, safety and welfare, environment and wildlife of Weld County pursuant to Sec. 21-5-545.B. Upon the OGED Director's approval, the Surface Owner Reclamation release form shall be placed of record with the Weld County Clerk and Recorder.
 3. The OGED Director shall complete a review of the submittal and when necessary, perform an on-site inspection. If the OGED Director determines that there are no outstanding compliance issues associated with the location the final Reclamation shall be deemed complete and approved. The Operator shall then be released of any further obligations on the location. If the OGED Director determines Reclamation efforts to be insufficient or incomplete the Operator will be notified, in writing, of such findings. Approval by the OGED Director is required for an Operator to be released of obligations on the location.
- F. Failure to comply with any of these final Reclamation standards may result in the OGED Director setting a suspension or revocation hearing before the Hearing Officer, pursuant to Sec. 21-5-370 of this Code.

Sec. 21-5-570. Variances.

An Operator may seek, with good cause shown, a variance to any rule or regulation found in Chapter 21, Article V of this Code. A variance request shall be submitted in writing to the OGED Director as part of the 1041 WOGLA Permit Application or Sundry Form. Should an Operator seek variance to an order issued by the 1041 WOGLA Hearing Officer, a subsequent hearing may be required for the Hearing Officer to grant a variance. The Operator requesting a variance must show that it has made a good faith effort to comply or is unable to comply with the specific requirements contained in these 1041 WOGLA Regulations or the 1041 WOGLA Permit from which it seeks a variance. The Operator must also demonstrate through mitigation measures that the requested variance shall Minimize Adverse Impacts to public health, safety, welfare, and environment including Wildlife Resources.

APPENDIX 21-A – No change.

ADD APPENDIX 21-B – Weld County Oil and Gas Department Ag-Rural and Near-Urban Planning Areas.

BE IT FURTHER ORDAINED by the Board that the Clerk to the Board be, and hereby is, directed to arrange for Municode to supplement the Weld County Code with the amendments contained herein, to coincide with chapters, articles, divisions, sections, and subsections as they currently exist within said Code; and to resolve any inconsistencies regarding capitalization, grammar, and numbering or placement of chapters, articles, divisions, sections, and subsections in said Code.

BE IT FURTHER ORDAINED by the Board, if any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is for any reason held or decided to be unconstitutional, such decision shall not affect the validity of the remaining portions hereof. The Board of County Commissioners hereby declares that it would have enacted this Ordinance in each and every section, subsection, paragraph, sentence, clause, and phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases might be declared to be unconstitutional or invalid.

The above and foregoing Ordinance Number 2020-12 was, on motion duly made and seconded, adopted by the following vote on the 3rd day of August, A.D., 2020.

**BOARD OF COUNTY COMMISSIONERS
WELD COUNTY, COLORADO**

ATTEST:

Weld County Clerk to the Board

Mike Freeman, Chair

BY: _____
Deputy Clerk to the Board

Steve Moreno, Pro-Tem

Scott K. James

APPROVED AS TO FORM:

Barbara Kirkmeyer

County Attorney

Kevin D. Ross

Date of signature: _____

First Reading: June 15, 2020
Publication: June 26, 2020, in the Greeley Tribune

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Publication: July 15, 2020, in the Greeley Tribune

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