

Introduction

This Public Comment Consideration Memo ("Memo") is part of the Colorado Oil and Gas Conservation Commission Staff's ("Staff") review of the Form 2A, Oil and Gas Location Assessment (Doc #401749741), application of Great Western Operating Company ("GWOC") for the proposed Oil and Gas Location known as the Rio LC Pad (the "Rio Pad Form 2A"). COGCC's rules provide for a public comment period on all new Form 2As and Form 2s, Applications for Permits to Drill. As part of its technical permit review process, the COGCC receives, reviews, and considers public comments on Form 2A applications. The purpose of this Memo is to explain how Staff considered the issues raised in public comments on the Rio Pad Form 2A, and how those issues are addressed in the final permit.

Summary of Public Comments Received

For the Rio Pad Form 2A, the initial public comment period was 20 days from October 29, 2018 through November 18, 2019. The comment period was extended for an additional ten days, to November 28, 2019, pursuant to a request from the Adams County Local Government Designee ("LGD") under Rule 305.d.(1)A.

The COGCC received six comments from the public on the Rio Pad Form 2A. Staff reviewed the comments to determine which ones raised substantive issues deserving additional analysis. Two public comments expressed opposition in general to oil and gas development, but did not make a comment specific to the Rio Pad Form 2A. One public comment expressed general support for continued responsible oil and gas development, but did not make a comment specific to the Rio Pad Form 2A. Three public comments identified issues which COGCC staff found to be substantive and deserving of additional analysis. These three public comments raised two issues: 1) public safety concerns related to the potential for fires and explosions at the Rio Pad; and 2) concerns regarding the Rio Pad's possible location in a floodplain.

Summary of Staff's Consideration of Public Comments

Staff first determined whether the COGCC's rules sufficiently address the issues raised in the site-specific comments. It is important to note that the COGCC's rules were promulgated under the Administrative Procedures Act to protect public health, safety, and welfare, the environment, and wildlife resources, and in many instances compliance with the COGCC's rules is sufficient to ensure protection of public health, safety, and welfare, the environment, and wildlife resources. Staff does not include a reference to each applicable rule in an approved permit because operators are required to follow all COGCC rules whether or not that rule is specifically discussed or referenced in a permit.

For those identified as substantive, staff then determines whether sufficient best management practices ("BMP") were proposed by the operator or if conditions of approval ("COA") are necessary to address those issues. BMPs are practices that operators add to a permit which commit to site-specific requirements beyond those required by rule. COAs are site-specific requirements beyond those required by rule for mitigating potential adverse impacts to public health, safety, welfare, the environment and wildlife and are imposed by the COGCC. The COGCC staff reviews permit applications and operator provided BMPs in consideration of SB 19-18. Staff then 1 and staff develops COAs as necessary based on that review. The COGCC Director has final approval authority over all BMPs provided by an operator and may require modifications or additional BMPs or additional COAs.

Staff communicated with GWOC regarding all aspects of the permit including BMPs and COAs. This communication, along with changes to the original permit application made by Staff, is reflected in the General Comments section of the approved Rio Pad Form 2A.

Potential Explosions or Fires

One public comment references the potential for fires. Through the technical review, Staff determined that issues regarding potential explosions or fires were sufficiently addressed by the COGCC rules and BMPs added to the final approved permit.

COGCC Rules and permits are intended to create conditions at each Oil and Gas Location that minimize the potential for fires and explosions. Operators are required to comply with all COGCC Rules as well as permit conditions, including Operator provided BMPs.

COGCC 600-Series Rules provides a list of actions that Operators are required to follow to prevent fires or explosions. In addition, to enhance fire safety, GWOC provided BMPs to prevent fires and explosions on the Form 2A submitted to the COGCC. The BMPs describe operating procedures required, including compliance with National Fire Protection Association Code design and construction, compliance with applicable electrical codes, management and storage of flammable material, use and maintenance of blowout prevention equipment, Hot Work Program requirements and emergency response access.

In addition to permit requirements, GWOC will work with the Local Emergency Planning Committee and first responders during the initial stages of permitting and throughout operations to ensure open communication and coordination as well as prompt and appropriate response in the event of a fire or explosion.

Staff evaluated the BMPs provided by the Operator and determined that the requirements provided in the BMPs, along with the rules, will minimize the potential for fires or explosions through proper flammable materials management, use of fire prevention equipment and practices, and coordination with local first responders.

Floodplain

COGCC staff evaluates water resources, including floodplains during the technical review of all Oil and Gas Location Assessment permits. Two public comments assert that the proposed location is in a floodplain. GWOC indicated on the Form 2A that the proposed location is not in a Federal Emergency Management Agency (FEMA) designated 100-year floodplain. Staff confirmed the location is outside of the 100-year floodplain during its review. Staff uses FEMA data available on the COGCC GIS Map as well as data on the FEMA website to determine if a planned location will fall within a designated floodplain. The proposed location is identified as an "Area of Minimal Flood Hazard" on the FEMA website -

<https://msc.fema.gov/portal/search?AddressQuery=-104.940104%2C%2039.999575#searchresultsanchor>

Staff also evaluated the BMPs that GWOC placed on the Form 2A for the protection of surface water and shallow groundwater. These BMPs include plans for the following: leak detection, remote shut-in capabilities for wells, steel berms with sealed liners to contain spills in the tank battery, and containment for truck loading lines. Staff determined that the proposed mitigation measures are sufficient for the protection of water resources at this proposed location.