

FINAL ORDER

BEFORE THE WELD COUNTY 1041 WOGLA HEARING OFFICER

Docket Number 1041WOGLA20-0069

1041 WOGLA Hearing Officer Curt Moore heard this matter on October 8, 2020 at the Weld County Oil & Gas Energy Hearing Room, 1301 N 17th Ave, Greeley, CO 80631 and through a remotely held audio and video connection led by the Oil & Gas Energy Department Director upon application for a 1041 WOGLA Permit located in the NWSW, SWNW of Section 11, Township 4 North, Range 63 West, 6th P.M., Weld County, Colorado. Present for the hearing were Amanda Petzold, Permit and Enforcement Specialist, Weld County; Elisa Kunkel, Oil & Gas Energy Technician, Weld County; Jason Maxey, Oil & Gas Energy Department Director, Weld County; Gabe Kalousek, County Attorney, Weld County; and Brittany Rothe, Engineering Manager, Confluence DJ, LLC. Having heard the testimony presented and considering documents submitted for review, including the application, the Hearing Officer makes the following Findings of Fact and Order:

Findings of Fact and Law

The Hearing Officer makes the following findings of fact:

1. Confluence DJ, LLC ("Confluence " or "Applicant") as Applicant for the above referenced Docket delivered its 1041 WOGLA Permit Application ("Application" or "Permit") dated July 31, 2020 to the Weld County Oil & Gas Energy Director ("Director" or "Staff").
2. Upon review of the Application, Ms. Petzold found the Application to be complete and forwarded the Application to the Hearing Officer for the purpose of scheduling a hearing pursuant to the Weld County 1041 Regulations ("WCC" or "Code").
3. At the scheduled Hearing on October 8, 2020, Ms. Petzold gave testimony that the Application was viewed as complete and further testified that the Application was found to be in compliance with the Code including the Development Standards within Sec 21-5-320 E. and Division 4 of Article 5 ("Development Standards") of the Code.
4. Ms. Petzold testified that certain Conditions of Approval ("COA's") and Best Management Practices ("BMP's") are outlined within the Staff Report and attached to the Application.
5. Ms. Petzold concluded her testimony with a recommendation to the Hearing Officer that the Application should be approved.
6. Ms. Petzold testified that Staff is satisfied with the Applicant's response to referral comments Staff received from Platte Valley School District RE-7.
7. Ms. Rothe testified that:



- a. The building unit notified as part of the Application has been removed by the surface owner with whom the Applicant has a surface use agreement.
- b. The sound wall that was planned for the north side of the Oil & Gas Location ("OGL") to mitigate impacts to the referenced building unit will instead be installed on the south side of the OGL to mitigate impacts to Colorado Highway 34.
- c. The proposed OGL provides the least impact to public health, safety, welfare, environment and wildlife when compared to several other alternatives that the Applicant considered while developing the Application.
- d. The Applicant will source and deliver fresh water to the OGL for the completion operations via temporary pipelines which will significantly reduce the impacts associated with truck traffic.
- e. The Applicant will transport crude oil from this OGL via a pipeline at first production which will reduce the impacts associated with truck traffic.
- f. The Applicant will haul produced water from this OGL.
- g. The Applicant will produce natural gas into a pipeline at first production and no flaring of natural gas will occur at this OGL.
- h. The Applicant will communicate and coordinate truck traffic with Platte Valley School District RE-7 to mitigate or eliminate impacts to school bus routes along the haul route described in the Application.
- i. The Applicant will install a locked gate on the private access road near Weld County Road 69 following completion operations to control unauthorized public entry to this site.
- j. The Applicant will screen truck lights from impacting Colorado Highway 34 during the production phase.
- k. The proposed site will be serviced by electricity which will reduce cumulative impacts in terms of noise and emissions over the life of the facility.
- l. The proposed facility will be compliant with the allowable noise levels in the Code and that the Applicant will, if needed, mitigate any noise at the facility to maintain compliance with the Code.
- m. The data collected from the AVO, LDAR and flowline testing programs would be made available to the Weld County Department of Public Health and Environment if requested.
- n. The Applicant will design and implement a waste management plan for this location that complies with the Colorado Department of Public Health and Environment ("CDPHE") referral comments.
- o. The Applicant has a fieldwide Stormwater Management Permit that will include the site proposed in this Application and complies with the Colorado Water Quality Control Commission regulations.

- p. The equipment installed at this site will have all required air emission permits required and referenced in the Colorado Department of Public Health and Environment ("CDPHE") referral comments.
 - q. The Applicant will, if necessary, mitigate odors from the OGL beyond the BMP's described in the Application to mitigate complaints that may be received regarding odors from this location.
 - r. She has reviewed and agreed to be bound to the Development Standards within the Code; the COA's and BMP's within the Staff Report; and the Development Standards and Conditions within the referral agency comments received from the Weld County Department of Public Works and the Weld County Department of Public Health and Environment.
 - s. Her understanding that by granting approval of the Permit that the Applicant would be subject to certain Rescission Procedures in Sec 21-5-370 of the Code should at any time the Applicant is found to be out of compliance with the Permit.
8. Upon review of the Application and the Staff Report and upon taking testimony from Ms. Petzold and Ms. Rothe the Hearing Officer found the Application to be complete.
9. Based on the facts stated in the Application, having received no applications for intervention, and based on the testimony presented to the Hearing Officer at the October 8, 2020 Hearing, the Hearing Officer found that a final order ("Final Order") to approve the Application should be entered.

FINAL ORDER

NOW, THEREFORE, IT IS ORDERED, that

1. Confluence's 1041 WOGLA Permit heard under Docket Number 1041WOGLA20-0069 and located in the NWSW, SWNW of Section 11, Township 4 North, Range 63 West, 6th P.M., Weld County, Colorado, is hereby approved.
2. Confluence is hereby bound to the Development Standards within the Code; the COA's and BMP's within the Staff Report; and the Development Standards and Conditions within the referral agency comments received from the Weld County Department of Public Health and Environment and the Weld County Department of Public Works the contents of which can be located at <https://accela-aca.co.weld.co.us/citizenaccess/>.
3. It is ordered that a sound wall will be installed prior to drilling operations on the south side of the OGL to mitigate impacts to Colorado Highway 34.
4. It is ordered that the Applicant will source and deliver fresh water to the location for the completion operations via temporary pipelines.
5. It is ordered the Applicant will transport crude oil from this OGL via a pipeline.
6. It is ordered that the Applicant will not flare gas at this location.



7. It is ordered that the Applicant will communicate and coordinate truck traffic with Platte Valley School District RE-7 to mitigate or eliminate impacts to school bus routes along the haul route described in the Application.
8. It is ordered that the Applicant will install a locked gate on the private access road near Weld County Road 69 following completion operations to control unauthorized public entry to this site.
9. It is ordered that the Applicant will screen truck lights from impacting Colorado Highway 34 during the production phase.
10. It is ordered that automation with remote shut-in capabilities will be installed at this site which will provide notice of facility upset conditions.
11. It is ordered that the data collected from the Applicant's AVO, LDAR and flowline testing programs will be made available to the Weld County Department of Public Health and Environment if requested.
12. It is ordered that there will be no permanent lighting at this OGL.
13. Approval of this 1041 WOGLA Permit creates a Vested Property Right as an approved Site Specific Development Plan pursuant to Article 68 of Title 24, C.R.S., as amended.

IT IS FURTHER ORDERED, that this Final Order will be recorded in the records of the Weld County Clerk and Recorder. Additionally, a notice describing generally the type and intensity of USE approved, the specific parcel or parcels of property affected and stating that a VESTED PROPERTY RIGHT has been created shall be published once, not more than fourteen (14) days after approval of the 1041 WOGLA Permit. The Permit shall be effective upon recording and publication.

Weld County Oil & Gas Energy

By: _____

Curt Moore, Hearing Officer

Dated: _____

October 12, 2020



**1041 WOGLA Permit
STAFF REPORT**

Record Number: **1041WOGLA20-0069** Hearing Date: **October 8, 2020**
Staff Specialist: **Amanda Petzold**
Location Name: **Bigfoot 11 Pad**
Parcel Number(s): **105111100002**
Company/Applicant: **Confluence DJ, LLC**
Representative: **Brittany Rothe**
Legal Description: **NW1/4SW1/4 & SW1/4NW1/4 of Section 11, Township 4 North, Range 63
West of the 6th P.M., Weld County, CO.**
Proposed Use: **Access road and an oil and gas location.**

SUMMARY

The criteria for submission of the 1041 WOGLA Application is outlined in Section 21-5-320 of the Weld County Code, ORD2019-10.

The Staff of the Weld County Oil and Gas Energy Department (OGED) have completed the review of the application as submitted. The Staff of the OGED recommends 1041WOGLA20-0069 be APPROVED for the following reasons:

1. The submitted application is compliant with all requirements of Section 21-5-320 of the Weld County Code.
2. Pursuant to ORD2019-10, this applicant was not required to have a pre-application meeting with OGED. There was not a pre-application meeting held for this location.
3. In the opinion of the OGED Staff, Confluence DJ LLC (Confluence or Applicant) demonstrates compliance with the Development Standards outlined in Chapter 21, Article 5, Division 4 of the Weld County Code. In doing so, Confluence has committed to Best Management Practices outlined in the application, to promote the health, safety, security and general welfare of the present and future residents of Weld County, while protecting both the environment and wildlife.
4. Confluence has identified TH Ranch LLC as the property owner (Surface Owners) on which the Oil and Gas Location is sited. Confluence certifies that pre-application notice requirements have been met. Confluence attests that there is one (1) Building Unit (BU) within the one-thousand three-hundred twenty (1,320) foot buffer of the Oil and Gas Location.
5. On August 14, 2020, a site visit to the Oil and Gas Location was conducted by the OGED to gain perspective on alternative siting and land use compatibility.
6. Pursuant to Sec. 21-5-330, notice of the 1041 WOGLA Hearing was sent to required parties and was published in the Greeley Tribune on August 28, 2020.

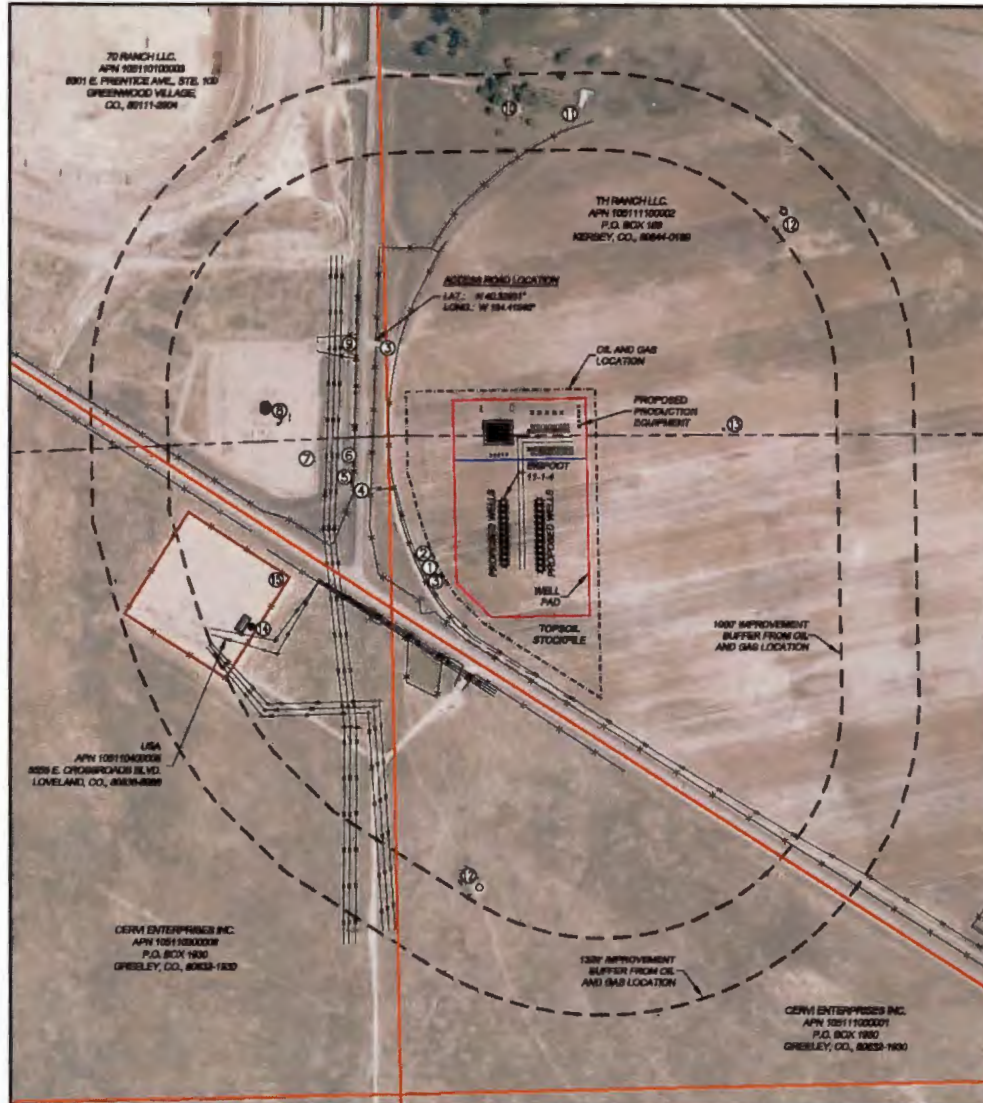
7. The OGED Staff referred the application to various agencies on August 24, 2020, as required by Sec. 21-5-330.A. of the Weld County Code. Where appropriate, requirements of the applicant are being recommended to address comments received from referral agencies. Copies of those comments have been made part of the application record and are viewable through the E-Permit Center on the Weld County website.
- a. Response was received from the following referral agencies:
 - i. Colorado Oil and Gas Conservation Commission, comment received 9/21/2020.
 - ii. Colorado Department of Public Health and Environment, comment received 8/25/2020.
 - iii. Weld County Department of Public Health and Environment, comment received 9/14/2020.
 - iv. Weld County Department of Public Works, comment received 9/18/2020.
 - v. Weld County Office of Emergency Management, Emergency Action Plan approved 9/8/2020.
 - vi. Weld County Planning Department, comment received 8/25/2020.
 - vii. Platte Valley F-14 Fire District, comment received 8/25/2020.
 - viii. Platte Valley RE-7 School District, comment received 9/3/2020.
 - b. No response was received from the following referral agencies:
 - i. Colorado Parks and Wildlife, comment received 8/14/2020.
8. The attached Location Drawing provides a depiction of the Oil and Gas Location with all visible improvements within one-thousand three-hundred twenty (1,320) feet.

The OGED Staff recommendation for approval is conditioned upon the following requirements of the applicant:

- 1. Prior to Construction:
 - a. A Final Drainage Report stamped and signed by a Professional Engineer registered in the State of Colorado is required.
 - b. If more than one (1) acre is to be disturbed, a Weld County Grading Permit will be required.
- 2. Prior to Drilling:
 - a. Applicant shall provide initial baseline groundwater sampling data, or information related to how the site is exempt from the COGCC Rule 609, to the Weld County Department of Public Health and Environment.
- 3. After Construction:
 - a. Applicant shall provide to the OGED a GIS map showing the off-location flowlines upon completion of construction operations. This digital file should be sent to OGED@weldgov.com.

This recommendation is based upon the review of the application materials submitted by the applicant and other relevant information and comments provided by referral agencies.

WOGLA LOCATION DRAWING
BIGFOOT 11 WELL AND PRODUCTION PAD
 SECTION 11, TOWNSHIP 4 NORTH, RANGE 63 WEST OF THE 6TH P.M.



IMPROVEMENTS	
(MEASURED FROM NEAREST PROPOSED OIL AND GAS FACILITY)	
1. BURIED GAS LINE:	310'± SW
2. WIRE FENCE:	322'± SW 345'± SW 455'± SW 897'± SW 620'± W 662'± NW
3. FIELD ACCESS ROAD:	323'± SW 473'± SW 486'± NW
4. PUBLIC ROAD:	481'± W 378'± SW
5. LAUNCHER/VALVES:	627'± W
6. O.H. UTILITY:	624'± W 696'± W 467'± SW 776'± SW
7. WELL PAD:	710'± W
8. OIL GAS WELL:	867'± W 897'± W
9. WELL ACCESS RD.:	570'± NW
10. BUILDING UNIT:	1316'± N
11. BUILDING:	1276'± N 1084'± SW
12. STOCK TANK:	1178'± NE 1380'± S
13. HUNTING BLIND:	600'± E
14. RADIO TOWER:	1080'± SW
15. SUB STATION:	897'± SW

CULTURAL ITEMS:	
MEASURED FROM THE NEAREST OIL & GAS FACILITY	
BUILDING:	1084'± SW
BUILDING UNIT:	1316'± N
PROPERTY LINE:	358'± SW
SCHOOL FACILITY:	5280'±
CHILDWARE CENTER:	5280'±

LEGEND
 — PROPERTY LINE

NOTE:
 IMPROVEMENTS SHOWN OR LISTED HEREON BEYOND THE 500' COGCC IMPROVEMENT BUFFER MAY NOT BE SURVEY GRADE AND MAY HAVE BEEN LOCATED USING PUBLICLY AVAILABLE SOURCES

