We steward access to the natural resources under our authority with integrity and respect for our citizens, businesses, and the environment.
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Section 135-1. Introduction.

(a) Scope and Objective.

(1) This Chapter 135 of the Aurora City Code, pertaining to oil and gas development, is also referred to within this chapter as the Oil & Gas Manual (OGM). It sets forth the minimum acceptable criteria for permitting, designing, constructing, operating, and reclaiming all locations and facilities related to oil and gas development within the City of Aurora.

(2) Consistent with Colorado law, the objective of the OGM is to ensure that oil and gas development and operations in Aurora are regulated in a manner that protects public health, safety, welfare, the environment, and wildlife resources.

(3) Sections 135-1 through 135-7 set forth the criteria for Oil and Gas Locations, Oil and Gas Facilities, Flowlines, and Crude Oil Transfer Lines including well pads, wells, and related infrastructure. A successful permit application process in these sections results in the approval of an Oil & Gas Permit (OGP).

(4) Sections 135-31 through 135-38 of this OGM set forth the minimum acceptable criteria for permitting, designing, and constructing Oil and Gas Midstream Locations, and Oil and Gas Midstream Facilities such as pipelines and pipeline facilities, including Central Gathering Facilities (CGF), Compressor Stations, Gathering Lines, Off-Location Produced Water Flowlines, and Associated Facilities within the City of Aurora. A successful permit application process in these sections results in the approval of an Oil & Gas Midstream Permit (OGMP).

(5) Operators shall follow the provisions of the latest rules and regulations of the Colorado Oil & Gas Conservation Commission (COGCC), the Colorado Department of Public Health and Environment (CDPHE), and the Air Quality Control Commission (AQCC), as applicable.

(b) Authority.

(1) State Authority.

   a. The Local Government Land Use Control Enabling Act of 1974, C.R.S. 29-20-101 et seq. authorizes local governments to regulate the surface impacts of oil and gas operations in a reasonable manner to protect and minimize adverse impacts to public health, safety, welfare and the environment within its jurisdiction. Regulations that prevent and minimize adverse impacts must be
reasonable and necessary. It also authorizes local governments to adopt regulations for surface impacts of oil and gas operations that address:

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 and insurance as appropriate to ensure compliance with the regulations of the local government.
6. All other nuisance-type effects of oil and gas development.
7. Otherwise planning for and regulating the use of land to provide planned and orderly use of land and protection of the environment in a manner consistent with constitutional rights.
8. Inspections of all facilities subject to local government regulation.
10. The imposition of fees on Operators or owners to cover the reasonably foreseeable direct and indirect costs of permitting and regulation and the costs of any monitoring and inspection program necessary to address the impacts of development and to enforce local governmental requirements.

b. Pursuant to the Colorado Oil and Gas Conservation Act, C.R.S. 34-60-131, local governments may adopt regulations that are more protective or stricter than state requirements.

c. Pursuant to the Colorado Air Pollution Prevention and Control Act (APPCA), C.R.S. 25-7-128, local governments may enact local air pollution resolutions or ordinances that include more stringent emission control regulations than state requirements.

(2) Aurora City Code.

a. Oil & Gas Division.

1. Authority is delegated to the Oil & Gas Division for the administration of oil and gas operations within the City. The Oil & Gas Manager shall be immediately responsible to the City Manager or the City Manager’s designee for the effective administration of the Oil & Gas Division.
2. It shall be the duty of the Oil & Gas Manager to administer this Oil & Gas Manual to facilitate the proper oversight of all oil and gas operations within the City of Aurora. City Council shall approve and adopt the Oil & Gas Manual.

(c) Revisions.

(1) Revisions to this Oil & Gas Manual may be approved by ordinance of the City Council at a public hearing. It is the responsibility of the Operator to obtain the latest revisions from the City.

(d) Review and Approval.

(1) City staff will review all submittals for general compliance with this Oil & Gas Manual. However, approval by the City does not relieve the Operator from the responsibility of ensuring their calculations, plans, specifications, construction, and as-built drawings are correct and in compliance with this Oil & Gas Manual.

(e) Interpretation.

In the interpretation and application of the provisions of this Oil & Gas Manual, the following shall govern:

(1) Minimum requirements. This Oil & Gas Manual shall be regarded as the minimum requirements needed for the protection of public health, safety, welfare, the environment, and wildlife.

(2) Existing permits. This Oil & Gas Manual shall not abrogate or annul any permit issued before its effective date, any construction plans approved before its effective date, or any site plans that have been recommended for approval by the City’s Planning and Zoning Commission before the effective date of the Oil & Gas Manual. Any expansion of facilities or proposed alteration of permitted activities shall be subject to review by the Oil & Gas Division to determine the most appropriate method of processing the request, subject to the most recent version of the Oil & Gas Manual.

(3) Headings. The descriptive headings of the sections of this Oil & Gas Manual are inserted for convenience only and shall not control or affect the meaning or construction of any regulations herein.

(4) Severability. If a court of competent jurisdiction declares any part of this Oil & Gas Manual to be invalid, that ruling shall not affect any other provisions of this Oil &
Gas Manual not specifically included in that ruling. More specifically, if any requirement of this Oil & Gas Manual is declared to be invalid, this Oil & Gas Manual shall be interpreted to produce an outcome as close as possible to that which would have occurred if the requirement had not been ruled invalid.

(f) Abbreviations and Definition of Terms.

(1) Abbreviations.

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<td>Air Quality Control Commission of Colorado</td>
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<td>Best Management Practice</td>
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TPH Total Petroleum Hydrocarbons
UDO Unified Development Ordinance of the City of Aurora
US EPA United States Environmental Protection Agency
WIMP Wildlife Impact Management Plan
VOC Volatile Organic Compound

(2) Definition of terms.

*Abutting* means two (2) or more properties or zone lots sharing a common border or separated only by a public or private right-of-way or by public open space or body of water not more than one thousand feet (1,000’) in width.

*Abutting Property or zone lot* means property that shares at least part of a boundary line, not just a corner point, with the subject property or zone lot.

*Accessory Equipment* means any equipment that is integral to the production and operation of an oil or gas well, including but not limited to tanks, treaters, separators, and production pits.

*Associated Facilities* means equipment or improvements, such as Pig Launcher and Receiver sites, Valve Stations, electrical substation, and any other related equipment associated with midstream oil and gas operations, except for a Central Gathering Facility (CGF).

*Berm* means an earthen barrier of compacted soils or a steel secondary containment around storage tanks, preventing the passage of liquid materials. An earthen berm may also be used to provide screening from adjacent uses as may be specified in an applicable development standard.

*Blowout* means an uncontrolled flow of formation fluids from a well. A blowout may consist of water, oil, gas, or a mixture of these. Uncontrolled flows cannot be contained using previously installed barriers and require specialized services intervention.

*Buried Depth* means the depth of cover to the top of the largest pipe, typically a minimum of forty-eight inches (48”).

*Central Gathering Facility (CGF)* means a facility or location which receives crude oil, liquid hydrocarbons, associated field gas, and produced water from production wells and central distribution points via Gathering Lines, Off-Location Produced Water Flowlines. or other pipelines to treat and stabilize the liquid hydrocarbon into a saleable product.

*City* means the City of Aurora, Colorado, a home rule municipal corporation of the Counties of Adams, Arapahoe, and Douglas.
Section 135-1. Introduction.

*City Code* means the duly adopted City Code of the City of Aurora, Colorado, as amended.

*City Engineer* means the City Engineer of the City of Aurora.

*City Manager* means the City Manager of the City of Aurora.

*Commercial Exempt Well* is defined by the state of Colorado Department of Natural Resources Division of Water Resources for uses of water for drinking and sanitation facilities inside a business.

*Compressor Station* means a facility that collects natural gas from exploration and production facilities via Gathering Lines and transports natural gas into third party systems for further processing.

*Construction* means any site preparation, assembly, erection, substantial repair, alteration, or similar action.

*Corrosion* means the deterioration of a material, usually a metal, which results from a reaction with its environment.

*Critical Infrastructure* means all existing or planned source water pipelines, potable waterlines of sixteen-inch (16”) diameter and greater, sanitary sewer pipelines of twenty-four-inch (24”) diameter and greater, storm sewer pipelines (or box culverts) of thirty-six-inch (36”) diameter or greater, City pump stations, lift stations, bridges, dams, levees, reservoirs, water treatment plants and associated appurtenances, such as lagoons, tanks, etc.

*Crude Oil* see *Oil*

*Crude Oil Transfer Line* means a piping system that is not regulated or subject to regulation by the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to 49 C.F.R. § 195 Subpart A, and that transfers crude oil, crude oil emulsion or condensate from more than one well site or production facility to a production facility with permanent storage capacity greater than 25,000 barrels of crude oil or condensate or a PHMSA gathering system.

*_custody transfer* means the transaction involving the transportation and measurement of a raw petroleum product from one Operator to another.

*Distance from an Oil and Gas Location to a platted residential subdivision or platted lot line containing a Residential Building Unit* means the distance from the edge of the Oil and Gas Location (not including access road) to the nearest platted residential lot line or a platted lot line that contains a Residential Building Unit.

*Engineer* means a Licensed Professional Engineer (PE) in the State of Colorado.
**Event** means a significant occurrence or happening. As applicable to pipeline safety, an event could be an accident, abnormal condition, incident, equipment failure, human failure, or release.

**Expressions** Wherever the words “as required” or words of like meaning are used, it shall be understood that the direction, requirements, or permission of the City’s Oil & Gas Manager is intended. Similarly, the words “approved” and “acceptable” shall refer to approval by the City’s Oil & Gas Manager.

**Floodplain** means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir (as defined in Chapter 70 of the City Code.)

**Floodway** means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches is one-half foot (six inches) (as defined in Chapter 70 of the City Code.)

**Flowline** means a segment of pipe transferring oil, gas, or condensate 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. Generally, a Flowline is located between the wellhead and the LACT or gas measurement meter. The different types of flowlines are:

- **Wellhead Line** means a flowline that transfers well production fluids from an oil or gas well to process equipment (e.g., separator, production separator, tank, heater treater), not including pre-conditioning equipment such as sand traps and line heaters, which do not materially reduce line pressure.

- **Production Piping** means 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:
  
  - **Production Line** means a flowline connecting a separator to a meter, LACT, or Gathering Line;
  
  - **Dump Line** means 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;
**Manifold Piping** means a flowline that transfers fluids into a piece of production facility equipment from lines that have been joined together to comingle fluids; and

**Process Piping** means 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.

**Off-Location Flowline** means 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.

**Peripheral Piping** means a flowline that transfers fluids such as fuel gas, lift gas, instrument gas, or power fluids between Oil and Gas Facilities for lease use.

**Produced Water Flowline** means 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 freshwater is not a flowline.

**Gas** means all natural gases and all hydrocarbons not defined as oil. Examples are natural gas, flammable gas, petroleum, or other hydrocarbon gases including propane, or any mixture of gas produced, transmitted, distributed, or furnished by a utility.

**Gathering Line(s)** 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. 195.2 or 192.8. (49 C.F.R. 195.2 or 192.8 and 4 C.C.R. 723-4901 in existence as of the date of adoption of this OGM and does not include later amendments.) Generally, a Gathering Line begins after the LACT or gas measurement meter. In this Oil & Gas Manual, Gathering Lines do not include interstate pipelines.

**Hazard and Operability Analysis (HAZOP)** means a systematic method for evaluating hazards. It often involves the review of detailed system drawings, specifications, and operating procedures. Process hazards and potential operating problems are identified through a qualitative investigation of deviations from normal process conditions.
Horizontal Directional Drilling or boring (HDD) means a method of installing underground pipelines, cables, and service conduit through trenchless methods. It involves the use of a directional drilling machine and associated attachments to accurately drill along the chosen bore path and back ream the required pipe.

Hydrocarbon means an organic compound of hydrogen and carbon, such as any of those which are the chief components of petroleum and natural gas.

Injection Well means any hole drilled into the earth into which fluids are injected for purposes of secondary recovery, storage, or disposal pursuant to authorizations granted by the COGCC.

Internal Floating Roof Tanks means a tank that has both a fixed roof and an internal floating roof. The fixed roof is usually a cone roof. The internal floating roof can be constructed of steel, aluminum, plastic, or other material. These tanks hold stabilized liquid hydrocarbon.

Jeeping means the process of using a high voltage ‘holiday detector,’ which can find tiny flaws in the coating of pipe using an electrical current.

Lease Automatic Custody Transfer (LACT) means a unit that measures the net volume and quality of liquid hydrocarbons. This system provides for the automatic measurement, sampling, and transfer of oil from one Operator to another.

Neighborhood Meeting means a meeting held by the Operator after the appropriate notice to Notified Residents for the purpose of communicating information about an oil and gas project and answering questions.

Notified Residents means, unless more specifically defined in a particular section of this Oil & Gas Manual, the people and organizations that must be notified at various points of the permitting and operations process including the surface owners, tenants, and Home Owner Associations within a certain distance of a location.

Observer means the authorized representative of the Oil & Gas Manager assigned to observe the work.

Off-Location Produced Water Flowline means a flowline transferring produced water from an Oil and Gas Facility to a production facility, injection facility, or other produced water gathering, treatment, or disposal facility.

Oil means crude petroleum oil and any other hydrocarbons, regardless of gravities, that are produced at the well in liquid form by ordinary production methods, and that is not the result of condensation of gas before or after it leaves the reservoir. Oil that is extracted from the ground before it is refined into usable products, such as gasoline.
Oil and Gas means oil or gas or both oil and gas.

Oil & Gas Division means the Oil & Gas Division of the City of Aurora.

Oil & Gas Manager means the authorized representative of the City who provides overall technical coordination and monitoring of work of the Oil & Gas Division.

Oil & Gas Midstream Permit (OGMP) means a properly approved permit to construct an Oil and Gas Midstream Location, which contains an Oil and Gas Midstream Facility within the City of Aurora.

Oil & Gas Permit (OGP) means a properly approved permit to begin construction on an Oil and Gas Location that contains an Oil and Gas Facility within the City of Aurora.

Oil and Gas Facility means equipment or improvements used or installed at an Oil and Gas Location for the exploration, production, or withdrawal of crude oil, condensate, E&P waste, or gas. Any well, wellhead, Flowlines, tanks, surface equipment, or associated infrastructure used in the development, production, storage, or marketing of oil, natural gas, natural gas liquids, or other hydrocarbon resources.

Oil and Gas Location means a definable surface area where an Operator has disturbed or intends to disturb the land surface in order to locate an Oil and Gas Facility. An Oil and Gas Location might contain a single well, multiple wells, and/or associated infrastructure. An Oil and Gas Location is the primary component that is permitted through the Oil & Gas Permit application process.

Oil and Gas Midstream Facility means equipment or improvements used or installed at an Oil and Gas Midstream Location for the gathering, treatment, or processing of crude oil, condensate, E&P waste, or gas. Any Central Gathering Facility (CGF), Compressor Station, Gathering Line, Off-Location Produced Water Flowline, or Associated Facilities used in the gathering, storage, processing, or marketing of oil, natural gas, natural gas liquids, or other hydrocarbon resources.

Oil and Gas Midstream Location means a definable surface area where an Operator has disturbed or intends to disturb the land surface in order to locate an Oil and Gas Midstream Facility. An Oil and Gas Midstream Location might contain a Central Gathering Facility (CGF), a Compressor Station, a Gathering Line, Off-Location Produced Water Flowline, and/or Associated Facilities. An Oil and Gas Midstream Location is the primary component that is permitted through the Oil & Gas Midstream Permit application process.

Oil and Gas Well see Well
Operational Phases means those phases within the life cycle of an Oil and Gas Location or Oil and Gas Facility, which best describe the type of activities happening at the Oil and Gas Location or Oil and Gas Facility during the phase. It is possible for multiple phases of operation to be occurring at the same time with respect to a single Oil and Gas Location. Chronologically, those phases are:

Permitting Phase means the period of time in which the project proposed by the Operator is being evaluated by the City. The Permitting Phase ends with a final decision by the City and when all additional required federal, state, and local permits or approvals have been obtained.

Construction Phase means the conducting of civil and earthwork in connection with the construction and installation of drilling pads, visual mitigation measures, access routes, pipelines, and launcher/receiver locations. The Construction Phase ends when the Oil and Gas Location or Oil and Gas Facility is fully prepared for its intended purpose.

Drilling Phase means the period in which a drilling or spudder rig is utilized to penetrate the surface of the earth with a drill bit and the installation of well casing and cement at one (1) or more wells. The Drilling Phase ends when the Completion Phase begins.

Completion Phase means the period of perforation, hydraulic fracturing, clean up, coiling, workover, installation of tubing, and flowback of one (1) or more wells at the Oil and Gas Location. The Completion Phase ends when the Production Phase begins.

Production Phase means the period in which one (1) or more wells are capable of producing hydrocarbons that flow through permanent separator facilities and into tanks or, if applicable, into a Gathering Line.

Reclamation Phase means the period 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.

Operating Plan means a general description of an oil or gas well facility identifying purpose, use, typical staffing pattern, seasonal or periodic considerations, routine hours of operation, source of services and infrastructure, and any other information related to the regular functioning of that facility.

Operator means the permitted entity authorized to construct or operate an Oil and Gas Location, Oil and Gas Midstream Location, Oil and Gas Facility, or Oil and Gas Midstream Facility in the City of Aurora.
**Pig** means a generic term signifying any independent, self-contained device, tool, or vehicle that is inserted into and moves through the interior of a pipeline for inspecting, dimensioning, or cleaning.

**Pigging** means the act of forcing a device called a pig through a pipeline for the purposes of displacing or separating fluids, and cleaning or inspecting the line.

**Pig Launcher and Receiver Sites** means a location including equipment associated with the operation and maintenance of the pipelines associated with the cleaning and inspection of the pipelines, also known as pigging.

**Pipeline & Hazardous Materials Safety Administration (PHMSA)** means the federal agency that monitors compliance through field inspections of facilities and construction projects; programmatic inspections of Operator management systems, procedures, and processes; incident investigations; and through direct dialogue with Operator management. PHMSA is an agency of the United States Department of Transportation.

**Pipeline Maintenance** means the process of maintaining property or equipment, including pipelines, to preserve it and prevent it from failure and ensure that it will continue to perform its intended function.

**Planning Department** means, unless the context clearly indicates otherwise, the Aurora Planning and Development Services Department.

**Platted Residential Subdivision** means a subdivision that has been approved and recorded and is located in a zone that allows residential uses.

**Process Safety Management (PSM)** means an analytical tool focused on preventing releases of any substance defined as highly hazardous by the Environmental Protection Agency (EPA) or the Occupational Safety and Health Administration (OSHA). A “process” is defined by OSHA in the PSM standard as “any activity involving a flammable substance including any use, storage, manufacturing, handling, or the on-site movement of such chemicals, or combination of these activities.”

**Produced Water Transfer System** means a system of off-location flowlines that transport produced water generated at more than one (1) Oil and Gas Location or production facility.

**Production Pits** means those pits used for initial settling, temporary storage, or disposal of produced water by permeation or evaporation after drilling and initial completion of the well.
Section 135-1. Introduction.

*Production Site* means that surface area immediately surrounding proposed or existing production pits, or other accessory equipment necessary for oil and gas production activities, exclusive of transmission and Gathering Lines.

*Public Hearing* means a meeting led by decision-makers, available to the public, and including a general notification to the public in advance of the meeting.

*Public Project* means (1) a public work or improvement within the City that is wholly owned by the City; or (2) a public work or improvement within the City where fifty percent (50%) or more of the funding is provided by any combination of the City, the Federal Government, the State of Colorado, any regional transportation district, the Mile High Flood District, any regional transportation authority, any Colorado county, or any type of governmental entity, or any type of quasigovernmental entity; or (3) any public work or improvement funded and constructed within the City for the benefit of the City.

*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 Official* means for a corporation: a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit. For a partnership or sole proprietorship: a general partner or the proprietor, respectively.

*Right-Of-Way* means an area of land dedicated to the public in fee simple title conveyed to the City for drainage, pedestrian, utility, street lighting, landscaping, roadway, or other purposes.

*State* means the State of Colorado.

*Tank* means any container used in conjunction with the production or storage of petroleum, hydrocarbon substances, or produced water stored at or near atmospheric pressure.

*Testing Agency* means any individual or other person or entity which is qualified and licensed to perform the required sampling, analysis, testing, and professional recommendation service.
Treatment Facilities means any plant, equipment, or other works used to treat, separate, or stabilize any substance produced from a well.

Twinning means the drilling of a well adjacent to or near an existing wellbore when the existing well cannot be drilled to the objective depth or produced due to an engineering problem such as collapsed casing or formation damage.

Valve Stations means a location associated with a Gathering Line where Safety Shutdown Valves, automated safety devices, and pressure monitoring devices are strategically located to isolate segments of the Gathering Line.

Variance Request means a request by an Operator for an exception to a specific provision of this Oil & Gas Manual.

Water Delivery Agreement means a legal agreement with the Aurora Water Department acting by and through its Utility Enterprise, which specifies the source of water to be used during permitted activities.

Water Flowline means a pipe composed of a rigid material such as steel, Polyvinyl chloride (PVC), or High-Density Poly Ethylene (HDPE), or lay-flat pipe with the general characteristics of fire hose, which is used to transport or convey water for application to use.

Water Sources means all floodplains, as defined in Chapter 70 of the Aurora City Code, and permanent City underground water storage facilities, including aquifer storage and recovery (ASR) operations.

Well means a hole drilled into the earth for the purpose of exploring for or extracting oil, gas, or other hydrocarbon substances.

Wetland means areas where water covers the soil or is present either at or near the surface of the soil all year or for varying periods of time during the year, including during the growing season. Wetlands may support both aquatic and terrestrial species. The prolonged presence of water creates conditions that favor the growth of specially adapted plants (hydrophytes) and promote the development of characteristic wetland (hydric) soils.

Wildlife Habitat means a specific geographic area that provides the physical and biological features needed for life and successful reproduction of plant or animal species.

(3) Application of Definitions. If the definition of a term in this Oil & Gas Manual differs from the definition of the same term in an Operator Agreement or other legal contract between the City and an Operator, the definition in the Operator Agreement or other contract will control for those Oil and Gas Locations or Oil and Gas Facilities regulated by the Operator Agreement or other contract.
(g) **Previous Agreements.** Any previous Operator Agreement or other agreement, duly signed by the City Manager of the City of Aurora, or approved by the City Council, shall remain in full effect until the term of such agreement has expired, or until all Wells drilled during the term of such agreement are permanently plugged, abandoned, and removed from the Oil and Gas Location in accordance with the rules and regulations of the COGCC and reclamation has been completed pursuant to COGCC requirements, or unless otherwise terminated by law. Any new Oil and Gas Facilities at the Oil and Gas Location which were not addressed in the Operator Agreement, as modified, shall be governed by this OGM.

(h) **Best Management Practices.** This Oil & Gas Manual contains regulations, which are Best Management Practices (BMPs), that protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources. The Operator must comply with the regulations set forth in this Oil & Gas Manual at all times, subject to fines and penalties for violations, commensurate with harm to public health, safety, welfare, the environment, and wildlife resources.

(i) **Compliance with other authorities.** The regulations identified in this Oil & Gas Manual are intended to supplement and are in addition to state rules and regulations, including but not limited to those promulgated by the COGCC, AQCC, and CDPHE. However, Operator shall comply with applicable federal and state rules, regulations, and standards pertaining to public health, safety, welfare, the environment, and wildlife resources. Operator shall comply with the more protective of the regulations contained in this Oil & Gas Manual or applicable federal or state rule or regulation and/or standards.

(j) **Subcontractors.** Operator is responsible to ensure compliance with the OGM by their contractors and subcontractors.
Section 135-2. Oil and Gas Location and Oil & Gas Permit (OGP) Application Process.

(a) General Applicability.

(1) Permitting of an Oil and Gas Location. The Oil & Gas Permit (OGP) application process shall apply to any Oil and Gas Location within the City of Aurora. Each Oil and Gas Location requires a separate OGP application.

a. The granting of an OGP shall not relieve the Operator from complying with all applicable regulatory requirements of the City, State, or the United States.

b. The OGP required by this Manual is in addition to any permit that may be required by any other provision of the A.C.C., or any other governmental agency.

c. The Operator shall obtain a general business license from the City prior to commencing operations and conform to applicable provisions of the A.C.C. related to licensing.

(2) Future increase in Oil and Gas Location size. An Oil and Gas Location is fixed in size and geographical extent at the time it is approved. If an Operator desires to increase the size of an Oil and Gas Location or add an additional Oil and Gas Facility to the Oil and Gas Location, then the Operator shall apply for a Variance Request. If the Variance Request is denied, the Operator may submit a new OGP application.

(3) Pending Enforcement Action. No Oil & Gas Permit application, proposed amendment to an application, or Variance Request shall be processed or approved with regard to an Oil and Gas Location or Oil and Gas Facility that is not in compliance with all federal, state, and local agency regulations having jurisdiction over the property.

(4) Overview of the application process.

a. The OGP application process is divided into two (2) phases. In Phase 1, the Operator submits required items to support its application for its Oil and Gas Location. The Oil and Gas Location must then be reviewed by the City and approved by the Planning and Zoning Commission before the Operator can submit the remainder of its items for the OGP.

b. After approval of the Oil and Gas Location by the Planning and Zoning Commission, the Operator moves to Phase 2. In Phase 2, the Operator submits the OGP Phase 2 application materials comprising the remainder of the items
necessary for the City to review the full OGP application. In some cases, documents and agreements (such as the Water Delivery Agreement, Road Maintenance Agreement, and License Agreements) are begun in Phase 1 and completed in Phase 2.

(b) Oil and Gas Location Application Process.

1. Pre-Application Purpose. The purpose of the pre-application process is for the Operator to provide a high-level overview of the proposed OGP application to the City. City staff will provide written feedback to the Operator on its application. The OGM, as it exists at the time the Pre-Application Meeting is held, will govern the remainder of the Operator’s application.

2. Timeline. At the Pre-Application Meeting, the City will provide an expected timeline of review for the Operator’s application. Absent a separate agreement, such as an Operator Agreement, City timelines will be based on the expected review process and current workload.

3. Pre-Application Meeting.
   a. Operator shall request a Pre-Application Meeting with the Office of Development Assistance prior to submitting an application for an Oil & Gas Permit. Appropriate City staff (as determined by the Oil & Gas Manager) may attend. The City may waive the Pre-Application Meeting or Pre-Submittal requirement for any Oil & Gas Permit application.
   b. At the Pre-Application Meeting, Operator shall present the proposed project to the City to determine the appropriate materials needed for the application, and so City staff may provide feedback on the proposed development. As a result of the Pre-Application Meeting, the Operator will receive a detailed set of notes containing information to aid the Operator and consultant team in preparing a complete submittal in compliance with City standards.
   c. A vicinity map, project narrative, conceptual layout of the Oil and Gas Location, and legal proof of access to mineral interest to be developed must accompany the request for a Pre-Application Meeting.
   d. With the request for a Pre-Application Meeting, Operator shall submit Operator name, name of parent companies, and a demonstration of financial capability to comply with this Oil & Gas Manual by submitting:
      1. Current balance sheet;
2. Signed statement of cash flow and net worth, demonstrating the ability to comply with the regulations in the OGM, including the ability to fund permitting, operations, and surface reclamation;

3. A list of all bonding provided to the COGCC which applies to the application; and

4. Any other reasonable and relevant financial documentation requested by the City.

e. With the request for a Pre-Application Meeting, Operator shall demonstrate its operational capability to comply with this Oil & Gas Manual, by submitting a list of all previous violations of any local, state, or federal rule or law within the last three (3) years.

f. With the request for a Pre-Application Meeting, Operator shall submit the Alternative Location Analysis (ALA) if an ALA is required by COGCC.

g. A request for a Pre-Application Meeting can be made online via the Office of Development Assistance webpage. For questions and assistance regarding this Pre-Application process, please contact the Office of Development Assistance.

(4) Pre-Submittal Meeting.

a. Following receipt of City comments from the Pre-Application Meeting, the Operator shall request a Pre-Submittal Meeting with City staff.

b. At the Pre-Submittal Meeting, Operator shall request that a portal be opened to allow the Oil and Gas Location application to be submitted digitally.

(5) Submission of Oil and Gas Location Application (Phase 1).

a. In the Oil and Gas Location application process (Phase 1), the Operator shall apply for approval of its Oil and Gas Location. Submittal requirements are listed in Section 135-2(d) of this OGM.

b. Oil and Gas Location applications will be processed in the order received. Operator shall not submit more than two (2) applications in a three-week period. If Operator has more than one (1) application that has been deemed by the City to be complete, it may provide a priority list for review of complete applications. Such a request may increase the approval time needed for Operator’s other applications.

(6) Pre-Acceptance Completeness Review. Upon receipt of the Operator’s Oil and Gas Location application, the City will initiate a Pre-Acceptance Review to determine whether the application is sufficient to begin the formal review process. During the Pre-Acceptance Review, the City will identify any missing submittal requirements
in the Oil and Gas Location application within five (5) business days and will notify the Operator of its decision in writing. Operator must demonstrate that it has incorporated all applicable regulations from this OGM in its Oil and Gas Location application.

(7) Acceptance of Oil and Gas Location Application.
   a. If no missing submittal requirements are identified, an invoice of the Oil and Gas Location application fee for Phase 1 listed in the City Code will be sent to the Operator for prompt payment.
   b. If missing submittal requirements in the application are identified, the Operator shall address the missing submittal requirements and resubmit the Oil and Gas Location application. The City will review the resubmitted application and notify the Operator in writing of its completeness determination.

(8) Schedule Pre-Submittal Meetings for Phase 2. Once the City begins review of the Oil and Gas Location application, the Operator shall schedule Phase 2 Pre-Submittal Meetings with City Departments as necessary to initiate discussions of submittal requirements for Phase 2.

(9) Phase 1—First Review. In the First Review, the City will review the completed Oil and Gas Location application and provide questions or comments to the Operator in writing. The Operator will then respond in writing to the City to address all questions and comments.

(10) Neighborhood Meeting. Operator shall host a Neighborhood Meeting to inform the public of its application.
   a. Operator shall notify all Notified Residents within one (1) mile of the Oil and Gas Location of the time and location of the Neighborhood Meeting. Notified Residents shall be notified by mail a minimum of ten (10) calendar days in advance. Notified Residents are those of legal record at the time of the mailing.
   b. Operator shall respond to all comments received at the Neighborhood Meeting in like kind. Verbal questions may receive a verbal response. Written questions submitted at the meeting or afterward will receive a written response.
   c. Operator shall allow attendance at the Neighborhood Meeting by virtual methods, or shall host a second Neighborhood Meeting virtually.

(11) Phase 1—Second Review. In the Second Review, the City will review the Operator’s response to its questions or comments from the First Review, including Operator responses to Neighborhood Meeting Comments. The City will provide any further questions and comments to the Operator in writing. The Operator will then
respond in writing to the City to address all questions and comments from the Second Review.

(12) **Phase 1—Additional Review.** Subsequent rounds of review may be necessary until Operator has sufficiently responded to the City’s questions and comments. The Oil & Gas Manager, in consultation with City staff, will make the final decision as to when Operator’s Oil and Gas Location application has met all City criteria.

(13) **Compatibility with Approved Master Plans and Comprehensive Plans.** The location and operations of the Oil and Gas Location shall be compatible with any approved Master Plan or Comprehensive Plan for the subject property at the time of application. The Oil & Gas Manager shall take into consideration whether the Oil and Gas Location application appropriately addresses any impacts on approved Master Plans and Comprehensive Plans.

(14) **Operator Response Timing.** Any time the City provides written comments to an Operator submittal, the Operator shall reply in a timely manner. If comments are not received from the Operator within ninety (90) days of the City’s response, the Operator’s application will be deemed abandoned. Operator may request an extension of this deadline by submitting clear evidence of why its response is delayed and when it expects to respond.

(15) **Public Hearing.**

a. Once the City is satisfied with Operator responses to its review of the Oil and Gas Location application, the Oil & Gas Manager will forward a recommendation to the Planning and Zoning Commission. The Oil & Gas Manager’s decision shall be based on whether or not the Operator has successfully completed the Oil and Gas Location permitting process and whether or not the Operator has demonstrated that its Oil and Gas Location application complies with location criteria and will be protective of public health, safety, welfare, the environment, and wildlife resources.

b. The Planning and Zoning Commission shall conduct a Public Hearing on the Oil and Gas Location application and shall make a decision based on the applicable criteria to:
   1. approve the Oil and Gas Location application;
   2. approve the Oil and Gas Location application with conditions;
   3. deny the Oil and Gas Location application; or
   4. remand to the Oil & Gas Division for further review.
c. The Planning and Zoning Commission decision may be called-up by City Council.

d. Operator shall notify all Notified Residents within one (1) mile of the Oil and Gas Location by mail of the time and location of the Public Hearing. Notified Residents are those of legal record at the time of the mailing.

(16) **Criteria Applied to Oil and Gas Location.** The Planning and Zoning Commission may approve an Oil and Gas Location if the Planning and Zoning Commission finds that the Oil and Gas Location:

a. Protects and minimizes adverse impacts to public health, safety, welfare, the environment, and wildlife resources;

b. Conforms to the city’s comprehensive plan;

c. Complies with the applicable standards of this Oil & Gas Manual, City regulations, and approved Master Plan that includes the property, and any condition specially applied to the property by the Oil & Gas Division, Planning and Zoning Commission, or City Council in a decision prior to a decision affecting the property;

d. The size, scale, height, density, multi-modal traffic impacts, and hours of operation of the proposed use are compatible with existing and planned uses and proposed character in the surrounding area;

e. Will not change the predominant character of the surrounding area;

f. The City’s existing infrastructure and public improvements, including but not limited to its street, Critical Infrastructure, stormwater facilities, and emergency systems, have adequate capacity to serve the Oil and Gas Location, and any burdens on those systems have been mitigated to the degree practicable;

g. Allows for the Operator to reasonably implement the requirements of the OGM and protections contained in the Oil & Gas Manual for the proposed Oil and Gas Location; and

h. An Alternative Location Analysis, if required by COGCC rules or if requested by the Oil & Gas Manager, is attached. An Alternative Location Analysis shall use the following criteria:

1. Conforms to the City’s Comprehensive Plan and other applicable adopted plans;

2. Provides adequate surface acreage and suitable topography for safe and efficient operations;
3. Ability to access targeted minerals with the technology available at the time of development;
4. Ability to implement the requirements of the OGM and protections contained in the OGM for the proposed Oil and Gas Location;
5. Ability to consolidate Oil and Gas Facilities with other planned drilling and spacing units proposed within the City’s municipal boundaries; and
6. Any other considerations relevant to the protection of public health, safety, welfare, environment, and wildlife resources.

(17) Approval of Oil and Gas Location. When the Planning and Zoning Commission decision and any City Council call-up is complete, Operator will be notified in writing of the decision on its Oil and Gas Location application.

(c) Oil & Gas Permit (OGP) Phase 2 Application Process.

(1) Submission of Oil & Gas Permit (OGP) application (Phase 2). In Phase 2 of the OGP application process, the Operator shall submit the remainder of submittal requirements in support of its OGP application. Phase 2 submittal requirements are listed in Section 135-2(e) of this OGM.

(2) Pre-Acceptance Completeness Review. Upon receipt of the Operator’s OGP Phase 2 application, the City will initiate a Pre-Acceptance Review to determine whether the OGP Phase 2 application is sufficient to begin the formal review process. During the Pre-Acceptance Review, the City will identify any missing submittal requirements in the OGP Phase 2 application and will notify the Operator of its decision in writing. Operator must demonstrate that the Operator has incorporated all regulations from this OGM in its OGP Phase 2 application.

(3) Phase 2—First Review. In the First Review, the City will review the completed OGP Phase 2 application and provide questions or comments to the Operator in writing based on Operator's demonstration of compliance with the Oil & Gas Manual. The Operator will then respond in writing to the City to address all questions and comments.

(4) Phase 2—Second Review. In the Second Review, the City will review the Operator’s response to its questions or comments from the First Review of the OGP Phase 2 application. The City will provide any further questions and comments to the Operator in writing. The Operator will then respond in writing to the City to address all questions and comments from the Second Review.
(5) **Phase 2—Additional Review.** Subsequent rounds of review may be necessary until the Operator has sufficiently responded to the City’s questions and comments. The Oil & Gas Manager, in consultation with City staff, will make the final decision as to when Operator’s OGP Phase 2 application has met all City criteria.

(6) **Limit on Commencement of Construction.** The Operator shall not move any heavy equipment or begin construction at the Oil and Gas Location based on COGCC approval until the Operator has received final approval of the OGP from the City pursuant to this Oil & Gas Manual and all applicable City permits and agreements.

(7) **Administrative Approval of OGP.** OGP Phase 2 applications may be approved by the Oil & Gas Division on an administrative basis. Once all OGP Phase 2 application questions have been answered by the Operator to the satisfaction of the City (as determined by the Oil & Gas Manager), a Letter of Administrative Decision is provided to the Operator and the Aurora City Council. The City Council may elect to call-up the Oil & Gas Manager’s decision according to the procedures described in Section 135-2(g).

(8) **Final Approval and Issuance of OGP.** Once the Oil and Gas Location has been approved by the Planning and Zoning Commission, the Oil & Gas Manager has administratively approved the OGP Phase 2 application, and any City Council call-up or appeal process is complete, the Oil & Gas Permit (OGP) will be issued to the Operator by the Oil & Gas Division with or without conditions. No drilling of wells or installation of any Oil and Gas Facility may begin until Operator receives the Notice to Proceed (NTP).

(9) **Fulfillment of OGP Conditions.** The Operator shall satisfy any conditions required by the OGP.

(10) **Notice to Proceed (NTP).** Upon satisfaction of all conditions required by the OGP, the City and Operator may execute a Water Delivery Agreement, Road Maintenance Agreement, and other agreements as necessary. Upon approval and execution of all required agreements, the City may issue a NTP with or without conditions. After issuance of the NTP, Operator may begin drilling activities at the Oil and Gas Location if all additional approvals from COGCC and other required state authorities have been received.

(11) **Time Limits.** An administratively approved OGP shall be valid for a period of three (3) years from the date of approval.

a. If the construction of the Oil and Gas Location has not begun within three (3) years, the Operator may request a one (1) year extension from the Oil & Gas Manager. Operator may request a total of two (2) extensions. The Oil & Gas
Manager may only approve such extension if there is clear and convincing evidence that:

1. no additional adverse impacts to public health, safety, welfare, the environment, or wildlife resources would occur;
2. the surface use conditions and surrounding land uses that are either existing or planned have not changed to such a degree that the current approval could no longer be met; and
3. the Operator has submitted updated financial information, COGCC bonding information, and certificates of insurance, which continue to demonstrate the Operator’s ability to financially comply with the Oil & Gas Manual.

b. Any other extension beyond the extension described above shall require the approval of the City Council after a public hearing and shall be based on these same criteria.

c. All application extensions shall require the written consent of the surface owner.

(12) Denial. If it is established by competent evidence that a proposed Oil & Gas Permit application fails to meet any of the specifications in this Oil & Gas Manual, or fails to meet any approval criteria, then the permit for such Oil & Gas Permit may be denied.

(d) Required Oil and Gas Location Application Materials-Phase 1.

The Oil and Gas Location phase of the OGP application shall contain the following Submittal Requirements whose components are further described in this Oil & Gas Manual:

(1) Combined letter of introduction and project summary. Operator shall include:
   a. Response to Pre-Application City comments;
   b. A narrative list of how applicable regulations (related to location) will be addressed;
   c. Any requests for variance from the regulations within this OGM.

(2) Site plan which depicts the following: A full Site Plan is not required for Phase 1, however, there must be one (1) or more 24” x 36” sheets that detail the following:
   a. Oil and gas location layout (drilling and production site layout sheets; Existing Conditions sheet);
   b. New Oil or Gas Wells;
   c. Proposed Location of Facilities;
d. Road Access;
e. Existing Easements and Rights-of-Way;
f. Mile High Flood District Streams (with names) within five hundred feet (500’) of the Oil and Gas Location;
g. Federal Emergency Management Agency (FEMA) Flood Hazard Zones within five hundred feet (500’) of the Oil and Gas Location;
h. Visible improvements within five hundred feet (500’) of the Oil and Gas Location;
i. Photometric Plan with Fixture Specifications;
j. Wetlands within five hundred feet (500’) of the Oil and Gas Location;
k. Critical Infrastructure within three hundred fifty feet (350’) of the Oil and Gas Location.

(3) Visual Mitigation Plan.

(4) Vicinity/Context Map.
   a. Map must be topographic;
   b. Map must show Water Sources identified by the City;
   c. Map must indicate distances to the nearest occupied structure, municipal boundary, and subdivision boundary as measured from the greatest extent of the Oil and Gas Location;
   d. Neighborhood outlines and approved Master Plans;

(5) Alternative Location Analysis. If required, an Alternative Location Analysis shall be consistent with COGCC rules and the OGM for an Alternative Location Analysis submittal;

(6) Water Supply Plan;

(7) Method of bringing water to the location (signed agreement required in Phase 2)


(9) Groundwater Quality Monitoring Plan;

(10) Air Quality Plan;

(11) Noise Management Plan;

(12) Recorded Surface-Use Agreement (if applicable);

(13) Determination of License Agreements needed;
Section 135-2. Oil and Gas Location and Oil & Gas Permit (OGP) Application Process.

(14) One-mile Radius Abutters Map and List;

(15) Traffic Letter or other analysis requested in the Pre-Application Notes & Traffic Management Plan;

(16) Haul Route;

(17) Road Maintenance Agreement. Evidence of Initial Discussion with Public Works. Including impacts to City-owned improvements as the result of Operator construction or infrastructure relocation and including any entailed construction of drainage improvements such as culverts;

(18) Wildlife Impact Mitigation Plan (if applicable);

(19) COGCC Forms. Submit to the City a copy of the drilling and spacing order if available, and any COGCC approved Form 2 or Form 2A, which confirms the Operator’s right to develop the mineral estate and confirms the ownership of the surface information;

(20) Proof of Insurance;

(21) Neighborhood Meeting Schedule and Results / Response to Public Comments;

(22) Fee Payment Phase 1.

(e) Required OGP Phase 2 Application Materials. Phase 2 of the OGP application shall consist of the following Submittal Requirements whose components are further described in this Oil & Gas Manual:

(1) Letter of Introduction (full). Operator shall include:
   a. Response to any conditions on the Oil and Gas Location approval;
   b. A narrative list of how remaining applicable regulations will be addressed;
   c. Any requests for variance from the regulations within this OGM with justification.

(2) Project Summary (full).

(3) Site Plan which depicts the following:
   a. Site Plan should reflect all submittal sheets and revisions from Phase 1, including groundwater monitoring well(s) locations;
   b. Oil and Gas Location Layout;
   c. Location of Flowlines, reasons for selection, and procedures to be employed in mitigating any adverse impacts of the proposed routes;
   d. New Oil or Gas Wells;
e. Proposed Location of Facilities;
f. Road Access and Road Maintenance Agreement;
g. Existing and ultimate easements and rights-of-way;
h. Mile High Flood District Streams (with names) within five hundred feet (500’)
of the Oil and Gas Location;
i. FEMA Flood Hazard Zones;
j. Visible improvements within five hundred feet (500’) of the Oil and Gas
   Location;
k. Landscape Plan: Must include fencing and other criteria listed in the
   regulations;
l. Interim Reclamation Plan;
m. Building and structure elevations, including a placarding note as applicable;
n. Wetlands within five hundred feet (500’) of the Oil and Gas Location;
o. Critical Infrastructure within three hundred fifty feet (500’) of the Oil and Gas
   Location;
p. Floodplain permit, if applicable;

(4) **Operations Plan.**
   a. Project Development Schedule;
   b. Security Plan;
   c. Decommissioning / Final Reclamation Plan. The Decommissioning Plan shall
      address how the Flowline and Crude Oil Transfer Line will be properly
      removed from the ground or properly abandoned in place.

(5) **Emergency Action Plan (EAP) / Emergency Response Plan (ERP) (if applicable).**

(6) **PHA-HAZOP Letter.** The Operator will provide a letter that the Process Hazard
   Analysis - Hazard and Operability study (PHA-HAZOP) has been completed, and
   the Engineer of Record has incorporated all applicable PHA-HAZOP
   recommendations in the design.

(7) **Water Deliver Agreement (Executed).** A fully executed Water Delivery Agreement
   is required prior to drilling. Per City Code, all water used within the City of Aurora
   shall be supplied by Aurora Water unless an exception is approved by City Council.

(8) **Water User Plan to Comply** consistent with CDPHE Regulation 84, if applicable.

(9) **Fluid Disposal Plan.**

(10) **Road Maintenance Agreement and DOT Registration (if applicable).**
(11) **Fugitive Dust Suppression Plan.**

(12) **License Agreements as applicable.**

(13) **Weed Control Plan.**

(14) **Civil Plans that include a Storm Water Management Plan (SWMP), Final Drainage Report (Grading, Drainage and Erosion Plan), and SWMP Report approved by Public Works.** Operator should contact Public Works separately for a Pre-Submittal Meeting.

(15) **Approved COGCC Form 2A.**

(16) **Fee Payment Phase 2.** The Operator shall be subject to an administrative fee associated with plan review and report analysis.

(f) **Variance Requests.**

(1) **General.** Operator may seek an exception to the strict application of the requirements of the Oil & Gas Manual by making a written Variance Request to the Oil & Gas Division. The Variance Request must include the justifiable rationale supporting the request. As part of a granted Variance Request, the Oil & Gas Division may require alternative mitigation measures to ensure compliance with the goals of the applicable regulations. Variance Requests will be evaluated by the criteria set forth in Section 135-2(f)(4) in consideration of the protection of public health, safety, welfare, the environment, or wildlife resources.

(2) **Variance Request Process.** Any Variance Request shall be processed through the Oil & Gas Division. The Oil & Gas Division shall approve, approve with conditions, or deny the variance based on consideration of the staff report, the evidence from the Neighborhood Meeting, and the variance’s compliance with the criteria for approval. Variance Requests are best submitted during the regular permit review process but may be submitted anytime.

(3) **Variance Request Steps.**

   a. Submission of a request by Operator to the Oil & Gas Manager with confirmation of receipt;

   b. Neighborhood Meeting: Optional, unless the Oil & Gas Manager determines the Variance Request could have significant neighborhood impacts, or if a Neighborhood Meeting is requested by a directly impacted surface owner;

   c. Staff Report;

   d. Conditions of Approval: In approving a variance, the Oil & Gas Division may attach any conditions necessary to ensure the variance authorized shall not
constitute a grant of special privilege inconsistent with the limitations upon other commercial entities in the vicinity in which the subject property is located and will protect public health, safety, welfare, the environment, and wildlife resources.

(4) Variance Request Approval Criteria. In approving a variance, the Oil & Gas Division shall find:

a. Special physical requirements or circumstances exist which are peculiar to the land or the lot, or some aspect inherent in the land causes hardship and are not applicable to other lands in the same district.

b. The literal interpretation of the provisions of the Oil & Gas Manual would deprive the Operator of rights commonly enjoyed by other properties in the same district under the terms of the Oil & Gas Manual.

c. Granting of the Variance Request will not confer on the Operator any special privilege denied by the Oil & Gas Manual for other land in the same zone district.

d. Because of physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of the physical requirements of the Oil & Gas Manual.

e. The special circumstances applicable to the property have not been created by voluntary action or negligence by any person presently having an interest in the property.

f. The granting of the variance will be in harmony with the general purpose and intent of the Oil & Gas Manual.

g. The granting of a variance from the strict application of the Oil & Gas Manual will result in no net adverse impact to public health, safety, welfare, the environment, or wildlife resources, or impair the intent of the Oil & Gas Manual.

h. The granting of a variance may be required to allow for safe construction, installation, and operations.

(g) Appeals and Call-Ups.

(1) Appealing a Decision by the Oil & Gas Division.

a. Any administratively-approved OGP application, interpretation, or decision of the Oil & Gas Manager concerning this OGM may be appealed by an applicant, by the owner of the subject property, or by the owner of a property that abuts
the subject property. The notice of appeal must be filed with the City Manager within fourteen (14) calendar days of the Oil & Gas Manager's decision.

b. Such appeal shall specifically state the grounds for the appeal. If an appeal is filed, the Planning and Zoning Commission shall consider the appeal at a regularly scheduled Planning and Zoning Commission public hearing according to the procedures described in Section 135-2(g)(3).

(2) **Appealing a Decision by the Planning and Zoning Commission.** A decision by the Planning and Zoning Commission may be appealed to the City Council provided such appeal is received by the Oil & Gas Manager within fourteen (14) calendar days after the Planning and Zoning Commission's decision. Such appeal may be filed by the applicant or any abutting property owner and shall specifically state the grounds for appeal. The City Council shall hold a public hearing on the application according to the procedures described in Section 135-2(g)(3).

(3) **Appeal and Call Up Hearing Procedure.**

a. The Council must call up the Oil & Gas Manager's decision regarding administrative approval of an OGP or Variance Request by the end of the second full Council meeting following the decision. If such a decision is not called up by that time, the Oil & Gas Manager's decision is final.

b. The Council must call up the Planning and Zoning Commission's Oil and Gas Location application approval or denial or decision concerning an appeal by the end of the second full Council Meeting following the decision. If such a decision is not called up by that time, the Planning and Zoning Commission's decision is final.

c. **De Novo Hearing.** The reviewing body shall hear the appeal or call up as a new matter. The original applicant has the burden of proof. In addition to considering the testimony and evidence presented at the hearing on the appeal or call up, the reviewing body shall consider all pertinent information from the file as a result of the previous hearings from which the appeal or call up is taken.

d. An appeal or call up stays all actions and rights on the matter being appealed unless it is determined and certified by the original review authority that a stay would cause imminent peril to life and property.

e. The hearing shall be conducted as other public hearings, with a staff presentation of the matter prior to the public hearing. Any member of the public, including the appellant, if applicable, and the applicant shall have the right to be heard by the reviewing body either in person or by counsel. Formal rules of
evidence and discovery do not apply in the proceedings under this Section, and the reviewing body may consider any evidence or information deemed relevant and reasonably reliable.

f. When reviewing any decision on appeal or call up, the reviewing body shall use the same standards for decision making and shall make findings in accordance with the City Code, Oil & Gas Manual, or applicable state law. The reviewing body may adopt the lower decision-making body's decision and findings as its own and may affirm, affirm with conditions, or reverse any decision or determination appealed or called up.

g. Notice of the decision of the reviewing body shall be provided to the appellant, where applicable, and the applicant in the same manner as the notice of the hearing.

h. A decision of the City Council becomes final on the date of the decision. A decision of other reviewing bodies becomes final when the opportunity to appeal and/or call up the decision has expired. Judicial review of a final decision may be brought by timely appealing to a court of competent jurisdiction.

(a) Security Plan.

(1) A Security Plan must be included with the OGP application to indicate how the Oil and Gas Location and associated Oil and Gas Facilities will be operated and maintained free from purposeful and inadvertent interference from anyone except the Operator. The Security Plan may contain a description of fencing, cattle guards, a remote security system, warning and identification signs, and gating.

a. Access for Emergency Responders. Knox Hardware in the form of a Knox Box will be required to allow fire service personnel to extend fire hose to and within this restricted area. The Knox Box shall be mounted on the gating system. The Knox Box shall be mounted on the ingress side of the gate post.

(b) Emergency Action Plan (EAP).

(1) Detailed Emergency Action Plan. The Operator is required to complete a detailed Emergency Action Plan for all operations in the City of Aurora and a site-specific plan for each Oil and Gas Location, including all Flowlines, Crude Oil Transfer Lines, and associated Oil and Gas Facilities.

(2) Required Elements of the Emergency Action Plan. The Emergency Action Plan shall consist of at least the following information:

a. Name, address, and phone number, including twenty-four (24) hour emergency numbers for at least two (2) persons responsible for emergency field operations as well as the contact information for any subcontractor of Operator engaged for well-control or Flowline emergencies.

b. An as-built facilities map to be provided after the facilities are placed in service, in a format suitable for input into a GIS system depicting the location of above-ground facilities, Flowlines, and associated equipment for emergency response and management purposes.

c. A detailed plan for responding to emergencies that may include any or all of the following: explosions, fires, gas, oil, or water pipeline leaks or ruptures, spills, accidents, unexpected release of hazardous gases or chemicals, and unexpected pressure events. A provision that any spill outside of the containment area that has the potential to leave the Oil and Gas Location or to threaten water, or as required by the City-approved Emergency Action Plan, shall be reported to the City’s Local Government Designee (LGD.)
d. Detailed information identifying access or evacuation routes and health care facilities anticipated to be used.

e. Operator shall provide the City with its emergency shutdown protocols and promptly notify the City of any emergency shutdowns related to onsite upset conditions that would have an impact on any area beyond the confines of the Oil and Gas Location.

f. A statement and detailed information indicating that the Operator has adequate personnel, supplies, and training to implement the Emergency Action Plan immediately at all times.

g. The Operator shall have current Safety Data Sheets (SDS) for all chemicals available upon request. The SDS shall be provided immediately upon request to City officials, a public safety officer, or a health professional as required by COGCC regulations. Operator’s contractors are responsible for the management of their own SDS and are to be made available upon request.

h. All “walkthroughs” or training associated with the Emergency Action Plan shall be coordinated with the City of Aurora Fire Rescue upon their request.

i. Operator shall reimburse the appropriate emergency agencies for their reasonable expenses (as determined by the emergency agency) directly resulting from the Operator’s operations.

(3) Notification to Emergency Service Providers. Operator shall notify and work with Aurora Fire Rescue, Aurora Public Safety Communications, Bennett-Watkins Fire Rescue, Sable Altura Fire Rescue, and Buckley Air Force Base Fire Department as applicable to prepare for an emergency if requested by them to do so. In case of an emergency, the Operator will have appropriate response foam and the capacity to apply such, available to respond to emergencies related to the Oil and Gas Location, Flowline, and Crude Oil Transfer Line.

(4) Approval of Emergency Action Plan. The City and Aurora Fire Rescue must approve the Emergency Action Plan before the Drilling Phase commences. As long as all requirements of this regulation are met, the City and Aurora Fire Rescue shall not unreasonably withhold approval and shall approve the Emergency Action Plan within thirty (30) days of submittal.

(5) Annual Update of Emergency Action Plan. The Emergency Action Plan shall be filed with the City and Aurora Fire Rescue and updated on an annual basis or as conditions change (responsible field personnel changes, ownership changes, etc.).
(6) **Training.** Operator shall conduct coordinated training exercises with the Office of Emergency Management (OEM) and the fire district having jurisdiction at the facility for each well pad, at these times:
   a. after the well pad is constructed and before the Drilling Phase commences,
   b. prior to the start of the Production Phase, and
   c. annually thereafter.

(c) **Emergency Response Plan (ERP).**
(1) *Fieldwide Emergency Response Plan.* When an Operator applies for a second or subsequent Oil and Gas Location permit application, they shall submit an in-depth field-wide ERP that encompasses every element required by the ERP and a summarized site-specific ERP to cover each individual site.

(d) **PHA-Hazard and Operability Study.**
(1) **PHA-HAZOP.** A third party PHA-HAZOP certified facilitator shall coordinate a Hazard and Operability Study with the cooperation of the Operator. If any of the findings by the PHA-HAZOP certified facilitator are applicable, this information will be added to the Emergency Action Plan and Aurora Fire Rescue training. The Operator will provide a letter from the Engineer of Record, which has been signed and sealed, showing that the Operator has incorporated all applicable PHA-HAZOP recommendations in the design of the applicable Oil and Gas Location.
   a. The Engineer of Record letter shall include the credentials of pertinent individuals that are responsible for any studies, design, and operational implementation, such as the “certified facilitator, Engineer of Record, data analyst, design team, etc.”

(e) **Anchoring.**
(1) Well equipment and all existing equipment at the Oil and Gas Location shall be anchored to the extent necessary to resist flotation, collapse, lateral movement, or subsidence in compliance with applicable Federal Emergency Management Agency (FEMA) (as administered by this City) and COGCC rules and regulations. All guy line anchors left buried for future use shall be identified by a marker of bright color not less than four feet (4’) in height and not greater than one foot (1’) east of the guy line anchor.
(f) **Photometric Plan with Fixture Specifications.**

1. A Photometric Plan with Fixture Specifications must be included with the OGP application.
2. Lighting shall be downcast and shall not shine beyond the boundaries of the Oil and Gas Location.
3. Operator may use temporary, portable lighting when necessary for safety reasons. Temporary lighting shall be downcast and shall not shine beyond the boundaries of the Oil and Gas Location unless necessary for safety.

(g) **Discharge Valves.**

1. Open-ended discharge valves on all storage tanks, pipelines, and other containers within the Oil and Gas Location, Flowline, or Crude Oil Transfer Line shall be secured, capped, or blind-flanged and shall not be accessible to the general public. An exception is made for safety relief valves. Open-ended discharge valves within the Oil and Gas Location or Flowline shall be placed within the interior of the secondary containment area.

(h) **Chemical Storage and Disclosure.**

1. **Chemical Disclosure.** All hydraulic fracturing chemicals must be disclosed to Aurora Fire Rescue as part of the Emergency Response Plan pursuant to the process set forth below before bringing such chemicals onto an Oil and Gas Location. The Operator shall make available to the City, in a table format, the name, Chemical Abstracts Service (CAS) number, and storage, containment, and disposal methods for such chemicals to be used on the Oil and Gas Location, which the City may make available to the public as public records if legally allowed to do so. Operator must provide to the City a copy of any chemical disclosure documentation which is required to be provided to the COGCC, subject to any trade secret exception.

2. **Chemical Storage.** The Operator shall not permanently store fracturing chemicals or flowback from hydraulic fracturing on an Oil and Gas Location. Operator shall remove all unused hydraulic fracturing chemicals at an Oil and Gas Location within thirty (30) days following the end of the Completion Phase at the Well.

3. **Chemicals Not Permitted for Use.** In addition to any substances that are not permitted to be used in accordance with state or federal rules or regulations in place from time to time, the following chemicals on Table 135-3-1 shall not be utilized in the hydraulic fracturing fluid at the Oil and Gas Location:
### Table 135-3-1 Chemicals Not to be Used in Hydraulic Fracturing.

<table>
<thead>
<tr>
<th>Ingredient Name</th>
<th>CAS #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benzene</td>
<td>71-43-2</td>
</tr>
<tr>
<td>Lead</td>
<td>7439-92-1</td>
</tr>
<tr>
<td>Mercury</td>
<td>7439-97-6</td>
</tr>
<tr>
<td>Arsenic</td>
<td>740-38-2</td>
</tr>
<tr>
<td>Cadmium</td>
<td>7440-43-9</td>
</tr>
<tr>
<td>Chromium</td>
<td>7440-47-3</td>
</tr>
<tr>
<td>Ethylbenzene</td>
<td>100-41-4</td>
</tr>
<tr>
<td>Xylene-(f)</td>
<td>1330-20-7</td>
</tr>
<tr>
<td>1,3,5-trimethylbenzene</td>
<td>108-67-8</td>
</tr>
<tr>
<td>1,4-dioxane</td>
<td>123-91-1</td>
</tr>
<tr>
<td>1-butanol</td>
<td>71-36-3</td>
</tr>
<tr>
<td>2-butoxyethanol</td>
<td>111-76-2</td>
</tr>
<tr>
<td>N,N-dimethylformamide</td>
<td>68-12-2</td>
</tr>
<tr>
<td>2-ethylhexanol</td>
<td>104-76-7</td>
</tr>
<tr>
<td>2-mercaptoethanol</td>
<td>60-24-2</td>
</tr>
<tr>
<td>benzene, 1, 1'-oxybis-, tetrapropylene derivatives, sulfonated, sodium salts (BOTS)</td>
<td>119345-04-9</td>
</tr>
<tr>
<td>Butyl glycidyl ether</td>
<td>2426-8-6</td>
</tr>
<tr>
<td>Polysorbate 80</td>
<td>9005-65-6</td>
</tr>
<tr>
<td>quaternary ammonium compounds, dicoco alkyldimethyl, chlorides (QAC)</td>
<td>61789-77-3</td>
</tr>
<tr>
<td>bis hexamethylene triamine penta methylene phosphonic acid (BMPA)</td>
<td>35657-77-3</td>
</tr>
<tr>
<td>FD&amp;C blue no. 1</td>
<td>3844-45-9</td>
</tr>
<tr>
<td>'Tetrakis(triethanolaminato) zirconium (IV)(TTZ)</td>
<td>101033-44-7</td>
</tr>
</tbody>
</table>
(i) **Automated Safety Systems and Safety Shutdown Valve.**

   (1) An automated safety system, governed by safety devices and a programmable logic computer, will be installed at the Oil and Gas Location. The automated safety system shall include the installation, monitoring, and remote control of a Surface Safety Valve (SSV), among many other engineered measures and devices that are implemented to greatly reduce or eliminate the potential for a Well event. All Wells will have an SSV installed prior to the commencement of the Production Phase, which is connected to the production tubing at the surface. The SSV will be equipped to operate remotely via the automated safety protective system, which monitors multiple flowing pressures and rates which have predetermined maximum and/or minimum threshold values programmed and will remotely shut-in wells should certain upset conditions be detected. Additionally, the automated safety system provides the ability to remotely shut-in wells on demand through Operator remote intervention. The SSV will have documented quarterly testing to ensure functionality.

(j) **Flammable Material.**

   (1) All ground within twenty-five feet (25’) of any tank, or other structure containing flammable or combustible materials, shall be kept free of dry weeds, grass, rubbish, or landscaping.

(k) **General Maintenance.**

   (1) Operator shall operate and maintain all equipment pursuant to manufacturer specifications consistent with technological limitations and reasonable and customary maintenance practices.

(l) **Miscellaneous.**

   (1) **General.** Operator shall not conduct the Drilling Phase and Completion Phase operations simultaneously at a single Oil and Gas Location.

   (2) **Signs.** Each Oil and Gas Location shall post a legible sign in a conspicuous place, which is three (3) to six (6) square feet in area. The sign shall bear the current name of the Operator, a current telephone number including area code, where the Operator may be reached at all times, name or number of the lease, the number of the well, and the street address when assigned by the City printed thereon. The sign shall warn of safety hazards to the public and shall be maintained on the premises
from the time materials are delivered for drilling purposes until the Oil and Gas Location is properly reclaimed and abandoned.

(m) **Insurance.**

(1) *General.* Operator shall provide liability and insurance under the conditions and in the amounts set forth below.

(2) Operator shall maintain or cause to be maintained, with insurers authorized by the state of Colorado and carrying a financial strength rating from A.M. Best of no less than A-VII (or a similar rating from an equivalent recognized rating agency), at a minimum, the following types of insurance with limits no less than the amounts indicated:

a. **Commercial General Liability Insurance.** Operator shall provide commercial general liability coverage against claims arising out of bodily injury, death, damage to or destruction of the property of others, including loss of use thereof, with exclusions for explosion, collapse, and underground (XCU) hazards deleted and including products and completed operations in an amount not less than two million dollars ($2,000,000) per occurrence and four million dollars ($4,000,000) general aggregate.

b. **Commercial Automobile Liability Insurance.** Operator shall maintain commercial automobile insurance covering liability arising out of the operation of any vehicle (including owned, non-owned, and hired vehicles) with minimum limits of one million dollars ($1,000,000) combined single limit each accident.

c. **Workers’ Compensation and Employers Liability Insurance.** Operator shall maintain Worker’s Compensation Insurance in accordance with the provisions of the Workers’ Compensation Act, as amended, by the State of Colorado. Additionally, the Operator shall maintain Employers’ Liability Insurance with minimum limits of one million dollars ($1,000,000) bodily injury for each accident, one million dollars ($1,000,000) bodily injury by disease each employee, and one million dollars ($1,000,000) bodily injury disease aggregated.

d. **Control of Well/Operators Extra Expense Insurance.** Operator shall maintain Control of Well/Operators Extra Expense insurance with limits of not less than twenty-five million dollars ($25,000,000) per occurrence covering the cost of controlling a well that is out of control or experiences a blowout, re-drilling, or restoration expenses, seepage and pollution damage resulting from an out of control well or blowout as first party recovery for the Operator and related
expenses, including, but not limited to, loss of equipment and evacuation of residents.

e. *Umbrella/Excess Liability.* Operator shall maintain Umbrella/Excess Liability insurance providing coverage in excess of General Liability, Employer’s Liability, Automobile Liability, and Control of Well/Operator’s Extra Expense with limits no less than twenty-five million dollars ($25,000,000) per occurrence; provided, however, that for so long as the Construction Phase, Drilling Phase, or Completion Phase is ongoing at the Oil and Gas Location, Flowline, or Crude Oil Transfer Line, Operator will maintain such insurance with limits not less than one-hundred million dollars ($100,000,000) per occurrence. Coverage shall follow the form of the underlying policies.

f. *Environmental/Pollution Legal Liability Insurance.*

1. Operator shall maintain Environmental/Pollution Legal Liability Insurance covering any bodily injury, liability, and property damage liability, arising out of the collection and disposal of pollutants, including items in transit to a permanent disposal facility, which may arise from Operators activities. Coverage must include gradual pollution events. This policy shall be maintained with minimum limits of ten million dollars ($10,000,000) per claim or occurrence.

2. The insurance shall be in effect for the duration of the life of all Oil and Gas Locations and Oil and Gas Facilities, and any changes in insurance carriers shall allow for an extended reporting period or “tail” coverage to cover any claims arising prior to the new insurance taking effect.

3. If coverage is written on a claims-made basis, the retroactive date must precede the Required Date in order to cover all Wells. As such, the required date shall be thirty (30) days prior to the date of first Construction of the Oil and Gas Location (the “Required Date.”)

3. Operator shall waive and cause its insurers under the above policies to waive for the benefit of the City any right of recovery or subrogation which the insurer may have or acquire against the City or any of its affiliates, or its or their employees, officers, or directors for payments made or to be made under such policies.

4. As it pertains to the risks and liabilities assumed by Operator, Operator shall add the City and its elected and appointed officials and employees as Additional Insureds under general liability (including operations and completed operations), auto liability, and umbrella liability.
(5) Operator shall ensure that each of the policies is endorsed to provide that they are primary without right of contribution from the City or any insurance or self-insurance otherwise maintained by the City, and not in excess of any insurance issued to the City.

(6) Operator shall ensure that each of the policies above (excluding workers’ compensation and OCC/COW) are endorsed to state that the inclusion of more than one insured under such insurance policy shall not operate to impair the rights of one insured against another insured and that the coverage afforded by each insurance policy shall apply as though a separate policy had been issued to each insured.

(7) All policies shall be endorsed such that they cannot be canceled or non-renewed without at least thirty (30) days’ advanced written notice to the Operator and the City, evidenced by receipt, except when such policy is being canceled for nonpayment of premium, in which case ten (10) days advance written notice is required. Language relating to cancellation requirements stating that the insurer’s notice obligation is limited to “endeavor to” is not acceptable.

(8) Operator shall, prior to OGP issuance, deliver Certificates of Insurance reasonably acceptable to the City confirming all required minimum insurance, except that insurance under Sections 135-3(m)(2)d., 135-3(m)(2)e., and 135-3(m)(2)f. is in full force and effect. Prior to issuance of a Notice to Proceed (NTP) for drilling, Operator shall deliver Certificates of Insurance reasonably acceptable to the City confirming all required minimum insurance under Sections 135-3(m)(2)d., 135-3(m)(2)e., and 135-3(m)(2)f. is in full force and effect.

(9) Deductibles or retentions shall be the responsibility of Operator. Deductibles or retentions must be listed on the Certificate of Insurance required herein and are subject to the reasonable approval of the City.

(10) Operator shall require its subcontractors to carry the types of coverage and in the minimum amounts in accordance with the requirements set out in Sections 135-3(m)(2)a., 135-3(m)(2)b., and 135-3(m)(2)c. Operator shall be responsible for any damage or loss suffered by the City as a result of non-compliance by Operator or any subcontractor with this section.

(11) In the event that Operator’s coverage lapses, is canceled, or otherwise not in force, the City reserves the right to obtain the insurance required herein and charge all costs and associated expenses to Operator, which shall become due and payable immediately.
(n) Risk Management.

(1) As part of Operator’s application to the City, Operator shall provide a risk management plan, which will include the identification of potential risks, methods of risk avoidance, and controls that implement techniques to prevent accidents and losses and reduce the impact or cost after the occurrence of identified potential events.
Section 135-4. Protection of Water Quality.

(a) General.

(1) Water Sources. The City, through its Utility Enterprise, Aurora Water, will identify Water Sources and Critical Infrastructure to be depicted by Operator on its Site Plan for an Oil and Gas Location to be submitted with the OGP application.

(2) Water Supply. The Operator shall comply with applicable laws, rules, and regulations concerning the source(s) of water used in the Drilling Phase, Completion Phase, and Production Phase. A fully executed Water Delivery Agreement is required prior to operations. Per City Code, all water used within the City of Aurora shall be supplied by the City unless approved by City Council.

(b) Surface Water Protection.

(1) Maintenance. Routine field maintenance of vehicles or mobile machinery shall not be performed within five hundred feet (500’) of any waters of the United States or state surface water. All fueling must occur over impermeable material.

(2) Wastewater and Waste Management. Operator must submit a waste management plan to the City that complies with the following:

a. All fluids shall be contained, and there shall be no discharge of fluids except for unimpacted stormwater per federal Spill Prevention, Control, and Countermeasure Plan (SPCC) regulations.

b. Flowback and produced water shall be transported by pipeline once constructed and available. If a pipeline is unavailable, flowback and produced water must be stored in tanks and transported by tanker trucks. All flowback and produced water must be disposed of at a licensed disposal site or recycled for use on-site.

c. No land treatment of oil-impacted or contaminated drill cuttings is permitted. Disposal of oil-impacted or contaminated drill cuttings shall be disposed of at licensed disposal or recycling sites.

d. A copy of the Operator’s Spill Prevention, Control, and Countermeasure Plan (SPCC) will be submitted to the City as part of the wastewater and waste management plan.

e. The Operator shall not dispose of any wastewater, including but not limited to, flowback and/or produced water, within the City.

(3) Stormwater Management. Operator must apply for and receive a City stormwater quality discharge permit for each Oil and Gas Location in accordance with the City.
of Aurora’s Rules and Regulations Regarding Stormwater Discharges Associated with Construction Activities. Erosion and sedimentation control are required for each Oil and Gas Location. Operator must inspect and maintain stormwater facilities and control devices in accordance with City of Aurora Rules and Regulations Regarding Stormwater Discharges Associated with Construction Activities and/or A.C.C. 138-442.5.

(4) Setbacks.
   a. Setbacks from Buried Infrastructure. Operator shall site the Oil and Gas Location a minimum of three hundred fifty feet (350’) from City buried infrastructure (Critical Infrastructure).
   b. Setbacks from Floodplains. Operator shall site the Oil and Gas Location a minimum of five hundred feet (500’) from 100-year floodplains (as defined in Chapter 70 of the City Code).
   c. Setbacks from Reservoirs. Operator shall site the Oil and Gas Location a minimum of one (1) mile from all existing or planned reservoir sites.
   d. Setbacks from Domestic Water Wells. Operator shall site the Oil and Gas Location a minimum of three hundred fifty feet (350’) from all domestic water wells.

(c) Groundwater Protection.
   (1) Water Quality Monitoring Plan. The Operator shall implement a water quality and well testing plan. Operator will submit water quality monitoring reports to the City. Operator shall avoid causing degradation to surface or ground waters within the City and to wetlands within the City.
   (2) Baseline Sampling. Using records of the Colorado Division of Water Resources, Operator must implement a water quality monitoring and well testing plan that includes the following:
      a. Operator must obtain initial baseline samples from all available domestic water sources within a one-half (1/2) mile distance from the edge of the Oil and Gas Location. Operator shall also drill one (1) down-gradient monitoring well (Operator Drilled Monitoring Well) on that Oil and Gas Location to sufficiently evaluate the baseline water quality and possible future impacts within each aquifer (Alluvial, Dawson, Denver, Laramie-Fox Hills, and Arapahoe). The Operator Drilled Monitoring Well must be drilled and sampled for baseline prior to subsurface oil and gas activity. Operator will provide the City with the
geophysical logs to ensure that aquifer layers are sufficiently identified for adequate sampling to occur.

b. Operator must collect initial testing of baseline samples from available water sources, including the on-site Operator Drilled Monitoring Well prior to the commencement of the Drilling Phase at an Oil and Gas Location, or prior to the re-stimulation of an existing Well for which no samples were collected and tested during the previous twelve (12) months.

c. Post-Completion Phase samples of available domestic water sources shall be collected to test the domestic water supply for the City groundwater source in each aquifer (Alluvial, Dawson, Denver, Laramie-Fox Hills, and Arapahoe). The Operator Drilled Monitoring Well at the Oil and Gas Location will be tested annually for the Denver Basin Aquifers (Dawson, Denver, Arapahoe (Upper and Lower) and Laramie-Fox Hills, and quarterly for the alluvial aquifer for the duration of the Oil and Gas Location. The representative water source locations will be proposed by the Operator but must be approved by the City.

d. Operator may rely on existing groundwater sampling data from any water source within the radii described above that was collected in accordance with accepted City standards, provided the data was collected within the twelve (12) months preceding the commencement of the Drilling Phase for such Oil and Gas Location, the data includes measurement of all of the constituents measured in Tables 135-4-1 through 135-4-6 below, and there has been no significant oil and gas activity within a one-mile radius in the time period between the original sampling and the commencement of the Drilling Phase for such Oil and Gas Location.

e. Operator shall make reasonable efforts to obtain the consent of the owner of the water source. If the Operator is unable to locate and obtain the permission of the water source, the Operator must advise the City that Operator could not obtain access to the water source from the surface owner. Operator shall drill one (1) Operator Drilled Monitoring Well regardless of the existence of water sources available within a one-half (1/2) mile distance from the edge of the Oil and Gas Location and the commencement of the Drilling Phase for such Oil and Gas Location.

f. Baseline water quality testing will be conducted for the analytes listed in Tables 135-4-1 through 135-4-6 below. Subsequent water quality testing will be conducted for the analytes in Table 135-4-7, annually for the Denver Basin Aquifers and Laramie-Fox Hills and quarterly for the alluvial aquifer (water
table existing between ground surface down to the top of the Denver Basin Aquifers.)

g. Operator must follow standard industry procedures in collecting samples, consistent with the current version of the COGCC Model Sampling and Analysis Plan.

h. Operator must report the location of the water source using a GPS with sub-meter resolution.

i. Operator must report results of field observations, including reporting on damaged or unsanitary well conditions, adjacent potential pollution sources, odor, water color, sediment, bubbles, and effervescence.

j. Operator must provide copies of all test results described above to the City, and the water source owners within thirty (30) days after receiving the lab analytical results.

k. Operator must follow standard industry procedures in collecting samples, consistent with the current version of the COGCC Model Sampling and Analysis Plan.

l. If sampling shows the degradation of water quality, additional measures may be required, including:

1. If free gas or a dissolved methane concentration level higher than one (1) milligram per liter (mg/l) is detected in a water source, determination of the gas type using gas compositional analysis and stable isotope analysis of the methane (carbon and hydrogen).

2. If the test results indicate thermogenic or a mixture of thermogenic and biogenic gas, an action plan to determine the source of the gas.

3. Immediate notification to the City, and the owner of the water source if the methane concentration increases by more than five (5) mg/l between sampling periods or increases to more than ten (10) mg/l.

4. Immediate notification to the City, and the owner of the water source if Benzene, Toluene, Ethylbenzene and Xylene (BTEX) and/or Total Petroleum Hydrocarbons (TPH) are detected. Such detections may result in required subsequent sampling for additional analytes.

5. The City may choose to sample the wells at its discretion and will provide the Operator with reasonable notice to schedule a site visit. If the City chooses to perform its own sampling and testing, it will do so at its own expense.
m. Additional water well sampling may be necessary in response to verified complaints received from water source owners.

n. Timely production and distribution of test results in electronic deliverable format to the City and the water source owners.

o. All water source sampling and testing must be conducted by certified professionals.

p. If Operator identifies degradation to water quality from the baseline testing as a result of its oil and gas development, Operator shall report such results to the City and will be responsible for mitigating the degradation of water quality to the baseline levels.

q. If applicable, Operator will submit a CDPHE Regulation 84 Water User Plan to Comply as described in section 84.11 sections B, D, and F of Regulation 84.

Table 135-4-1 Inorganic Chemicals.

<table>
<thead>
<tr>
<th>Contaminant:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Antimony</td>
</tr>
<tr>
<td>Arsenic</td>
</tr>
<tr>
<td>Asbestos</td>
</tr>
<tr>
<td>Barium</td>
</tr>
<tr>
<td>Beryllium</td>
</tr>
<tr>
<td>Cadmium</td>
</tr>
<tr>
<td>Chromium</td>
</tr>
<tr>
<td>Cyanide (as free Cyanide)</td>
</tr>
<tr>
<td>Fluoride</td>
</tr>
<tr>
<td>Mercury</td>
</tr>
<tr>
<td>Nitrate</td>
</tr>
<tr>
<td>Nitrite</td>
</tr>
<tr>
<td>Total Nitrate and Nitrite</td>
</tr>
<tr>
<td>Selenium</td>
</tr>
<tr>
<td>Thallium</td>
</tr>
</tbody>
</table>

Table 135-4-2 Volatile Organic Compounds (VOCs).

<table>
<thead>
<tr>
<th>Contaminant:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Propane</td>
</tr>
<tr>
<td>BTEX as Benzene, Toluene, Ethylbenzene and Xylenes</td>
</tr>
<tr>
<td>Total Petroleum Hydrocarbons (TPH)</td>
</tr>
<tr>
<td>Vinyl chloride</td>
</tr>
<tr>
<td>Benzene</td>
</tr>
<tr>
<td>Carbon tetrachloride</td>
</tr>
</tbody>
</table>
### Table 135-4-3 Synthetic Organic Compounds (SOCs).

<table>
<thead>
<tr>
<th>Contaminant:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,2-Dichloroethane</td>
</tr>
<tr>
<td>Trichloroethylene</td>
</tr>
<tr>
<td>Para-Dichlorobenzene</td>
</tr>
<tr>
<td>1,1-Dichloroethylene</td>
</tr>
<tr>
<td>1,1,1-Trichloroethane</td>
</tr>
<tr>
<td>cis-1,2 Dichloroethylene</td>
</tr>
<tr>
<td>1,2-Dichloropropene</td>
</tr>
<tr>
<td>Ethylbenzene</td>
</tr>
<tr>
<td>Monochlorobenzene</td>
</tr>
<tr>
<td>o-Dichlorobenzene</td>
</tr>
<tr>
<td>Styrene</td>
</tr>
<tr>
<td>Tetrachloroethylene</td>
</tr>
<tr>
<td>Toluene</td>
</tr>
<tr>
<td>Trans-1,2 Dichloroethylene</td>
</tr>
<tr>
<td>Xylenes (total)</td>
</tr>
<tr>
<td>Dichloromethane(methylene chloride)</td>
</tr>
<tr>
<td>1,2,4-Trichlorobenzene</td>
</tr>
<tr>
<td>1,1,2-Trichloroethane</td>
</tr>
</tbody>
</table>

Contaminant:

| Alachlor |
| Aldicarb1 |
| Aldicarb sulfoxide |
| Aldicarb sulfone |
| Atrazine |
| Carbofuran |
| Chlordane |
| Dibromochloropropane |
| 2,4-D |
| Ethylene dibromide |
| Heptachlor |
| Heptachlor epoxide |
| Lindane |
| Methoxychlor |
| Polychlorinated biphenyls |
| Pentachlorophenol |
| Toxaphene |
| 2,4,5-TP (Silvex) |
| Benzopyrene |
| Dalapon |
| Di(2-ethylhexyl)adipate |
| Di(2-ethylhexyl)phthalate |
| Dinoseb |
### Table 135-4-4 Radionuclides.

<table>
<thead>
<tr>
<th>Contaminant:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Combined radium-226 and radium-228</td>
<td></td>
</tr>
<tr>
<td>Gross alpha particle activity (including radium-226 but excluding radon and uranium)</td>
<td></td>
</tr>
<tr>
<td>Beta particle and photon radioactivity</td>
<td></td>
</tr>
<tr>
<td>Uranium</td>
<td></td>
</tr>
</tbody>
</table>

### Table 135-4-5 Secondary Maximum Contaminant Levels.

<table>
<thead>
<tr>
<th>Contaminant:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Aluminum</td>
<td></td>
</tr>
<tr>
<td>Chloride</td>
<td></td>
</tr>
<tr>
<td>Color</td>
<td></td>
</tr>
<tr>
<td>Copper</td>
<td></td>
</tr>
<tr>
<td>Corrosivity</td>
<td></td>
</tr>
<tr>
<td>Fluoride</td>
<td></td>
</tr>
<tr>
<td>Foaming agents (surfactants)</td>
<td></td>
</tr>
<tr>
<td>Iron</td>
<td></td>
</tr>
<tr>
<td>Manganese</td>
<td></td>
</tr>
<tr>
<td>Odor</td>
<td></td>
</tr>
<tr>
<td>pH</td>
<td></td>
</tr>
<tr>
<td>Silver</td>
<td></td>
</tr>
<tr>
<td>Sulfate</td>
<td></td>
</tr>
<tr>
<td>Total dissolved solids (TDS)</td>
<td></td>
</tr>
<tr>
<td>Zinc</td>
<td></td>
</tr>
</tbody>
</table>
Table 135-4-6 Other Parameters.

<table>
<thead>
<tr>
<th>GENERAL WATER QUALITY</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Alkalinity, Conductivity &amp; TDS, pH, Dissolved Organic Carbon (or Total Organic Carbon), Bacteria, and Hydrogen Sulfide</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MAJOR IONS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bromide, Magnesium, Potassium, Sodium, and Nitrate + Nitrite as N</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>METALS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Boron, Lead, Selenium, Strontium</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DISSOLVED GASES</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Methane, Ethane</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OTHER</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Level, Stable isotopes of water (Oxygen, Hydrogen, Carbon), Phosphorus</td>
<td></td>
</tr>
</tbody>
</table>

Table 135-4-7 General Sampling Parameters.

<table>
<thead>
<tr>
<th>GENERAL WATER QUALITY</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Alkalinity, Conductivity &amp; Total Dissolved Solids (TDS), pH, Dissolved Organic Carbon (or Total Organic Carbon), Bacteria, and Hydrogen Sulfide</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MAJOR IONS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bromide, Chloride, Fluoride, Magnesium, Potassium, Sodium, Sulfate, and Nitrate + Nitrite as N</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>METALS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Arsenic, Barium, Boron, Chromium, Copper, Iron, Lead, Manganese, Selenium, Strontium, Mercury, Uranium, and Radium</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DISSOLVED GASES and VOLATILE ORGANIC COMPOUNDS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Methane, Ethane, Propane, BTEX as Benzene, Toluene, Ethylbenzene and Xylenes, Total Petroleum Hydrocarbons (TPH)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OTHER</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Water Level, Stable isotopes of water (Oxygen, Hydrogen, Carbon), Phosphorus</td>
<td></td>
</tr>
</tbody>
</table>

(3)  *Class II Underground Injection Control Wells.* For operations associated with any Oil and Gas Location, the Operator shall not develop, use, operate or contract with any third party for the use of any Class II Underground Injection Control Wells within the City Limits.

(4)  Wellbore Integrity and Aquifer Protection.

  a. Operator shall follow all COGCC regulations regarding wellbore integrity and aquifer protection.
b. Operator shall obtain one (1) water sample from each aquifer accessed by the Operator Drilled Monitoring Well after all final reclamation of all Oil and Gas Facilities on the Oil and Gas Location. The sample(s) shall be analyzed for the constituents in Tables 135-4-1 through 135-4-6 and the results reported to the City.

(d) Water During Drilling Phase.

(1) Closed-Loop Pitless Systems for the Containment and/or Recycling of Drilling Fluids. Wells shall be drilled, completed, and operated using closed-loop pitless systems for containment and/or reuse of all drilling, completion, flowback, and produced fluids. Operator shall reuse fluids unless technically infeasible. All aboveground storage, including temporary tanks and separators, for use during drilling, completion, flowback, and other produced fluids shall have secondary containment.

(e) Use and Transportation of Water and Hydrocarbons During Completion and Production Phases.

(1) Pipeline Construction Timeframe. Pipelines servicing a particular Oil and Gas Location must be constructed before the Production Phase commences at such Oil and Gas Location.

(2) Separate Use of Pipelines. Operator shall use separate pipelines for the transportation of raw water to and from the Oil and Gas Location, and the transportation of hydrocarbons and produced water from the Oil and Gas Location.

(3) Flowlines and Pipelines. During the Completion Phase, the Operator will use flowlines and pipelines for flowback unless technically infeasible. All raw water related to completion activities shall be transported to the Oil and Gas Location by pipeline.

(4) Permanent Tanks. Tankless production sites are required unless the Operator provides sufficient rationale for why permanent storage tanks are needed.

(5) Temporary Use of Tanks.

a. Operator shall be permitted to utilize temporary tanks during the Drilling and Completion Phases, and during maintenance operations of the Oil and Gas Location, Flowline, or Crude Oil Transfer Line, provided Operator has provided proper notice regarding location, and required screening for temporary tanks if
the maintenance or temporary tanks are present longer than seven (7) calendar days.

b. Temporary use of tanks at the start of the Production Phase may be approved by the Oil & Gas Division if the Operator presents a clear plan and timeline to connect to pipelines once available. In these instances, Operator shall use industry-recognized alternatives to transport oil until the pipeline infrastructure is viable.

c. For maintenance operations that are expected to extend greater than seven (7) days, Operator shall give the City’s Oil and Gas Manager or designee prior notice of maintenance activities within three (3) days of commencing the maintenance operations and the planned number of temporary tanks.

d. Operator may use temporary tanks for up to one (1) month at an Oil and Gas Location during any single maintenance operation without the need for adding appropriate temporary visual screening (e.g., hay bales).

6. Water for Landscape Irrigation. All water use at the Oil and Gas Location shall be pursuant to A.C.C. Chapter 138 and all other applicable regulations.

(f) Berms for Fluid Containment.

1. Berm Design.

a. The Operator shall utilize steel-rim berms or lined earthen berms at the Oil and Gas Location with sufficient capacity to contain one and one-half (1.5) times the maximum volume of the largest tank that such Oil and Gas Location will contain at any given time plus sufficient freeboard to prevent overflow around all permanent facility equipment.

b. All berms and containment devices shall be inspected quarterly by the Operator and maintained in good condition.

c. No potential ignition sources shall be installed inside the secondary containment area unless the containment area encloses a fired vessel, or such sources are rated in accordance with industry codes and standards. Secondary containment such as duck ponds or lined earthen berms for temporary tanks may also be used.

2. Permanent Berms. Permanent containment berms shall be constructed of steel rings or lined earthen berms, designed and installed to prevent leakage and resist degradation from erosion or routine operation.
(3) **Secondary Containment.** Secondary containment for tanks shall be constructed with a synthetic or engineered liner that contains all primary containment vessels and is mechanically connected to the steel ring to prevent leakage.

(4) **Locations Near Surface Water.** For locations within five hundred feet (500’) and up-gradient of a surface water body or flood plain, tertiary containment, such as a lined earthen berm, is required around production facilities.

(g) **Flowlines and Crude Oil Transfer Lines.**

(1) The Operator shall construct a Flowline or Crude Oil Transfer Line in accordance with specifications set forth in Section 135-38 of this Oil & Gas Manual for the transportation of hydrocarbons and produced water. Operator shall comply with the requirements for Flowlines and Crude Oil Transfer Lines set forth in COGCC regulations. All new Flowlines and Crude Oil Transfer Line shall have the legal description of the location recorded with the Clerk and Recorder of the applicable county within thirty (30) days of completion of their construction. Operator shall provide as-built GIS locations and maps of all Flowlines, Crude Oil Transfer Lines, Off-Location Flowlines, Off-Location Produced Water Flowlines, and Gathering Systems.

(2) **Flowline and Crude Oil Transfer Line Construction.**

   a. The pipeline buried depth should be a minimum of forty-eight inches (48”) for all pipes outside of the City Right-of-Way (ROW). All pipes within the arterial City ROWs shall be a minimum of twenty feet (20’) depth. All pipes within all other City ROWs shall be a minimum of fifteen feet (15’) depth. All pipelines installed beneath public ROW shall be bored unless otherwise approved by the City Engineer.

   b. Operator will conduct an x-ray or other non-destructive examination on all welds and conduct surveys and logging for every girth weld in place.

   c. Operator will utilize jeeping (holiday detector) as well as visual inspection of the coating. Once a jeep (damage) is detected, pipe coating shall be repaired and re-jeeped until the damage is repaired and does not cause a jeep or detection.

(3) **Flowline and Crude Oil Transfer Line Safety.**

   a. On all Flowlines and Crude Oil Transfer Lines, leak protection and detection shall be provided through differential metering to meet zero tolerance levels for migration of product from the pipe envelope. Operator shall conduct additional leak detection through aerial surveys at least two (2) times per year.
b. On all Flowlines and Crude Oil Transfer Lines, Operator shall annually hydrostatic test to the Maximum Operating Pressure for four (4) hours for exposed pipe and eight (8) hours for buried pipe.

c. On all Flowlines and Crude Oil Transfer Lines, Operator shall utilize automated systems for overpressure protection & low pressure detection that shut-in the pipe in order for Operator to investigate.

(4) Flowline and Crude Oil Transfer Line Maintenance.

a. Operator shall conduct routine pigging on applicable Flowlines and Crude Oil Transfer Lines (based on size).

(h) Floodplains.

(1) Additional regulations related to water preservation or protection may be imposed by the City staff during the OGP application process in order to mitigate risks of potential contamination to a floodplain.

(i) Drainage.

(1) Planning Process and Preliminary Drainage Reports. The OGP process requires the submittal of a Preliminary Drainage Report for the Oil and Gas Location and Pumping Stations. Preliminary Drainage Letters in place of a Report will not be permitted.

(2) Civil Plans—Process. Public Works Engineering will require a civil plan Pre-Submittal Meeting to be held. To set up a meeting, please contact the Engineer On Call.

(3) Civil Plans—Content and Naming Convention. Applications and checklists for Oil and Gas Locations have been developed using the term “Storm Water Management Plans (SWMPs)” in reference to the Civil Plans for these sites. The Civil Plans for Oil and Gas Locations include features that go beyond typical SWMPs. Drainage Reports (both Preliminary and Final) and Civil Plan submittals will be reviewed using City standards.

(4) Civil Plans—Submittal Package. Public Civil Plan submittals for an Oil and Gas Location shall include the Final Drainage Report, Storm Water Management Report, and an Inspection and Maintenance Plan as outlined at the civil pre-submittal meeting. Any grading within an existing utility easement may require structural loading evaluation to handle trucking loads as determined at the civil plan
pre-submittal meeting. The structural loading evaluation shall be submitted with the first submittal of civil plans.

(5) **Hydrologic Analyses for Drainage Reports.** The City’s Storm Drainage Design and Technical Criteria Manual, along with Mile High Flood District Urban Storm Drainage Criteria Manual, shall be used to develop the hydrology for Oil and Gas Locations. For Oil and Gas Locations, 100-year precipitation depths shall be used for major storm event analyses. The entire tributary area, including the Oil and Gas Location, draining to Water Quality/Full Spectrum (EURV)/Detention BMPs shall be used to size those BMPs. Gravel surfaced pads shall use imperviousness (40%) and runoff coefficients consistent with the City’s SDDTC Table 1.

(6) **Hydrologic Analyses—Conveyances, Detention, WQ.** For Oil and Gas Locations, WQ/EURV/Detention BMPs will be sized and designed in accordance with the standard requirements of the City SDDTC (e.g., Extended Detention Basins). Storm Water Detention and Infiltration (SDI) Data Sheets shall be uploaded to the State website prior to civil plan approval. Culverts, Open Channels, and Grass Lined Swales shall satisfy the standard requirements of the City SDDTC.

(7) **Subsurface Utility Investigation—Loading Information.** For Oil and Gas Location Civil Plans, the City of Aurora Roadway Specifications Subsurface Utility Engineering (SUE) note 22 (which refers to C.R.S. 9-1.5-101 et seq.) is a required note to be placed on the plans. In addition, Aurora Water requires any crossing of existing utilities or tie-ins to provide pre-design potholing.

(8) **Drainage Easements—License Agreements.** For all Oil and Gas Locations, the need for Easements and License Agreements shall be evaluated on a case-by-case basis. For Oil and Gas Locations where the lease agreement with the property owner includes provisions for removing WQ/Detention BMPs, the I&M Plan for such BMP will negate the need for a Drainage Easement or License Agreement for that BMP. If there is a need for a drainage or license agreement, these documents must be executed prior to civil plan approval.
Section 135-5. Protection of Air Quality.

(a) Air Quality Monitoring Plan.

(1) *General.* In order to minimize degradation to air quality, Operator shall avoid, minimize, or mitigate all potentially harmful emissions and odors, and avoid, minimize, or mitigate dust associated with onsite activities and traffic on access roads.

(2) *Minimization of Emissions.* The following will be required to protect air quality:

a. The use of electric equipment and electric line power to operate all permanent production equipment.

b. The use of no-bleed continuous and intermittent pneumatic devices that do not bleed natural gas to the atmosphere. This requirement can be met by replacing natural gas with electricity or instrument air or routing the discharge emissions to a closed-loop system or process.

c. Any combustion device, auto-ignition system, recorder, vapor recovery device, or other equipment used to meet the hydrocarbon destruction efficiency or control efficiency regulation shall be installed, calibrated, operated, and maintained in accordance with the manufacturer’s recommendations, instructions, and operating manuals.

d. Year-round compliance with the odor standards pursuant to COGCC and CDPHE regulations.

e. Venting is prohibited unless necessary for safety. If emergency venting is required, or if accidental venting occurs, the Operator shall provide notice to the City of such event as soon as, but in no event later than twenty-four (24) hours from the time of the event, with the information listed above and with an explanation as to the cause and how the event will be avoided in the future.

f. *Reduction of Emissions from Oil and Gas Well Maintenance Activities.* For planned maintenance activities involving the intentional flaring of gas, the Operator shall provide forty-eight (48) hour advance written notice to the City of such proposed flaring. Such notice shall identify the duration and nature of the flaring event, a description as to why flaring is necessary, what steps will be taken to limit the duration of flaring, and what steps the Operator proposes to undertake to minimize similar events in the future.

g. Telemetric control and monitoring systems to detect when pilot lights on control devices are extinguished.

h. Exhaust from all engines, turbines, motors, coolers, and all other equipment must be vented up and away from the nearest residences.
i. Operator shall participate in Natural Gas STAR program or other voluntary programs to encourage innovation in pollution control at the Oil and Gas Location.

(3) **Air Quality Monitoring and Testing for All Facilities.**

a. **Pre-Construction or Pre-Drilling Baseline Air Quality Testing.** Operator shall conduct air sampling for a period of five (5) consecutive days prior to any construction activities for any new Oil and Gas Location or prior to drilling additional wells on any Oil and Gas Location already constructed. Operator shall conduct baseline sampling using a continuous monitoring system that detects the following: wind speed, wind direction, temperature, humidity, pressure, particulate matter (PM2.5 and PM10), sulfur dioxide (SO2), nitrogen oxides (NOx), carbon dioxide (CO), methane, ethane, propane, butane, total volatile organic carbon (VOC), and a sample to be analyzed by EPA Method TO-15 (Determination of Volatile Organic Compounds (VOCs) in Air), which includes benzene, toluene, ethylbenzene and xylene. Operator shall conduct baseline sampling at least thirty (30) days in advance of any construction activities at the Oil and Gas Location. Results of the baseline air sampling must be received by the Oil & Gas Manager prior to the issuance of the final OGP. Results will be used to compare with future samples to determine any change in air quality over time. Both baseline and future samples will also be compared to general air quality measurements in the Aurora area to determine how the air at the Oil and Gas Location compares to the Aurora region.

b. **Continuous Air Monitoring.** During Drilling, Completion, and Production Phases, the Operator shall conduct continuous air monitoring capable of detecting total hydrocarbons. Continuous air monitoring is defined as data points obtained at least once per minute, and twenty-four (24) hours per day.

(4) **Air Monitoring and Leak Detection for Facilities Without Permanent Tanks.**

a. **Periodic Air Sampling.** During all Operational Phases, the Operator shall deploy canisters and collect air samples for speciated hydrocarbon analysis when monitoring indicates elevated levels of hydrocarbons or at the request of the City.

b. Data related to air monitoring or sampling during any phase shall be reported to the City quarterly. Reports shall include, at a minimum, a summary of continuous monitoring methods used, location of each continuous monitor, maximum one (1) minute and average concentrations over the reporting period (for each parameter monitored). The report shall include the number of grab
samples collected, the date, time, and reason for collecting each grab sample, and the concentration range for each pollutant. All exceedances of health-based limits shall be reported along with any measures taken to mitigate the emissions.

c. **Leak Detection and Repair.** During the Production Phase, the Operator shall develop and maintain a Leak Detection And Repair (LDAR) program as required by CDPHE using modern leak detection technologies such as infra-red (IR) cameras for equipment used on the Oil and Gas Location.

d. For the first five (5) years of the Production Phase at an Oil and Gas Location, the Operator shall conduct at least semi-annual inspections of all equipment at the Oil and Gas Location; more frequent inspections may be required based on the nature and location of the facility and as required by state rules. At least once per year, the Operator shall notify the City five (5) business days prior to an LDAR inspection of its facilities to provide the City the opportunity to observe the inspection.

e. **Records.** The Operator will maintain records of all leaks found, the date the leaks were repaired, and the date the location is re-screened to verify that the leak has been repaired. Such records must be maintained for five (5) years and must be made available to the City upon request.

f. **Repairs.** Except when an emergency circumstance would necessitate an immediate repair, Operator must repair leaks as quickly as practicable. If more than five (5) days of repair time is needed after a leak is discovered, an explanation of why more time is required must be submitted to the City.

(5) **Air Quality Requirements for Facilities with Permanent Tanks.** Tankless production sites are required unless the Operator provides sufficient rationale for why permanent storage tanks are needed. For facilities that must use permanent storage tanks and do not transport all hydrocarbons and produced water via pipelines, the following Air Quality provisions will apply until the pipeline infrastructure is available:


b. **Leak Detection and Repair.** Unless more frequent inspections are required by the AQCC, for the five (5) year period beginning with the start of the Production Phase at an Oil and Gas Location, Operator shall conduct IR camera monitoring of all equipment at the respective Oil and Gas Location based on the following minimum frequency:

1. **Year 1 – monthly**
2. Year 2 – quarterly
3. Year 3-5 – semi-annually
4. The first inspection will occur within thirty (30) days of the facility commencing production.

c. *Additional Monitoring.* After the initial five (5) year period, Operator will conduct semi-annual IR camera monitoring until all Wells at the Oil and Gas Location are either connected to a Gathering Line and Associated Infrastructure or are plugged and abandoned.

d. The City may require the Operator to use a third party to conduct additional air monitoring and analysis as needed in response to emergency events such as spills, process upsets, or accidental releases. Operator may evaluate other technologies throughout the life of the wells and may use other technologies if they are as effective in detecting target compounds.

(6) **Ozone Air Quality Action Days.**

a. The Operator shall respond to Ozone Air Quality Action Day advisories posted by the CDPHE for the Front Range Area by implementing their suggested air emission reduction measures as feasible. Emission reduction measures shall be implemented for the duration of an Ozone Air Quality Action Day advisory and may include measures such as:
   1. Minimization of vehicle and engine idling.
   2. Reducing truck traffic and worker traffic.
   3. Delaying vehicle refueling.
   4. Postponement of construction and maintenance activities if feasible.

b. Within sixty (60) days following the conclusion of each annual Ozone Air Quality Action Day season, Operator must submit a report to the City that details which measures it implemented during any Ozone Air Quality Action Day advisories.

(7) **Compliance Reports.** The Operator must submit quarterly reports to the City certifying:

a. compliance with these air quality requirements and documenting any periods of material non-compliance, including the date and duration of each such deviation and a compliance plan and schedule to achieve compliance, and

b. that the equipment at the Oil and Gas Location continues to operate within its design parameters, and if not, what steps will be taken to modify the equipment to enable the equipment to operate within its design parameters. The quarterly
report must contain a certification as to the truth, accuracy, and completeness of
the reports, signed by a Responsible Official, as defined by the CDPHE. The
Operator will also provide the City with a copy of any self-reporting
submissions that Operator provides to the CDPHE due to any incidence of non-
compliance with any CDPHE air quality rules or regulations at the Oil and Gas
Location.

(8) *Combustion Devices.* To the extent flares, thermal oxidizers, or combustion devices
are utilized, all such flares shall be designed and operated as follows:

a. The combustion device must be fired with natural gas and designed to operate
with a ninety-eight percent (98%) or higher hydrocarbon destruction efficiency.

b. The combustion device must be designed and operated in a manner that will
ensure no visible emissions during normal operation. Visible emissions mean
observations of smoke for any period or periods of duration greater than or
equal to one (1) minute in any fifteen (15) minute period during normal
operation, pursuant to EPA Method 22. Visible emissions do not include radiant
energy or water vapor.

c. The combustion device must be operated with a flame present at all times when
emissions may be vented to it, or another mechanism that does not allow
uncontrolled emissions.

d. The combustion device will have no visible flame, with the exception of the
pilot light, from the Oil and Gas Location boundary. The combustion device
shall completely conceal the flame.

e. All combustion devices must be equipped with an auto-igniter unless manned
while in use.

(9) *Burning.* No open burning of trash, debris, or other objects shall occur on any Oil
and Gas Location except for approved flaring.

(10) *Air Modeling Study.* If the City determines that an Air Modeling Study is necessary
to create a dispersion model, Operator will be invoiced its proportionate share in an
amount not to exceed $5000 per Oil & Gas Location

**(b) Odor.**

(1) *Odor Prevention.* Operator will prevent odors by routing to closed-loop systems
unless technically infeasible. Odors emitting from an Oil and Gas Location must be
controlled immediately. Operator must minimize odors by proactively addressing
and resolving verified citizen concerns within twelve (12) hours. Operator must use
a filtration system or additives to drilling fluids to prevent or minimize odors but cannot mask odors. In order to meet the provisions of this section, Operator shall implement the following measures:

a. Wiping down the drill pipe each time that the drilling operation “trips” out of the hole.

b. Increasing additive concentrations during peak hours.

(c) Fugitive Dust Suppression.

(1) Minimize Dust. In addition to complying with COGCC rules, dust associated with activities on the Oil and Gas Location and traffic on access roads shall be minimized throughout construction, drilling, and operational activities such that there are no visible dust emissions from access roads or the Oil and Gas Location unless infeasible given wind conditions.

(2) Water Use. No untreated produced water or other process fluids shall be used for dust suppression. Reclaimed water used in compliance with CDPHE Regulation 84 must be treated prior to use for dust suppression.

(3) Covering of Material. At the Oil and Gas Location, sand, silica, or similar material must be stored in covered containers.

(4) Safety Data Sheets (SDS). Safety Data Sheets (SDS) for any chemical-based dust suppressant, other than magnesium chloride, shall be submitted to the City prior to use.

(d) Noise.

(1) Noise Management Plan. For any Oil and Gas Location that is on property located in zoning districts that allow for residential development or if a Residential Building Unit is located within one thousand three hundred twenty feet (1,320’) of an Oil and Gas Location located in a zoning district that does not allow for residential development unless Operator obtains waivers from all property owners within that distance, the following provisions shall apply:

a. A Baseline Noise Mitigation Study will be conducted to ascertain baseline noise levels at the Oil and Gas Location to demonstrate that noise is expected to be mitigated to the extent practicable, and a copy will be provided to the City.

b. The Operator shall comply with all provisions of COGCC regulations on Noise Abatement with respect to the Oil and Gas Location; provided, however, that the maximum permissible noise levels to be applied under COGCC regulations
for the length of time indicated in COGCC regulations shall be, other than during the Construction Phase, the greater of:

1. the levels set forth for the land use type of “Residential/Agricultural/Rural/Industrial,” as applicable, under COGCC regulations if measurements are taken at one thousand feet (1,000’) from the sound walls at the Oil and Gas Location, and

2. 4 dB(A) higher than baseline ambient sound measured at one thousand feet (1,000’) from the sound walls at the Oil and Gas Location.

c. During the Construction Phase, noise levels shall not exceed those produced by the construction of a typical commercial development. All measurements considered for compliance with this section shall be taken by a third-party contractor using industry-standard equipment and practices. The Operator shall address C scale noise/vibration through berming, capable sound walls, and other associated regulations. During the Drilling and Completion Phases, the Operator shall construct a sound wall and/or comparable measures to mitigate noise.

d. All noise mitigation measures shall be paid for by the Operator.

e. Unloading pipe. The Operator shall not unload pipe from delivery trucks between 8:00 p.m. and 7:00 a.m.

(2) Mitigation of Dust, Noise, and Visual Disturbance. For mitigation of dust, noise, and visual disturbance during the Drilling and Completion Phases, the Operator shall use a combination of berms, bales, and sound walls at the perimeter of any Oil and Gas Location that:

a. Is located in a zoning district that allows for residential development or

b. Is located within one thousand three hundred twenty feet (1,320’) of a Residential Building Unit (as measured from the edge of an Oil and Gas Location, excluding the access road) in a zoning district not zoned for residential development unless the Operator obtains a variance in advance.

(3) Quiet Completion Technology. Operator shall use quiet completion technology on any Oil and Gas Location that:

a. Is located in a zoning district that allows for residential development, or

b. Is located within one thousand three hundred twenty feet (1,320’) of a Residential Building Unit (as measured from the edge of an Oil and Gas Location, excluding the access road) in a zoning district not zoned for residential development unless the Operator obtains a variance in advance.
(e) **Electric Equipment.**

(1) Operator shall use electric line power to power permanent production equipment, such as compressors, motors, and pump jacks, in order to mitigate noise and to reduce emissions. Fuel-powered generators used solely for emergency purposes are excluded.
Section 135-6. Protection of Surface Quality.

(a) License Agreements.
   (1) Operator shall use Flowlines or Crude Oil Transfer Lines to be built in accordance with specifications set forth in Section 135-38 of this Oil & Gas Manual. Operator will utilize Flowlines or Crude Oil Transfer Lines once operations commence. The Operator’s obligation to build and utilize such Flowlines or Crude Oil Transfer Lines is subject to the Operator obtaining all necessary rights-of-way, crossings, licenses, and easements, and the City issuing Operator the necessary Public Improvement Permits.

(b) Visual Mitigation.
   (1) Low Profile Equipment. Operator will use low profile equipment, such as low-profile tanks, associated production equipment, and combustion devices. No tanks shall exceed twenty feet (20’) in height.
   (2) Fencing. Permanent opaque fencing shall be installed around production equipment and shall be secured. Operator will not use color cladded, welded wire, chain link, Omega or similar welded wire to meet screening requirements.
   (3) Color. All permanent aboveground production equipment, structures, and stationary equipment on each Oil and Gas Location shall be painted in a tan or brown matte finish unless a different color is necessary for safety or per regulations.
   (4) Location Siting.
      a. An Oil and Gas Location shall be located away from prominent natural features such as distinctive rock and landforms, vegetative patterns, river crossings, land in the Parks and Open Space (POS) zone district, and other designated landmarks.
      b. An Oil and Gas Location shall be located to avoid hilltops and ridges to prevent the appearance of pump jack and accessory equipment profiles on the horizon.
      c. The Operator shall locate facilities at the base of slopes to provide a background of topography and natural cover.
      d. The Operator shall align access roads to follow existing grades and minimize cuts and fills.
(c) Traffic.

(1) **Transportation and Circulation.** The Operator will submit a traffic management plan for the City to review during the OGP application review process that includes detailed descriptions of all proposed haul routes for equipment, water, sand, waste fluids, waste solids, mixed waste, and all other material to be hauled on the public and private streets and roads during phased well development and operations. The traffic management plan shall include the following:

a. Estimated weights of vehicles when loaded, a description of the vehicles, including the number of wheels and axles of such vehicles, and estimated trips per day.

b. Detail of access locations for the Oil and Gas Location, including sight distance, turning radius of vehicles, and a template indicating this is feasible, turning volumes in and out of the Oil and Gas Location for an average day, and what to expect during peak hours.

c. Estimated truck traffic volumes converted to equivalent single axle loads and compared to existing volumes.

d. Truck routing map and truck turning radius templates with a listing of required improvements that are necessary at intersections along the route.

e. Complete traffic letter, determining operational changes and geometric modifications necessary as a result of Operator’s activities.

f. Identification of the need for any additional traffic lanes, which would be subject to the final approval of the City Engineer.

g. Restriction of non-essential traffic to and from the Oil and Gas Location to periods outside of peak a.m. and p.m. traffic periods and during school hours of schools along the designated traffic routes (generally 7:00-9:00 a.m. and 3:00-6:00 p.m.).

h. City may request consolidated haul routes and roadway improvements or upgrades based on contents of the traffic management plan and/or weight of vehicles to be covered in a Road Maintenance Agreement during the OGP review process.

(d) Road Maintenance.

(1) **Access Roads.** Access points to public roads shall be located, improved, and maintained to ensure adequate capacity for efficient movement of existing and projected traffic volumes and to minimize traffic hazards.
a. Permanent access roads shall be improved a minimum distance of two hundred feet (200’) onto the access road from the point of connection to a public road. All access roads shall be in conformance with the City’s current Roadway Specification Manual. The access road shall be improved as a hard surface (concrete or asphalt) for the first one hundred feet (100’) from the public road and then improved as a crushed surface (concrete or asphalt) for one hundred feet (100’) past the hard surface in the appropriate depth to support the weight load requirements of the vehicles accessing the Oil and Gas Location. A geotechnical report and pavement design will be submitted to the City for approval. If an access road intersects with a pedestrian trail or walk, the Operator shall pave the access road as a hard surface (concrete or asphalt) a distance of one hundred feet (100’) on either side of the trail or walk and if necessary, replace the trail or walk to address the weight load requirements of the vehicles accessing the Oil and Gas Location.

b. Temporary access roads associated with the operation shall be reclaimed and revegetated to the original state within sixty (60) days after discontinued use of the temporary access roads.

2. Mud Tracking. In accordance with the Stormwater Management Plan (SWMP), the Operator shall take all practicable measures to ensure that vehicles do not track mud or debris onto City streets. If mud or debris is nonetheless deposited on City streets, in excess of de minimus levels, the streets shall be cleaned immediately by the Operator. If, for some reason, this cannot be done or needs to be postponed, the Operator shall notify the City of its plan for mud removal.

3. Chains. Traction Chains from heavy equipment shall be removed from all Operator vehicles before entering a City street.

4. Culverts. Operator shall construct all necessary culverts for road construction per any available City or county, as applicable, Drainage Plan. In the event no information is available, the Operator shall complete any necessary studies or analysis to determine the appropriate culvert size.

5. Road Repairs. Road repairs will be addressed as set forth in the Road Maintenance Agreement.

(e) Landscaping.

1. If any part of an Oil and Gas Location is located within one thousand five hundred feet (1,500’) of a platted residential lot, arterial or collector street frontage, a platted lot line containing either a building unit or a high occupancy building unit, or a
Section 135-6. Protection of Surface Quality.

park, open space, reservoir, or golf course, the Oil and Gas Location shall be landscaped. If required, Operator shall submit a landscape plan during the Oil and Gas Location OGP application review process.

(2) The Operator shall be responsible for installing the required landscaping unless they have a surface use agreement that transfers the responsibility to the landowner. Required landscape screening and buffering includes all of the following:

a. An earthen berm located around the perimeter of the fence and planted with turf grass or appropriate ground cover material.

b. Installation of ground covers, trees, and shrubs for screening and aesthetic purposes. The buffer shall be at least twenty-five feet (25’) wide and planted with one (1) tree and five (5) shrubs for each twenty-five (25) linear feet of buffer. At least fifty percent (50%) of the trees shall be evergreen species.

c. Natural screens shall be used in the facility design to the maximum extent practicable.

(3) Operator shall also implement the landscape plan when new development is constructed within one thousand five hundred feet (1,500’) of an Oil and Gas Location once access to City main water source is available.

(f) Tree Mitigation.

(1) The Oil and Gas Location, Flowline, and Crude Oil Transfer Line should be constructed in a manner that minimizes the removal of and damage to existing trees in accordance with the City’s tree mitigation ordinance.

(g) Cultural and Historical Resource Protection.

(1) General. The Operator shall comply with the City Code, as amended, by not causing to be carried out any construction, alteration, removal, or demolition of a building or feature or make any changes that would impair the historical association of the landmark building, landmark site, or historic district, pursuant to those qualities depicted in the City Code, without first obtaining approval. Operator will submit the permit application and await the Oil & Gas Division’s approval following referral to the historic preservation commission, if applicable. If there is a discovery of historical artifacts, Operator will notify the City.

(2) Protection of Natural, Historical, and Archaeological Resources. The nature and location of an Oil and Gas Location shall not unreasonably interfere with or affect
any unique natural resource, historical site or landmark, or known archaeological site.


(1) This regulation is only applicable if an Oil and Gas Location is located in a significant wildlife habitat or high priority habitat, as defined by the Colorado Parks and Wildlife, and/or in a natural area or open space. In such a case, the Operator shall consult with the Colorado Parks and Wildlife or the City Parks, Recreation, and Open Space Department to obtain recommendations for appropriate site-specific and cumulative impact mitigation procedures. If not applicable, Operator shall provide the City with a statement that it has investigated whether the Oil and Gas Location is located near a significant wildlife habitat and that this regulation is not applicable.

(i) Building/Electric.

(1) Any buildings or structures must meet the design standards contained in the City Code. All site features shall be integrated into the building or site design.

(2) Operator shall place a note on site plan elevation sheets, stating: “Operator certifies that all structures are in compliance with 8 Colorado Code Regulations 1302-14 regarding placarding and certification of non-residential modular or factory-built structures.”

(j) Removal of Debris.

(1) All construction-related debris shall be removed from the Oil and Gas Location for proper disposal in a timely manner. The Oil and Gas Location shall be maintained free of debris and excess materials at all times during operation. Operator shall also not stockpile debris at the Oil and Gas Location.

(k) Removal of Equipment.

(1) All equipment used for drilling, re-completion, and maintenance of the facility shall be removed from the Oil and Gas Location within thirty (30) calendar days of completion of the work, weather conditions permitting, unless otherwise agreed to by the applicable surface owner, and in compliance with City Code. Permanent storage of removable equipment on the Oil and Gas Location shall not be allowed.
(l) **Trailers.**

(1) A construction trailer(s) is permitted as an accessory use during active drilling and well completion or workover operations only. No permanent residential trailers shall be permitted at the Oil and Gas Location; provided, however, that until six (6) months following the end of the Completion Phase on an Oil and Gas Location, temporary residential and/or security trailers are permitted, as needed for on-site operations, for exclusive use by the Operator’s personnel and the personnel of its subcontractors on a temporary basis.

(m) **Noxious Weed Control.**

(1) The Operator shall be responsible for ongoing noxious weed control as defined under the Colorado Noxious Weed Act (C.R.S. 35-5.5-101 et seq.) at the Oil and Gas Location, along access roads, and in disturbed areas under restoration as a result of related construction activities or operations per City or other applicable agency regulations.

(n) **Park and Open Space Area Setback.**

(1) The Oil and Gas Location shall be sited a minimum of three hundred fifty feet (350’) away from existing and proposed parks and open space areas. This distance shall be measured from the perimeter of the Oil and Gas Location. For Flowlines and Crude Oil Transfer Lines that pass within three hundred fifty feet (350’) of a park or open space area, a mitigation plan which identifies measures to be taken to mitigate impacts to parks and open space areas shall be submitted to the City.

(o) **Reclamation.**

(1) *Interim Reclamation.* Operator must submit an Oil and Gas Location Interim Reclamation Plan to the City with each OGP application.

(2) *Final Reclamation Plan.* Operator must submit a Final Oil and Gas Location Reclamation Plan to the City concurrently with the submission of the COGCC application to plug and abandon the last Well at the Oil and Gas Location.

(3) *Decommissioning of Flowlines and Crude Oil Transfer Lines.* Once the non-water pipelines are no longer in use, they shall be properly abandoned as required by applicable COGCC, PUC or PHMSA rules and regulations.
Section 135-7. General Oil & Gas Permit (OGP) Requirements.

(a) Surface Stakeholder Notification.
   (1) **Notice of Application.** When Operator submits an OGP application to the City, the Operator shall include a list of all property owners of record, tenants (names, property addresses, and mailing addresses), and all registered Home Owner Associations within one (1) mile from the edge of the Oil and Gas Location, and the surface owner of the property upon which the Oil and Gas Location is located (“Notified Residents”). The City shall send out notices of the OGP application by mail to Notified Residents when the review process commences for the purpose of receiving public comment. Notified Residents are those of legal record at the time of the mailing.
   
   (2) **Resident Notification of Neighborhood Meeting.** When the City begins the OGP review process, the Operator shall send notification of a Neighborhood Meeting to all Notified Residents and registered neighborhood organizations. The notice must include:
      a. Operator’s contact information;
      b. Approximate date to begin drilling; and
      c. Information on the Neighborhood Meeting.
   
   (3) Operator shall send proof of mailed notices to the City by affidavit or certificate of mailing.
   
   (4) **Neighborhood Meeting.**
      a. Upon the City’s completeness determination of the Oil and Gas Location application, the Operator shall hold a Neighborhood Meeting to facilitate engagement between the Operator and Notified Residents of the applicable Oil and Gas Location. Operator shall notify all Notified Residents and registered neighborhood organizations of the Neighborhood Meeting. Operator shall provide notice a minimum of ten (10) calendar days in advance of the Neighborhood Meeting. Notified Residents are those of legal record at the time of the mailing.
      
      b. Notified Residents may submit written comments to the City about the Oil and Gas Location or OGP Phase 2 application, including the regulations. The City shall transmit those comments received within thirty (30) calendar days and which require an Operator response to the Operator. Operator shall respond to those comments within thirty (30) calendar days in writing to the commenter
and to the City. A Neighborhood Meeting may not be required if there are no residents within one (1) mile of the Oil and Gas Location, no comments are received from the initial notice of the filing of the Oil and Gas Location application, and the City agrees.

(5) **Notice of Administrative Decision.** The City shall provide Operator with a form letter for Notice of Administrative Decision for a pending OGP application. At least ten (10) calendar days prior to the scheduled decision on an OGP application, the Operator shall send out the Notice of Administrative Decision to the Notified Residents and registered neighborhood organizations. The Operator shall provide proof to the City of mailed notices by affidavit or certificate of mailing.

(6) **Pre-Drilling Notice.** Operator will comply with the mailing requirements of the Move-In, Rig-Up Notice required by the COGCC rules.

**(b) Other Notifications.**

(1) **General.** All notices and other correspondence sent to the City shall be in writing and shall be delivered by:

a. certified mail with return receipt, or

b. hand delivery with signature or delivery receipt provided by a third-party courier service (such as FedEx, UPS, etc.) to the designated representative of the City as indicated below, or

c. email to the designated representative of the City as indicated below.

City of Aurora
Oil & Gas Division
15151 E. Alameda Parkway, #5900
Aurora, CO 80012

Attn: Oil & Gas Manager
Telephone: 303-739-7000
Email: oil&gas@auroragov.org

(2) **Notification of Submittal of COGCC Permits, Orders, and Approvals.** At the time the Operator files any COGCC Form 2 or Form 2A for a Well or Oil and Gas Location within the City, the Operator will provide the City a copy of such filings.
and shall provide the City with notification of any decision with respect to any COGCC Form 2 or Form 2A for a Well or an Oil and Gas Location and Operator’s best estimate as to when the Construction Phase for such Well or Oil and Gas Location will begin.

(3) Notification of New Operational Phase. Operator shall provide written notice to the City no less than thirty (30) days prior to the commencement of any of the following: Construction Phase (unless the Construction Phase commences within forty-five (45) days of the approval of the applicable Form 2 or Form 2A), Drilling Phase, Completion Phase, or any recompletion, re-drilling, or plugging and abandonment of a Well. Until the commencement of the Production Phase at the Oil and Gas Location, Operator shall notify the Oil & Gas Manager as to the status of development at each active Well monthly. Any notification provided by Operator to City may be used by the City for public notification.

(4) Routine Maintenance. Operator may perform all surface and downhole well maintenance and operations on its Oil and Gas Location, Oil and Gas Facility, Flowline, or Crude Oil Transfer Line that the Operator deems prudent and necessary. Operator may perform routine maintenance of Oil and Gas Facilities without prior notification to the City, including surface and downhole well maintenance.

(c) Requirements for Notices.

(1) Printed, published, mailed, and website notice for Oil and Gas Location applications or OGP applications submitted under this OGM shall comply with the standards below.

(2) Written Notice

a. Notice of the time, date, and place of any Public Hearing before the Planning and Zoning Commission or City Council shall be mailed to Notified Residents at least ten (10) calendar days prior to the public hearing. Notified Residents are those of legal record at the time of the mailing.

b. Notified Residents include:

1. The owner of the property affected;
2. All surface owners within the specified distance from the edge of the Oil and Gas Location;
3. All tenants on properties within the specified distance from the edge of the Oil and Gas Location; and
4. Each registered Home Owner Association whose boundaries include or are located within the specified distance of the property affected.

c. For purposes of notification, tenants may be determined when County records indicate a mailing address for the property owner that is different than the physical address.

(3) Published Notice

a. Notice of the time, date, and place of the public hearing on an Oil and Gas Location or OGP application before the Planning and Zoning Commission or City Council shall be published in a newspaper of general circulation within the City at least ten (10) calendar days prior to such hearing.

(4) Posted Notice

a. Applications requiring a public hearing shall be posted at a point clearly visible from a public right-of-way for at least ten (10) calendar days prior to the public hearing before the Planning and Zoning Commission or the City Council. The posted notices shall be of a number, size, and location as prescribed by the Oil & Gas Manager and shall indicate the type of development applications proposed, the date, time, and place of the hearing. Posted notices may be furnished by the City. Posted notice signs shall be removed within seven (7) calendar days after the public hearing was held.

(d) Incidents/Spills.

(1) Events or Incidents. Any safety event, including any accidental fire, explosion, detonation, uncontrolled release of pressure, vandalism or terrorist activity, or any accidental or natural event that damages equipment or otherwise alters equipment or appurtenances so as to create a significant spill or release, fire hazard, unintentional public access or any other condition that threatens public safety, or an injury to a person that requires medical treatment, or damage to lands, structures or property, or a COGCC Grade 1 Gas Leak, shall be reported within six (6) hours. Once the applicable forms are submitted to the agency, a copy of that form will also be provided to the City. In the event of a fire that is not controllable by Operator personnel, explosion, or need for emergency services response, 911 shall be called.

(2) Spills.

a. Operator must notify the City of any spill of any material on permeable ground on the Oil and Gas Location that has a reportable spill quantity under any law.
The Operator will also provide the City with a copy of any self-reporting submissions that Operator provides to the COGCC due to any reportable safety events at the Oil and Gas Location, including but not limited to COGCC Form 22.

b. Any spill of one (1) gallon or more that leaves the Oil and Gas Location, or any spill within the Oil and Gas Location of one (1) barrel or more, shall be reported to the City within six (6) hours.

(3) *Fires or Explosions.* Any accident or natural event involving fire, explosion, or detonation shall be reported to the City within six (6) hours. This report shall include the following details, to the extent available:

a. Location;
b. Proximity to residences and other occupied buildings;
c. Fuel source;
d. Cause;
e. Duration;
f. Intensity;
g. Volume;
h. Description of any injuries to person(s);
i. Description of any damage to property beyond the Oil and Gas Location;
j. Emergency management response; and
k. Mitigation plan to be implemented to avoid future incidences of the same nature, and timeframe to implement

(e) Annual Development Schedule.

(1) The Operator shall provide a summary of planned operations and an operational timeline (Development Schedule) to the City by January 31 of each year. The Operator may revise the summary and timeline from time to time provided that the Operator will keep the City informed of any revision to the Development Schedule. The Development Schedule should include a brief summary of major planned operations at all of Operator’s Oil and Gas Locations within the City for the coming year, including a proposed timeline of operations and any new permitting activities. This report is informal in nature and may be changed by the Operator at any time. The report provides guidance to the City staff for planning workflows.
(f) Previously Drilled Wells and Assignment of Approved Permits.

(1) **Wells Subject to an Operator Agreement.** When an Operator desires to purchase or acquire an interest in an Oil and Gas Location, previously drilled Well, or other Oil and Gas Facility, which was subject to an Operator Agreement, the purchasing Operator must review the condition of such Location, Well, or Facility prior to the purchase.
   
a. At least thirty (30) days prior to the close of the sale, the purchasing Operator must submit a report to the Oil & Gas Division stating whether the then-current condition of the Location, Well, or Facility is in compliance with the Operator Agreement and state laws. If non-compliant conditions are discovered, then by the purchase date, the purchasing Operator must submit to the Oil & Gas Division a written report detailing a plan and timeline to bring the Location, Well, or Facility into compliance.

(2) **Wells Not Subject to an Operator Agreement.** When an Operator desires to purchase or acquire an interest in an Oil and Gas Location, previously drilled Well, or other Oil and Gas Facility, which was not subject to an Operator Agreement, the purchasing Operator must review the condition of such Location, Well, or Facility prior to the purchase.
   
a. At least thirty (30) days prior to the close of the sale, the purchasing Operator must submit a report to the Oil & Gas Division stating whether the then-current condition of the Location, Well, or Facility is in compliance with all state laws and the applicable regulations which were in effect in this Oil & Gas Manual or other City regulation at the time the relevant Oil & Gas Permit was approved. If non-compliant conditions are discovered, then by the purchase date, the purchasing Operator must submit to the Oil & Gas Division a written report detailing a plan and timeline to bring the Oil and Gas Location and all Oil and Gas Facilities into compliance as soon as practicable after the purchase date.

(3) **Wells on Lands Annexed into the City.** Oil and Gas Locations and Oil and Gas Facilities that are annexed to the City after their construction may continue operating without the issuance of an OGP, as long as existing valid permits issued by another local jurisdiction remain in effect. Such Oil and Gas Locations shall not be expanded, nor shall additional Oil and Gas Facilities or wells be added to the Oil and Gas Location without proper approval by the City, per the OGM.

(4) **Assignment of permits where construction has not begun.** An OGP may be assigned to another Operator only with the written consent of the Oil & Gas Manager, unless the assignment is being made to a subsidiary.
a. The Oil & Gas Manager may consent to the assignment of a permit only if:
   1. The new Operator demonstrates financial and operational capability to comply with all requirements, terms and conditions of the OGM;
   2. The new Operator demonstrates adequate insurance as required by the OGM; and
   3. The new Operator will remedy any noncompliance of an Oil and Gas Location, Oil and Gas Facility, or any permit, as a condition of the assignment.

b. If an Operator files a petition for assignment, the Oil & Gas Manager shall prepare a written report that demonstrates the proposed transfer's compliance with the approval criteria of this Section and the Oil & Gas Manager’s final determination on the assignability of such permit.

c. All conditions of approval will survive a change of ownership and apply to the Operator’s successors, including the requirements of Operator registration and financial assurances.
Section 135-8. through Section 135-30. Reserved.
Section 135-31. Introduction to Oil & Gas Midstream Permitting.

(a) Scope.

(1) Sections 135-31 through 135-38 of this Oil & Gas Manual (OGM) set forth the minimum acceptable criteria for permitting, designing, and constructing Oil and Gas Midstream Facilities, including Central Gathering Facilities (CGF), Compressor Stations, Gathering Lines, Off-Location Produced Water Flowlines, and Associated Facilities within the City of Aurora. A successful permit application process results in the approval of an Oil & Gas Midstream Permit (OGMP).

(2) The OGM only contains regulations for intrastate Gathering Lines and Off-Location Produced Water Flowlines. Interstate pipelines are explicitly excluded in the definition of Oil and Gas Midstream Facilities.

(b) Authority.

(1) Local Authority.

a. The Local Government Land Use Control Enabling Act of 1974, C.R.S. 29-20-101 et seq., authorizes local governments to regulate the surface impacts of oil and gas operations in a reasonable manner to protect and minimize adverse impacts to public health, safety, and welfare and the environment within its jurisdiction. It also authorizes local governments to adopt regulations for surface impacts of oil and gas operations. Regulations that prevent and minimize adverse impacts must be reasonable and necessary.

b. Pursuant to the Colorado Oil and Gas Conservation Act, C.R.S. 34-60-131, local governments may adopt regulations that are more protective or stricter than state requirements.

c. Pursuant to the Colorado Air Pollution Prevention and Control Act (APPCA), C.R.S. 25-7-128, local governments may enact local air pollution resolutions or ordinances that include more stringent emission control regulations than state requirements.
Section 135-32. Oil & Gas Midstream Permit (OGMP) Application Process.

(a) General.

(1) Permitting of an Oil and Gas Midstream Location and Oil and Gas Midstream Facilities. The Oil & Gas Midstream Permit (OGMP) application process shall apply to the Oil and Gas Midstream Location and the Oil and Gas Midstream Facilities within the City of Aurora.
   a. The granting of an OGP shall not relieve the Operator from complying with all applicable regulatory requirements of the City, state, or United States.
   b. The OGP required by this Manual is in addition to any permit that may be required to any other provision of the A.C.C., or any other governmental agency.
   c. The Operator shall obtain a general business license from the City prior to commencing operations and conform to applicable provisions of the A.C.C. related to licensing.

(2) Future Increase in Oil and Gas Midstream Location Size. Oil and Gas Midstream Locations should be constructed only to the extent approved and are fixed in size and geographical extent at the time the OGMP is approved. In the future, if an Operator desires to increase the size of an Oil and Gas Midstream Location, or add additional Oil and Gas Midstream Facilities, then the Operator shall apply for a Variance Request. If the Variance Request is denied, the Operator may submit a new OGMP application.

(3) Pending Enforcement Action. No Oil & Gas Midstream Permit application, proposed amendment to an application, or Variance Request shall be processed or approved with regard to an Oil and Gas Midstream Location or Associated Facilities that is not in compliance with all federal, state, or local agency regulations having jurisdiction over the property.

(4) Overview. Following the Pre-Application Meeting and Pre-Submittal Meeting, the Operator shall submit all required City applications such as but not limited to building permit, Stormwater and Erosion Control Permit, license agreements, rights-of-way permit, and OGMP application for the Oil and Gas Midstream Location and Oil and Gas Midstream Facilities. The review by the City of these applications is to ensure the proposed Oil and Gas Midstream Location and Oil and Gas Midstream Facilities comply with this Oil & Gas Manual and all applicable
City Code requirements. Operator shall first obtain any necessary permits and agreements pursuant to the Oil & Gas Manual prior to construction.

(b) OGMP Application Process.

(1) **Purpose.** The purpose of the pre-application process is for the Operator to provide a high-level overview of the proposed OGMP application to the City. The pre-application process is described more fully in the following sections. City staff will provide written feedback to the Operator on its application.

(2) **Timeline.** At the Pre-Application Meeting, the City will provide an expected timeline of review for the Operator’s application. City timelines will be based on the expected review process and current workload.

(3) **OGMP Pre-Application Meeting.**

a. Operator shall request a Pre-Application Meeting with the Office of Development Assistance prior to submitting an application for an Oil & Gas Midstream Permit (OGMP). Appropriate City staff (as determined by the Oil & Gas Manager) may attend. A request for a Pre-Application Meeting can be made online via the Office of Development Assistance webpage. For questions and assistance regarding this Pre-Application process, please contact the Office of Development Assistance.

b. At the Pre-Application Meeting, Operator shall present the proposed project to the City to determine appropriate materials needed for the application, and so City Staff may provide feedback on the proposed development.

c. A vicinity map, project narrative, conceptual layout, and detailed description of the Oil and Gas Midstream Location and Oil and Gas Midstream Facilities.

d. The City shall provide Operator with comments from the Pre-Application Meeting in writing. The Operator will receive a detailed set of notes containing information to aid the Operator in preparing a complete submittal in compliance with City standards.

e. With the request for a Pre-Application Meeting, Operator shall submit Operator name, name of parent companies, and a demonstration of financial capability to comply with this Oil & Gas Manual by submitting:

1. Current balance sheet;

2. Signed statement of cash flow and net worth, demonstrating the ability to comply with the regulations in the OGM, including the ability to fund permitting, operations, and surface reclamation;
3. A list of all bonding provided to the COGCC which applies to the application; and

4. Any other reasonable and relevant financial documentation requested by the City.

f. With the request for a Pre-Application Meeting, Operator shall demonstrate its operational capability to comply with this Oil & Gas Manual, by submitting a list of all previous violations of any local, state, or federal rule or law within the last three (3) years.

g. The City may waive the Pre-Application Meeting or Pre-Submittal meeting for any Oil & Gas Midstream Permit (OGMP) application.

(4) **OGMP Pre-Submittal Meeting.**

a. Following receipt of City comments from the Pre-Application Meeting, the Operator shall request a Pre-Submittal Meeting with the City Staff.

b. At the Pre-Submittal Meeting, Operator shall request that a portal be opened to allow the application to be submitted digitally.

(5) **Submission of OGMP Application.** Operator may then submit the OGMP application.

(6) **OGMP Pre-Acceptance Completeness Review.** Upon receipt of the Operator’s OGMP application, the City will initiate a Pre-Acceptance Review to determine whether the OGMP application is sufficient to begin the formal review process. During the Pre-Acceptance Review, the City will identify any missing submittal requirements in the OGMP application within five (5) business days and will notify the Operator of its decision in writing. Operator must demonstrate that it has incorporated all applicable regulations from this OGM in its application.

(7) **Acceptance of OGMP Application.** If no missing submittal requirements are identified, an invoice of the OGMP application fee listed in the City Code will be sent to the Operator for prompt payment. If missing submittal requirements in the OGMP application are identified, the Operator shall address the missing submittal requirements and resubmit the OGMP application. The City will review the resubmitted application and notify the Operator in writing of its completeness determination.

(8) **First Review—OGMP.** In the First Review, the City will review the completed OGMP application and provide questions or comments to the Operator in writing. The Operator will then respond in writing to the City to address all questions and comments.
Section 135-32. Oil & Gas Midstream Permit (OGMP) Application Process.

(9) *Neighborhood Meeting—OGMP.* Operator shall host a Neighborhood Meeting to inform the public of their application.

a. Operator shall notify all surface owners, tenants, and any registered Home Owner Associations (Notified Residents) within one (1) mile of the CGF, Compressor Station, or Associated Facilities, and three hundred fifty feet (350’) of any Gathering Line and Off-Location Produced Water Flowline, of the time and location of the Neighborhood Meeting. Notified Residents shall be notified by mail a minimum of ten (10) calendar days in advance. Notified Residents are those of legal record at the time of the mailing.

b. Operator shall respond to all comments received at the Neighborhood Meeting in like kind. Verbal questions may receive a verbal response. Written questions submitted at the meeting or afterward will receive a written response.

c. Operator shall allow attendance at the Neighborhood Meeting by virtual methods, or shall host a second Neighborhood Meeting virtually.

(10) *Second Review—OGMP.* In the Second Review, the City will review the Operator’s response to its questions or comments from the First Review, including Operator responses to Neighborhood Meeting comments. The City will provide any further questions and comments to the Operator in writing. The Operator will then respond in writing to the City to address all questions and comments from the Second Review.

(11) *Civil Construction Plans.* Operator can submit its Civil Construction Plans concurrently with the second City review of the application.

(12) *Additional Review—OGMP.* Subsequent rounds of review may be necessary until Operator has sufficiently responded to the City’s questions and comments. The Oil & Gas Manager, in consultation with City staff, will make the final decision as to when Operator’s application has met all City criteria.

(13) *Operator Response Timing.* Any time the City provides written comments to an Operator submittal, the Operator shall reply in a timely manner. If comments are not received from the Operator within ninety (90) days of the City’s response, the Operator’s application will be deemed abandoned. Operator may request an extension of this deadline by submitting clear evidence of why its response is delayed and when it expects to respond.

(14) *Compatibility with Approved Master Plans and Comprehensive Plans.* The location and operations of the Oil and Gas Midstream Location and Oil and Gas Midstream Facilities shall be compatible with any approved Master Plan or Comprehensive Plan for the subject property at the time of application. The Oil & Gas Manager
Section 135-32. Oil & Gas Midstream Permit (OGMP) Application Process.

shall take into consideration whether the application appropriately addresses the impact on approved Master Plans and Comprehensive Plans.

(15) **Limit on Commencement of Construction.** No construction activities shall begin until an approved Oil & Gas Midstream Permit (OGMP) has been received by the Operator. The Operator shall not move any heavy equipment or begin construction at the Oil and Gas Midstream Location until the Operator has received administrative approval after the OGMP application review process by the City pursuant to this Oil & Gas Manual and all applicable City, State, and Federal permits.

(16) **Administrative Approval of the OGMP.** OGMP applications are approved by the Oil & Gas Division on an administrative basis. Once all questions have been answered by the Operator to the satisfaction of the City (as determined by the Oil & Gas Manager), a Letter of Administrative Decision is provided to the Operator and the Aurora City Council. The City Council may elect to call-up the approved OGMP according to the procedures described in Section 135-32(e).

(17) **Issuance of OGMP.** Once any City Council call-up process is complete, the Oil & Gas Division will issue the Oil & Gas Midstream Permit (OGMP) to the Operator by the Oil & Gas Division with or without conditions. No installation of Oil and Gas Midstream Facilities may begin until the Operator receives the Notice to Proceed (NTP).

(18) **Fulfillment of OGMP Conditions.** The Operator shall satisfy any conditions required by the OGMP.

(19) **Notice to Proceed (NTP).** Upon satisfaction of all conditions required by the OGMP, the City and Operator may execute a Water Delivery Agreement, Road Main Maintenance Agreement, and other agreements if applicable. Upon approval and execution of all required agreements, the City may issue a Notice to Proceed (NTP) with or without conditions. After issuance of the NTP, Operator may begin installation and construction activities at the Oil and Gas Midstream Location if all additional approvals from COGCC and any other applicable State authorities have been received.

(20) **Time Limits.** An administratively approved and signed OGMP shall be valid for a period of three (3) years from the date of approval.

a. If the construction of the Oil and Gas Midstream Location has not begun within three (3) years, the Operator may request a one (1) year extension from the Oil & Gas Manager. Operator may request a total of two (2) extensions. The Oil & Gas Manager may only approve such extension if there is clear and convincing evidence that:
1. no additional adverse impacts to public health, safety, welfare, the environment, or wildlife resources would occur;
2. the surface use conditions and surrounding land uses that are either existing or planned have not changed to such a degree that the current approval could no longer be met.
3. the Operator has submitted updated financial information, COGCC bonding information, and certificates of insurance, which continue to demonstrate the Operator’s ability to financially comply with the Oil & Gas Manual.

b. Any other extension beyond the extension described above shall require the approval of the City Council after a public hearing and shall be based on these same criteria.

c. All application extensions shall require the written consent of the surface owner.

(21) Denial. If it is established by competent evidence that a proposed Oil & Gas Midstream Permit application fails to meet any of the specifications in this Oil & Gas Manual, the permit application may be denied.

(c) Required OGMP Application Materials.

An Oil & Gas Midstream Permit (OGMP) application to the City shall contain the following submittal requirements, whose components are further described in this Oil & Gas Manual.

(1) Master Plan. To include the following:
   a. All the planned components and land uses for the site.
   b. Public improvement plan, if applicable.
   c. Context Map.

(2) Letter of Introduction for Plans for Gathering Line and Off-Location Produced Water Flowline Submittal Materials. Including items below:
   a. The name, address, email, and telephone number of the Operator.
   b. A summary statement of the project.
   c. A description of the Gathering Line and Off-Location Produced Water Flowline, including the product(s) or substance(s) being transported and its/their source, size, terminus or end of the route, and type of Oil and Gas Midstream Facility, including any support structures involved.
   d. All public utility crossings labeling the diameter and type of utility crossing to include bridges, culverts, water, wastewater, Critical Infrastructure, and
stormwater infrastructure. Also, identify all public utilities within a one hundred fifty foot (150’) buffer from the Gathering Line and Off-Location Produced Water Flowline.

e. A description of the route or location of the Gathering Line and Off-Location Produced Water Flowline and reasons for its selection.

f. Procedures to be employed in mitigating any adverse impacts of the proposed routes or sites of the Gathering Line and Off-Location Produced Water Flowline.

g. An outline of the planned construction, including startup and commissioning schedule, and include timing of each. The City acknowledges that this outline is subject to change due to factors including, but not limited to, contractor availability, weather, ability to close ROW tracts, and the timing of third-party facility completion.

h. Information from Neighborhood Meeting conducted to include the location, date, time, attendance, and method of advertising.

i. A description of the hazards, if any, of fire, explosion, and other dangers to the health, safety, and welfare of the Operator’s employees and the public.

j. A Decommissioning Plan, which shall address how the Off-Location Produced Water Flowline will be properly cleaned, capped, and maintained if the Off-Location Produced Water Flowline will be properly abandoned in place or whether the Off-Location Produced Water Flowline will be removed from the ground.

k. A description of any haul routes during construction, identifying the roads and bridges involved, and the weight of the loads.

l. Existing land use within or adjacent to the Gathering Line and Off-Location Produced Water Flowline within three hundred fifty feet (350’).

m. A Geotech soils report is required for Gathering Line and Off-Location Produced Water Flowline crossings or any Gathering Line and Off-Location Produced Water Flowline encroaching in a public right-of-way, if one does not already exist for that specific area or if required by the Department of Public Works.

n. Present zone and overlay zoning districts, which include floodplains and floodways, if appropriate.

o. Operator shall provide authorization letters, agreements from all surface owners, or court orders to verify legal access to the Oil and Gas Midstream Location.
p. Signature of the applicant.

q. Easements or rights-of-way for the Gathering Line and Off-Location Produced Water Flowline or a statement that the Operator is currently in good faith negotiations with the owners of surface properties, irrigation ditch companies, and/or affected irrigation ditch easement owners of record at the point crossed by the Gathering Line and Off-Location Produced Water Flowline.

r. A statement that provides evidence of compliance with the following standards:
   1. The Gathering Line and Off-Location Produced Water Flowline will not have an undue adverse effect on existing and future development of the surrounding area as set forth in applicable City Master Plans.
   2. The design of the proposed Gathering Line and Off-Location Produced Water Flowline mitigates negative impacts on the surrounding area to the greatest extent feasible.
   3. The disturbed area shall be maintained during construction by the Operator in such a manner to control soil erosion, dust, and the growth of noxious weeds.

(3) Site Plan for the CGF, Compressor Station, Gathering Lines, and Associated Facilities. To include the following:
   a. Proposed location of CGF, Compressor Station, and Associated Facilities on Oil and Gas Midstream Location.
   b. Road access.
   c. Haul routes.
   d. Existing easements and rights-of-way.
   e.Visible improvements within five hundred feet (500’).
   f. Distances to the nearest occupied structure.
   g. Gathering Line and Off-Location Produced Water Flowline routes.
   h. Interim Reclamation Plan.
   i. Landscape Plan (including fencing and other criteria listed in the regulations), if applicable.
   j. Photometric Plan.
   k. Visual Mitigation Plan.
   l. Air Quality Plan.
   m. Fugitive Dust Suppression Plan.
   n. Fluid Disposal Plan.
o. PHA-HAZOP Letter- The Operator will provide a copy of any PHA-HAZOP or similar hazard analysis prepared for and submitted to State or federal agencies.


r. Project Development Schedule.

s. Security Plan.

t. Traffic Letter or other analysis requested in the Pre-Application Notes & Traffic Management Plan.

u. Wildlife Impact Mitigation Plan (if applicable).

v. Road Maintenance Agreement.

w. Recorded Surface Use Agreement, if applicable.

x. Stormwater and Erosion Control Plan (Grading, Drainage, and Erosion Plan) if the disturbed area is greater than one (1) acre.

y. License Agreements, if applicable.

z. A list of the names, addresses, and the corresponding Parcel Identification Numbers assigned by the County Assessor of owners of surface properties located within one (1) mile of the CGF, Compressor Station, and Associated Facilities and three hundred fifty feet (350’) of Gathering Line and Off-Location Produced Water Flowline. The source of such list shall be the records of the County Assessor or an ownership update from a title, abstract company, or attorney derived from such records, or from the records of the County Clerk and Recorder. If the list was assembled from the records of the County Assessor, the Operator shall certify that such a list was assembled within thirty (30) days of the application submission date.

aa. Evidence of Insurance

bb. Such additional information as may be reasonably required by the City.

c. Wetlands within five hundred feet (500’) of the Oil and Gas Midstream Location.

dd. Critical Infrastructure within three hundred fifty feet (350’) of the Oil and Gas Midstream Location

ee. Floodplain Development Permit, if applicable.

ff. Fee Payment. The Operator shall be subject to an administrative fee associated with plan review and report analysis.
(d) Variance Requests.

(1) Operator may seek an exception to the strict application of the Oil & Gas Manual by making a written Variance Request to the Oil & Gas Division. The Variance Request must include the justifiable rationale supporting the request. As part of a granted Variance Request, the Oil & Gas Division may require alternative mitigation measures to ensure compliance with the goals of the applicable regulations. Variance Requests will be evaluated by the criteria set forth in Section 135-32(d)(4) in consideration of the protection of public health, safety, welfare, the environment, or wildlife resources.

(2) Variance Request Process. Any Variance Request shall be processed through the Oil & Gas Division. The Oil & Gas Division shall approve, approve with conditions, or deny the variance based on consideration of the staff report, the evidence from the Neighborhood Meeting, and the variance’s compliance with the criteria for approval. Variance Requests are best submitted during the regular permit review process but may be submitted anytime.

(3) Variance Request Steps.
   a. Submission of a Variance Request by Operator to the Oil & Gas Manager with confirmation of receipt.
   b. Neighborhood Meeting: Optional, unless the Oil & Gas Manager determines the Variance Request could have significant neighborhood impacts, or if a Neighborhood Meeting is requested by a directly impacted surface owner.
   c. Staff Report.
   d. Conditions of Approval: In approving a variance, the Oil & Gas Division may attach any conditions necessary to ensure the variance authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other commercial entities in the vicinity in which the subject property is located and will protect public health, safety, welfare, the environment, and wildlife resources.

(4) Variance Request Approval Criteria. In approving a variance, the Oil & Gas Division shall find:
   a. Special physical requirements or circumstances exist which are peculiar to the land or the lot, or some aspect inherent in the land causes the hardship and are not applicable to other lands in the same district.
   b. The literal interpretation of the provisions of the Oil & Gas Manual would deprive the Operator of rights commonly enjoyed by other properties in the same district under the terms of the Oil & Gas Manual.
c. Granting of the Variance Request will not confer on the Operator any special privilege denied by the Oil & Gas Manual for other land in the same zone district.

d. Because of physical circumstances or conditions, the property cannot reasonably be developed in conformity with the provisions of the physical requirements of the Oil & Gas Manual.

e. The special circumstances applicable to the property have not been created by voluntary action or negligence by any person presently having an interest in the property.

f. The granting of the variance will be in harmony with the general purpose and intent of the Oil & Gas Manual.

g. The granting of a variance from the strict application of the Oil & Gas Manual will result in no net adverse impact to public health, safety, welfare, the environment, or wildlife resources, or impair the intent of the Oil & Gas Manual.

h. The granting of a variance may be required to allow for safe construction, installation, and operations.

(e) Appeals and Call-Ups.

(1) Appealing a Decision by the Oil & Gas Division.

a. Any administratively-approved OGMP permit application, interpretation, or decision of the Oil & Gas Manager concerning this Section may be appealed by an applicant, by the owner of the subject property, or by the owner of a property that abuts the subject property. The notice of appeal must be filed with the City Manager within fourteen (14) calendar days of the Oil & Gas Manager's decision.

b. Such appeal shall specifically state the grounds for the appeal. If an appeal is filed, the Planning and Zoning Commission shall consider the appeal at a regularly scheduled Planning and Zoning Commission public hearing according to the procedures described in Section 135-32(e)(3).

(2) Appealing a Decision by the Planning and Zoning Commission.

a. A decision by the Planning and Zoning Commission may be appealed to the City Council provided such appeal is received by the Oil & Gas Manager within fourteen (14) calendar days after the Planning and Zoning Commission's decision. Such appeal may be filed by the applicant, the owner of the subject property, or any person adversely affected by the decision. The notice of appeal must be filed with the City Manager within fourteen (14) calendar days of the Planning and Zoning Commission's decision.
property, or any abutting property owner and shall specifically state the grounds for appeal. The City Council shall hold a public hearing on the application according to the procedures set forth in Section 135-32(e)(3).

(3) Appeal and Call-Up Hearing Procedure.

a. The Council must call up the Oil & Gas Manager's decision regarding administrative approval of an OGMP or Variance Request by the end of the second full Council meeting following the decision. If such a decision is not called up by that time, the Oil & Gas Manager's decision is final.

b. The Council must call up the Planning and Zoning Commission's decision concerning an appeal by the end of the second full Council Meeting following the decision. If such a decision is not called up by that time, the Planning and Zoning Commission's decision is final.

c. *De Novo Hearing.* The reviewing body shall hear the appeal or call up as a new matter. The original applicant has the burden of proof. In addition to considering the testimony and evidence presented at the hearing on the appeal or call up, the reviewing body shall consider all pertinent information from the file as a result of the previous hearings from which the appeal or call up is taken.

d. An appeal or call up stays all actions and rights on the matter being appealed unless it is determined and certified by the original review authority that a stay would cause imminent peril to life and property.

e. The hearing shall be conducted as other public hearings, with a staff presentation of the matter prior to the public hearing. Any member of the public, including the appellant, if applicable, and the applicant shall have the right to be heard by the reviewing body either in person or by counsel. Formal rules of evidence and discovery do not apply in the proceedings under this Section, and the reviewing body may consider any evidence or information deemed relevant and reasonably reliable.

f. When reviewing any decision on appeal or call up, the reviewing body shall use the same standards for decision making and shall make findings in accordance with the City Code, Oil & Gas Manual, or applicable state law. The reviewing body may adopt the lower decision-making body's decision and findings as its own and may affirm, affirm with conditions, or reverse any decision or determination appealed or called up.
g. Notice of the decision of the reviewing body shall be provided to the appellant, where applicable, and the applicant in the same manner as the notice of the hearing.

h. A decision of the City Council becomes final on the date of the decision. A decision of other reviewing bodies becomes final when the opportunity to appeal and/or call up the decision has expired. Judicial review of a final decision may be brought by timely appealing to a court of competent jurisdiction.
Section 135-33. OGMP – Security and Insurance.

(a) Security Plan.
   (1) General. A Security Plan must be included with the OGMP application to indicate how the above-ground Oil and Gas Midstream Facilities will be operated and maintained free from purposeful and inadvertent interference from anyone except the Operator. If applicable, the Security Plan may contain a description of fencing, cattle guards, a remote security system, warning and identification signs, and gating.

   (2) Fencing for Visual Mitigation. Permanent fencing, if applicable, shall be installed around the CGF, Compressor Station, and Associated Facilities. There shall be visual mitigation of any internal chain-link fence. Safe operations will be considered in fencing requirements. Gating systems shall meet the City’s Roadway Specification Manual applicable at the time of the OGMP application.

   (3) Access for Emergency Responders. If applicable, Knox Hardware in the form of a Knox Box will be required to allow fire service personnel to extend fire hose to and within the Oil and Gas Midstream Location. The Knox Box shall be mounted on the gating system. The Knox Box shall be mounted on the ingress side of the gate post.

(b) Emergency Response Plan (ERP).
   (1) Operator shall provide a copy of any Emergency Response Plan which has been filed with a State or Federal authority such as Colorado Public Utilities Commission (PUC) or the Pipeline and Hazardous Materials Safety Administration (PHMSA).

(c) PHA-Hazard and Operability Study.
   (1) Operator shall provide a copy of any PHA-Hazard and Operability Study or comparable study which has been filed with a State or Federal authority such as PUC or PHMSA.

(d) Photometric Plan.
   (1) A Photometric Plan, if applicable, must be included with the OGMP application.

   (2) Lighting shall be downcast and shall not shine beyond the boundaries of the CGF, Compressor Station, and Associated Facilities.
(e) Chemical and Disclosure Storage.
(1) Operator shall disclose the below-referenced chemicals to the Aurora Fire Rescue, Sable Altura Fire Rescue, Bennett-Watkins Fire Rescue, and Buckley Air Force Base Fire Department as applicable. Chemicals that will be disclosed include methanol, triethylene glycol, corrosion inhibitor, and other operational required chemicals used for the safe operation of the CGF, Compressor Station, and Associated Facilities.

(f) Flammable Material.
(1) All ground within twenty-five feet (25’) of any tank, or other structure containing flammable or combustible materials, shall be kept free of dry weeds, and rubbish.

(g) General Maintenance.
(1) Operator shall operate and maintain all equipment pursuant to manufacturer specifications consistent with technological limitations and reasonable and customary maintenance practices.

(h) Miscellaneous.
(1) Lightning Protection. Lightning protection mitigation measures will be considered by the Operator during the CGF, Compressor Station, and Associated Facilities design and installed per industry best practice to mitigate lightning strike events and/or consequences.

(i) Insurance.
(1) General. The Operator shall provide liability and insurance under the conditions and in the amounts set forth below.

(2) Operator shall maintain or cause to be maintained, with insurers authorized by the state of Colorado and carrying a financial strength rating from AM. Best of no less than A-VII (or a similar rating from an equivalent recognized rating agency), at a minimum, the following types of insurance with limits no less than the amounts indicated:

a. Commercial General Liability Insurance. Operator shall provide commercial general liability coverage against claims arising out of bodily injury, death, damage to or destruction of the property of others, including loss of use thereof, with exclusions for explosion, collapse, and underground (XCU) hazards.
deleted and including products and completed operations in an amount not less than two million dollars ($2,000,000) per occurrence and four million dollars ($4,000,000) general aggregate.

b. *Commercial Automobile Liability Insurance.* Operator shall maintain commercial automobile insurance covering liability arising out of the operation of any vehicle (including owned, non-owned, and hired vehicles) with minimum limits of one million dollars ($1,000,000) combined single limit each accident.

c. *Workers’ Compensation and Employers Liability Insurance.* Operator shall maintain Worker’s Compensation Insurance in accordance with the provisions of the Workers’ Compensation Act, as amended, by the State of Colorado. Additionally, the Operator shall maintain Employers’ Liability Insurance with minimum limits of one million dollars ($1,000,000) bodily injury for each accident, one million dollars ($1,000,000) bodily injury by disease each employee, and one million dollars ($1,000,000) bodily injury disease aggregate.

d. *Umbrella/Excess Liability.* Operator shall maintain umbrella/excess liability insurance providing coverage in excess of General Liability, Employer’s Liability, and Automobile Liability with limits no less than twenty-five million dollars ($25,000,000) per occurrence; provided, however, that for so long as the Construction Phase is ongoing at the Oil and Gas Midstream Facilities, Operator will maintain such insurance with limits not less than one hundred million dollars ($100,000,000) per occurrence. Coverage shall follow the form of the underlying policies.

e. *Environmental/Pollution Legal Liability Insurance.* Operator shall maintain Environmental/Pollution Legal Liability insurance covering any bodily injury, liability, and property damage liability, arising out of the collection and disposal of pollutants, including items in transit to a permanent disposal facility, which may arise from Operators activities. Coverage must include gradual pollution events. This policy shall be maintained with minimum limits of ten million dollars ($10,000,000) per claim or occurrence.

1. The insurance shall be in effect for the duration of the life of all Oil and Gas Midstream Facilities, and any changes in insurance carriers shall allow for an extended reporting period or “tail” coverage to cover any claims arising prior to the new insurance taking effect.

2. If coverage is written on a claims-made basis, the retroactive date must precede the Required Date.
(3) Operator shall waive, and cause its insurers under the above policies to waive, for the benefit of the City any right of recovery or subrogation which the insurer may have or acquire against the City or any of its affiliates, or its or their employees, officers, or directors for payments made or to be made under such policies.

(4) As it pertains to the risks and liabilities assumed by Operator, Operator shall add the City and its elected and appointed officials and employees as Additional Insureds under general liability (including operations and completed operations), auto liability, and umbrella liability.

(5) Operator shall ensure that each of the policies is endorsed to provide that they are primary without right of contribution from the City or any insurance or self-insurance otherwise maintained by the City, and not in excess of any insurance issued to the City.

(6) Operator shall ensure that each of the policies above (excluding workers’ compensation and OCC/COW) are endorsed to state that the inclusion of more than one insured under such insurance policy shall not operate to impair the rights of one insured against another insured and that the coverage afforded by each insurance policy shall apply as though a separate policy had been issued to each insured.

(7) All policies shall be endorsed such that they cannot be canceled or non-renewed without at least thirty (30) days advanced written notice to the Operator and the City, evidenced by receipt, except when such policy is being canceled for nonpayment of premium, in which case ten (10) days advance written notice is required. Language relating to cancellation requirements stating that the insurer’s notice obligation is limited to “endeavor to” is not acceptable.

(8) Prior to OGMP issuance, Operator shall deliver Certificates of Insurance reasonably acceptable to the City, confirming all required minimum insurance is in full force and effect.

(9) Deductibles or retentions shall be the responsibility of Operator. Deductibles or retentions must be listed on the Certificate of Insurance required herein and are subject to the reasonable approval of the City.

(10) Operator shall require any of its subcontractors to carry the types of coverage and in the minimum amounts in accordance with the requirements set out in the Oil & Gas Manual Sections 135-33(j)(2)a., 135-33(j)(2)b., and 135-33(j)(2)c. Operator shall be responsible for any damage or loss suffered by the City as a result of non-compliance by Operator or any subcontractor with this Section.

(11) In the event that Operator’s coverage lapses, is canceled, or otherwise not in force, the City reserves the right to obtain the insurance required herein until such time as
Operator’s coverage becomes effective again, and charge all costs and associated expenses to Operator, which shall become due and payable immediately.

(j) **Risk Management.**

(1) As part of Operator’s application to the City, Operator shall provide a risk management plan, which will include the identification of potential risks, methods of risk avoidance, and controls that implement techniques to prevent accidents and losses and reduce the impact or cost after the occurrence of identified potential events.
Section 135-34. OGMP – Protection of Water Quality.

(a) General.

(1) **Purpose.** The purpose of this Section 135-34 is to provide water quality regulations for midstream facilities.

(2) **Water Sources.** The City, through its Utility Enterprise Aurora Water, will identify Water Sources and Critical Infrastructure located near Operator’s infrastructure, and the Water Sources and Critical Infrastructure will be noted on Operator’s Site Plans that will be provided during the review process. The Operator will then note the distance of the Water Sources and Critical Infrastructure from the edge of the CGF, Compressor Station, and Associated Facilities.

(3) **Water Supply.** The Operator shall comply with applicable laws, rules, and regulations concerning the source(s) of water used in the construction and operations phase. A fully executed Water Delivery Agreement, if applicable, is required prior to operations. Per City Code, all water used within the City of Aurora shall be supplied by the City unless approved by City Council.

(b) Surface Water Protection.

(1) **Maintenance.** Routine field maintenance of vehicles or mobile machinery shall not be performed within five hundred feet (500’) of any waters of the United States or State surface waters. All fueling must occur over impermeable material, and spills must be cleaned up and properly disposed of.

(2) **Wastewater and Waste Management.** Operator must submit a waste management plan to the City that complies with the following:
   a. All fluids shall be contained, and there shall be no discharge of fluids with the exception of unimpacted stormwater per federal Spill Prevention, Control, and Countermeasure Plan (SPCC) regulations.
   b. Waste shall be stored in tanks, transported by tanker trucks and/or pipelines, and disposed of at licensed disposal or recycling sites.
   c. A copy of the Operator’s Spill Prevention, Control, and Countermeasure Plan (SPCC) will be submitted to the City as part of the wastewater and waste management plan.

(3) **Stormwater Management.** When seeking to permit a new Oil and Gas Midstream Location or Oil and Gas Midstream Facility, Operator must apply for and obtain a
City stormwater and erosion control permit. Erosion and sedimentation control are required.

(c) **Groundwater Protection.**

(1) *Groundwater Pollution Mitigation.* Operator shall avoid causing degradation to surface or ground waters within the City and to wetlands within the City. If Operator is responsible for degradation of water, it will pay the full cost to restore water quality as close to baseline as possible.

(d) **Construction of Gathering Line and Off-Location Produced Water Flowline.**

(1) *General.* The Operator shall construct a Gathering Line and Off-Location Produced Water Flowline for the transportation of hydrocarbons and produced water to the CGF, Compressor Station, or other transfer point.

(2) *Temporary Use of Tanks.* Operator shall be permitted to utilize temporary tanks during Gathering Line and Off-Location Produced Water Flowline maintenance operations, provided Operator has obtained City approval regarding the location and any required screening for temporary tanks if the maintenance or temporary tanks are present longer than seven (7) calendar days. For maintenance operations that extend greater than seven (7) days, Operator shall give the City prior notice of maintenance activities within three (3) days and the planned number of temporary tanks.

(e) **Berms for Fluid Containment.**

(1) *General.* The Operator shall utilize steel-rim berms or lined earthen berms around all permanent facility tankage at the CGF and Compressor Station with sufficient capacity to contain the maximum volume of the largest tank on location, plus a twenty-five (25)-year twenty-four (24)-hour rain event, plus sufficient freeboard to prevent overflow.

a. All berms and containment devices shall be inspected quarterly by the Operator and maintained in good condition.

b. No potential ignition sources shall be installed inside the secondary containment area unless the containment area encloses a fired vessel or such sources are rated in accordance with industry codes and standards.
(2) **Permanent Berms.** Permanent containment berms shall be constructed of lined earthen berms or steel rings, designed and installed to prevent leakage and resist degradation from erosion or routine operation.

(3) **Secondary Containment.** Secondary containment shall be constructed with a synthetic or engineered liner that is mechanically connected to the steel ring to prevent leakage.

(f) **Floodplains.**

(1) Additional regulations related to water preservation or protection shall be imposed by the City staff during the OGMP application process in order to mitigate risks of potential contamination to a floodplain.

(g) **Drainage.**

(1) **Planning Process and Preliminary Drainage Report.** The OGMP process may require the submittal of a Preliminary Drainage Report for Oil and Gas Midstream Facilities and Pumping Stations.

(2) **Civil Plans—Process.** Public Works Engineering will require a civil plan Pre-Submittal Meeting to be held. To set up a meeting, please contact the Engineer On Call.

(3) **Civil Plans—Content and Naming Convention.** Applications and checklists for Oil and Gas Midstream Facilities have been developed using the term “Storm Water Management Plans (SWMPs)” in reference to the Civil Plans for these sites. The Civil Plans for Oil and Gas Midstream Facilities include features that go beyond typical SWMPs. Drainage Reports (both Preliminary and Final) and Civil Plan submittals will be reviewed using City standards.

(4) **Civil Plans—Submittal Package.** Civil Plan submittals for Oil and Gas Midstream Locations and Oil and Gas Midstream Facilities will be determined on a case by case basis at the civil plan pre-submittal meeting and may include: Final Drainage Report, Storm Water Management Report, and an Inspection and Maintenance Plan. Any grading within an existing utility easement may require a structural loading evaluation as determined at the civil plan pre-submittal meeting. The structural loading evaluation shall be submitted with the first submittal of civil plans.

(5) **Subsurface Utility Investigation—Loading Information.** Civil Plans prepared for Oil and Gas Midstream Locations and Oil and Gas Midstream Facilities must include the following note: “Project shall comply with Subsurface Utility Engineering...”
(SUE) requirements per C.R.S 9-1.5-101 et seq. when the project includes excavation, including but not limited to electronically traceable markers or tracing wire per Aurora Water Standards and Specifications for all subsurface utilities. By stamping the plan, the Engineer of Record is certifying the plan meets the standards established by the American Society of Civil Engineers (ASCE 38-02) for defining the accuracy of an underground facility. In addition, Aurora Water requires any crossing of existing utilities or tie-ins to provide pre-design potholing.

(6) Gathering Line and Off-Location Produced Water Flowline Civil Plans—Content. Civil Plans for Gathering Lines and Off-Location Produced Water Flowlines shall include Plan & Profile sheets (P&Ps) where such pipelines cross City ROW, utility easements, floodplains, or other critical areas as determined on a case-by-case basis. The Subsurface Utility Investigations described above shall be used to provide depictions of existing utilities on those profiles. The P&Ps shall be included with the SWMP submittal.

(7) Drainage Easements—License Agreements. For all Oil and Gas Midstream Facilities, the need for Easements and License Agreements shall be evaluated on a case-by-case basis. If there is a need for a drainage or license agreement, these documents must be executed prior to civil plan approval.

(8) Gathering Line and Off-Location Produced Water Flowline CAD Files and As-Builts. 3-D polyline CAD files that represent the full length of the pipeline alignment within the City limits, depth, material, and diameter information, shall be submitted to the City with the Signature Set of Civil Plans. In addition, the City requires as-builts for entire pipeline alignments upon construction completion for pipelines external to pad sites. This shall be noted on the Site Plans, Civil Plans, and in Storm Water Permits. CAD files, which include pipeline locations, should be uploaded separately so that they may be properly coded as “sensitive” for security purposes. The City will hold these submittals confidential and exempt from the Colorado Open Records Act, as allowed by law.

(9) CAD Submittal Standards. The City has developed CAD Data Submittal Standards to streamline the process of importing AutoCAD information into the city’s Enterprise GIS. A digital submission meeting the CAD Data Submittal Standards is required before the final Site Plan mylars can be routed for signatures or recorded. CAD Data Submittal Standards, including templates and required layer file labeling are available at the City. Email your Case Manager the appropriate Site Plan and Pipeline Easement files before submitting your final Site Plan mylars. Once received, the City’s AutoCAD Operator will run an audit report, and your Case
Manager will let you know whether the file meets or does not meet the City’s CAD Data Submittal Standards.
Section 135-35. OGMP – Protection of Air Quality.

(a) Air Quality Monitoring Plan.

(1) Purpose. The purpose of this Section 135-35 is to provide air quality regulations for midstream facilities.

(2) General. In order to minimize degradation to air quality, Operator shall eliminate, capture, or minimize all potentially harmful emissions and minimize dust associated with onsite activities and traffic on access roads. Operator shall comply with all applicable state and federal regulations, including regulations promulgated by CDPHE, COGCC, and US EPA.

(3) Minimization of Emissions. The following will be required to protect air quality:

a. The use of electric equipment and electric line power to operate all permanent equipment to mitigate noise and to reduce emissions. Fuel-powered generators used solely for emergency purposes are excluded.

b. Natural gas engines and turbines will be operated and maintained in accordance with the CDPHE and the US EPA regulations and emissions standards.

c. Any combustion device, auto-ignition system, recorder, vapor recovery device, or other equipment used to meet the hydrocarbon destruction or control efficiency requirement shall be installed, calibrated, operated, and maintained in accordance with the manufacturer’s recommendations, instructions, and operating manuals.

d. Year-round compliance with the odor standards pursuant to COGCC and CDPHE regulations.

e. Venting is prohibited unless necessary for safety or de minimis volumes for maintenance operations. If emergency venting is required, or if accidental venting occurs, the Operator shall provide notice to the City of such event as soon as, but in no event later than, twenty-four (24) hours from the time of the event, with the information listed above and with an explanation as to the cause and how the event will be avoided in the future.

f. Reduction of Emissions from Maintenance Activities. For planned maintenance activities involving the intentional flaring of gas, the Operator shall provide forty-eight (48) hour advance written notice to the City of such proposed flaring. Such notice shall identify the duration and nature of the flaring event, a description as to why flaring is necessary, what steps will be taken to limit the
duration of flaring, and what steps the Operator proposes to undertake to minimize similar events in the future.

g. Telemetric control and monitoring systems to detect when pilot lights on control devices are extinguished.

h. Exhaust from all engines, turbines, motors, coolers, and all other equipment must be vented up and away from the nearest residences.

i. Operator shall participate in Natural Gas STAR program or other voluntary programs to encourage innovation in pollution control at sites.

(4) **Air Quality Monitoring and Testing for Central Gathering Facilities and Compressor Stations.**

a. **Pre-Construction Baseline Air Quality Testing.** Operator shall conduct air sampling for a period of five (5) consecutive days prior to any construction activities for any new Central Gathering Facility or Compressor Station. Operator shall conduct baseline sampling using a continuous monitoring system that detects wind speed, wind direction, temperature, humidity, pressure, particulate matter (PM2.5 and PM10), sulfur dioxide (SO2), nitrogen oxides (NOx), carbon dioxide (CO), methane, ethane, propane, butane, Total volatile organic carbon (VOC), and a sample to be analyzed by EPA Method TO-15 (Determination of Volatile Organic Compounds (VOCs) in Air), which includes benzene, toluene, ethylbenzene and xylene. Operator shall conduct baseline sampling at least thirty (30) days in advance of any construction activities at the Central Gathering Facility or Compressor Station. Results of the baseline air sampling must be received by the Oil & Gas Manager prior to the issuance of the final OGMP. Results will be used to compare with future samples to determine any change in air quality over time. Both baseline and future samples will also be compared to general air quality measurements in the Aurora area to determine how the air at the Oil and Gas Location compares to the Aurora region.

b. Continuous air monitoring may be required during other phases of operations.

(5) **Leak Detection at Above-Ground Facilities.**

a. **Leak Detection and Repair.** The Operator shall develop and maintain a Leak Detection And Repair (LDAR) program as required by CDPHE using modern leak detection technologies such as infra-red (IR) cameras. The Operator shall conduct quarterly IR camera monitoring or alternative instrument monitoring method of all permanent production equipment.
b. Except when an emergency circumstance would necessitate an immediate repair, Operator must repair leaks, as defined by applicable and federal regulations, as quickly as practicable. If more than five (5) days of repair time is needed after a leak is discovered, an explanation of why more time is required must be submitted to the City. In the case when delaying the repair until a scheduled maintenance operation would result in lower total emissions from the leak and repair, Operator must communicate with the Oil & Gas Manager to provide calculations of total emissions. At least once per year, the Operator shall notify the City five (5) business days prior to an LDAR inspection of its facilities to provide the City the opportunity to observe the inspection for air emissions.

c. Data related to LDAR during any phase shall be reported to the City within thirty (30) days of acquisition.

(6) Ozone Air Quality Action Days.

a. The Operator shall respond to Ozone Air Quality Action Day advisories posted by the CDPHE for the Front Range Area by implementing their suggested air emission reduction measures as feasible. Emission reduction measures shall be implemented for the duration of an Ozone Air Quality Action Day advisory and may include measures such as:
   1. Minimization of vehicle and engine idling.
   2. Reducing truck traffic and worker traffic.
   3. Delaying vehicle refueling.
   4. Postponement of construction and maintenance activities if feasible.

b. Within sixty (60) days following the conclusion of each annual Ozone Air Quality Action Day season, Operator must submit a report to the City that details which measures it implemented during any Ozone Air Quality Action Day advisories.

(7) Compliance Reports. The Operator must submit reports every six (6) months to the City certifying:

a. compliance with these air quality requirements and documenting any periods of material non-compliance, including the date and duration of each such deviation and a compliance plan and schedule to achieve compliance,

b. that the equipment at the Oil and Gas Midstream Facilities continues to operate within its design parameters, and if not, what steps will be taken to modify the equipment to enable the equipment to operate within its design parameters. The
report must contain a certification as to the truth, accuracy, and completeness of the reports, signed by a Responsible Official. The Operator will also provide the City with a copy of any self-reporting submissions that Operator provides to the CDPHE due to any incidence of non-compliance with any CDPHE rules or regulations at the Oil and Gas Midstream Facilities.

(8) Combustion Devices. To the extent flares, thermal oxidizers, or combustion devices are utilized, all such flares shall be designed and operated as follows:
   
   a. A combustion device shall be available at the CGF and Compressor Station during operations for maintenance or emergencies only.
   
   b. The combustion device must be fired with natural gas and designed to operate with a ninety-eight percent (98%) or higher hydrocarbon destruction efficiency.
   
   c. The combustion device must be designed and operated in a manner that will ensure no visible emissions during normal operation. Visible emissions mean observations of smoke for any period or periods of duration greater than or equal to one (1) minute in any fifteen (15) minute period during normal operation, pursuant to EPA Method 22. Visible emissions do not include radiant energy or water vapor.
   
   d. The combustion device must be operated with a flame present at all times when emissions may be vented to it, or another mechanism that does not allow uncontrolled emissions.
   
   e. All combustion devices must be equipped with an auto-igniter unless manned while in use.

(9) Burning. No open burning of trash, debris, or other objects shall occur except for the use of combustors or flares on the site of any oil and gas operation.

(b) Odor.

   (1) Odor Prevention. Odor emitting from the Oil and Gas Midstream Facilities must be controlled within twelve (12) hours. Operator must minimize odors by proactively addressing and resolving verified citizen concerns within twenty-four (24) hours.

(c) Fugitive Dust Suppression.

   (1) Minimize Dust. Dust associated with on-site activities and traffic along pipeline ROW shall be minimized throughout construction and operational activities such that there are no visible dust emissions from access roads or the Oil and Gas
Midstream Location unless infeasible given wind conditions. If dust is not suppressed, the City may require the surface to be improved to a dust-free surface.

(2) **Water Use.** No untreated produced water or other process fluids shall be used for dust suppression. Reclaimed water used in compliance with CDPHE Regulation 84 must be treated prior to use for dust suppression.

(3) **Safety Data Sheets (SDS).** Safety Data Sheets (SDS) for any chemical-based dust suppressant, other than magnesium chloride, shall be submitted to the City prior to use.

**d) Noise Mitigation.**

For the CGF, Compressor Station, and Associated Facilities, the following noise mitigation apply:

(1) Operator shall comply with noise requirements set forth in the City’s zoning code for all construction activities.

(2) Operator shall adhere to the City’s noise ordinance.

(3) Operator may be required to provide for additional noise mitigation based on the following site-specific characteristics considering the distance from the nearest residential structure:
   a. Nature and proximity of adjacent development (design, location, use).
   b. Prevailing weather patterns, including wind directions.
   c. Type and intensity of the noise emitted.
   d. Vegetative cover on or adjacent to the site or topography.

(4) Based on the foregoing, if there is a Residential Building Unit within one thousand three hundred twenty feet (1,320’) of the CGF or Compressor Station location, the City may require one (1) or more of the following additional noise abatement measures or regulations depending on the site including:
   a. A Noise Management Plan specifying the hours of maximum noise and the type, frequency, and level of noise emitted, and the mitigation methods to be employed to control both A and C scale noise.
   b. A Baseline Noise Mitigation Study shall be conducted to ascertain baseline noise levels at the CGF and Compressor Station to demonstrate that noise will comply with the City’s noise ordinance, and a copy will be provided to the City.

(5) All noise mitigation measures shall be paid for by the Operator.
(6) *Noise Mitigation Barriers.* The Operator may use a combination of berms, bales, and other measures during the construction of the Oil and Gas Midstream Facilities. During the operations of the Oil and Gas Midstream Facilities, the Operator shall use a combination of equipment enclosures, structures, or pre-engineered buildings, berms, landscaping, and other visual mitigation measures to ensure compliance with the City’s noise ordinance.
Section 135-36. OGMP – Protection of Surface Quality.

(a) License Agreements.

(1) Purpose. The purpose of this Section 135-36 is to provide surface quality regulations for midstream facilities.

(2) Operator shall use Gathering Lines and Off-Location Produced Water Flowlines to be built in accordance with specifications set forth in Section 135-38 of this Oil & Gas Manual. Operator will utilize Gathering Lines and Off-Location Produced Water Flowlines once gathering operations commence. The Operator’s obligation to build and utilize such Gathering Lines and Off-Location Produced Water Flowlines is subject to the Operator obtaining all necessary rights-of-way, crossings, licenses, and easements, and the City issuing Operator the necessary Public Improvement Permits. Operator must obtain Public Improvements Permits for work impacting City Right-of-Way.

(b) Visual Mitigation.

(1) General. If any part of a CGF or Compressor Station is located within one thousand five hundred feet (1,500’) of a platted residential lot, arterial or collector street frontage, a platted lot line containing either a building unit or a high occupancy building unit, or a park, open space, reservoir, or golf course, the CGF or Compressor Station shall be landscaped, unless prohibited due to safety reasons. If required, Operator shall submit a landscape and screening plan to mitigate visual impacts from the CGF and Compressor Station during the OGMP review process.

(2) Visual impacts from the CGF, Compressor Station, and Associated Facilities, including security fencing, shall be mitigated through a combination of equipment enclosures, structures or pre-engineered buildings, landscaping, opaque fencing, or other similar measures from the public right-of-way and critical public views. Natural screens shall be used in the facility design to the maximum extent practicable. Critical public views are defined as views from existing adjacent surface property owners as of the date of the OGMP application. Visual mitigation may be reduced or waived if written approval is provided by the adjacent surface property owners, and the City determines that the reduction or waiver is not visible from the public right-of-way or impairs critical public views. Operator will not use color cladded, welded wire, chain link, Omega or similar welded wire to meet screening requirements.
(3) **Color.** All permanent above-ground associated production equipment, structures, and stationary equipment of each Oil and Gas Midstream Facility shall be painted in a tan or brown matte finish unless a different color is necessary for safety per regulations.

(c) **Traffic.**

(1) *Transportation and Circulation.* The Operator will submit a traffic management plan that includes detailed descriptions of all proposed haul routes for equipment, pipe, and all other material to be hauled on the public and private streets and roads during pipeline and facility construction. The traffic management plan shall include the following:

a. Estimated weights of vehicles when loaded, a description of the vehicles, including the number of wheels and axles of such vehicles, and estimated trips per day.

b. Detail of access locations for each Oil and Gas Midstream Location, including sight distance, turning radius of vehicles, and a template indicating this is feasible.

c. Truck traffic volumes converted to equivalent single axle loads and compared with existing volumes. Trucks anticipated on roadways that are being accessed to equivalent single axle loads using existing volumes and proposed with extraction activities.

d. Truck routing map and truck turning radius templates with a listing of required improvements that are necessary at intersections along the route.

e. Complete traffic letter, determining operational changes and geometric modifications necessary as a result of Operator’s activities.

f. Identification of the need for any additional traffic lanes, which would be subject to the final approval of the City’s engineer.

g. Restriction of non-essential traffic to and from Oil and Gas Midstream Facilities to periods outside of peak a.m. and p.m. traffic periods and during school hours of schools along the designated traffic routes (generally 7-9 a.m. and 3-6 p.m.).

h. City may request consolidated haul routes and roadway improvements or upgrades based on the contents of the traffic management plan.

i. Road Repairs will be addressed as set forth in the Road Maintenance Agreement. A separate Road Maintenance Agreement shall be required for Operator.
(d) Road Maintenance.

(1) Access Roads. Access points to public roads shall be located, improved, and maintained to ensure adequate capacity for efficient movement of existing and projected traffic volumes and to minimize traffic hazards.

a. Permanent access roads must be improved a minimum distance of two hundred feet (200’) on the access road from the point of connection to a public road. All access roads shall be in conformance with the City’s Roadway Specification Manual applicable at the time of OGMP application for the Oil and Gas Midstream Location. The access road must be improved as a hard surface (concrete or asphalt) for the first one hundred feet (100’) from the public road, unless the public road is not already a hard surface, in which case, Operator shall meet the current standards of the public road and the access road must be improved as a crushed surface (concrete or asphalt) for one hundred feet (100’) past the hard surface in the appropriate depth to support the weight load requirements of the vehicles accessing the Oil and Gas Midstream Location.

b. A geotechnical report and pavement design will be submitted to the City for approval. If an access road intersects with a pedestrian trail or walk, the Operator must pave the access road as a hard surface (concrete or asphalt) a distance of one hundred feet (100’) on either side of the trail or walk and if necessary, replace the trail or walk to address the weight load requirements of the vehicles accessing the Oil and Gas Midstream Location unless the trail or walk is not already a hard surface, in which case, Operator shall meet the current standards of the trail or walk. Temporary access roads associated with the operation must be reclaimed and revegetated to the original state within sixty (60) days after discontinued use of the temporary access roads.

c. For the CGF and Compressor Station, all required roadways for the project shall be evaluated and included in a Public Improvement Plan.

d. Temporary access roads associated with the operation shall have initial seeding and mulching begun within sixty (60) days after discontinued use of the temporary access roads.

(2) Mud Tracking. In accordance with the Storm Water Management Plan, the Operator shall take all practicable measures to ensure that vehicles do not track mud or debris onto City streets. If mud or debris is nonetheless deposited on City streets, in excess of de minimus levels, the streets shall be cleaned within twenty-four (24)
hours by the Operator. If, for some reason, this cannot be done or needs to be postponed, the City shall be notified of the Operator’s plan for mud removal.

(3) **Culverts.** Operator shall construct all necessary culverts for road construction per any available City or county, as applicable, Drainage Plan. In the event no information is available, the Operator shall complete any necessary studies or analysis to determine the appropriate culvert size.

(4) **Road Repairs.** Road repairs will be addressed as set forth in the Road Maintenance Agreement.

**(e) Tree Mitigation.**

(1) Oil and Gas Midstream Locations and Oil and Gas Midstream Facilities shall be constructed in a manner to minimize the removal of and damage to and replacement of existing trees in accordance with the City’s tree mitigation policy.

**(f) Cultural and Historical Resource Protection.**

(1) **General.** The Operator shall comply with the City Code, as amended, by not causing any construction, alteration, removal, or demolition of a building or feature or make any changes that would impair the historical association of the landmark building, landmark site, or historic district, pursuant to those qualities depicted in the City Code, without first obtaining approval. Operator will submit the permit application and await the Oil & Gas Division’s approval following referral to the historic preservation commission, if applicable. If there is a discovery of historical artifacts, Operator will notify the City.

(2) **Protection of Natural, Historical, and Archaeological Resources.** The nature and location of an Oil and Gas Midstream Location or Oil and Gas Midstream Facility shall not interfere with or affect any unique natural resource, historical site or landmark, or known archaeological site.

**(g) Wildlife/WIMP.**

(1) This regulation is only applicable if an Oil and Gas Midstream Location is located in a significant wildlife habitat or high priority habitat, as defined by the Colorado Parks and Wildlife, and/or in a natural area or open space. In such a case, the Operator shall consult with the Colorado Parks and Wildlife or the City Parks, Recreation, and Open Space Department to obtain recommendations for appropriate site-specific and cumulative impact mitigation procedures. If not applicable,
Operator shall provide the City with a statement that it has investigated whether the Facility is located near a significant wildlife habitat and that this regulation is not applicable.

**(h) Buildings, Structures, and Associated Appurtenances.**

(1) Any buildings or structures must meet the design standards contained in the City Code. All site features shall be integrated into the building or site design.

**(i) Removal of Debris.**

(1) All construction-related debris shall be removed from the Oil and Gas Midstream Location for proper disposal in a timely manner. The Oil and Gas Midstream Locations shall be maintained free of debris and excess materials at all times during operation. Operator shall not stockpile debris at the Oil and Gas Midstream Location or Oil and Gas Midstream Facilities.

**(j) Trailers.**

(1) A construction trailer(s) is permitted as an accessory use during construction only. No permanent residential trailers shall be permitted at the Oil and Gas Midstream Location; provided, however, that until six (6) months following the end of the construction phase of the Oil and Gas Midstream Facilities, temporary residential and/or security trailers are permitted, as needed for on-site operations, for exclusive use by the Operator’s personnel and the personnel of its subcontractors on a temporary basis.

**(k) Noxious Weed Control.**

(1) The Operator shall be responsible for ongoing noxious weed control as defined under the Colorado Noxious Weed Act (C.R.S. 35-5.5-101 et seq.) at the CGF, Compressor Station, Associated Facilities, along access roads, and in disturbed areas under restoration as a result of related construction activities or operations per City or other applicable agency regulations.

**(l) Park and Open Space Area Setback.**

(1) The Oil and Gas Midstream Location shall be sited a minimum of three hundred fifty feet (350’) away from existing and proposed parks and open space areas. This distance shall be measured from the perimeter of the Oil and Gas Midstream
Location. For Gathering Lines and Off-Location Produced Water Flowlines that pass within three hundred fifty feet (350’) of a park or open space area, a mitigation plan which identifies measures to be taken to mitigate impacts to parks and open space areas shall be submitted to the City.

(m) Reclamation.

(1) Interim Reclamation. Operator must submit an Oil and Gas Midstream Facility Interim Reclamation Plan to the City with each OGMP to address reclamation and revegetation, which will occur directly following completion of construction.

(2) Final Reclamation Plan. Operator must submit a Final Oil and Gas Midstream Facility Reclamation Plan to the City to decommission any Oil and Gas Midstream Facility.

(n) Damages.

(1) The initial cost of installing the Gathering Line and Off-Location Produced Water Flowline and of maintaining such easements shall be borne by the Operator. If Operator relocates an access road, Gathering Line, or Off-Location Produced Water Flowline, causing damage to improvements owned by the City, the Operator shall repair the damage pursuant to the appropriate permit. If Operator fails to make the necessary repairs, Operator shall promptly reimburse the City for such damage upon receipt of a reasonable itemized statement that documents the cost to repair the damage; provided that such reimbursement shall be received by the City no later than forty-five (45) calendar days from the date of the itemized statement. Notwithstanding the foregoing, nothing in this paragraph prevents an independent developer from seeking an agreement with Operator to relocate Gathering Lines and Off-Location Produced Water Flowlines. If a relocation of the Gathering Line and Off-Location Produced Water Flowline is needed, the City and the Operator will work cooperatively to identify an alternative route, and Operator shall be permitted to maintain use of the existing Gathering Line and Off-Location Produced Water Flowline until six (6) months after the City’s approval of any necessary permits for such alternative routes.
Section 135-37. General Oil & Gas Midstream Permit Regulations.

(a) Surface Stakeholder Notification.

(1) Notice of Application. When Operator submits an OGMP application to the City, the Operator shall provide a list of all property owners of record, tenants (names, property addresses, and mailing addresses), and all registered Home Owner Associations within one (1) mile of the CGF, Compressor Station, and Associated Facilities, within three hundred fifty feet (350’) of Gathering Lines and Off-Location Produced Water Flowlines, and the surface owner of the property upon which the Oil and Gas Midstream Facilities are located (Notified Residents). The City shall send out notices of the OGMP application by mail to Notified Residents when the review process commences for the purpose of receiving public comment.

(2) Resident Notification of Neighborhood Meeting. When the City begins the OGMP review process, the Operator shall send notification of a Neighborhood Meeting to all Notified Residents. The notice must include:
   a. Operator’s contact information
   b. Approximate date to begin construction
   c. Information on the Neighborhood Meeting

(3) Operator shall send proof of mailed notices to the City by affidavit or certificate of mailing.

(4) Neighborhood Meeting, if required. Upon City acceptance of the OGMP application, the Operator shall hold a Neighborhood Meeting meeting to facilitate engagement between the Operator and nearby residents. Operator shall notify all Notified Residents and registered neighborhood organizations of the Neighborhood Meeting. Operator shall provide notice a minimum of ten (10) calendar days in advance of the Neighborhood Meeting.

(5) Notified Residents may submit written comments to the City on the OGMP application. The City shall transmit those comments received within thirty (30) calendar days and which require an Operator response to the Operator. Operator shall respond to those comments within thirty (30) calendar days in writing to the commenters and to the City. A Neighborhood Meeting may not be required if there are no residents within one (1) mile of the CGF, Compressor Station, or Associated Facilities location, or within three hundred fifty feet (350’) of the Gathering Line and Off-Location Produced Water Flowline, and no comments are received from the initial notice of the filing of OGMP Application, and the City agrees.
Section 135-37. General Oil & Gas Midstream Permit Regulations.

(6) Notice of Administrative Decision. The City shall provide Operator with a form letter for Notice of Administrative Decision for a pending OGMP application. At least ten (10) calendar days prior to the scheduled decision on an OGMP application, the Operator shall send out a Notice of Administrative Decision to the Notified Residents and any registered neighborhood organizations. The Operator shall provide proof to the city of mailed notices by affidavit or certificate of mailing.

(b) Other Notifications.

(1) General. All notices and other correspondence sent to the City shall be in writing and shall be delivered by: (A) certified mail with return receipt, or (B) hand delivery with signature or delivery receipt provided by a third-party courier service (such as FedEx, UPS, etc.) to the designated representative of the City as indicated below, or (C) email to the designated representative of the City as indicated below.

City of Aurora
Oil & Gas Division
15151 E. Alameda Parkway, #5900
Aurora, CO 80012

Attn: Oil & Gas Manager
Telephone: 303-739-7000
Email: oil&gas@auroragov.org

(2) Notifications to the City Regarding Commencement of Construction at Oil and Gas Midstream Locations. Written notice to the City no less than thirty (30) days prior to the commencement of any of the following: Construction or abandonment. Operator must obtain all necessary permits prior to construction. Any notification provided by Operator to City may be used by the City for public notification. All notifications shall be submitted to the Local Government Designee (LGD) with copies to the Public Works City Engineer and the Water Department Environmental Services Manager.

(3) Routine Maintenance. Operator may perform all maintenance and operations on the Oil and Gas Midstream Facilities that the Operator deems prudent and necessary as long as in accordance with requirements set forth by easement language and state
and federal requirements. Operator may perform routine maintenance of Oil and Gas Midstream Facilities that do not result in air emissions without prior notification to the City.

(c) Notice.

(1) Printed, published, mailed, and website notice for Oil and Gas Midstream Location applications submitted under this OGM shall comply with the standards below.

(2) Written Notice

a. Notice of the time, date, and place of any Public Hearing before the Planning and Zoning Commission or City Council shall be mailed to Notified Residents at least ten (10) calendar days prior to the public hearing. Notified Residents are those of legal record at the time of the mailing.

b. Notified Residents include:
   1. The owner of the property affected;
   2. All surface owners within the specified distance from the edge of the Oil and Gas Midstream Location;
   3. All tenants on properties within the specified distance from the edge of the Oil and Gas Midstream Location; and
   4. Each registered Home Owner Association whose boundaries include or are located within the specified distance of the property affected.

c. For purposes of notification, tenants may be determined when County records indicate a mailing address for the property owner that is different than the physical address.

(3) Published Notice

a. Notice of the time, date, and place of the public hearing on an Oil and Gas Midstream Location application before the City Council shall be published in a newspaper of general circulation within the City at least ten (10) calendar days prior to such hearing.

(4) Posted Notice

a. Applications requiring a public hearing shall be posted at a point clearly visible from a public right-of-way for at least ten (10) calendar days prior to the public hearing before the Planning and Zoning Commission or the City Council. The posted notices shall be of a number, size, and location as prescribed by the Oil & Gas Manager and shall indicate the type of development applications proposed, the date, time, and place of the hearing. Posted notices may be
furnished by the City. Posted notice signs shall be removed within seven (7) calendar days after the public hearing was held.

(d) Incidents/Spills.

(1) Events or Incidents. Any safety event, including any accidental fire, explosion, detonation, uncontrolled release of pressure, vandalism or terrorist activity, or any accidental or natural event that damages equipment or otherwise alters equipment or appurtenances so as to create a significant spill or release, fire hazard, unintentional public access or any other condition that threatens public safety, or an injury to a person that requires medical treatment, or damage to lands, structures or property shall be reported to the City within six (6) hours. Once the applicable forms are submitted to the agency, a copy of that form will be provided to the City. In the event of a fire, explosion, or need for emergency services response, 911 shall be called.

(2) Spills.

a. Operator must notify the City of any spill of any material on permeable ground on the Oil and Gas Midstream Location that has a reportable spill quantity under any law. Operator will also provide the City with a copy of any self-reporting submissions that Operator provides to the COGCC due to any spills at the Oil and Gas Midstream Location.

b. Any spill of one (1) gallon or more that leaves the Oil and Gas Midstream Location, or any spill within the Oil and Gas Midstream Location of one (1) barrel or more, shall be reported to the City within six (6) hours.

(3) Fires or Explosions. Any accident or natural event involving fire, explosion, or detonation shall be reported to the City within six (6) hours. This report shall include the following details, to the extent available:

a. Location;

b. Proximity to residences and other occupied buildings;

c. Fuel source;

d. Cause;

e. Duration;

f. Intensity;

g. Volume;

h. Description of any injuries to person(s);
i. Description of any damage to property beyond the Oil and Gas Midstream Location;

j. Emergency management response; and

k. Mitigation plan to be implemented to avoid future incidences of the same nature, and timeframe to implement.

(e) Previously Installed Oil and Gas Midstream Facilities and Assignment of Approved Permits.

(1) *Oil and Gas Midstream Facilities Subject to an Operator Agreement.* When an Operator desires to purchase or acquire an interest in an Oil and Gas Midstream Location or Facility, which was subject to an Operator Agreement, the purchasing Operator must review the condition of such Oil and Gas Midstream Location or Facility prior to the purchase.

a. At least thirty (30) days prior to the close of the sale, the purchasing Operator must submit a report to the Oil & Gas Division stating whether the then-current condition of the Oil and Gas Midstream Location or Facility is in compliance with the Operator Agreement and state laws. If non-compliant conditions are discovered, then by the purchase date, the purchasing Operator must submit to the Oil & Gas Division a written report detailing a plan and timeline to bring the Oil and Gas Midstream Location or Facility into compliance.

(2) *Oil and Gas Midstream Facilities Not Subject to an Operator Agreement.* When an Operator desires to purchase or acquire an interest in an Oil and Gas Midstream Location or Facility, which was not subject to an Operator Agreement, the purchasing Operator must review the condition of such Oil and Gas Midstream Location or Facility prior to the purchase.

a. At least thirty (30) days prior to the close of the sale, the purchasing Operator must submit a report to the Oil & Gas Division stating whether the then-current condition of the Oil and Gas Midstream Location or Facility is in compliance with state laws and the applicable regulations which were in effect in this Oil & Gas Manual or other City regulation at the time the relevant Oil & Gas Midstream Permit was approved. If non-compliant conditions are discovered, then by the purchase date, the purchasing Operator must submit to the Oil & Gas Division a written report detailing a plan and timeline to bring the Oil and Gas Midstream Location or Facility into compliance as soon as practicable after the purchase date.
Section 135-37. General Oil & Gas Midstream Permit Regulations.

(3) *Oil and Gas Midstream Facilities on Lands Annexed into the City.* Oil and Gas Midstream Locations and Oil and Gas Midstream Facilities that are annexed to the City after their construction may continue operating without the issuance of an OGMP, as long as existing valid permits issued by another local jurisdiction remain in effect. Such Oil and Gas Midstream Locations shall not be expanded, nor shall additional Oil and Gas Midstream Facilities be added to the Oil and Gas Midstream Location without proper approval by the City, per the OGM.

(4) *Assignment of permits where construction has not begun.* An OGMP may be assigned to another Operator only with the written consent of the Oil & Gas Manager, unless the assignment is being made to a subsidiary.

a. The Oil & Gas Manager may consent to the assignment of a permit only if:
   1. The new Operator demonstrates financial and operational capability to comply with all requirements, terms and conditions of the OGM;
   2. The new Operator demonstrates adequate insurance as required by the OGM; and
   3. The new Operator will remedy any noncompliance of an Oil and Gas Midstream Location, Oil and Gas Midstream Facility, or any permit, as a condition of the assignment

b. If an Operator files a petition for assignment, the Oil & Gas Manager shall prepare a written report that demonstrates the proposed transfer's compliance with the approval criteria of this Section and the Oil & Gas Manager’s final determination on the assignability of such permit.

c. All conditions of approval will survive a change of ownership and apply to the Operator's successors, including the requirements of Operator registration and financial assurances.

(f) *Construction Work Hours.*

(1) Operator shall only construct Oil and Gas Midstream Facilities during hours as specified in Aurora Zoning Code unless exceptions are requested by the Operator and approved by the City during the OGMP review process.

(g) *Operations and Maintenance of The CGF and Compressor Station Work Hours.*

(1) All facilities on the CGF and Compressor Station property shall be staffed with the appropriate number of operators, as determined by the Operator, to ensure the safe and reliable operation of the Oil and Gas Midstream Facilities.
(h) **Platting Requirements.**

(1) The site configuration of the parcel must comply with subdivision standards and should not limit access for adjacent unplatted properties. Cross access agreements may be necessary to ensure that other properties are not negatively impacted.
Section 135-38. Pipeline Construction Requirements.

(a) Purpose.
(1) Section 135-38 applies to pipelines including Flowlines, Off-Location Flowlines, Crude Oil Transfer Lines, Off-Location Produced Water Flowlines, and Gathering Systems.

(b) Easements.
(1) All pipeline rights-of-way (ROW) or easements shall be located outside existing and future road ROWs (except for crossings) based on the latest available roadway information.

(c) License Agreements.
(1) License Agreements are required for all crossing of City ROW and City easements.

(d) Stormwater Management.
(1) For total project disturbances over one (1) acre, Operator must apply for and obtain a City Stormwater and Erosion Control Permit. Erosion and sedimentation control is required.

(e) General Requirements.
(1) Following construction, the site shall be left in as good a condition as prior to construction, and Operator shall work with the applicable surface owner on restoration. Operator shall restore the site to a substantially similar condition as it existed prior to construction unless otherwise agreed by the City in writing.
(2) All new pipelines shall have the legal description of the location recorded with the Clerk and Recorder of the County within thirty (30) days of completion of construction and provide the City GIS feature classes in the projection identified by the City.
(3) Operator will submit to the City all records and plans required to be submitted to PHMSA or the PUC, including those related to inspections, pressure testing, pipeline accidents, and other safety incidents.
(4) Once the pipelines are no longer in use, they shall be properly abandoned as required by applicable COGCC, PUC or PHMSA rules. All pipelines installed
greater than fifty (50) years ago shall be properly abandoned or re-certified by a third party, and the certification shall be provided to the City.

(f) Pipeline Location Requirements.

(1) Pipeline location requirements allow the City to properly exercise its land use authority. Operator is responsible for locating all existing (both City and other party) and City-proposed utility crossings and ensure a minimum vertical separation of five feet (5’) below said crossing. The City will provide evidence of existing and proposed, if applicable, utility crossings during the permit application process. If, during the crossing design, a reduced vertical separation is requested due to site-specific factors, the City Engineer can approve a crossing with as little separation as five feet (5’) or other distance when applicable, feasible, and appropriate. Some crossing locations may be subject to additional requirements, including enhanced stabilization. The City Engineer can approve utility crossings that infringe on a ten-foot (10’) clear space as needed.

(2) All pipeline utility crossings shall be perpendicular or a minimum crossing angle of sixty (60) degrees.

(3) Horizontal offsets to all existing and proposed City utilities shall be a minimum of ten feet (10’) edge to edge with the exception of Critical Infrastructure or planned Critical Infrastructure, then the horizontal offset shall be a minimum of thirty feet (30’). Offsets shall be measured from the pipe/utility itself. The City will provide evidence of existing and proposed, if applicable, utility crossings and Critical Infrastructure during the permit application process. Construction equipment is not allowed on top of Critical Infrastructure unless additional protection, as approved by the City, is applied.

(4) The pipeline shall not have an undue adverse effect on existing and future development on the surrounding area as set forth in applicable City Master Plans and shall mitigate negative impacts on the surrounding area to the greatest extent feasible.

(5) The nature and location or expansion of the pipeline will not unreasonably interfere with any significant wildlife habitat and will not unreasonably affect any endangered wildlife species, unique natural resource, known historical landmark, or archaeological site within the affected area.

(6) No adverse impact from stormwater runoff to the public ROWs, or water supply, and/or surrounding properties will result because of the pipeline.
(7) Operator shall mitigate any conflicts with any mutual irrigation ditch and/or structures used to transport water within the easement or ROW of the pipeline.

(8) No pipeline shall be constructed in any zoning district until approved by the City.

(9) Pipeline route shall follow quarter-sections or existing ROW and may not traverse properties diagonally unless the diagonal distance is less than two hundred fifty feet (250’), or unless agreed to by landowner or developer, with coordination of the City. For all routes on a non-platted parcel of land that do not meet the criteria in this paragraph, the Operator shall consult the City as to an acceptable pipeline route.

(10) No pipelines shall be allowed in City ROW, with the exception of ROW crossings, and the edge of the closest pipeline to City ROW must be a minimum distance of thirty feet (30’). Any pipeline which is located within an easement obtained on or after the date of the OGMP, and within an existing and/or future ROW, shall be moved at the expense of the Operator and/or permitted upon receipt of notice by the City of its intent to improve or construct a roadway within the ROW.

(11) Maximum pipeline corridor width shall be seventy-five feet (75’). The City Engineer may approve a different width when applicable, feasible, and appropriate. Temporary construction easements are not included in maximum width.

(12) Unless infeasible, all pipelines shall be sited a minimum of one hundred fifty feet (150’) away from general residential, commercial, and industrial buildings, as well as the high-water mark or floodplain of any water of the United States as defined by the EPA. This distance shall be measured from the nearest edge of the pipelines. Off-Location Flowlines, and Crude Oil Transfer Lines that pass within one hundred fifty feet (150’) of general residential, commercial, and industrial buildings or the high-water mark or floodplain of any water of the United States as defined by the EPA shall incorporate leak detection, secondary containment, or other mitigation, as appropriate. The mitigation plan for such pipelines shall be submitted to the City.

(13) Floodways, creeks, ditches, and other conveyances shall be bored underneath at a depth no less than twenty feet (20’) as determined by a Professional Engineer stamped geotechnical report and Horizontal Directional Drilling design.

(14) The pipeline buried depth shall be a minimum of forty-eight inches (48”) for all pipes outside of the City ROW. All pipes within the arterial City ROWs shall be a minimum of twenty feet (20’) depth. All pipes within all other City ROWs shall be a minimum of fifteen feet (15’) depth. All pipelines installed beneath public ROW shall be bored unless a Variance Request is otherwise approved by the City Engineer and the Oil & Gas Manager. Table 135-38-1 summarizes these requirements:
Table 135-38-1: Pipeline Burial Depths.

<table>
<thead>
<tr>
<th>Area</th>
<th>Minimum Cover (feet)</th>
<th>Required Construction Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside of Public ROW or Floodplains</td>
<td>4</td>
<td>Not Specified</td>
</tr>
<tr>
<td>Public ROW Crossings</td>
<td>20</td>
<td>Bored</td>
</tr>
<tr>
<td>Within the arterial City ROWs</td>
<td>20</td>
<td>Bored</td>
</tr>
<tr>
<td>All other City ROWs</td>
<td>15</td>
<td>Bored</td>
</tr>
<tr>
<td>Floodplains</td>
<td>20</td>
<td>Bored</td>
</tr>
<tr>
<td>Floodways, creeks, ditches, and other conveyances</td>
<td>20</td>
<td>Bored</td>
</tr>
</tbody>
</table>

(15) Operators of natural gas gathering lines must submit an air quality plan detailing how the Operator will prevent or minimize and mitigate emissions.

(g) Testing and Maintenance.

(1) All phases of construction shall be inspected by Operator’s third-party inspectors.
Section 135-39. through Section 135.89. Reserved.
Section 135-90. Inspections.

(a) General.

(1) **Operator Monitoring.** The Operator will conduct its air and groundwater monitoring programs as required by the Oil & Gas Manual.

(2) **Access for Inspections.** Operator shall allow the City access to the Oil and Gas Location, Oil and Gas Facility, Flowlines, Crude Oil Transfer Lines, Oil and Gas Midstream Location, Oil and Gas Midstream Facilities, CGF, Compressor Station, Off-Location Produced Water Flowlines, and Associated Facilities easements for the purpose of undertaking inspections to ensure compliance with permit requirements and applicable provisions of the Oil & Gas Manual, provided the City personnel are equipped with all appropriate Personal Protective Equipment (PPE), that such personnel comply with the Operator’s customary safety rules and are accompanied by an Operator’s representative, with the exception of Stormwater and Erosion Control Permit inspections for Facilities. Operator and City may mutually agree in writing to other terms for access for inspections.

a. The City has the right to inspect all Oil and Gas Locations, Oil and Gas Facilities, Oil and Gas Midstream Locations, and Oil and Gas Midstream Facilities. No person shall refuse entry to, impede, obstruct, delay, or in any manner interfere with the inspection of any Oil and Gas Location, Oil and Gas Facility, Oil and Gas Midstream Location, or Oil and Gas Midstream Facility subject to an OGP. Entry and inspection shall be permitted to all areas as defined in this OGM.

b. The Operator may not attempt to refuse entry to, impede, obstruct, delay, or in any manner interfere with a lawful inspection of an Oil and Gas Location, Oil and Gas Facility, Oil and Gas Midstream Location, or Oil and Gas Midstream Facility.

c. The Operator shall provide the telephone number of a contact person who may be reached twenty-four (24) hours a day.

(3) **Notification for Inspections.** Operator shall allow the City access to the Oil and Gas Location, Oil and Gas Facility, Flowlines, Crude Oil Transfer Lines, Oil and Gas Midstream Location, Oil and Gas Midstream Facilities, CGF, Compressor Station, Off-Location Produced Water Flowlines, and Associated Facilities easements upon reasonable notice to the Operator. For routine inspections, the City will generally provide twenty-four (24) hours notification. For emergencies or to investigate complaints from the public, the City may provide shorter notification.
(4) **Inspection Results.** The City shall provide the Operator with the results of any inspection within three (3) business days of the inspection. Additionally, the City reserves the right to contact the appropriate COGCC, CDPHE, PUC, or PHMSA area inspector if non-compliance issues related to state laws, rules, or regulations are identified as a result of field inspections or if non-compliance issues are not resolved expediently. The Operator will be notified first, prior to any further notification. Operator shall promptly address any compliance issues noted by the City staff.

(5) **Response Protocol to Complaints.** In the event of any complaint regarding an Oil and Gas Location, Oil and Gas Facility, Oil and Gas Midstream Location, Oil and Gas Midstream Facility or any associated facility, which asserts that such location or facility is causing an adverse impact to public health, safety, welfare, the environment, or wildlife resources, the City may require the Operator to take any or all of the following actions to eliminate or mitigate the cause of the adverse impact:
   a. institute a protocol to determine the cause of the impact;
   b. employ best management practices to eliminate or mitigate the cause of the impact;
   c. provide any information related to activities at the location or facility at the City’s request.

(b) **Cost of Inspections.**

(1) **General.** Per C.R.S. 29-20-104(2), the City has the authority to inspect all oil and gas facilities subject to the provisions of the Oil and Gas Manual and to charge a fee to Operators to cover costs related to inspections. The City will impose an Annual Inspection Fee on Operators. The fee will cover the City’s reasonable cost of the compliance inspection. Operator shall pay the invoiced amount within thirty (30) calendar days of the date of receipt.

(2) **Annual Inspection Fee.** The City will require all Operators to pay an Annual Inspection Fee based on the number of facilities that have been approved, as described in Section 135-90(b)(2) a and b. In January of each year, the Operator will be billed for their total amount due based on the number of permits issued. During the remainder of the year, any time a new OGP or OGMP is issued, the Operator will be billed for a prorated amount based on the fee structures described below.
a. **Upstream facilities.** The Annual Inspection Fee will consist of two (2) parts for upstream Operators. The first part will be three thousand dollars ($3000) per Oil and Gas Location (i.e., well pad or Well Site.) The second part will be an additional one thousand five hundred dollars ($1500) per permitted well. Plugged and Abandoned (P&A) wells that have been properly remediated are exempt from the Annual Inspection Fee. Upstream facilities will generally be inspected quarterly during the Production Phase. Inspections during other phases, or in response to complaints, will be performed as needed to confirm compliance, and may be more frequent than quarterly.

b. **Midstream facilities.** The Annual Inspection Fee for Oil and Gas Midstream Operators will consist of two parts. The first part is a one-time five thousand dollars ($5000) fee, billed when the Oil & Gas Midstream Permit (OGMP) is approved, which will cover inspections during construction. The second part is one thousand dollars ($1000) per year per Associated Facility. Compressor Stations will be handled separately based on size. Midstream facilities will generally be inspected twice per year during the Production Phase. Inspections during other phases, or in response to complaints, will be performed as needed to confirm compliance, and may be more frequent than twice per year.

(c) **Purpose of Inspections.**

(1) **Upstream facilities.** City will inspect Oil and Gas Locations, Oil and Gas Facilities, Flowlines, and Crude Oil Transfer Lines to ensure compliance with the provisions of this Oil & Gas Manual and to address the impacts of development. For Oil and Gas Locations, Oil and Gas Facilities, Flowlines, and Crude Oil Transfer Lines that are subject to a valid Operator Agreement, the terms of the Operator Agreement will apply to such inspections.

(2) **Midstream facilities.** City will inspect Oil and Gas Midstream Locations, Oil and Gas Midstream Facilities, CGF, Compressor Stations, Associated Facilities, and Off-Location Produced Water Flowlines to ensure compliance with the provisions of this Oil & Gas Manual and to address the impacts of development. For Oil and Gas Midstream Locations, Oil and Gas Midstream Facilities, CGF, Compressor Station, Associated Facilities, and Off-Location Produced Water Flowlines that are subject to a valid Operator Agreement, the terms of the Operator Agreement will apply to such inspections. For facilities subject to PUC or PHMSA authority, the City will only inspect for non-safety related items, including fugitive air emissions.
Section 135-91. Enforcement.

(a) General.

(1) Violations or other incidents of noncompliance must be reported to the City within twenty-four (24) hours of discovery.

(2) Compliance with all regulations will be overseen by the Oil & Gas Division and its appointed inspectors. Compliance may also be determined from objective emissions records, evidence of spills, or other incidents.

(3) Identified noncompliance issues must be remediated promptly.

(4) A mitigation plan prepared by the Operator to avoid future occurrences of similar incidents of noncompliance will be submitted to the City for review by the Oil & Gas Manager.

(b) Violations.

(1) It is unlawful to construct, install, drill, or cause to be constructed, installed, or drilled any Oil and Gas Location, Oil and Gas Facility, Oil and Gas Midstream Location, or Oil and Gas Midstream Facility within the City unless approval has been granted by the City. The unlawful drilling, redrilling, or operation of any well or the production therefrom is a violation of this section.

(2) It shall be unlawful to violate any provision of the Oil & Gas Manual after approval of a permit. Each of the following actions, or inaction when action is required, is unlawful and is a violation of this section:
   a. Failure to comply with any standard, specification, regulation, requirement, or best management practice (BMP) set forth in this Oil & Gas Manual.
   b. Failure to comply with any condition attached to a permit or approval under this Oil & Gas Manual.
   c. Failure to prevent leaks, spills, and emissions, however, fines for such emissions shall be limited by C.R.S. 25-7-128(8), as amended.

(3) Air Quality Violations. Violations of the Air Quality sections of this Manual or to contest permitting decisions involving provisions in the Air Quality section of this Manual shall be consistent with C.R.S. 25-7-118 to 25-7-121.

(4) Except as provided in 135-91(b)(2)(c), any person violating any provision of this Chapter or the Oil & Gas Manual shall be subject to the fines set forth in A.C.C. Section 1-13. The jail sentence set forth in Section 1-13 shall not be applicable to
violations of this section. Each day a violation continues shall constitute a separate violation.
Section 135-92. through Section 135-99. Reserved.