Dear Council Member Johnston,

This latest set of revisions, like the last set, is a further retreat from protecting public health, safety, environment, and wildlife, as well as from responsible governance (transparency, accountability, due diligence in protection of the public interest).

Aurora's residents deserve oil and gas ordinances that do a much better job of upholding Colorado's law that now require the protection of public safety, health, safety, environment, and wildlife. Some Colorado cities and counties have exercised their new legal authority and taken the time to write ordinances that are much more protective and accountable and they have not been legally challenged. Others, such as Weld County are determined to place the interests of oil and gas and its associated revenues ahead of considerations of safety, health, clean air and water, and climate stability.

Your vote to pass the ordinances as written tonight would give your seal of approval to:

- An "air quality" monitoring program that cannot provide nearby residents with the ability to be aware of excessive toxic emissions incidents and take action to protect themselves and their children from
developing debilitating health conditions (including asthma and leukemia in children) from exposure to these invisible toxins in the air they breathe.

-"Risk analysis" provided by the Operator rather than an independent expert chosen by the city, paid by the Operator

-Not requiring consideration of the yearly toxic air emissions (Hazardous Air Pollutants) that the Operator anticipates emitting with their project before approving it, i.e., not considering whether the new proposal might create hazardous air conditions for nearby residents if there are other nearby oil and gas operations and/or highways nearby that are already creating a hazard to health.

-Not requiring report of ALL incidents that occur, nor injuries to workers at the sites, thus removing the opportunity to spot shoddy operations before larger incidents occur, and not classifying excessive toxic emissions as incidents (and thus depriving residents of the opportunity to be aware of hazardous air conditions that will impair their health)

-Not having requirements for notification to nearby residents of the various incidents that can occur, the types of hazards and danger signals to be aware of and to report, nor for notification of evacuation routes to be aware of, (whereas other local governments also post this information on their oil and gas pages for the public to see)

-Not requiring a public complaint log on the city website, with responses from oil and gas and the city, nor forwarding of complaints to the state complaint system (so that the public can be aware of issues and see that their city is diligently overseeing their concerns),

-Not having a meaningful participatory public process for affected resident neighborhood meetings, public hearings, advising Aurorans of complaints, risks, etc.

-Very cursory vetting of Operators for their Performance Record and for their financial solvency (even though this is a growing problem that leaves cities and states on the hook in case of bankruptcy and even though the city was hoodwinked by Extraction/Axis with fraudulent financial reports).

AND bonus special privileges for the oil and gas industry, a heavy industry that poses many more serious and large scale public health and safety risks than meth labs (for explosions, fires, highly toxic emissions, irredeemable destruction of vast quantities of precious water, largest contributor to climate instability, etc):

-Not having to conform with zoning or even the Comprehensive Plan,

-Alternative site analysis is not required, even for near sites of geologic instability or special hazards, near city parks and open space, etc
-Changes to permits (e.g. for expansion of operations) can be handled by a variance request or even without a variance, with no rule stating that such changes will not be granted if the change would increase risk to public health and safety.

-Having the city tolerate insurance lapses AND pay for lapsed insurance for this high risk industry!

-Advising this industry that while violations may subject them to low daily city fines, they will definitely not face jail time for any violation, even if there is gross negligence (consider: poisoning an aquifer...a catastrophic fire/explosion, massive toxic leaks that sicken the residents....), and not even holding up the possibility of pulling their permit!

Is that what you stand behind? Is that what Aurorans deserve?

You have an opportunity this evening to vote against the ordinances as written and call for an additional round of revisions. Many of the changes proposed in the attached notes are ones the new city Oil and Gas Director agrees should be addressed "sometime in the future". However, Council makeup may change significantly next year and scuttle any ability to accomplish such changes. Significant harms can accrue in the meantime.

Therefore, it is important to vote against the ordinances as written and insist on critical changes to better protect health, safety, and quality of life in our city, provide more transparent and responsible oversight by the city, more meaningful public processes, and more accountability for the oil and gas industry.

Sincerely,

Sonia Skakich-Scrima

303 917-5160

**THE FOLLOWING COMMENTS WERE ATTACHED TO THE EMAIL FROM MS. SKAKICH-SCRIMA**

PLEASE NOTE THAT RESPONSES FROM THE CITY OIL & GAS DIVISION ARE ALWAYS IN GREEN.
1. Purpose of regulation

Code

The document below is a draft of the ordinance which will be presented to the Aurora City Council on April 26, 2021, for consideration and discussion at a public hearing. The ordinance will: 1. Create a new chapter in the Aurora City Code, Chapter 135, pertaining to oil and gas development; and 2. Simultaneously remove existing oil and gas regulations from the Unified Development Ordinance (UDO) and refer to Chapter 135 in the UDO. This ordinance has previously been presented to and approved by: 1. The Planning and Economic Development (PED) Committee on January 13, 2021; and 2. The Aurora City Council in Study Session on February 1, 2021. The document below is a redline version from the ordinance presented to the City Council in Study Session on February 1, 2021. (SEE NOTES IN FINAL SECTION RE UDO issues)

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. Should clarify "more protective" of what, i.e., more protective of public health and safety, the environment, wildlife and stricter in protection of transparency and public accountability.

The referenced text (“A local government's regulations may be more protective or stricter than state requirements.”) is a literal quote from C.R.S. 34-60-131. This is an introductory statement to the Oil & Gas Manual (OGM). It is designed to show the legal authority for all of our regulations. Each regulation in the OGM is more restrictive and more protective than state regulations.

2. Review of proposed expansion of sites or Variance requests

p 4 (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. (This language clearly and APPROPRIATELY implies that ANY expansion must be subject
to review, whereas other sections state that waivers/ variances can be obtained to certain changes/ expansions. The other sections that so state must be changed to comply with this appropriate requirement that the city appropriately exercise its oversight authority on any changes to existing approved operations at well site and facilities, especially ones in existing wells covered by Operator Agreements, where such opportunity for the city to require denials, modifications, etc to better protect public health and safety are otherwise very limited!

For example:

P 17 (2) Future increase in Oil and Gas Location size. An Oil and Gas Location is fixed in size and geographical extent at the time the OGP 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 must submit a new OGP application. shall contact the Oil & Gas Manager to determine if a new application is required or if the Variance Request process can be utilized.

We appreciate the confirmation that the language in the first section is appropriate. The commenter states that “other sections state that waivers/ variances can be obtained.” First, the only place in the document where we use the term “waiver” is regarding a Pre-Application Meeting, which might occur if the applicant is an Operator that has already submitted many applications and we feel the Pre-Application Meeting is unnecessary. Waiving such a meeting does not change the submittal requirements or review process in any way.

Second, we describe in detail the Variance Request process. The commenter implies that the City has the ability to waive certain regulations without review. This is not true. In fact, we removed the word “minor” from our Variance Request language to indicate that any variance to regulation must proceed through the Variance Request process.

The specific text in red above states the situation correctly, and shows a determination between 2 outcomes: 1.) a new application, or 2.) the Variance request process. Neither are carte blanche approval, but must proceed through appropriate review.

I would also add that wells associated with an Operator Agreement must utilize the terms of the Operator Agreement itself for changes. The City does not have the legal right to change an Operator Agreement without approval from the Operator.

3. Definition of Neighborhood Meeting

P10 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. (State the distance!)

It is not possible to state a distance here in the definition section, as distances vary. For wells and above-ground appurtenances, the distance is one mile. For below-ground pipelines, the distance is 350 feet. Other categories could be added in the future.

4. Subcontractors

P 16 (j) Subcontractors. Operator is responsible to ensure compliance with the OGM by their contractors and subcontractors. (This section needs to be expanded to specify that any violation of ordinances by contractors or subcontractors will result in fines and penalties to the Operator, will be included in the city’s list of violations of the Operator and its Complaint log, will be reported to COGCC for its state log, and can (if serious/serial in nature) result in a stay of operations or nullifying of the Operator permit, since contractors and subcontractors are often the ones responsible for major breaches of safe operations.)

This language is copied from COGCC Rule 201.b. To “ensure compliance” legally indicates acceptance of responsibility and liability. It is not necessary to further include language on fines or penalties solely in this section on subcontractors, as that language is already included in the OGM in Section 135-91.

5. Variance Request criteria

P17 (2) Future increase in Oil and Gas Location size. An Oil and Gas Location is fixed in size and geographical extent at the time the OGP 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 must submit a new OGP application. shall contact the Oil & Gas Manager to determine if a new application is required or if the Variance Request process can be utilized. (This is an inappropriate retreat on the earlier versions, where there was an attempt to stop the longstanding inappropriate process of granting variances for most changes, instead of responsibly using the opportunity to ensure that any proposed changes will not add increased risk to health, safety, environment- a responsible interpretation of the requirements of Colorado law to protect health, safety, etc. !)

This is not a retreat. The proposal to add or change equipment will require either 1.) a new application, or 2.) the Variance Request process. Neither are carte blanche approval, but must proceed through appropriate review.

6. Definition of “ongoing enforcement action”
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 subject to an ongoing enforcement action by any federal, state, or local agency having jurisdiction over the property.

("Ongoing enforcement action" is unclear. If fined or cited for non compliance, and in the process of complying with whatever state required, it won't be approved? Or only if the state hasn't yet decided on the issue? Needs clarification of terms and consequences.

In general, our intention was to hold approval of any of the listed processes until a State enforcement action was resolved. We have modified the language to indicate that the well/location must be in compliance with all federal, state, or local agency before City approval.

7. Requirements to demonstrate financial compliance

**P18 (FINANCIAL)**

d. With the request for a Pre-Application Meeting, Operator shall submit Operator name, name of parent companies or related 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 requested financial documentation requested by the City.

(This is wholly inadequate to determine financial solvency and I tantamount to accepting a nod and a handshake. A certified statement of accounts, provided by an independent CPA review of past 3-5 years profit and loss, debt obligations and the loan terms must be required. The list above would have resulted in giving Extraction/Axis a pass if it had been applied during consideration of their Operator Agreement, despite their massive loans, looming bankruptcy, and senior management falsification of quarterly report that falsely inflated its revenue to debt ratio. An independent CPA's certified statement puts that CPA on the hook for their license if they falsify info, and specific info on the loans and their terms/duration give a clearer picture of the actual solvency of the Operator. Determining their solvency is the critical issue, since so many Operators are over leveraged and if they go bankrupt, their obligations to properly close the sites (which are in the hundreds of thousands in cost per well) become the taxpayers problem. That is why financial assurance issues were raised in SB 181. This is a matter of creating responsible accountability and oversight by local government. )

This is a multi-faceted question. The proposed regulations are significantly greater than current requirements. I take issue with the statement that the
proposed requirements are “tantamount to accepting a nod and a handshake” as it implies that staff are somehow employed by an Operator rather than the City. City staff are highly professional and we do not receive or accept compensation of any form from Operators.

A balance sheet reflects both assets and liabilities at a point in time and is a useful tool in understanding a company’s financial position. We also recognize that it may change on a frequent basis. For example, a company might have $1 billion cash in the bank today, and use that cash to purchase other assets tomorrow. The key for our purposes is understanding the plan of how a company intends to finance the permitting, and construction phases, and also understanding what bonding is in place at COGCC that applies specifically to a certain well for liability protection and final reclamation if needed.

Extraction/Axis has moved through bankruptcy and that situation has not affected their operations in Aurora other than a delay in completing certain wells. Extraction/Axis is fully compliant with all terms of the Operator Agreement and has performed interim reclamation at its Jamaso pad at the request of the City; a request which was outside the terms of the Operator Agreement. Extraction/Axis was the first of our Operators to fully pay its Annual Inspection Fee. Bankruptcy in itself is not an end point for many companies. The key for us is to understand what assets a company holds. Producing oil and gas wells or other petroleum operations are valuable assets. A company with large amount of assets have options when proceeding through bankruptcy, whereas a company who only has low or non-producing wells, could be a concern.

Finally, the largest costs in restoring a site that an Operator has abandoned is the cost of plugging the wellbore below the surface. This is the exclusive jurisdiction of COGCC, and we would work with them to restore any site if needed.

8. Purpose of Operator submitting evidence of previous violations

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. (Needs work/unclear: does a single violation or several violations "demonstrate its operational capability to comply with this O&G manual? If one or more violations, what response by Operator demonstrates that it will not repeat it/ that its operational standards are appropriate? Corrective actions required by local? Need for provisional granting of application or subject to additional oversight/contingencies!)
Each Operator would have to be evaluated on a case by case basis. For a large multinational corporation, multiple minor violations may only represent a small fraction of their operations, while for a smaller Colorado-based company, a few consistent violations could point to poor management.

As I have stated before, companies tend to be either focused on good performance but may have some minor violations, or they are willing engage in poor performance and to pay fines when needed for violations. We would welcome the former, while carefully evaluating the latter.

9. Notification to business owners

p21:   d. Operator shall notify all surface owners and registered Home Owner Associations Notified Residents within one (1) mile of the Oil and Gas Location by mail of the time and location of the Public Hearing.

(What about business owners and tenants/renters within 1 mile? Should be clarified and conform to other section that specifies all these entities. Also, appropriate public notice should include that meeting be held at convenient location for area residents AND virtual participation allowed AND all resident questions and Operator responses should be posted to Aurora O&G webpage, so all nearby residents and public can read it)

“Notified Residents” is a newly defined term, which includes surface owners, tenants, and Home Owner Associations. A business who owns their property would be notified as a surface owner under Notified Residents. A business who rents their property, would be notified as a tenant under Notified Residents.

Neighborhood meetings are held at the closest available public facility with appropriate space to accommodate the expected attendees. Virtual meetings are a great idea, but may not be possible in every circumstance. Nevertheless, we have added a provision for virtual attendance. The current format for the Neighborhood Meeting is not a formal presentation and thus does not lend itself to sharing virtually, but this may need to change in the future.

After the Neighborhood Meeting, the Operator is required to provide a report and respond in writing to any questions which were received in writing. Those questions and answers are then posted to the Aurora website as part of the permit application materials currently accessible at aurora4biz.org.

10. Compatibility of applications with Master Plans

p20-21  (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. 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. (To my knowledge, no other industry gets to propose violation of City zoning and Master Plan without a specific Public Hearing, so this would be special privilege for oil and gas that seems inappropriate, especially given that oil and gas operations are HEAVY industry with innumerable potential negative impacts to health and safety, etc. Other local govs in CO require multiple alternative location proposals for any proposed sites that would conflict with their Master Plans. Aurora should too. AND Aurora should require a public hearing for any site that is proposed in conflict with the Master Plan.

Violation of City Zoning or Master Plans would not be allowed. Further, under the proposed rules, all location decisions go through a Public Hearing at Planning and Zoning Commission before approval. Any application which conflicts with a Master Plan would have to be resolved, which is the same as an alternative location proposal.

11. Direction for City Council call-up removed
P24 (247)Administrative Approval of OGP. OGP Phase 2 applications are 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 approved OGPOil & Gas Manager’s decision according to the procedures described in Section 135-2(g). to confirm or deny the administrative decision.Any call-up must occur by the end of the second full Council meeting following the decision. (WHY deleted/amended? It clarified the process! Are there other options Council can exercise, other timelines?)

Rules which apply to City Council are contained in other sections of City Code, and were removed as redundant here. Despite the clarification, it is not appropriate to place rules on Council here since they might need to be changed in the future.

12. Time limits on permits and yearly Operator registration
(2811)Time Limits.
a.If the construction of the Oil and Gas Location has not begun within three (3) years, a new OGP application must be submitted by the Operator the Operator may request a one (1) yearextension 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;and
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.
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.

Oil and gas is a complex set of industries that has many technological advances each year. Also, the objective study of oil and gas impacts on health and environment (including on the climate crisis) is extremely complex and time consuming, but many new studies are published in peer reviewed journals every year, giving new understanding of which chemicals/gases or oil and gas operations have significant negative impact on human health, physical safety, clean water standards, aquifers, air quality, induced seismicity, the climate crisis, etc.

In order to benefit from those new technological advances and scientific information, in a manner that uphold's CO legal requirements to protect public health, safety, environment and wildlife, it is much more appropriate and prudent to offer shorter time spans for approved permits to be extended, say a year. Three years is a long time in this context, and each new year after the 3 year timeline should require a new application, to ensure that the most recent version of the ordinances, offering the most up to date protection of health, safety, etc. will apply to new construction.

Additionally, Operator financial situations change from year to year and a YEARLY registration process that reviews for that and for performance of the company regarding violations should be required for ALL Operators in Aurora (including those in Operator Agreements, those who have an approved permit but have not yet begun construction) should be required, just as Boulder County does. If any Operator has acquired violations at other well sites in Aurora or in the state, if their financial situation has deteriorated and there are in the red, the permit must prudently have new, stricter contingencies attached, to protect the city's and residents interests!

There seems to be a misunderstanding of this regulation by the commenter. The regulation clearly states that it will be valid for three years, which is in line with COGCC permits that expire after three years. Because the City permit will likely be issued first, we have allowed extensions in case the Operator needs additional time before its COGCC permit expires.

However, we had three clear requirements (two outlined above) that Operators must meet to receive an extension, and we have now added a third requirement, which is updated financial, bonding, and insurance information.

Concerning a yearly registration process, Operators who are governed by an Operator Agreement are subject to the terms of the Operator Agreement and yearly registration is not included. 90% of our current wells are covered by an Operator Agreement and this percentage will increase in the coming years.
For non-OA operators, I do not believe we can change the terms of a permit once it has been issued. We have only five Operators who do not have an Operator Agreement (i.e. older wells), and we are working with them to plug wells which are shut-in.

13. Setback from Critical Infrastructure

P25  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;
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  

(To uphold physical safety, need to clarify all that is intended to be included in "CR Infrastructure" and break it up into different types, since 350 ft is not a sufficient setback for infrastructure that requires stability, or for which elevated risk of seismic, explosion, fires etc are entirely unacceptable (e.g. bridges, etc), since the reviews of physical safety parameter distances note radius of explosions craters up to 670 feet, debris explosive projection 2000 feet or more, and Colorado actual incidents affirm these average / peer reviewed and industry acknowledged "ring of safety" related numbers)

“Critical Infrastructure” is a term defined by Aurora Water and included in the OGM as “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.”

The primary purpose of including Critical Infrastructure on the application map is to demonstrate the location of sub-surface features such as the potable waterlines. Other features which are included in the definition of Critical Infrastructure have their own setback, (such as reservoirs with a one-mile setback). Likewise, bridges would almost always be associated with a stream or wetland, and thus would receive a 500’ setback.

I am unaware of studies which show a “radius of explosions craters up to 670 feet.” I would be happy to review any source public can provide. While explosion risks do exist, a 670’ radius seems an extreme situation for which we likely don’t have the correct conditions (depth, pressure, production rates, etc.) within our operations in Aurora. For comparison, the ammonium nitrate blast in Beirut in 2020 (over 5 million pounds) only created a crater radius of 200’.

14. Air Quality requirements
Required OGP Oil and Gas Location Application Materials-Phase 1

For informed decision making, PHASE 1 OR 2 of the application process should require submission of the state APEN application information (regarding amounts of hazardous air pollutants estimated to be emitted at the site), so that the expected impact of the site on area air quality can be considered in an informed manner. This is not even a matter of "cumulative impact", but of **ANTICIPATED IMPACT** on public safety, health, environment, and wildlife, which local governments MUST consider under CO law! SEE also discussion of AIR QUALITY also below.

An APEN submittal is not due until 90 days after the start of production. Therefore, it is not available during Aurora’s permitting timeframe. There is also a Regulation 7 Air Quality Plan which is now due 60 days prior to drilling. This still does not fit within our permitting process. If we required either of these, it would be a catch-22: the Operator could not obtain a City permit without the APEN or Reg 7 plan, nor could they obtain the data to file the APEN or Reg 7 forms without a City permit.

We will receive and review these documents when they are available from CDPHE, but are unable to include them in our permitting decision.

15. Variance Request Criteria

**P28 (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.

(ef) Variance Requests. (1) Operator may seek an minor exception to the strict application of the requirements of the Oil & Gas Manual regulations by making a written Variance Request to the Oil & Gas Division. The Variance Request must include the justifiable rationale supporting therequest. 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 may not diminish 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.

(This section has suffered major retreat regarding standards by which variances will be granted/considered. For too many years, the COGCC regs were essentially a suggestion, since variances and waivers could be obtained by oil and gas if they only asked. In the first set of revisions of Aurora's new ordinances, in response to public input, "minor" variances could only be granted if the changes would not create negative impacts to public health and safety. Specifically upholding public health and safety has been removed as the standard for variance consideration and now all changes can be considered for variance process (exceptions to the rules), with a nod
to the protection of public health, safety, environment, wildlife by referring to its "consideration".
This is a slippery slope for ordinances, opening the door for easy exceptions, which is not appropriate for a heavy industry with so many potential adverse impacts to public safety, health, environment, wildlife. That is why SB181 specified that the primary responsibility of oil and gas development oversight is to assure that public safety, health, the environment and wildlife are protected and that any negative impacts are mitigated to the extent possible. When you remove that as the guiding principle for variances, you subvert CO law and the integrity of the Aurora oil and gas ordinances! Language needs to be put back in to indicate that no variances will be granted if the changes would significantly increase negative impacts to health and safety, environment and wildlife.

There are several items in this section to address. First let me address the overall perspective. I do not believe the change in language is subverting Colorado law or the integrity of our regulations. The phrase which was removed ("may not diminish") is qualitative rather than quantitative. In that sense, it is meaningless to provide guidance on whether a Variance Request should be approved or denied. The added language provides specific quantitative guidance for review of a Variance Request, with the further delineation that the purpose of the evaluation is “in consideration of the protection of public health, safety, welfare, the environment, or wildlife resources.” Additionally, we have added an additional criteria for approval of a variance which is, “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.”

Also, we removed the word “minor” from this section for a specific reason. Again, “minor” is qualitative not quantitative. Operators and the City might disagree about what is “minor.” For example, in the past one Operator requested to add additional wells to their location, stating that it was a “minor variance.” The City, under my leadership, rejected that concept. Therefore, we removed the word “minor” so that it is clear that any variance from our regulations must be reviewed through the Variance Request process.

16. Neighborhood meeting as part of Variance Request Process
(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;
(Why isn't this a question that the neighborhood residents should be asked? They know their neighborhood better than city staff and other local governments provide for neighborhood input on changes to permits.

Even though a Variance Request is required for all variances, a specific request could be very minor. For example, an Operator might request to be only 499' from a stream instead of 500'. I don’t believe a Neighborhood Meeting is necessary in a case like this. If so, then neighborhoods could be inundated with meetings. I believe the City can appropriately review the specific case and make a determination. However, I have added a regulation that a directly impacted surface owner may request a Neighborhood Meeting prior to a Variance Request decision.

17. Variance request approval criteria

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. (If not a grant of special privilege to oil and gas, will other businesses now be allowed to emit toxic substances, set up industrial operations in residential zones or increase their size dramatically through variances?)

The language here was crafted by the legal department and the meaning may not be as straightforward as it could be. The intent of the language is to do just the opposite of the comment in purple above. It is intended to say that the variance cannot provide a grant of special privilege for the Operator. In other words, if other entities in the vicinity cannot do X, then neither should the Operator be allowed to do X through a Variance Request.

18. Removal of description of Planning Commission decision options

fg) 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(fg)(3). At the conclusion of the hearing, the Planning and Zoning Commission shall approve, approve with conditions, or deny the permit, administrative decision, or Variance Request. (why removed? Will some other procedure be followed?)
Rules for the authority of the Planning and Zoning Commission are contained within other sections of the Aurora City Code and are not appropriate to be duplicated here in the OGM.

19. City Council authority

(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 action on the permit 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(fg)(3). At the conclusion of the hearing, Council shall approve, approve with conditions, or reverse the decision.

(why removed? Is it no longer the case, that Council will have those options?

Rules for the authority of the City Council are contained within other sections of the Aurora City Code and are not appropriate to be duplicated here in the OGM.

20. Chemical disclosure

P36 (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.

(Same issues as stated in prior reviews:
- The chemical list should be provided to area hospitals also, so they can review appropriate emergency medical protocols in advance, and
- The list of EXCLUDED/PROHIBITED chemicals needs to include Endocrine Disrupting chemicals, since they significantly and seriously impact endocrine, reproductive, hormonal health, and child development, and can permanently degrade human DNA, both in air and water.)

Area hospitals are under the authority of Tri-County Health. I believe they have their own rules for disclosure.

City staff, including staff from Aurora Water, have reviewed the exhaustive list of Endocrine Disrupting chemicals, when this list was submitted on 08/24/2020. We determined that it is extremely difficult with current technology to reliably determine concentrations of these types of chemicals in water. We cannot implement a regulation for which we cannot confirm compliance.
Further, the list which was submitted from https://endocrinedisruption.org/interactive-tools/tedx-list-of-potential-endocrine-disruptors/ contains common substances such as aluminum, acetone (nail polish remover), ammonia, borax, caffeine, cottonseed flour, tobacco smoke, ethanol (in most of our gasoline), FD&C Green No. 3, Red No. 3, and Yellow No. 6, gingko biloba, iron, magnesium chloride (used for de-icing roads), monosodium glutamate (MSG), nicotine, nitrous oxide, potassium chloride (table salt alternative), silver, sodium bicarbonate (baking soda), sucrose, and zinc.

Whether any of these are endocrine disruptors, and if so, at what concentration, I am not scientifically qualified to comment. However, I do know that if we try to ban a list of chemicals that contain a can of Coke (aluminum, sucrose, and caffeine), we are on pretty shaky ground! More research needs to be done here to understand which, if any, of these 1,482 chemicals are used by the petroleum industry, and then we can better assess whether additional regulations are needed.

21. Independent risk assessment

P40  (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. (Same issues as noted in previous reviews: needs to be an independent professional Risk Management evaluation, to include environmental and health issues, by a professional specialist group of the City’s choosing, paid by operator, just as other CO cities have successfully required over the years.)

I do not see increased value in requiring an independent report. The types of wells that are drilled within the City are very homogenous, target the same formation, and generally use the same type of drilling and production equipment. I believe the risks are very well known and do not vary significantly from well to well.

22. Protecting Aquifers

Water p 43  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-FoxHills, 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-FoxHills, 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.

(If significant concerning chemicals/ gases (e.g. methane migration)/ toxic deep earth metals or radionuclides are found in post fracking samples and suspected to be tied to oil and gas operations, which entity will conduct the investigation? What will be the consequences and processes towards those consequences for the Operator? Without specifying consequences, Operator's motivation to ensure water integrity is minimal. apparently gets a free pass to poison aquifers, the public's reservoirs of clean water in our ever more water scarce state! Significant local and state consequences must be stated for poisoning the aquifers!)

Aurora would initiate and coordinate any investigation of violations of our regulations. We do not have authority to enforce state regulations, so those would not be discussed in the OGM.

Aurora, as a Home Rule Municipality in Colorado, is limited by State statute as per the amount of fines that we can charge for violations of our regulations. That amount is $2,650 per day. Our regulations do specify that each day of an ongoing violation constitute a “new violation.”

Therefore, we are unable to charge higher amounts of fines in response to larger violations. However, very large violations of our regulations are almost always violations of state regulations as well, and the state does not such limits on fines. Therefore, if a very large incident were to occur, or issue be discovered, we would coordinate with state agencies to discuss appropriate violations and fines.

23. List of specific aquifers

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 (Dawson, Denver, Arapahoe (Upper and Lower), 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.) (Explain why those aquifers have been removed from baseline sampling, especially since Post-Completion Phase samples are to be collected from ALL of the aquifers. Without baseline samples, you have no (unfracked) comparison for the post completion samples for those aquifers you are excluding! Doesn't make sense.

Nothing is being excluded. We simply moved the individual aquifer names to paragraph c. earlier on the page. “Denver Basin Aquifers” is a local name which means the group of all aquifers within a certain formation underground. “Dawson,
Denver, Arapahoe (Upper and Lower) and Laramie-Fox Hills,” are specific aquifer names by formation. Baseline samples are required in 135-4(c)(2).a.

24. Notification to COGCC

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

....3. Immediate notification to the City, the COGCC, 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, the COGCC, 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.

(why has COGCC has been removed from entities to notify for degraded water? Doesn't CDPHE have to be notified of degraded water that has potential health impacts? See next comment also)

This was removed by City Attorneys. We do not have authority to require Operators to comply with state regulations, only our regulations. Therefore, some terms were removed from this OGM version so we are not overstepping our authority.

25. Assumption that there are no fines for water degradation

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. (NO fines, penalties or other consequences from the city for degrading the water of resident wells or other water sources with toxic chemicals, methane, radionuclides, etc ?? That seems inappropriate to not create fines and penalties and to not report to COGCC for them to levy additional fines/penalties or complaints that go on record for the company!! Degrading wells or streams or aquifers is rather more serious than shoplifting a toaster, or punching someone, for which there are significant fines, penalties, jail time. Some water pollution via oil and gas is not mitigatable and well owners are left needing permanent deliveries of potable water. Again, a special privilege of oil and gas, to be able to poison wells with impunity? )

Again, local governments do not have authority to require reporting to state agencies or require compliance with state regulations. We do report violations of state regulations to the appropriate state agency if we observe them, but we cannot require the Operator to do so.

This regulation clearly requires the Operator to mitigate degradation of water quality back to baseline levels. There is no ability to “poison wells with impunity.” In 135-4(c)(4).b we require Operators to obtain a final sample from all aquifers after all other reclamation is complete at the end of the well’s life. Even at that
point, any evidence of degradation of water quality would require further remediation by the Operator.

26. Geologic analysis and special hazard areas

53-4  (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

(Have not noticed a section where geological analysis is required to include consideration of identified and suspected areas of geologic instability/ subsidence/ seismic activity, nor Special Hazards areas (e.g.toxic storage sites, identified toxic landfills, etc) which cannot be disturbed and require additional protective setbacks . Where does this appear, as it needs to be included!! Such analysis is necessary to preserve safety, environmental integrity, etc and should be conducted by an appropriately certified specialist expert .)

I am not aware of any mapped faults or other geologic hazards within the City limits of Aurora. Special hazards are a topic that we are researching for consideration in a future update of the OGM.

Concerning the Lowry Super Fund Site specifically, there are currently no Drilling and Spacing Units (DSUs) covering the landfill area, and no planned horizontal wells underneath the landfill. Further, examining the half-mile around the Super Fund site, shows that none of the land, except under Quincy Avenue, is within the City limits of Aurora. We would have no ability to enforce the setback on other jurisdictions if it was passed. Even at one mile from the Super Fund site, the City has very little area under our control, and most of that is covered by residences or within 2000’ of a residence which is now inside the COGCC setback.

27. Removed requirement to comply with federal EPA
P 55  j.Reduced Emission Completion. Operator shall comply with the United States Environmental Protection Agency (US EPA) reduced emission completion rules for oil and gas wells.  (why was this removed? No longer required?)

Local governments such as Aurora do not have authority to require compliance with federal regulations.

28. Adding speciated hydrocarbon baseline sampling

55-56: (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 total hydrocarbons. 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.

(This is scientifically and pragmatically indefensible, to only require detection of "TOTAL (unspeciated) HYDROCARBONS". That is a meaningless baseline in the event of future "leaks" or exceedances detected and also for protection of public health and will only indicate that there is "a problem", but not what nor indicate the likely source. If you don't have an idea of what the problem is, only that there is a problem, it takes much longer to investigate and fix the problem and in the meantime, the nearby residents are being needlessly exposed to worse pollution, for a longer period of time.

By measuring instead "speciated (i.e. defined) hydrocarbons" at baseline, and specifically including a set of toxic chemicals/gases commonly emitted by oil and gas operations, you will note the characteristics of the air quality in the area before the proposed oil and gas operations (which will include pollution from traffic, etc), so that in later comparisons you can directly see what is elevated and address the source of the problem.

The main/usual toxic chemicals /gases emitted by oil and gas operations are well known. One of the most toxic in the smallest exposure quantities is benzene. Benzene must be one of the "speciated" hydrocarbons measured, since it so dramatically impacts human health. By also measuring the HAP (hazardous air pollutant)
Chemicals /gases listed in the state APEN toxic air pollution application of the Operator, you get an objective check on the actual emission of those toxic pollutants and also as to whether the Operator is staying within the limits of their permit or not. By additionally measuring methane and NO2 the city would have an indicator of Greenhouse Gas emissions and ozone (for which the state is in violation of federal law- exceeding ozone limits).

The baseline chemicals/gases chosen for sampling and comparison with future samples must be selected in order to maximally protect public health, by identifying the chemicals/gases that have the most impact on human health. Rapid identification and resolution of excess emissions of those chemicals ensures that public exposure is decreased and also allows for immediate notification of nearby residents regarding elevated toxic emissions (so that they can take some protective measures, such as not letting their kids play outside till it is addressed.) A brief consultation with a specialist, such as Dr. Lisa McKenzie at CU School of Public Health at Anschutz, would rapidly identify which are most important regarding immediate public health and to climate stability.

This is a good point and confirmed by Dr. McKenzie. Speciated baseline sampling has been added to the OGM. 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.

29. Air quality monitoring

P56  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 hour minute, and twenty-four (24) hours per day. (Again, per previous comments submitted, continuous air monitoring is critical to providing needed protection to human health as required by law, in order to INFORM the public of incidents /current threats posed to their health (so that they can take measures to protect themselves and their children by staying inside) and to DIRECT the Operator to resolve the issues forthwith.

The public is not meaningfully informed nor is the Operator meaningfully directed to resolve the problem by "total hydrocarbon" measurement.
Ongoing continuous air monitoring MUST include the main toxic offenders to human health (Benzene, toluene), and the chemicals/gases that contribute most directly to climate change (i.e., methane and NO2), at a bare minimum!!!

Note the air quality monitoring systems in place in Broomfield and Boulder County, which provide real time continuous monitoring to actually inform, protect, and direct for rapid resolution. These local governments are acting responsibly regarding the health of their residents. These proposed Aurora ordinances are not responsible, not appropriately protective of health regarding air emissions of toxics. It is morally reprehensible for Aurora to have ordinances that give industry a pass on so many key issues that impact health and especially to not require meaningful monitoring of the impacts on the health of its residents. It also seems to be opening the city to legal suits for failing to uphold CO state law requiring protection of public health and safety, since you can't uphold that requirement meaningfully when you don't require objective demonstration (measurement) showing that the most toxic chemicals/gases that this industry emits into the air are not being emitted at levels that will negatively affect human health.

The section listed above (135-5(a)(3)b) is the first step of the monitoring process, which is to detect any elevation of hydrocarbons. In the next paragraph after the one referenced above (135-5(a)(4)a), it states, “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.”

The specific language of SB19-181 which revised C.R.S 29-20-104, give local governments authority to “regulate the surface impacts of oil and gas operations in a reasonable manner.” As such, we could also be sued by industry, if it claimed our rules were not “reasonable.” SB19-181 does not provide local governments unlimited authority in creating regulations. Post-181, Longmont again attempted to ban fracking (Case #2020CV30033, Boulder District Court, OUR HEALTH, OUR FUTURE, OURLONGMONT; AND FOOD & WATER WATCH, vs. STATE OF COLORADO; COLORADO OIL AND GAS CONSERVATION COMMISSION; AND CITY OF LONGMONT, November 2020) saying that the placing of temporary equipment on the surface was now under their jurisdiction as a regulation of “surface impact.” They were struck down because their regulation was viewed as in conflict with State rules.

30. Frequency of air monitoring reports
And see directly below:

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) hour minute and average concentrations over the reporting period (for each parameter monitored). The report should 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 should shall be reported along with any measures taken to mitigate the emissions.

Re quarterly submission of air sampling and monitoring: it belies the purpose of air monitoring and sampling (as included in CO law) to provide quarterly reporting, rather than continuous reporting available to the public. Without real time reporting, accessible to the public, the public has no opportunity to be informed of threats to their health and to act upon that accordingly (especially parents of small children, who are more vulnerable to such toxic emissions, pregnant mothers, the elderly, those who are immune compromised or suffer from respiratory or cardio disorders, who MUST avoid such additional threats to their health!).

Under the ordinances being proposed for air quality monitoring, the city cannot meaningfully uphold its legal requirement to minimize or mitigate negative health impacts and to protect the health of its residents from known negative emissions impacts of oil and gas development, nor can the Operator be aware of the SPECIFIC exceedances they are emitting, in order to resolve them forthwith.

If Aurora's Council Members are ready to agree to minimally protective Oil and Gas ordinances, regarding protection of health from toxic emissions, they must at least uphold their duty to their residents to MEASURE the harm they exposing residents to and ask the Operators to pay for continuous speciated toxic chemical/gases air monitoring at their sites!

To address this comment, there must be a deeper explanation of sampling methods. It is only possible to monitor for certain constituents in the air on a “continuous” basis. We define “continuous” as data points every minute. Technology does not exist to monitor and analyze for hundreds of trace constituents in air on a “continuous” basis. The technology that does exist would require full-time 24-hour staffing of each location to monitor and calibrate the equipment.

Therefore, most sample programs focus on a select number of constituents, then when monitoring indicates high levels of any of those select constituents, a
A canister sample of the air is discreetly sampled, and sent to a lab for more detailed analysis. This is a critical distinction. The lab analysis takes days, and is not available instantaneously, thus it could not be provided to the public immediately.

The City will be working independently to install and monitor an air quality monitoring network across the entire City. We are clearly behind many other Denver Metro jurisdictions in this regard, and are working quickly to catch up, but it will take time.

All of our regulations are intended to “minimize or mitigate negative health impacts and to protect the health of its residents.” The monitoring is a confirmation that our regulations are appropriate and working, not an end to itself, or the sole effort to protect the public. Our greatest opportunity to protect the public is to craft regulations that prevent emissions in the first place, not just to monitor and record the emissions and tell the public to “watch out.”

31. Neighborhood meeting

p 70-71 (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. 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.

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.

(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. 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.

(As noted in previous submissions from our group, this is inadequate public process. It fails to require (as other local governments do): setting the meeting at a conveniently located place relative to residents, posting resident questions and the Operator responses to the city website oil and gas page, allowing for remote/virtual attendance, to ensure that all affected residents have opportunity to participate and that the process is accessible to the public.)
This question was answered earlier, see #9 above.

32. Reporting of spills

_P71_ (d) Incidents/Spills. (1) Events or Incidents. Any COGCC or OSHA reportable injuries, accidents, or natural events shall be reported to the City within twenty-four (24) hours, except for a 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. (Per previous comments submitted, COGCC's threshold for "reportable events" should not be used, it is too high and misses too many incidents, as a peer reviewed published study of CO incidents noted. The study compared CO to other state reporting schedules for incidents several years ago and found that CO's incident reporting requirements had a much higher incident reporting requirement (i.e. required volumes of spill, etc), thus missing a significant number of actual incidents. Also, OSHA reportable events should be reported to the city so the city is aware of worker injuries sustained, yet this requirement has been deleted. As other CO local governments require, Aurora should clearly require reporting of ALL incidents, so that the city is aware not only of serious incidents, but also, for example, a pattern of small incidents that indicate slipshod operations/oversight and can thus help prevent more serious incidents.

See related next two sections:

The data required to be submitted here under section 135-7(d)(1) is only one type of data. Reading further to the next section (d)(2)a, Operators are required to report any spills that are also reportable to other agencies. Reading further to the next section (d)(2)b, we require, “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.” Reading further to the next section (d)(3), Operators are required to report any fires or explosions.

City Attorneys advised removing sections related to OSHA as a possible duplication of federal regulations.

33. Reporting of all incidents
b. Any other incident that has the potential to impact the public or the environment, any spill of any volume 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.

P71-72 (3) Fires or Explosions. Any accident or natural event involving fire, explosion, or detonation shall be reported to the City within twenty-four (24) 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.

(Note that other CO local governments prudently require such report specific information for ALL incidents, and some require "root cause analysis" to specify cause, in the interest of preventing future such occurrences. That should be the case for Aurora also! Also, operator and city should also have the obligation to notify area residents as soon as it becomes aware of any incident/developing incident such as fire, explosion, blowback, that has the potential to impact area residents through toxic emissions, fire hazard etc.!!! People having bbqs/ using flammable products outdoors etc, need to be advised of hazards!!!)

“All incidents” is not a defined term in our OGM, and we could not possibly list every single potential incident. To avoid ambiguity, we require reporting of specific incidents that have quantifiable results (i.e., spill volume, fire, injuries, etc.)

In 135-91(a)(4), for any violation we require, “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.”

The authority and responsibility for public notification of incidents and any needed public action remains with Aurora Emergency Services. It would be highly inappropriate and take much too long to require the Operator to make such public notification, as they do not have access to the reverse-911 systems which can simultaneously notify all effected residents. Further, it is Aurora Emergency Services incident commanders that would determine the appropriate radius of notification. Relying on the Operator to establish a radius of notification
and contact citizens within that radius is counter-intuitive to the goals stated in the comment above.

34. Compliance with state laws

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 to bring the Location, Well, or Facility into compliance. (Clarify that they will be subject to CURRENT state law, must bring operations into compliance with current state law. Will interested purchaser be subject to same financial review as a party initiating permit application? Other local governments do. )

The City has no authority to require compliance with state laws. We can only determine whether they are in compliance or not. By default “State law” is current. There is no way to be in compliance with an older state law that has been replaced by a more current law.

Section 135-7(f)(4).a requires an Operator who wants to acquire a permit by assignment to demonstrate financial capability to comply with the OGM, adequate insurance, and to rectify any issues of non-compliance associated with the permit.

35. Date by which purchased non-compliant wells must be rectified

(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 to bring the Oil and Gas Location and all Oil and Gas Facilities into compliance as soon as practicable after the purchase date. (Clarify that they will be subject to CURRENT state law, must bring operations into compliance with current state law. Will interested purchaser be subject to same financial review as a party initiating permit application, as some other local governments require?)

Also, "as soon as practicable" is easily stretched by an Operator, unless some boundaries or oversight check points are appropriately set by the city in the ordinance, to ensure that the Operator is bringing Operations into compliance with due haste.)

There is no way to select a specific timeframe in regulation that would apply to all cases. For example, if non-compliance was discovered to be degradation of aquifer water quality, it could take years to remediate. We want to see the plan at the point of sale, and we will work with the purchasing Operator to make sure they complete the work “as soon as practicable.” Once any issues are identified in writing, the rectification of those issues become the responsibility of the purchasing Operator as part of our approval of the transfer.

However, I think there is room for improvement in the language here. I will add the phrase “and timeline” after “a written report detailing a plan.”

36. Annexed wells

Pp73-4

(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

Since expansion of operations or changes thereto will be the only opportunity for the city to specify any current city ordinance standards in this situation, it should be required that such requests for changes will be subject to full review by the City and that any changes will be subject to current city ordinance requirements.
The phrase “proper approval by the City” is intended to cover the situation referenced in the comment above. Proper approval could only mean approval using the current city regulations. For annexed wells, we would apply regulations on a point-forward basis. For example, we require baseline air quality monitoring/sampling prior to construction. However, if a well was drilled under county rules without a baseline air sample, then obviously there is no way to apply that regulation after annexation.

37. Compliance by subcontractors

Pp73-4 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.

(This is a welcome, needed addition to address assignment of permits to another Operator. There should be a similar new section addressing SUBCONTRACTOR work, making clear that they will be subjected to City oversight in the same manner that the Operator was, in order to ensure that appropriate professional requirements are met, appropriate insurance, training, etc provided, and having appropriate financial resources to be able to staff and manage the site per the ordinances.)

Subcontractors are specifically addressed in Section 135-1(j) as, “Operator is responsible to ensure compliance with the OGM by their contractors and
subcontractors.” Subcontractors are also addressed in Section 135-3(m)(10) and 135-34(i)(10) regarding insurance requirements.

38. Definition of “ongoing enforcement action” – Midstream section

P76 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 subject to an ongoing enforcement action by any federal, state, or local agency having jurisdiction over the property. *(same issues re of lack of clarity re "ongoing enforcement action" as pointed out for part 1/well sites section)*

See earlier answer in #6.

39. Requirements to demonstrate financial compliance – Midstream section

e. With the request for a Pre-Application Meeting, Operator shall submit Operator name, name of parent companies or related 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 requested 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. *(SAME ISSUES for this topic as per Part 1 re well sites)*

Same answer as earlier in #7.

40. Pre-Application Meeting and Pre-Submittal meeting

g. The City may waive the Pre-Application Meeting or Pre-Submittal requirement meeting for any Oil & Gas Midstream Permit (OGMP) application *(If these meetings are waived, how do they submit requirements? Are any requirements waived? Provide info!)*
No submittal requirements are waived. The Pre-Application meeting is designed as an early opportunity for the City to see the “big picture” of what the applicant (of any industry) is proposing in their future application, and provide guiding feedback to the applicant. The Pre-Application meeting is most beneficial for new applicants in the City, and for applicants who are submitting a type of application which is new or unique.

For an oil and gas Operator who may submit many applications to the City, which are all substantially the same, the City comments will likely be similar. In that case, once an Operator has seen City comments from multiple applications, they likely have the knowledge necessary to submit a complete and thorough application without needing to attend a Pre-Application meeting. Whether they attend or not, their submitted application still goes through the same rigorous review with the Oil & Gas Division and other City staff.

The Pre-Submittal meeting is designed to walk first-time applicants through the technical process of formatting their application correctly, and demonstrating how to upload required documents into the City review system. Once an applicant (Operator) has done that once, they understand the process for the future, and thus additional Pre-Submittal Meetings are unnecessary.

41. Notice

f) Notice p 88 (NOT DELETED: MOVED TO P 110) (see p 110 comments

Correct.

42. Disclosure of chemicals used at a Central Gathering Facility, etc.

P90(fe) Chemical and Disclosure Storage. (1) Operator shall disclose the below-referenced chemicals to the Aurora Fire Rescue, Sable Altura Fire Rescue, and 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. (this needs clarification. Will disclosed chemicals only include those named? Advance disclosure of ALL
The listed chemicals are the only ones that the City requires to be disclosed per guidance from our Emergency Services department. There are other state/federal agency requirements for disclosure, especially under the federal Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986.

43. Marking of pipelines

P91 (2)Marking of Pipeline Location. Pipeline markers, which clearly indicate the subsurface location of the pipeline, shall be located at each public road crossing, at each railroad crossing, and in sufficient number along the remainder of each buried line so that the location of the pipeline is accurately known. (why struck? No longer legally required by state?)

This was determined by City Attorneys to be a pipeline safety regulation which is under the authority of Colorado PUC and cannot be duplicated in our regulations.

44. Insurance

(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.

(See all previous comments submitted by our group; this is completely inappropriate, must be changed. There should be high prohibitive fines for NOT having all insurances for this high risk heavy industry in force at all times AND/OR forfeit ability to operate the site, since an incident while not insured could be catastrophic to public health and safety and environment (including water degradation that may not be recoverable/mitigatable) and which could require infusion of taxpayer dollars to address damages/cleanup.)
Also, is this another case of inappropriate special privileges for oil and gas, or does the city offer to pay the insurance of all other commercial entities in Aurora if they lapse?

This comment represents a misunderstanding of the language provided by the City’s Risk Manager. The City is not “offering to pay” for the Operator’s insurance. We agree with the commenter that “an incident while not insured could be catastrophic to public health and safety and environment” and therefore we clearly require continuous insurance coverage.

Section 135-33(i)(11) clearly states “In the event that Operator’s coverage lapses…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.”

Also, as previously mentioned, the City is limited by State statute in the amount of fines that we can impose. We likely do not have authority to impose “high prohibitive fines” in line with the commenter’s expectations. We would direct resolution of major incidents to state agencies.

45. Baseline noise study

45.1 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) to the City.

46. Notifications

46.1 Surface Stakeholder Notification. 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) to the City. (Good change to more appropriate language)
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).

(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.

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.

(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

112a. 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.

Same answer as earlier in #31.

47. Streamlining of spill report language from wells section to midstream section

d) Incidents/Spills. (1) Events or Incidents. Any COGCC reportable safety event, or OSHA reportable injuries including any accidental fire, explosion, detonation, uncontrolled release of pressure,

(Compare to part 1 treatment of incidents, which inappropriately uses "COGCC reportable" and separates incidents into 3 unclearly defined separate categories. This (part 2) treatment of incidents is better, stronger language, more protective of public but it should refer to "incident or safety event", since incident subsumes all those events AND it should also include in its definition the release of toxic gases/chemicals in exceedance of permitted amounts, because that is often a cause of public health incidents/events!

Great comment. We will review the two sections and adjust to provide clarity.

48. Public notification of incidents

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 member of the general public that requires
medical treatment, or damage to lands, structures or property shall be reported to the City within twenty-four (24) 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.

(All of the changes to 6 hours are welcome, important changes, supporting Aurora necessary oversight and ability to protect public health. But all these required reports in section 1 and 2 re incidents are missing coverage of who will notify the nearby residents of incident that is serious or may change to serious and require evacuation/shelter in place/ not going outdoors, etc? The notice to the city should trigger such a public process to uphold the health of the nearby residents and this process needs to be spelled out in the ordinance and on the city's oil and gas page and in any notices to residents re approved permits, advising them that they will be notified by city by reverse 911 in the event of any incident such as fire or explosion at the site and ALSO showing a map of the emergency evacuation route specified should such an emergency occur. Other local governments in CO have thought all this through appropriately (e.g Broomfield, Boulder) and Aurora needs to too.)

Correct. The notice to the City does trigger the process of notifying Aurora Emergency Services who then assess and determine what action/notification/evacuation is needed. The process is internal to City staff and not a regulation to be imposed on Operators.

49. Pipeline construction

b. Any other incident that has the potential to impact the public or the environment, any spill of any volume 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.


(15) Operators of **natural gas gathering lines** must submit a leak detection plan detailing how the Operator will minimize emissions.

(Should also pertain to oil gathering lines? How will the leak detection system notify the city – as soon as detected? within several hours? Specific process for immediate notification to surrounding area residents in event of a leak detected?)

The language here is very carefully worded at the advice of City Attorneys and outside Counsel. Most gas gathering lines are under the authority of Colorado
PUC, while oil gathering lines are under the authority of federal PHMSA. We must be careful not to assume authority from either agency, or risk legal action.

50. Response to complaints

5) Response Protocol to Complaints. In the event of any complaint regarding an Oil and Gas Location, 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.

(THAT'S IT? Won't the city note the complaint under an Oil and Gas Complaint Process that documents the situation in full, and maintain such a list for ALL OPERATORS of ANY Oil and Gas operations in the city? Posting it to the city oil and gas pages, as other CO local govts do? There needs to be such a process. And this section needs to clarify that complaints also will get forwarded to COGCC and CDPHE, so that they can be documented for statewide complaint monitoring! Need to consider consequences for complaints that are not appropriately addressed and promptly resolved by Operators…)

Posting of complaints to the City website is under development. Such a requirement pertains to City staff, not the Operator and therefore is not appropriate to include in the OGM. A violation of our regulations is often also a violation of state rules. Operators are still required to comply with any state agency reporting requirements, but we do not have authority to require such.

51. Fines for violations

P123

b) Violations.

(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) Notwithstanding 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.  
(Needs some info that gives an idea of what these fines are!! Additionally, insert other appropriate consequences re ability to continue operating in city if have multiple violations that are not appropriately and promptly addressed and fully mitigated/ resolved, such that no further health or other impacts can continue.  
If a restaurant had multiple violations of hygiene and safety, with multiple citations, they would be CLOSED DOWN until addressed or permanently.  Oil and Gas cannot be a special privileged industry, allowed to continue to violate ordinances just by paying off the minor city fines levied.  

City Attorneys advised not to include specific maximum fine amounts because these amounts are not under City control, but are limited by Colorado statute. We are developing additional guidance for fines.

52. Notification to home purchasers of state setback

P 124  
Section 21. That section 146-3.3.5.DD.1 of the UDO of the City of Aurora is hereby amended to read as follows:

DD Oil and Gas Facility  
1. Purpose Each Oil and Gas Facility and Oil and Gas Location shall be subject to the rules and regulations set forth in Chapter 135 of the Aurora City Code (Oil & Gas Manual), as amended.

Section 22. That section 146-3.3.5.DD.2 of the UDO of the City of Aurora is hereby amended to read as follows:  
2. Notice to Purchasers  
a. A seller of real property upon which an oil or gas well or facility has been located shall provide written notice of the existence of such well to a purchaser of such real property prior to the closing of the sale. The sellers shall cause the following notice to be recorded with the clerk and recorder of the appropriate county:  
Notice: The property known as [legal description and address] contains an oil and/or gas well. This requirement to provide notice to prospective purchasers and record such notice shall only apply to the transaction between the developer or builder and the initial purchaser and does not apply upon any subsequent sale of the property.  
AND the next section:

b. Vendors of residentially zoned real property within a state-determined setback shall provide the following notice to prospective purchasers in 14-point bold type on a single sheet of paper that is signed by the prospective purchaser prior to entering into a contract for purchase:  
Notice of nearby oil and gas facility. This property is located within a state-determined setback from an oil and gas facility.
This requirement to provide notice to prospective purchasers and record such notice shall only apply to the transaction between the developer or builder and the initial purchaser and does not apply upon any subsequent sale of the property. The City Council declares that the purpose of this Section is to facilitate the development of oil and gas resources within the city limits and to mitigate potential land use conflicts between oil and gas development and existing and planned land uses. Nothing in this Section shall be construed as giving the City the authority to enforce state regulations. (This is shameful. It is ethically wrong and totally against principles of responsible transparency and accountability for the city to not require that ALL SUBSEQUENT BUYERS (and renters) be so notified! With the wording as is, the subsequent buyers are not apprised of the important fact that an industrial oil and gas well or facility exists within proximity to their home, an issue with critical safety implications to their activities and safety in the event of incidents, as well as negative implications regarding the value of their home that can also negatively impact their ability to get certain home loans and home insurance if the well is less than 350 ft from their home. Such process for notifying all new buyers (and renters) in perpetuity are applied for residences near toxic waste sites such as Lowry Landfill and need to apply here.

We are researching the referenced notification “in perpetuity” for residences near toxic waste sites to understand how we might apply similar language/process to State setbacks. I am not sure if that could be handled at the City level, or if it would need to be addressed at the County. Also, the Lowry Landfill is a federal superfund site, and there may be rules at the federal level for notification that would not apply to local sites, such as an oil and gas location.

53. Previous 150’ reverse setback in Aurora

Additionally, when this shameful language was passed in 2012 by City Council in a special study session, the Council agreed to a 150 foot setback of new development homes from existing wells/facilities. That reckless endangerment setback distance must be struck from Aurora's UDO, so that developers will be notified that this setback no longer applies!

I have located the study session at which the 150’ reverse setback was presented to Council (April 16, 2012), but have not yet determined if it was in fact added to Aurora code. Nevertheless, the correct action is not to strike this
regulation—if it exists—but to potentially expand it. I am currently researching this topic and plan a future presentation to City Council. However, reverse setbacks do not apply to Operators, but to developers, thus regulations regarding reverse setbacks are not appropriate in the OGM.

54. Old language in UDO

Further, under current state law it is not the purview of local government to "facilitate the development of oil and gas resources within the city limits" but rather to oversee oil and gas development that foremost protects public health, safety, environment and wildlife from adverse impacts. This last section should be revised to reflect that. )

The referenced sentence is already in the UDO and relates specifically—and only—to the notification provision for developers within a state setback from existing oil and gas operations. I agree this sentence is not in line with SB19-181. I am discussing with City Attorneys about addressing this in the future, when this specific notification provision gets moved to a different section of the UDO (which is the plan.) It is not appropriate to have it in the oil and gas section, as it does not apply to oil and gas operators, but to developers of residential properties.

55. Zoning requirements in UDO

P125 (all deleted)
2. Permitted and Conditional Uses

a. Permitted Use

An oil and gas facility is a permitted use in any base zoned district and any overlay district unless prohibited by state law, provided the exterior boundary of such facility is more than 1,000 feet from a plat ed residential lot, a plat ed lot line containing either a building unit or a high occupancy building unit, or a POS zon ed district, and the use complies with the requirements of this Section. Required separation distances shall be measured as stated in applicable state regulations.

b. Conditional Use

An oil and gas facility is a conditional use in any base zoned district, subject to the requirements in Section 146-5.4.3.A (Conditional Use) where the exterior boundary of such an oil and gas facility is to be located 1,000 feet or less from a plat ed residential lot, a plat ed lot line containing either a building unit or a high occupancy building unit, or a POS zoned district. Required separation distances shall be measured as stated in applicable state regulations. If these are struck, what ARE the zoning requirements? Stated elsewhere? Where?

The City has moved away from the concept of allowing oil and gas operations to be a “permitted use” or “conditional use” based on distance from certain features. Our current proposed regulations contemplate that all future well permit applications will require the same submittal requirements, and undergo the same rigorous review regardless of location or zoning. This is of great benefit to the
City and begins to address the topic of cumulative impacts (i.e., multiple wells/sites within a certain distance), by requiring all wells to undergo the same permitting review regardless of the proximity to certain surface features.

56. Removal of Old permitting process in UDO

Section 27. The City hereby repeals section 146-5.4.3.A.4 of the UDO pertaining to oil and gas permit procedures and review criteria; notice; appeal.

4. Oil and Gas Permit Procedures and Review Criteria; Notice; Appeal: deleted:

a. Applicability i. The application for oil and gas drilling or operation of a production site in a location more than 1,000 feet from a platted residential lot, a platted lot line containing either a building unit or a high density building unit, or a government-owned park, reservoir, open space or golf course shall be submitted to the Planning Director. The Director shall issue the oil and gas permit for drilling if it is determined that the application complies with the requirements of this Section 146-5.4.3.A.4. ii. An application for drilling or operation of a production site in a location less than 1,000 feet from a platted residential lot, a platted lot line containing either a building unit or a high density building unit, or an existing or proposed City-owned park, reservoir, open space, or golf course shall be submitted to the Planning and Zoning Commission for consideration at a public hearing. The applicant, abutting property owners, the surface owner, and any interested party may be heard. (What are the current procedures then for these instances? Where are they detailed? Is there a public hearing?)

Application requirements are contained in Sections 135-2 for wells and 135-32 for pipelines/midstream operations.

Approval criteria is located in Section 135-2(b)(16).

Appeals processes are located in Section 135-2(g) and 135-32(e).

**END OF COMMENTS FROM MS. SKAKICH-SCRIMA**
Dear Aurora City Council Members:
For the last 10 years, as a concerned Auroran, I have worked with others to get our city, county, and state to write and enforce oil and gas rules that will truly protect all Coloradans from the toxic and harmful impacts of fracking.
I ask you to vote NO on the current proposed oil and gas ordinances, because they don't go far enough to protect our health and quality of life.

Local governments are limited by state statute to regulations which are “reasonable.” We are not able to implement every single restriction that might be recommended. If we were to go “far enough” we would end at the point of a ban on oil and gas development. This has been tried by multiple jurisdictions in Colorado, both pre-SB19-181, and post-SB19-181, and all have been struck down by the courts. Our authority has limits.

The current ordinances don't require appropriate measurement of the key toxins that oil and gas operations emit into the air and cause serious, long-term and debilitating harms to health.

We have added speciated baseline sampling to our regulations.

We need an air monitoring program that cannot provide nearby residents with the ability to be aware of excessive toxic emissions incidents and take action to protect themselves and their children from developing debilitating health conditions (including asthma and leukemia in children) from exposure to these invisible toxins in the air they breathe.

We are working on developing an air quality monitoring network around Aurora. This is something the City would install and maintain, not oil and gas Operators.

Other things these new ordinance don't address, but should:
-Risk analysis provided by an independent expert chosen by the city.

I do not see increased value in requiring an independent report. The types of wells that are drilled within the City are very homogenous, target the same formation, and generally use the same type of drilling and production equipment. I believe the risks are very well known and do not vary significantly from well to well.
- Requiring consideration of the yearly toxic air emissions (Hazardous Air Pollutants) that the Operator anticipates emitting.

  This information is required by CDPHE in the various permits from their division. It is typically provided after the local permitting process is complete.

- Requiring reports of ALL incidents that occur, and injuries to workers at the sites.

  We have updated our reporting requirements. We do require reporting of all incidents and all injuries to any person on a site that requires medical attention.

- Require notification to nearby residents of the various incidents that can occur, the types of hazards and danger signals to be aware of and to report, nor for notification of evacuation routes to be aware of.

  The City is developing materials to accomplish this purpose.

- Require a public complaint log on the city website, with responses from oil and gas and the city, nor forwarding of complaints to the state complaint system.

  Our website is next on our list of planned deliverables, as soon as the Oil & Gas Manual is complete. We intend to make permitting documentation, public complaints, inspection reports and all other data available via a map-based interface. This is not something that can go into the Oil & Gas Manual, but will be developed by City staff.

- Have a meaningful participatory public process for affected resident neighborhood meetings, public hearings, advising Aurorans of complaints, risks, etc.

  Neighborhood meetings and Operator response to questions is including in our permitting process, in addition to a public hearing at Planning and Zoning Commission for new well locations. There is also an option for directly impacted landowners to request a neighborhood meeting during a Variance Request process, if the City does not require one.

- Thorough vetting of Operators for their Performance Record and for their financial solvency (even though this is a growing problem that leaves cities and states on the hook in case of bankruptcy and even though the city was hoodwinked by Extraction/Axis with fraudulent financial reports).

  New regulations are proposed to include the types of financial information to be submitted and reviewed during the permitting review process.
These are some of the things that should be addressed in the ordinances, but aren't. Aurorans deserve better ordinances to protect their health and safety. For that reason I ask you to VOTE NO on the current proposed ordinances and make the appropriate changes to protect all Aurorans.

Sincerely,

Sandra Toland
Aurora, CO

*******************************************************************
From: patdunn4@comcast.net <patdunn4@comcast.net>
Sent: Wednesday, April 28, 2021 11:20 AM
To: Johnston Zipsie, Nicole <njohnsto@auroragov.org>; Marcano, Juan <jmarcano@auroragov.org>
Subject: Problems with Revised Oil and Gas Manual

PAGE 18 - FINANCIAL

Under 1(a), it simply requires a balance sheet from the Operator. This is important, and we need to get this right. A certified statement of all accounts should be provided by a certified independent CPA to the Oil and Gas Manager and Council. This will insure responsible accountability and oversight.

   We have multiple financial items required to be submitted during the permitting process. If the initial submittal is not deemed enough, we can request “any other reasonable financial document.”

PAGE 24 - TIME LIMITS

The wording is very awkward. "Operator may request a one year extension from the Oil and Gas Manager. Operator may request a total of two extensions."

   After 3 years, an operator can request an extension of their permit for an additional year, if three criteria are met. After the first extension (total of 4 years) reaches an end, a second one-year extension may be requested (total of 5
years), again, only if three criteria are met. After that, further extensions must go to City Council.

In order to benefit from new technological advances and scientific information, it is more appropriate and prudent to offer shorter time spans for approved permits. This will ensure recent versions of ordinances and operators' financial viability will be updated.

We have included an update of financial data as one of the three criteria in our extension review process. COGCC permits are valid for three years, and under their current rules, the local government typically approves its permit first. Therefore, to be in line with COGCC, we use three years for our permits.

Citizens shouldn't have to wait four or five years to learn when and if fracking is coming to their communities. The City should require a new application if an extension is requested.

PAGE 25 - SETBACKS

Setbacks for streams are only 500 feet, wetlands 500 feet, and CRITICAL INFRASTRUCTURE 350 feet. I thought this must be a typo, as these setbacks surely don't protect our environment, and the safety of our waterways and critical infrastructure. Is this the best we can do?

COGCC does not have a statewide setback from wetlands. We have proposed this distance as most appropriate for our jurisdiction. The danger to wetlands would be from surface spills. We believe 500’ is sufficient to contain and halt any surface spill that leaves the location. Tanks placed on an Oil and Gas Location are surrounded by a primary containment berm as additional safety.

Thank you for your time and consideration.

******************************************************************************
Dear Council Members,

I strongly support the recommendations made by Sonia Skakich-Scrima!

Please look at them and carefully consider them

G. Thomas Kraus M.D,

This latest set of revisions, like the last set, is a further retreat from protecting public health, safety, environment, and wildlife, as well as from responsible governance (transparency, accountability, due diligence in protection of the public interest).

Aurora's residents deserve oil and gas ordinances that do a much better job of upholding Colorado's law that now require the protection of public safety, health, safety, environment, and wildlife. Some Colorado cities and counties have exercised their new legal authority and taken the time to write ordinances that are much more protective and accountable and they have not been legally challenged. Others, such as Weld County are determined to place the interests of oil and gas and its associated revenues ahead of considerations of safety, health, clean air and water, and climate stability.

We have reviewed regulations from multiple other jurisdictions in the Denver metro area during the fourteen months in which City staff have engaged in the process of updating the Oil & Gas Manual. During that review, we have not found significant differences between our regulations and other jurisdictions. We welcome specific comparisons with regulations from other jurisdictions, and are happy to continue discussing how other jurisdictions implement their regulatory strategy. Nevertheless, our goal is not to match or “beat” another jurisdiction to see who can craft the most restrictive regulations, but to appropriately protect the public and the environment through reasonable regulations that match our jurisdiction.
Your vote to pass the proposed ordinances without critical revisions would give your seal of approval to:

- An "air quality" monitoring program that cannot provide nearby residents with the ability to be aware of excessive toxic emissions incidents and take action to protect themselves and their children from developing debilitating health conditions (including asthma and leukemia in children) from exposure to these invisible toxins in the air they breathe.

  I am not aware of any jurisdiction that provides this. Some provide regional air quality data, and the City is working on such a system for Aurora, in the future.

- "Risk analysis" provided by the Operator rather than an independent expert chosen by the city, paid by the Operator

  I do not see increased value in requiring an independent report. The types of wells that are drilled within the City are very homogenous, target the same formation, and generally use the same type of drilling and production equipment. I believe the risks are very well known and do not vary significantly from well to well.

- Not requiring consideration of the yearly toxic air emissions (Hazardous Air Pollutants) that the Operator anticipates emitting with their project before approving it, i.e., not considering whether the new proposal might create hazardous air conditions for nearby residents if there are other nearby oil and gas operations and/or highways nearby that are already creating a hazard to health.

  Air emission calculations are provided by Operators to CDPHE for APEN and Regulation 7 permits, after production begins. Only then can they provide an accurate assessments of actual emissions.

  Cumulative impacts are an important topic which we have listed for study in the future.

- Not requiring report of ALL incidents that occur, nor injuries to workers at the sites, thus removing the opportunity to spot shoddy operations before larger incidents occur, and not classifying excessive toxic emissions as incidents (and thus depriving residents of the opportunity to be aware of hazardous air conditions that will impair their health)

  We have updated our reporting requirements. We require reporting of injuries to any person on site that requires medical attention.
-Not having requirements for notification to nearby residents of the various incidents that can occur, the types of hazards and danger signals to be aware of and to report, nor for notification of evacuation routes to be aware of, (whereas other local governments also post this information on their oil and gas pages for the public to see)

The City is developing materials to accomplish this purpose. This is not a regulation that would go in the Oil & Gas Manual.

-Not requiring a public complaint log on the city website, with responses from oil and gas and the city, nor forwarding of complaints to the state complaint system (so that the public can be aware of issues and see that their city is diligently overseeing their concerns),

Our website is next on our list of planned deliverables, as soon as the Oil & Gas Manual is complete. We intend to make permitting documentation, public complaints, inspection reports and all other data available via a map-based interface. This is not something that can go into the Oil & Gas Manual, but will be developed by City staff.

-Not having a meaningful participatory public process for affected resident neighborhood meetings, public hearings, advising Aurorans of complaints, risks, etc.

Neighborhood meetings and Operator response to questions is including in our permitting process, in addition to a public hearing at Planning and Zoning Commission for new well locations. There is also an option for directly impacted landowners to request a neighborhood meeting during a Variance Request process, if the City does not require one.

-Very cursory vetting of Operators for their Performance Record and for their financial solvency (even though this is a growing problem that leaves cities and states on the hook in case of bankruptcy and even though the city was hoodwinked by Extraction/Axis with fraudulent financial reports).

New regulations are proposed to include the types of financial information to be submitted and reviewed during the permitting review process.

**AND bonus special privileges for the oil and gas industry**, a heavy industry that poses many more serious and large scale public health and safety risks than meth labs (for explosions, fires, highly toxic emissions, irredeemable destruction of vast quantities of precious water, largest contributor to climate instability, etc):

I am unclear on what “special privileges” are being described.
-Not having to conform with zoning or even the Comprehensive Plan,

Oil and gas applications are required to conform to Comprehensive and Master plans. We have strengthened the previous requirements which were previously based on zones, such that now, all applications have the same requirements. Previously, in certain zones, oil and gas was a “permitted use” which meant if the Operator met certain qualifications, their permit could not be denied. Now, all applications in every zone undergo the same rigorous review and could be denied if conditions are not met.

-Alternative site analysis is not required, even for near sites of geologic instability or special hazards, near city parks and open space, etc

We are reviewing multiple sites for potential future inclusion in the Oil & Gas Manual.

Concerning the Lowry SuperFund Site specifically, there are currently no Drilling and Spacing Units (DSUs) covering the landfill area, and no planned horizontal wells underneath the landfill. Further, examining the half-mile around the SuperFund site, shows that none of the land, except under Quincy Avenue, is within the City limits of Aurora. We would have no ability to enforce the setback on other jurisdictions if it was passed. Even at one mile from the Super Fund site, the City has very little area under our control, and most of that is covered by residences or within 2000’ of a residence which is now inside the COGCC setback.

-Changes to permits (e.g. for expansion of operations) can be handled by a variance request or even without a variance, with no rule stating that such changes will not be granted if the change would increase risk to public health and safety

Some changes to “facilities” which include all equipment on site can be handled as a Variance Request. A Variance Request is a well-described process in the proposed regulations, with specific criteria that must be met. There can be no “expansion of operations without a variance.” One criteria for approval of the Variance Request is “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.”
-Having the city tolerate insurance lapses AND pay for lapsed insurance for this high risk industry!

We do not tolerate lapses in insurance which is why we require that, if necessary, the City will purchase insurance and charge the Operator for the coverage. We do not pay for the insurance ourselves.

-Advising this industry that while violations may subject them to low daily city fines, they will definitely not face jail time for any violation, even if there is gross negligence (consider: poisoning an aquifer...a catastrophic fire/explosion, massive toxic leaks that sicken the residents....), and not evenholding up the possibility of pulling their permit!

Aurora, as a Home Rule Municipality in Colorado, is limited by State statute as per the amount of fines that we can charge for violations of our regulations. That amount is $2,650 per day. Our regulations do specify that each day of an ongoing violation constitute a “new violation.” We have no legal authority to charge more. However, very large violations of our regulations are almost always violations of state regulations as well, and the state does not such limits on fines. Therefore, if a very large incident were to occur, or issue be discovered, we would coordinate with state agencies to discuss appropriate violations and fines.

“Pulling a permit” might give an Operator a legal opportunity to walk away from a site if desired. We want to keep the permit active, and require them to adhere to our regulations, and face legal action.

Is that what you stand behind? Is that what Aurorans deserve?

You have an opportunity to call for urgently necessary revisions. Many of the changes proposed in the attached notes are ones the new city Oil and Gas Director agrees should be addressed "sometime in the future". However, Council makeup may change significantly next year and scuttle any ability to accomplish such changes. Significant harms can accrue in the meantime.

I do not believe that crafting regulations that only a certain Council can pass, makes sense. We are seeking the best set of regulations that make sense for Aurora. If we make rules that only this Council can pass, then as soon as Council makeup changes, the rules can change. A much better method is to craft rules that almost everyone agrees are the best for Aurora.

Additionally, we could wait until the items we are preparing to study and address in the future are ready for presentation. In the meantime, none of the current
proposed rules will be able to go into effect. I believe it is much better to set the current regulations in place, and then there will be more opportunity to review the additional items.

Therefore, it is important to insist on critical revisions that would better protect health, safety, and quality of life in our city, provide more transparent and responsible oversight by the city, more meaningful public processes, and more accountability for the oil and gas industry.

***************************

From: Bonnie Rader <berr@pcisys.net>
Sent: Saturday, May 1, 2021 11:18 AM
To: citycouncil <citycouncil@auroragov.org>
Subject: Comment on Fracking Aurora Oil & Gas Ordinances

Aurorans deserve more adequate protection from the serious, large scale negative impacts of oil and gas development. The current ordinances don't even require appropriate measurement of the key toxins that oil and gas operations emit into the air or leak into our water sources and cause serious, long term and debilitating harms to health!! This has been the longstanding approach of Aurora: if it isn't measured, it isn't real.

We have added speciated baseline sampling to our air quality regulations. We have extensive baseline testing in our water quality regulations.

A perfect example of the City ignoring real threats to public health and the environment is the Lowry Landfill Superfund Site where it has been documented that the chemicals are moving north in the groundwater into communities, and the remaining 138 million gallons of chemical wastes at the Site have already impacted two of the four underlying aquifers, but, if the mass breaches, may soon contaminate all four aquifers under the mass.

Concerning the Lowry Super Fund Site specifically, there are currently no Drilling and Spacing Units (DSUs) covering the landfill area, and no planned horizontal wells underneath the landfill. Further, examining the half-mile around the Super Fund site, shows that none of the land, except under Quincy Avenue, is within the City limits of Aurora. We would have no ability to enforce the setback on other jurisdictions if it was passed. Even at one mile from the Super Fund site, the City has very little area under our control, and most of that is covered by
residences or within 2000’ of a residence which is now inside the COGCC setback.

The public would prefer that the City of Aurora take a pro-active stance and provide precautions and preventative measures against these very real possibilities, rather than wait passively and hope nothing happens to negatively impact human health and the environment.

We believe our regulations are pro-active in nature and are the best for Aurora.

Bonnie Rader
71 Algonquian St
Aurora, CO 80018
303-912-2905

**************************************************************************
The following documents are copies of the full Oil & Gas Manual, with comments by the American Petroleum Institute (API), and the Colorado Oil & Gas Association (COGA).

Comments and City replies are included in each file. If the comments are not displayed in your version of Adobe Acrobat, you may need to open the “Comments” portion of the software.
April 14, 2021

Draft Ordinance for Creating Chapter 135 (Oil & Gas Manual) of the Aurora City Code

The document below is a draft of the ordinance which will be presented to the Aurora City Council on April 26, 2021, for consideration and discussion at a public hearing. The ordinance will:

1. Create a new chapter in the Aurora City Code, Chapter 135, pertaining to oil and gas development; and
2. Simultaneously remove existing oil and gas regulations from the Unified Development Ordinance (UDO) and refer to Chapter 135 in the UDO.

This ordinance has previously been presented to and approved by:
1. The Planning and Economic Development (PED) Committee on January 13, 2021; and
2. The Aurora City Council in Study Session on February 1, 2021.

The document below is a redline version from the ordinance presented to the City Council in Study Session on February 1, 2021. The changes (deletions and insertions) indicated in red font, are those changes which have been made by the Oil & Gas Division based on comments and requests from City Council Members, both at the PED meeting and the Study Session. Also note that section numbering has changed from some earlier versions to conform with City Code.

This ordinance has not and cannot be adopted until it has been presented to City Council during a public hearing at a formal City Council meeting, has been approved by City Council, and has properly completed the ordinance review process. It is available in draft form now due to the length and for transparency to the public and all stakeholders. Further review and discussion will take place at the future City Council meeting including opportunity for public comment.
Jeffrey S. Moore, P.G.
Manager, Oil & Gas Division

We steward access to the natural resources under our authority with integrity and respect for our citizens, businesses, and the environment.
OIL & GAS MANUAL

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

City of Aurora
Oil & Gas Division
Jeffrey S. Moore, P.G., Manager

Aurora City Code Chapter 135
ORDINANCE NO. 2021- ____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, CREATING CHAPTER 135 OF THE CITY CODE PERTAINING TO OIL AND GAS AND REPEALING CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the General Assembly granted the City of Aurora certain local authority to oversee oil and gas operations within its jurisdiction through the Colorado Oil and Gas Conservation Act, C.R.S. 34-60-101 et seq. and the Local Government Land Use Act C.R.S. 29-1-104(1)(h), both as amended; and

WHEREAS, certain updates to the City Code are necessary for the proper oversight of oil and gas operations within the City of Aurora to protect the public health, safety, welfare, the environment, and wildlife resources; and

WHEREAS, certain sections of the Unified Development Ordinance (“UDO”) pertain to oil and gas facilities and locations in the City of Aurora; and

WHEREAS, oil and gas facilities and locations, which are not regulated by an Operator Agreement shall now be governed by Chapter 135 of the City Code; and

WHEREAS, certain sections of the UDO shall be amended or repealed to coincide with Chapter 135 of the City Code; and

WHEREAS, the Planning and Zoning Commission has previously considered and approved the changes to the UDO.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-1, which section reads as follows:

Sec. 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 Senate Bill SB 19-181 and 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. 29-20101 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. 25-7-108128, 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, and 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.

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Definition</th>
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<tbody>
<tr>
<td>A.C.C.</td>
<td>Aurora City Code</td>
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<tr>
<td>ALA</td>
<td>Alternative Location Analysis</td>
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<td>AQCC</td>
<td>Air Quality Control Commission of Colorado</td>
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<tr>
<td>BMP</td>
<td>Best Management Practice</td>
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<tr>
<td>BTEX</td>
<td>Benzene, Toluene, Ethylbenzene and Xylene</td>
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<tr>
<td>CAS</td>
<td>Chemical Abstracts Service</td>
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<tr>
<td>CDPHE</td>
<td>Colorado Department of Public Health and Environment</td>
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<tr>
<td>CGF</td>
<td>Central Gathering Facility</td>
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<tr>
<td>COGCC</td>
<td>Colorado Oil &amp; Gas Conservation Commission</td>
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<tr>
<td>C.R.S.</td>
<td>Colorado Revised Statutes</td>
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<td>FEMA</td>
<td>Federal Emergency Management Agency</td>
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<td>LGD</td>
<td>Local Government Designee</td>
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<td>NTP</td>
<td>Notice to Proceed</td>
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<tr>
<td>OGM</td>
<td>Oil &amp; Gas Manual</td>
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<td>OGMP</td>
<td>Oil &amp; Gas Midstream Permit</td>
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<td>OGP</td>
<td>Oil &amp; Gas Permit</td>
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<td>PHA-HAZOP</td>
<td>Process Hazard Analysis - Hazard and Operability</td>
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<td>PHMSA</td>
<td>Pipeline and Hazardous Materials Safety Administration</td>
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<td>PPE</td>
<td>Personal Protective Equipment</td>
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<td>PSM</td>
<td>Process Safety Management</td>
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<tr>
<td>PUC</td>
<td>Colorado Public Utilities Commission</td>
</tr>
<tr>
<td>ROW</td>
<td>Right-of-Way</td>
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<tr>
<td>SDS</td>
<td>Safety Data Sheet</td>
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<td>SPCCC</td>
<td>Spill Prevention, Control, and Countermeasure</td>
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<tr>
<td>SSV</td>
<td>Surface Safety Valve</td>
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<tr>
<td>TPH</td>
<td>Total Petroleum Hydrocarbons</td>
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<tr>
<td>UDO</td>
<td>Unified Development Ordinance of the City of Aurora</td>
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<tr>
<td>US EPA</td>
<td>United States Environmental Protection Agency</td>
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<tr>
<td>WIMP</td>
<td>Wildlife Impact Management Plan</td>
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<tr>
<td>VOC</td>
<td>Volatile Organic Compound</td>
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</table>

(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 a Compressor Station, 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.

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 Defined by COGCC to mean 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.

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 Polyethylene (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. (From EPA.GOV)

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 2.** The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-2, which section reads as follows:

**Sec. 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.

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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 the OGP 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 must 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 subject to an ongoing enforcement action by any federal, state, or local agency 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 or related 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 requested financial documentation requested by the City.

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**Commented [CJM5]:** We would ask why this is necessary or reasonable? What bearing does this have on an applicant, and what financial metrics will the city be using? Also, we cannot find this requirement for any other proposed business operation within Aurora, which means this applies to a single specified industry.

**Commented [CJM6]:** This is subjective, and contains no limitation on what the City can ask for. There is no standard by which the city will evaluate such requests, and those requests can easily fall outside the authority of the city. Further, we would again ask if the city makes these sorts of requests for any other business applicant within Aurora.
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.

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

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 at ODA@auroragov.org or 303-739-7345.

(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 Phase 1 of the OGP 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(c) of this OGM.

b. OGP Oil and Gas Location applications will be processed in the order received. Operator shall not submit more than two (2) OGP applications in a three-week period. If Operator has more than one (1) OGP application that has been deemed by the City to be complete, it may provide a priority list for review of complete OGP 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 OGP-Oil and Gas Location application, the City will initiate a Pre-Acceptance Review to determine whether the OGP application is sufficient to begin the formal review process. During the Pre-Acceptance Review, the City will identify any deficiencies missing submittal requirements in the OGP 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 OGP-Oil and Gas Location Application.
a. If no deficiencies missing submittal requirements are identified, an invoice of the OGP 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 deficiencies missing submittal requirements in the OGP application are identified, the Operator shall address the deficiencies missing submittal requirements and resubmit the OGP 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 OGP 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 surface owners and all registered Home Owner Associations Notified Residents within one (1) mile of the Oil and Gas Location of the time and location of the Neighborhood Meeting. Surface owners and Home Owner Associations Notified Residents shall be notified by mail a minimum of ten (10) calendar days in advance.
   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.

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. 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 Phase I 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 subject to called-up by City Council.

d. Operator shall notify all surface owners and registered Home Owner Associations Notified Residents within one (1) mile of the Oil and Gas Location by mail of the time and location of the Public Hearing.

Commented [CJM9]: What happens if the city changes its master or comprehensive plan? In other words, can the city use its plans to simply backdoor eliminate oil and gas operations?
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 BMPs 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 BMPs 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

Commented [CJM10]: Does this just refer to the actual code requirements, or will there be a separate document operators would be required to comply with.
6. Any other considerations relevant to the protection of public health, safety, welfare, environment, and wildlife resources.

(16) 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.

(17) 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(d) of this OGM.

(18) 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 deficiencies—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.

(19) 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.

(20) 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.

(21) 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.

(22) 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. The Oil & Gas Manager shall take into consideration whether the application appropriately addresses the impact on approved Master Plans and Comprehensive Plans.

(246) **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.

(247) **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 approved OGP Oil & Gas Manager’s decision according to the procedures described in Section 135-2(g), to confirm or deny the administrative decision. Any call-up must occur by the end of the second full Council meeting following the decision.

(248) **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 callup or appeal process requirements are 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).

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

(250) **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 an 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.

(251) **Time Limits.** An administratively approved OGP shall be valid for a period of three (3) years from the date of approval. An Operator may request a six (6) month extension of a permit, however, such permit must be reviewed by the City to determine if it is still in compliance with the OGM.
a. If the construction of the Oil and Gas Location has not begun within three (3) years, a new OGP application must be submitted by the Operator. 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; and
   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.

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.

(2012) 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.

 Required OGP Oil and Gas Location Application Materials-Phase 1.

An The Oil and Gas Location phase of the OGP application to the City 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;

(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.

(4e) Required OGP Phase 2 Application Materials for 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.
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.

Approved COGCC Form 2A.

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

Variance Requests.

1. Operator may seek an exception to the strict application of the requirements of the Oil & Gas Manual regulations 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 request for a variance 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.

   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;
   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 these Oil & Gas Manual standards and regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these Oil & Gas Manual standards and regulations.

c. Granting of the Variance Request will not confer on the applicant any special privilege denied by these Oil & Gas Manual standards and regulations 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 these Oil & Gas Manual standards and regulations.

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 these Oil & Gas Manual standards and regulations will not cause substantial detriment to the public good or impair the intent of these Oil & Gas Manual standards and regulations.

(4g) **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(4g)(3). At the conclusion of the
(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 action on the permit 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 1352(f)(3). At the conclusion of the hearing, Council shall approve, approve with conditions, or reverse the decision.

(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, or modify 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 3. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-3, which section reads as follows:


(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 aboveground 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, and 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, or 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>
<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 N,N-dimethylformamide 68-12-2</td>
</tr>
</tbody>
</table>

Table 135-3-1 Chemicals Not to be Used in Hydraulic Fracturing
(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 or 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 Operator’s 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 selfinsurance 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., 1353(m)(2)e., and 135-3(m)(2)f. is in full force and effect.
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.

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 1353(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.

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.

Risk Management.

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 4. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-4, which section reads as follows:

Sec 135-4. Protection of Water Quality.

(a) General.

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.

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 (Dawson, Denver, Arapahoe (Upper and Lower), 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 submeter 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, the COGCC, 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, the COGCC, 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, the COGCC, 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, the COGCC, 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>
<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-Dichloropropane</td>
</tr>
<tr>
<td>Ethylbenzene</td>
</tr>
<tr>
<td>Monochlorobenzene</td>
</tr>
<tr>
<td>---------------------------</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>

### Table 135-4-3 Synthetic Organic Compounds (SOCs)

<table>
<thead>
<tr>
<th>Contaminant:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alachlor</td>
</tr>
<tr>
<td>Aldicarb</td>
</tr>
<tr>
<td>Aldicarb sulfoxide</td>
</tr>
<tr>
<td>Aldicarb sulfone</td>
</tr>
<tr>
<td>Atmzine</td>
</tr>
<tr>
<td>Carbofuran</td>
</tr>
<tr>
<td>Chlorodane</td>
</tr>
<tr>
<td>Dibromochloropropene</td>
</tr>
<tr>
<td>2,4-D</td>
</tr>
<tr>
<td>Ethylene dibromide</td>
</tr>
<tr>
<td>Heptachlor</td>
</tr>
<tr>
<td>Heptachlor epoxide</td>
</tr>
<tr>
<td>Lindane</td>
</tr>
<tr>
<td>Methoxychlor</td>
</tr>
<tr>
<td>Polychlorinated biphenyls</td>
</tr>
<tr>
<td>Pentachlorophenol</td>
</tr>
<tr>
<td>Toxaphene</td>
</tr>
<tr>
<td>2,4,5-TP (Silvex)</td>
</tr>
<tr>
<td>Benzoprene</td>
</tr>
<tr>
<td>Dalapon</td>
</tr>
<tr>
<td>Di(2-ethylhexyl)adipate</td>
</tr>
<tr>
<td>Di(2-ethylhexyl)phthalate</td>
</tr>
<tr>
<td>Dinoseb</td>
</tr>
<tr>
<td>Diquat</td>
</tr>
<tr>
<td>Endothall</td>
</tr>
<tr>
<td>Endrin</td>
</tr>
<tr>
<td>Glyphosate</td>
</tr>
<tr>
<td>Hexachlorobenzene</td>
</tr>
<tr>
<td>Hexachlorocyclopentadiene</td>
</tr>
<tr>
<td>Oxamyl (Vydate)</td>
</tr>
<tr>
<td>Picloram</td>
</tr>
</tbody>
</table>
Simazine
2,3,7,8-TCDD (Dioxin)
Perfluorooctanoic Acid (PFOA)
Perfluorooctane Sulfonate (PFOS)

Table 135-4-4 Radionuclides

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

Table 135-4-5 Secondary Maximum Contaminant Levels

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

Table 135-4-6 Other Parameters

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

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

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

48
DISSOLVED GASES
Methane, Ethane

OTHER
Water Level, Stable isotopes of water (Oxygen, Hydrogen, Carbon), Phosphorus

Table 135-4-7 General Sampling Parameters

<table>
<thead>
<tr>
<th>Category</th>
<th>Parameters</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL WATER QUALITY</td>
<td>Alkalinity, Conductivity &amp; Total Dissolved Solids (TDS), pH, Dissolved Organic Carbon (or Total Organic Carbon), Bacteria, and Hydrogen Sulfide</td>
</tr>
<tr>
<td>MAJOR IONS</td>
<td>Bromide, Chloride, Fluoride, Magnesium, Potassium, Sodium, Sulfate, and Nitrate + Nitrite as N</td>
</tr>
<tr>
<td>METALS</td>
<td>Arsenic, Barium, Boron, Chromium, Copper, Iron, Lead, Manganese, Selenium, Strontium, Mercury, Uranium, and Radium</td>
</tr>
<tr>
<td>DISSOLVED GASES and VOLATILE ORGANIC COMPOUNDS</td>
<td>Methane, Ethane, Propane, BTEX as Benzene, Toluene, Ethylbenzene and Xylenes, Total Petroleum Hydrocarbons (TPH)</td>
</tr>
<tr>
<td>OTHER</td>
<td>Water Level, Stable isotopes of water (Oxygen, Hydrogen, Carbon), Phosphorus</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 remediation 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. 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, or 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.
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 PreSubmittal Meeting to be held. To set up a meeting, please contact the Engineer On Call at 303-739-7555.

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 presubmittal 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 5. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-5, which section reads as follows:

Sec 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.

j. **Reduced Emission Completion.** Operator shall comply with the United States Environmental Protection Agency (US EPA) reduced emission completion rules for oil and gas wells.

(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 total hydrocarbons. 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 hour 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 have the ability to 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) hour 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:

a. Operator shall comply with the regulations in Sections 135-5(a)(4)a., 1355(a)(4)b., 135-5(a)(4)e., and 135-5(a)(4)f. of this Oil & Gas Manual.

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 noncompliance 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 6. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-6, which section reads as follows:

Sec 135-6. Protection of Surface Quality.

(a) License Agreements.
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 lowprofile 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 3:006:00 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 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.
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.

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, and 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.

(h) Wildlife/Wildlife Impact Management Plan (WIMP.)
(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. 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 7. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-7, which section reads as follows:

Sec 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 owners 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.

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 OGP Oil and Gas Location application, the Operator shall hold a Neighborhood Meeting to facilitate engagement between the Operator and nearby 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.

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 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 OGP 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, or 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.

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.

(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 COGCC or OSHA reportable injuries, accidents, or natural events shall be reported to the City within twenty-four (24) hours, except for a COGCC Grade 1 Gas Leak, which must 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 spills at the Oil and Gas Location, including but not limited to COGCC Form 22.

b. Any other incident that has the potential to impact the public or the environment, any spill of any volume 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 twenty-four (24) hours. This report shall include the following details, to the extent available: a. Location; b. Proximity to residences and other occupied buildings;
(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 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 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 8. The City Code of the City of Aurora, Colorado, is hereby amended by adding sections, to be numbered 135-8 through 135-30, which sections read as follows:

Sec. 135-8. through Sec 135-30. Reserved.
Section 9. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-31, which section reads as follows:

Sec. 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. Local jurisdictions have no authority to regulate interstate pipelines.

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. 25-7-1268, local governments may enact local air
Section 10. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-32, which section reads as follows:

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 contact the Oil & Gas Manager to determine if a new application is required or if the Variance Request process can be utilized.

(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 subject to an ongoing enforcement action by any federal, state, or local agency 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 preapplication 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 at ODA@auroragov.org or 303-739-7345.
   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 or related 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 requested 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 deficiencies 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 deficiencies 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 deficiencies missing submittal requirements in the OGMP application are identified, the Operator shall address the deficiencies missing submittal requirements and resubmit the OGMP application.
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.

(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. Surface owners and registered neighborhood organizations Notified Residents shall be notified by mail a minimum of ten (10) calendar days in advance.

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.

(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. The Oil & Gas Manager 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) to confirm or deny the administrative decision. Any call-up must occur by the end of the second full Council meeting following the decision.

(17) **Issuance of OGMP.** Once any City Council call-up requirements are processed complete, the Oil & Gas Midstream Permit (OGMP) will be issued to the Operator by the Oil & Gas Division with or without conditions. No installation of Oil and Gas Midstream Facilities may begin until 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 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. An Operator may request a six
(6) month extension of a permit, however such permit must be reviewed by the City
to determine if it is still in compliance with the OGM.

a. If the construction of the Oil and Gas Midstream Location has not begun within
three (3) years a new application must be submitted by the Operator. 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.

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.

b. 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 Gathering Line and Off-Location Produced Water Flowline will be properly cleaned, capped, and maintained if the Gathering Line and Off-Location Produced Water Flowline will be properly abandoned in place or whether the Gathering Line and 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 impacted property 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 from other landowners 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 or property owner in such a manner to control soil erosion, dust, and the growth of noxious weeds.

(3) Site Plan for the CGF, Compressor Station, 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.
cc. 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.

(4) Narrative list of applicable regulations addressed. The Operator shall include those regulations which:

a. the COGCC has the ability to respond to and resolve potential complaints regarding, and

b. the COGCC has enforcement ability to which it can exercise through inspection to ensure compliance with the regulation.

(d) Variance Requests.

(1) Operator may seek a minor exception to the strict application of the Oil & Gas Manual regulations 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 may not diminish 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 for a variance 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.
   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 these Oil & Gas Manual standards and regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these Oil & Gas Manual standards and regulations.
   c. Granting of the Variance Request will not confer on the applicant any special privilege denied by these Oil & Gas Manual standards and regulations 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 these Oil & Gas Manual standards and regulations.
   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.
The granting of a variance from the strict application of these Oil & Gas Manual standards and regulations will not cause substantial detriment to the public good or impair the intent of these Oil & Gas Manual standards and regulations.

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). At the conclusion of the hearing, the Planning and Zoning Commission shall approve, approve with conditions, or deny the permit, administrative decision, or Variance Request.

(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 action on the permit decision. Such appeal may be filed by the applicant, the owner of the subject 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). At the conclusion of the hearing, Council shall approve, approve with conditions, or deny the permit.

(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 location 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, or modify** 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.

(f) **Notice**

**(1) Printed, published, mailed, and website notice for development 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.

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.

(3) Published Notice

a. Notice of the time, date, and place of the public hearing on an Oil and Gas Location or Oil and Gas Midstream Location 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.

Section 11. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-33, which section reads as follows:

Sec. 135-33. OGMP — Safety and 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. **Security Fencing for Visual Mitigation**: Permanent security fencing, if applicable, shall be installed around the CGF, Compressor Station, and Associated Facilities and shall be secured. An internal security fence may include chain-link fence with security wire immediately surrounding the CGF and Compressor Station, with visual mitigation of any internal chain-link fence addressed by BMPs used in the visual mitigation plan. 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 this restricted area 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) **Discharge Valves.**

1. Open-ended discharge valves on all storage tanks, pipelines, and other containers within the Oil and Gas Midstream Location shall be secured and shall not be accessible to the general public. Open-ended discharge valves within the Oil and Gas Midstream Facility shall be blinded and locked and, where feasible, placed within the interior of the secondary containment area. An exception is made for safety relief valves.

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

1. Operator shall disclose the below-referenced chemicals to the Aurora Fire Rescue, Sable Altura Fire Rescue, and Bennett-Watkins Fire Rescue, and Buckley Air Force Base Fire Department as applicable. Chemicals that will be disclosed include methanol, tri-ethylene glycol, corrosion inhibitor, and other operational required chemicals used for the safe operation of the CGF, Compressor Station, and Associated Facilities.

(g) **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, and rubbish, or landscaping.

(h) **General Maintenance.**

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

(i) **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.

2. **Marking of Pipeline Location.** Pipeline markers, which clearly indicate the subsurface location of the pipeline, shall be located at each public road crossing, at each railroad crossing, and in sufficient number along the remainder of each buried line so that the location of the pipeline is accurately known.
(ii) 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 selfinsurance 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.
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.

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.

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 noncompliance by Operator or any subcontractor with this Section.

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.

(k) 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 12. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-34, which section reads as follows:

Sec 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.

(2) 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 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 impervious 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 PreSubmittal Meeting to be held. To set up a meeting, please contact the Engineer On Call at 303-739-7555.

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. Please review the CAD Data Submittal Standards, including templates and required layer file labeling are available at the City at http://tinyurl.com/AuroraCAD. 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. Please email CADGIS@auroragov.org for questions or more detailed instructions.

Section 13. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-35, which section reads as follows:

Sec 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.
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.

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.

(24) 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 total hydrocarbons. 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.

(45) 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. The City may require continuous monitoring of certain facilities or in some situations.

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.

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.

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 air quality rules or regulations at the Oil and Gas Midstream Facilities.

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.

(89) 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. **Operator will prevent odors by routing to closed-loop systems.** 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, and 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 is expected to be mitigated to the maximum extent practicable 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 shall 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 preengineered buildings, berms, landscaping, and other visual mitigation measures to ensure compliance with the City’s noise ordinance.

Section 14. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-36, which section reads as follows:
Sec 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 concurrently with the submission of the COGCC permit 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, or 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 15. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-37, which section reads as follows:

Sec 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. Upon City acceptance of the OGMP application, the Operator shall hold a Neighborhood Meeting meeting to facilitate engagement between the Operator and nearby residents (Neighborhood Meeting). 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 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.

(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.

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.

(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 COGCC reportable safety event, or OSHA reportable incidents— 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 member of the general public that requires medical treatment, or damage to lands, structures or property shall be reported to the City within twenty-four (24) 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 other incident that has the potential to impact the public or the environment, any spill of any volume 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 twenty-four (24) 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 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 to bring the Oil and Gas Midstream Location or Facility into compliance as soon as practicable after the purchase date.
(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) **CGF and Associated Facilities Documentation.**

(1) CGF and Associated Facilities documentation will be held in accordance with OSHA Process Safety Information and continuous review per OSHA requirement.
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.

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 16. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-38, which section reads as follows:

Sec 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.

(ab) 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.

(bc) License Agreements.

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

(cd) 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.
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 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 non-water pipelines are no longer in use, they shall be properly abandoned as required by applicable COGCC, PUC or PHMSA rules in place using flow-fill or similar or removed. At that time, the easement shall be released to the property owner or to the City. 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.

Pipeline Location Requirements.

(1) Pipeline location requirements allow the City to properly exercise its land use authority. Operator is responsible for locating all existing and proposed utility crossings (including both City and other party’s crossings) and ensure a minimum vertical separation of ten feet (10’) 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’) unless specified 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 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 not subject to PHMSA or PUC regulation under COGCC authority and Off Location Produced Water Flowlines 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. Gathering Lines and Off-Location Flowlines, and Crude Oil Transfer Lines Produced Water Flowlines 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 for air emissions, secondary containment, or other mitigation, as appropriate. The mitigation plan for such pipelines shall be submitted to the City.

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.

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>
<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>
</tbody>
</table>

Commented [CJM21]: We would again reiterate the city is attempting to regulate operators below the surface, authority not granted under SB19-181 which limits the city’s regulatory authority to surface activities.
Operators of natural gas gathering lines must submit a leak detection plan detailing how the Operator will minimize emissions.

Testing and Maintenance.
(1) All phases of construction shall be inspected by Operator’s third-party inspectors.

Section 17. The City Code of the City of Aurora, Colorado, is hereby amended by adding sections, to be numbered 135-39 through 135-89, which sections read as follows:

Sec 135-39. through Sec 135.89. Reserved

Section 18. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-90, which section reads as follows:

Sec 135-90. Inspections

(a) General.
(1) Operator Monitoring. The Operator will conduct its air, and groundwater, and plugged and decommissioned well 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, and Oil and Gas Midstream Facilities, CGF, Compressor Station, Gathering Lines not subject to PHMSA or PUC regulation, Off-Location Produced Water Flowlines, and Associated Facilities easements for the purpose of undertaking compliance 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**, Gathering Lines not subject to PHMSA or PUC regulation, **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. Reasonable notice may include notification by City staff at the Oil and Gas Location, Oil and Gas Facility, Oil and Gas Midstream Location, or Oil and Gas Midstream Facility.

(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. Operator shall promptly address any compliance issues noted by the City staff.

(5) **Response Protocol to Complaints.** In the event of any compliant regarding an Oil and Gas Location, 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. 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 above-ground appurtenance.
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.

**Section 19.** The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-91, which section reads as follows:

**Sec 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 Manager Division and its his/her-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 subject to review, amendment, and final decision 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) Notwithstanding 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.
DD Oil and Gas Facility

1. Purpose
   Each Oil and Gas Facility and Oil and Gas Location shall be subject to the rules and regulations set forth in Chapter 135 of the Aurora City Code (Oil & Gas Manual), as amended.

Section 22 That section 146-3.3.5.DD.2. of the UDO of the City of Aurora is hereby amended to read as follows:

2. Notice to Purchasers
   a. A seller of real property upon which an oil or gas well or facility has been located shall provide written notice of the existence of such well to a purchaser of such real property prior to the closing of the sale. The seller shall cause the following notice to be recorded with the clerk and recorder of the appropriate county:
      Notice: The property known as [legal description and address] contains an oil and/or gas well.
      This requirement to provide notice to prospective purchasers and record such notice shall only apply to the transaction between the developer or builder and the initial purchaser and does not apply upon any subsequent sale of the property.
   b. Vendors of residentially zoned real property within a state-determined setback shall provide the following notice to prospective purchasers in 14-point bold type on a single sheet of paper that is signed by the prospective purchaser prior to entering into a contract for purchase:
      Notice of nearby oil and gas facility.
      This property is located within a state-determined setback from an oil and gas facility.
      Vendors of residentially zoned real property within a state-determined setback from an oil and gas facility shall cause the following notice to be recorded with the clerk and recorder of the appropriate county:
      Notice
      The property known as [legal description and address] is located within a state-determined setback from an oil and gas facility.
      This requirement to provide notice to prospective purchasers and record such notice shall only apply to the transaction between the developer or builder and the initial purchaser and does not apply upon any subsequent sale of the property.

The City Council declares that the purpose of this Section is to facilitate the development of oil and gas resources within the city limits and to mitigate potential land use conflicts between oil and gas development and existing and planned land uses. Nothing in this Section shall be construed as giving the City the authority to enforce state regulations.
2. Permitted and Conditional Uses

a. Permitted Use
A well site or oil and gas facility is a permitted use in any base zone district and any overlay district unless prohibited by state law, provided the exterior boundary of such site or facility is more than 1,000 feet from a platted residential lot, a platted lot line containing either a building unit or a high occupancy building unit, or a POS zone district, and the use complies with the requirements of this Section. Required separation distances shall be measured as stated in applicable state regulations.

b. Conditional Use
A well site or oil and gas facility is a conditional use in any zone district, subject to the requirements in Section 146-5.4.3.A (Conditional Use) where the exterior boundary of such well site or oil and gas facility is to be located 1,000 feet or less from a platted residential lot, a platted lot line containing either a building unit or a high occupancy building unit, or a POS zone district. Required separation distances shall be measured as stated in applicable state regulations.

Section 23. The City hereby repeals section 146-3.3.5.DD.3 through 146-3.3.5.DD.7 of the UDO pertaining to oil and gas facilities:

2. General Provisions

a. Continuance of Existing Wells
Well sites and production sites that exist on the Effective Date of the regulations codified in this Section 146-3.3.5.DD, or that are later annexed to the city, may continue operating without the issuance of an oil and gas permit, unless the area of the production site is expanded or new wells are drilled on the site. The construction or reconstruction does not require that accessory equipment in a production site or a well site conform to the development standards in this Section. The right to operate a well site or production site terminates if the use is discontinued for six months or more, other than by temporary abandonment or shut-in that is in conformance with COGCC regulations.

b. Existing Accessory Equipment and Pumping Systems
Accessory equipment and pumping systems that exist on the Effective Date of the regulations codified in this Section 146-3.3.5.DD or that are located within territory that is later annexed to the city may continue operating without the issuance of an oil and gas permit. Any renovation or repair of nonconforming accessory equipment or pumping systems shall be permitted without an oil and gas permit, provided the work does not increase the extent of nonconformity. Any replacement of existing accessory equipment or any addition of accessory equipment shall conform to this Section. The replacement or addition of individual tanks, treaters, or separators does not
necessitate that the remaining accessory equipment, access roads, or a well site, conform to the development standards in this Section.

c. **Applicability of Section**

This Section shall apply to the permitting, construction, erection, maintenance, alteration, repair, and location of wells, accessory equipment, or structures within the city.

d. **Conflicts with Other Provisions**

Nothing in this Section 146-3.3.5-DD shall be construed to limit other applicable City ordinances that are not in conflict with this Section. If a conflict occurs between this Section and other regulations, this Section shall govern.

e. **Permit Required**

Subject to Subsections (3)(a) and (3)(b) above, it is unlawful for any person to drill a well or reactivate a plugged or abandoned well, operate a production site, or perform initial installation of accessory equipment or pumping systems unless an oil and gas permit has first been granted in accordance with the procedures in this Section. The initial permit shall allow twinning of a well and relocation of accessory equipment or gathering and transmission lines provided the activities comply with the development standards of this Section. If the twinning of a well or relocation of accessory equipment or gathering and transmission lines occurs, the operator shall file a revised plan with the Planning Director within 30 days. The revised plan shall show any changes from the approved oil and gas permit and demonstrate how the changes comply with the development standards of this Section. When an oil and gas permit has been granted for a well, reentry of the well for purposes of sidetracking, deepening, recompleting, or reworking does not require an oil and gas permit amendment. It is unlawful for any person to fail to perform all conditions required by an oil and gas permit.

f. **Granting of Permit for Unplatted Property**

An oil and gas permit for a well site or production site may be granted on unplatted property.

g. **Designation of Agent**

Every operator of any well subject to this Section shall designate an agent residing within the state to receive legal process, orders, and notices. Notice of a change in agent must be submitted by certified mail to the Planning Director within 10 calendar days of the change.

h. **Oil and Gas Permit Submittal Requirements**

An application for an oil and gas permit pursuant to this Section shall be filed with the Planning Department and must include all information required by the Planning Department, including:

1. Site plan (proposed layout, access, landscape plan, fence, tanks, containment, colors, lighting plan, and haul routes, as well as existing easements, rights-of-
way, and a depiction of all visible improvements within 500 feet of the well). Landscape and fence plans are required when a well pad is within 1500 feet of a platted residential lot or a platted lot line containing, a building unit or high occupancy building unit (as those two terms are defined in state law), or a City-owned park, reservoir, or golf course. ii. Context map (distance to nearest structures, how site fits in relation to adopted Master Plan). iii. Traffic impact study or memorandum, road haul routes, proposed mitigation. iv. Water quality control plan (drainage). v. Operations plan.
   a. Source of water supply (City Council approval is necessary if water is supplied by the City).
   b. Emergency response plan (including contact information with fire department).
   c. Mitigation plan (hours of operation, lighting, noise, dust, weed control, fluid disposal, and reclamation).
   d. Road maintenance agreement.
   vi. Completed application form, ownership (surface, mineral) authorization, and demonstration of interest in property.

4. Development Standards
   a. Setbacks
      Operators shall comply with all applicable COGCC regulations regarding setbacks.
   b. Production Site Containment
      Operators shall comply with all applicable COGCC regulations regarding production site containment.
   c. Visual Impacts and Aesthetics
      The following visual mitigation requirements shall apply to oil and gas well sites and production sites:
      i. To the maximum extent practicable, an existing or proposed well site and a production site shall be located away from prominent natural features such as distinctive rock and land forms, vegetative patterns, river crossings, land in the POS zone district, and other designated landmarks.
      ii. To the maximum extent practicable, a well site and a production site shall be located to avoid hilltops and ridges to prevent the appearance of pump jack and accessory equipment profiles on the horizon.
      iii. Electric pumping systems shall be required in areas where feasible. iv. No tanks located in a production site shall exceed 20 feet in height.
      v. To the maximum extent practicable, the applicant shall locate facilities at the base of slopes to provide a background of topography and natural cover.
      vi. To the maximum extent practicable, the applicant shall align access roads to follow existing grades and minimize cuts and fills. vii. All facilities shall be painted in uniform, non-contrasting, and nonreflective color tone similar to the
Munsell Soil Color Coding System. The colors shall be matched to land and not to sky and shall be slightly darker than the adjacent landscape, to the maximum extent practicable. Exposed concrete shall be colored to match the soil color to the maximum extent practicable.

viii. Electrical lines servicing pumping and accessory equipment shall be installed below ground only. ix. After commencement of production operations, all excavation slopes, both cut and fill, shall be planted and maintained with grasses, plants, or shrubs for the purposes of adequate erosion control.
x. Upon abandonment, the site operations shall be cleaned, holes filled, equipment removed, and the land graded to return the site to its original condition as soon as weather and pit conditions will permit, consistent with applicable COGCC regulations. All such reclamation shall be completed within six months, unless an extension is granted by the COGCC.

d. Best Management Practices (BMP)

BMPs are mitigation measures applied to areas being developed for oil and gas to promote energy development in an environmentally sensitive manner. Operators shall employ BMPs to the maximum extent practicable. As a condition of approval, BMPs may be required for conditional uses to ensure mitigation of land use impacts from a proposed well or production site on the surrounding area. BMPs may only be required where a finding is made based upon evidence at a public hearing that such requirement would not constitute an operational conflict with COGCC regulations. An operational conflict exists where imposition of the BMP would conflict with the application of state statutes and rules, or would materially impede or destroy the state interest as provided in the Act. BMPs include but are not limited to: i. Closed loop systems instead of open pits.

ii. Recycling of flow back water on site.


5. Access Roads

a. Private Roads

All private roads used to access an oil and gas production site shall be improved prior to the start of production activity and maintained according to the standards in this Subsection, which shall control in a conflict. Access roads to the production site shall be subject to review by the City Engineer in accordance with the City standards and specifications, and the following minimum standards:

i. A graded roadway conforming to the Aurora Roadway Design and Construction Specifications Manual, including provisions for positive drainage flow from the roadway surface. In addition, cross-drainage of waterways shall be provided (in the form of roadside swales, gulehes,
rivers, and creeks) as prescribed by an approved drainage report and drainage plan. ii. Maintained to provide a roadway passable for emergency vehicles and without irregular surfaces, deteriorated features, or obstacles that would delay the passage of emergency vehicles.

b. Access from Public Right-of-Way

All proposed access roads to production sites that gain access off of a paved public right-of-way shall be improved as required in this Section. In addition, the point of intersection with the public right-of-way shall be improved to the following minimum standards:

i. An access width of 23 feet with paved 29 foot radii at each side of the access road at the point of intersection with the public right-of-way capable of sustaining an imposed weight limit of 185,000 pounds; and

ii. A minimum of six inches of asphalt pavement over the initial 100-foot portion of the proposed access road, beginning at the edge of the existing pavement of a paved public right-of-way.

iii. Any gating system crossing the primary access drive into the site must provide a minimum 23 foot opening width. A Knox lock or other approved Knox Hardware must be integrated into the gating system to allow for emergency access.

c. Truck Traffic Hours, Routes

The hours and routes of truck traffic on public roads providing access to the well or production site shall be such that the trip capacity levels and road conditions are not impaired or damaged. Approval of a permit under this Section may be conditioned upon the designation of access routes and hours of hauling.

d. Traffic Impacts, Performance Bond

The permittee shall be responsible for any damage to public roads caused by truck traffic accessing well sites. The permittee shall mitigate and repair damage to city roadways, culverts, and bridges that results from oil and gas facility construction and the traffic generation due to operation of the oil and gas facility. The applicant shall consult with the Director of Public Works, to determine such impacts, and may be required to enter into a road maintenance agreement, and post a performance bond or other security to fund the repair of public infrastructure as a condition on the issuance of the permit.

6. Additional Performance Standards

All oil and gas well structures and equipment shall be maintained so that they do not become a hazard or injurious to public health and safety. In addition, the following performance standards shall apply:

a. Flood Hazard

Unless otherwise stated in this Section, all wells and accessory equipment shall comply with all applicable provisions of Section 146.26.1 (FPO overlay district) pertaining to flood hazard regulations.

b. On-site Transport
All oil or gas shall be transported from the well to the on-site treatment facilities and production pits by buried pipeline.

c. Air Emissions
Air contaminant emission sources shall comply with the permit and control provisions of the state air quality control program (C.R.S. §§ 25-7-101 et seq.) and the rules and regulations promulgated by the State Air Quality Control Commission. The permittee shall employ such control measures and operating procedures as are necessary to minimize fugitive particulate emissions into the atmosphere.

d. Noise
Operators shall comply with all applicable COGCC regulations regarding noise.

e. Wildlife Impact Mitigation; Natural Area Zones
When a well or production site is located in a significant wildlife habitat, as defined by the Colorado Parks and Wildlife, or in a natural area or open space, as designated in the Comprehensive Plan or other applicable planning document, the applicant shall indicate as such and the applicant shall consult with the State Division of Wildlife or the City Parks, Recreation, and Open Space Department to obtain recommendations for appropriate site-specific and cumulative impact mitigation procedures. The operator or owner shall implement the procedures recommended by the City after consultation with the State Division of Wildlife. The applicant shall not engage in activities that threaten endangered species, natural areas, or designated open spaces or parks.

f. Signs
Each well and production site shall post a legible sign in a conspicuous place, which is three to six 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, and number of the well 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 well site and production site is abandoned.

g. Fencing
Notwithstanding any provision of Section 146-4.7.9 (Fence and Wall Regulations) to the contrary, fencing shall be provided as follows:

i. Within all Residential zone districts, all pumping systems and accessory equipment used in the operation of a well shall be screened on all sides by a non-flammable privacy fence.

ii. If any part of a well pad is within 1,500 feet of a platted residential lot, a platted lot line containing either a building unit or a high occupancy building unit, or a government-owned park, reservoir, or golf course, fencing shall be required. The fence shall be non-flammable, and shall be

Comments by API
designed to screen the production equipment and provide security for the well site. The maximum height of the fence is nine feet. The specific material used for the fence shall be based on compatibility with adjacent development and visibility from surrounding residential development. iii. Access through the fence shall be provided by a solid gate that preserves the integrity of the screening. The access gate shall be securely locked to prevent access by unauthorized persons.

h. Landscaping

All facilities shall comply with those landscaping, buffering, and screening requirements in Section 146-4.7.5.N (Oil and Gas Well Sites and Facilities).

i. Lighting

Lighting shall be downcast, and shall not shine beyond the boundaries of the drilling operation or oil and gas facility.

j. Ponds and Modular Large Volume Tanks

The use of uncovered ponds and modular large volume tanks for storage of liquids associated with the drilling or stimulation of wells is permitted on a temporary basis. All ponds and modular large volume tanks must be removed once the drilling phase and the completion phase of the well is finished.

k. Compatibility with Approved Master Plans

The location and operations of the oil and gas facility shall be compatible with the approved Master Plan for the subject property.

2. Notice to Purchasers

a. A seller of real property upon which an oil or gas well or facility has been located shall provide written notice of the existence of such well to a purchaser of such real property prior to the closing of the sale. The seller shall cause the following notice to be recorded with the clerk and recorder of the appropriate county:

Notice: The property known as [legal description and address] contains an oil and/or gas well.

This requirement to provide notice to prospective purchasers and record such notice shall only apply to the transaction between the developer or builder and the initial purchaser and does not apply upon any subsequent sale of the property.

b. Vendors of residentially zoned real property within a state-determined setback shall provide the following notice to prospective purchasers in 14-point bold type on a single sheet of paper that is signed by the prospective purchaser prior to entering into a contract for purchase:

Notice of nearby oil and gas facility.

This property is located within a state-determined setback from an oil and gas facility.
Vendors of residentially zoned real property within a state-determined setback from an oil and gas facility shall cause the following notice to be recorded with the clerk and recorder of the appropriate county:

Notice

The property known as [legal description and address] is located within a state-determined setback from an oil and gas facility.

This requirement to provide notice to prospective purchasers and record such notice shall only apply to the transaction between the developer or builder and the initial purchaser and does not apply upon any subsequent sale of the property.

The City Council declares that the purpose of this Section is to facilitate the development of oil and gas resources within the city limits and to mitigate potential land-use conflicts between oil and gas development and existing and planned land uses. Nothing in this Section shall be construed as giving the City the authority to enforce state regulations. If it is established by competent evidence that a proposed oil and gas facility fails to meet the regulations in this Section, the permit for such facility may be denied.

Section 24. That section 146-4.6.3.C, Table 4.6-1 of the UDO of the City of Aurora hereby amended to read as follows:
Table 4.6-1 Required Off-Street Parking

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<th>Number Required</th>
<th>Category</th>
<th>Required Parking</th>
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<tr>
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<td>Mining</td>
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<td>Railroad Track</td>
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<td></td>
<td>Transit Facility</td>
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<td></td>
<td>Electric Power Generator Station</td>
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<td></td>
<td>Solar Collector as a Primary Use</td>
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<td>Telecom Facility, Tower</td>
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<td>Telecom Facility, Freestanding</td>
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<td>Monopole</td>
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<td>Telecom Facility, Freestanding Unipole</td>
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<td>Wind Energy System, Large</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bio-medical Waste Treatment Facility</td>
<td></td>
</tr>
</tbody>
</table>

Section 25. That section 146-4.7.9.O of the UDO of the City of Aurora, Colorado is hereby amended to read as follows:

O. Screening of Outdoor Storage, Equipment, Asphalt, Concrete, Landscape Yards, Surface Parking Lots, Oil and Gas Facilities, Substations or Pump Stations

1. Permitted Materials
   Permitted materials include the following, all of which must be opaque:
   a. Walls consisting of brick, stone, and integrally colored decorative concrete masonry units (CMUs);
   b. Decorative and durable pre-cast concrete panels
   c. Composite wood
   d. Closed style wood fences

2. Prohibited Materials
   Color cladded, welded wire, chain link, Omega or similar welded wire may not be utilized to meet screening requirements.

Section 26. The City section 146-5.1.2.B. of the UDO of the City of Aurora, Colorado is hereby amended to read as follows:
B. Powers and Duties
The Planning and Zoning Commission has the following powers and duties related to this UDO.
1. To make recommendations to City Council regarding the Comprehensive Plan and proposed amendments to that plan as described in Section 146-5.4.1.A.
2. To make recommendations to City Council regarding the text of this UDO and proposed amendments to the text of this UDO as described in Section 146-5.4.1.C;
3. To make recommendations to City Council regarding the Official Zoning Map and proposed amendments to that map as described in Section 146-5.4.1.C
4. To make decisions on all those types of applications indicated as a Planning and Zoning Commission decision in Table 5.2-1 (Summary Table of Procedures).
5. To make decisions on Oil and Gas Location applications and appeals pursuant to the criteria set forth in Chapter 135 of the Aurora City Code (Oil & Gas Manual), as amended.
6. To make recommendations to City Council regarding a plan for capital improvements as provided in Section 9-5 of the City Charter.
7. To exercise any additional powers conferred by statute or Charter at the request of City Council.

Section 27. The City hereby repeals section 146-5.4.3.A.4 of the UDO pertaining to oil and gas permit procedures and review criteria; notice; appeal:

4. Oil and Gas Permit Procedures and Review Criteria; Notice; Appeal
   a. Applicability
      i. The application for oil and gas drilling or operation of a production site in a location more than 1,000 feet from a platted residential lot, a platted lot line containing either a building unit or a high density building unit, or a government-owned park, reservoir, open space or golf course shall be submitted to the Planning Director. The Director shall issue the oil and gas permit for drilling if it is determined that the application complies with the requirements of this Section 146-5.4.3.A.4.
      ii. An application for drilling or operation of a production site in a location less than 1,000 feet from a platted residential lot, a platted lot line containing either a building unit or a high density building unit, an existing or proposed City-owned park, reservoir, open space, or golf course shall be submitted to the Planning and Zoning Commission for consideration at a public hearing. The applicant, abutting property owners, the surface owner, and any interested party may be heard.
   b. Notice
      Notice of the application shall be mailed by the applicant to property owners within one-half mile, to registered neighborhood groups within one mile, and to the surface owners of the subject property at least 10 calendar days prior to a decision by the Planning Director or Planning and Zoning Commission.
   c. Criteria for Approval or Denial
i. Approval
An oil and gas permit for a well drilling site or production site shall be approved or approved with conditions if the application conforms to the requirements of this Section and complies with:

a. The submittal requirements;
b. The provisions, development standards, and performance standards of this Section; and
c. The applicable requirements of the fire code and City storm drainage criteria manual, and storm water quality criteria approved by the Director of Water and the Director of Public Works.

ii. Denial
An application for an oil and gas permit for a well drilling site or production site shall be denied if:

a. The application does not meet the requirements listed in this Section.
b. The applicant has failed to comply or otherwise violated the terms and conditions of a previous permit or has failed to make any mitigation or damage payments to the City required by a previous permit.

d. Failure to Comply with the Conditions
Failure to comply with the conditions imposed on a permit shall be grounds for revocation of the permit. Notice of an alleged violation of conditions shall be provided to the permittee, who may request a hearing before the City Council on the alleged violation.

e. Appeals

i. From Planning Director
Any administratively-approved well permit application, interpretation, or decision of the Planning Director 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 14 calendar days of the director's decision. Such appeal shall specifically state the grounds for the appeal. If an appeal is filed, the Planning and Zoning Commission shall schedule a public hearing according to the procedures described in Section 146-5.3 (Common Procedures). The Planning and Zoning Commission shall review the appeal based on the various requirements of this Section 1465.3.13 and shall ensure that the intent and specific requirements of this UDO are met. At the conclusion of the hearing, the Planning and Zoning Commission shall approve, approve with conditions, or deny the permit.

ii. From 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 Planning Director within 14 calendar days after the Planning and Zoning Commission's action on the permit. 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. At the conclusion of the hearing, council shall approve,
approve with conditions, or deny the permit.
Section 28. That section 146-5.4.3.B of the UDO of the City of Aurora, Colorado is hereby amended to read as follows:

B. Site Plans

All applicable provisions of Section 146-5.3 (Common Procedures) apply unless specifically modified by the provisions of this
Section 146-5.4.3.B. Oil and gas wells are processed under the provisions of Section 0 and are not subject to this Section.

Section 29. That the definitions set forth below from section 146-6.2 of the UDO of the City of Aurora, Colorado are hereby amended to read as follows:

Oil and Gas Facility

Shall mean equipment or improvements used or installed at an Oil and Gas Location for the exploration, production, withdrawal, gathering, treatment, or processing 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.

As used in the context of oil and gas regulations in Section 146-3.3.5.DD, the following terms have the following meanings:

1. **Accessory Equipment**
   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.

2. **Act**

3. **Building Unit**
   The meaning as set forth in the COGCC regulations.

4. **Berm**
   An earthen barrier of compacted soils preventing the passage of liquid materials or providing screening from adjacent uses as may be specified in an applicable development standard.

5. **COGCC**
   The Colorado Oil and Gas Conservation Commission.

6. **COGCC Regulations**
   The rules and regulations promulgated by the COGCC and codified at 2 C.C.R. Title 404, as amended.

7. **Designated Agent**
   The designated representative of any producer, operator, transporter, refiner, or gasoline or other extraction plant operator or owner.

8. **Distance**
   Distance from a well site to a platted residential subdivision, platted lot line containing either a building unit or high density building unit.

   The distance from the edge of the well pad (graveled area not including access road) to the nearest platted residential lot line, or a platted lot line that contains a building unit or a high density building unit.
9. **Gas**
   All natural gases and all hydrocarbons not defined in this Article 146-6 as oil.

10. **High Occupancy Building Unit**
    The meaning as set forth in the COGCC regulations.

11. **Injection Well**
    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.

12. **Oil**
    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 are not the result of condensation of gas before or after it leaves the reservoir.

13. **Oil and Gas**
    Oil or gas or both oil and gas.

14. **Oil and Gas Well**
    A hole drilled into the earth for the purpose of exploring for or extracting oil, gas, or other hydrocarbon substances.

15. **Oil and Gas Facility**
    Equipment or improvements used or installed at an oil and gas location for the exploration, production, withdrawal, gathering, treatment, or processing of oil or natural gas.

16. **Operating Plan**
    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 regular functioning of that facility.

17. **Operator**
    The person designated as operator and named in COGCC form 2 or a subsequently filed COGCC form 10.

18. **Owner**
    Any person with a working interest ownership in the oil and gas or leasehold interest therein.

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

20. **Production Pits**
    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.

21. **Production Site**
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 pipelines.

22. **Tank**
Any container used in conjunction with the production or storage of petroleum and hydrocarbon substances, stored at or near atmospheric pressure.

23. **Treatment Facilities**
Any plant, equipment, or other works used for the purpose of treating, separating, or stabilizing any substance produced from a well.

24. **Twinning**
The drilling of a well adjacent to or near an existing well bore 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.

25. **Well**
An oil and gas well or an injection well.

26. **Well Site**
That surface area of a proposed or existing well or wells and its pumping systems.

**Section 30.** Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

**Section 31.** City employees violating the terms, directives, or mandates of this Code are not subject to the general penalty provisions contained in Section 1-13 of this City Code.

**Section 32.** Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

**Section 33.** All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repeal shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.
INTRODUCED, READ AND ORDERED PUBLISHED this _____ day of ____________, 2021.

PASSED AND ORDERED PUBLISHED this _____ day of ____________, 2021.

__________________________________
MIKE COFFMAN, Mayor

ATTEST:

_________________________________
KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

IAN BEST, ASSISTANT CITY ATTORNEY
April 14, 2021

**Draft Ordinance for Creating Chapter 135 (Oil & Gas Manual) of the Aurora City Code**

The document below is a draft of the ordinance which will be presented to the Aurora City Council on April 26, 2021, for consideration and discussion at a public hearing. The ordinance will:

1. Create a new chapter in the Aurora City Code, Chapter 135, pertaining to oil and gas development; and
2. Simultaneously remove existing oil and gas regulations from the Unified Development Ordinance (UDO) and refer to Chapter 135 in the UDO.

This ordinance has previously been presented to and approved by:

1. The Planning and Economic Development (PED) Committee on January 13, 2021; and
2. The Aurora City Council in Study Session on February 1, 2021.

The document below is a redline version from the ordinance presented to the City Council in Study Session on February 1, 2021. The changes (deletions and insertions) indicated in red font, are those changes which have been made by the Oil & Gas Division based on comments and requests from City Council Members, both at the PED meeting and the Study Session. Also note that section numbering has changed from some earlier versions to conform with City Code.

This ordinance has not and cannot be adopted until it has been presented to City Council during a public hearing at a formal City Council meeting, has been approved by City Council, and has properly completed the ordinance review process. It is available in draft form now due to the length and for transparency to the public and all stakeholders. Further review and discussion will take place at the future City Council meeting including opportunity for public comment.

Jeffrey S. Moore, P.G.
Manager, Oil & Gas Division
We steward access to the natural resources under our authority with integrity and respect for our citizens, businesses, and the environment.
ORDINANCE NO. 2021- _____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, CREATING CHAPTER 135 OF THE CITY CODE PERTAINING TO OIL AND GAS AND REPEALING CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

WHEREAS, the General Assembly granted the City of Aurora certain local authority to oversee oil and gas operations within its jurisdiction through the Colorado Oil and Gas Conservation Act, C.R.S. 34-60-101 et seq. and the Local Government Land Use Act C.R.S. 29-1-104(1)(h), both as amended; and

WHEREAS, certain updates to the City Code are necessary for the proper oversight of oil and gas operations within the City of Aurora to protect the public health, safety, welfare, the environment, and wildlife resources; and

WHEREAS, certain sections of the Unified Development Ordinance ("UDO") pertain to oil and gas facilities and locations in the City of Aurora; and

WHEREAS, oil and gas facilities and locations, which are not regulated by an Operator Agreement, shall now be governed by Chapter 135 of the City Code; and

WHEREAS, certain sections of the UDO shall be amended or repealed to coincide with Chapter 135 of the City Code; and

WHEREAS, the Planning and Zoning Commission has previously considered and approved the changes to the UDO.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-1, which section reads as follows:

Sec. 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 Senate Bill SB 19-181 and 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, and 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. 25-7-1081, 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, and 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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<th>Abbreviation</th>
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<td>A.C.C.</td>
<td>Aurora City Code</td>
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<td>ALA</td>
<td>Alternative Location Analysis</td>
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<td>Air Quality Control Commission of Colorado</td>
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<td>BMP</td>
<td>Best Management Practice</td>
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<td>BTEX</td>
<td>Benzene, Toluene, Ethylbenzene and Xylene</td>
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<td>CGF</td>
<td>Central Gathering Facility</td>
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<td>Colorado Oil &amp; Gas Conservation Commission</td>
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<td>SDS</td>
<td>Safety Data Sheet</td>
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<td>SPCC</td>
<td>Spill Prevention, Control, and Countermeasure</td>
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<td>SSV</td>
<td>Surface Safety Valve</td>
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<td>TPH</td>
<td>Total Petroleum Hydrocarbons</td>
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<td>UDO</td>
<td>Unified Development Ordinance of the City of Aurora</td>
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<td>US EPA</td>
<td>United States Environmental Protection Agency</td>
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<td>WIMP</td>
<td>Wildlife Impact Management Plan</td>
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<td>VOC</td>
<td>Volatile Organic Compound</td>
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(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 a _Compressor Station_, 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.

_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 comeingle 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 Defined by COGCC to mean 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.

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 quasi-governmental 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. (From EPA.GOV)

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 2.** The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-2, which section reads as follows:

**Sec. 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 the OGP application 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 must submit a new OGP application shall contact the Oil & Gas Manager to determine if a new application is required or if the Variance Request process can be utilized.

(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 subject to an ongoing enforcement action by any federal, state, or local agency 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. This process aligns with the requirements of the COGCC.

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 its 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 or related 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 requested 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 at ODA@auroragov.org or 303-739-7345.

(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 Phase 1 of the OGP 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(c) of this OGM.

b. OGP Oil and Gas Location applications will be processed in the order received. Operator shall not submit more than two (2) OGP applications in a three-week period. If Operator has more than one (1) OGP application that has been deemed by the City to be complete, it may provide a priority list for review of complete OGP 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 OGP Oil and Gas Location application, the City will initiate a Pre-Acceptance Review to determine whether the OGP application is sufficient to begin the formal review process. During the Pre-Acceptance Review, the City will identify any deficiencies missing submittal requirements in the OGP 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 OGP Oil and Gas Location Application.

a. If no deficiencies missing submittal requirements are identified, an invoice of the OGP 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 deficiencies missing submittal requirements in the OGP application are identified, the Operator shall address the deficiencies missing submittal...
requirements and resubmit the OGP 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 OGP 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 surface owners and all registered Home Owner Associations Notified Residents within one (1) mile of the Oil and Gas Location of the time and location of the Neighborhood Meeting. Surface owners and Home Owner Associations Notified Residents shall be notified by mail a minimum of ten (10) calendar days in advance.

   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.

(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. 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.

(1314) **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.

(1415) **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 Phase 1 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 decisions may be subject to called-up by City Council.

d. Operator shall notify all surface owners and registered Home Owner Associations Notified Residents within one (1) mile of the Oil and Gas Location by mail of the time and location of the Public Hearing.

(1516) **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 BMPs 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 BMPs 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.

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.

(471) 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(de) of this OGM.

(482) 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 deficiencies-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.

(493) 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.

(504) 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.

(505) 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.

(22) 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. The Oil & Gas Manager shall take into consideration whether the application appropriately addresses the impact of approved Master Plans and Comprehensive Plans.

(236) 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.
(247) **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 approved OGP Oil & Gas Manager’s decision according to the procedures described in Section 135-2(g), to confirm or deny the administrative decision. Any call-up must occur by the end of the second full Council meeting following the decision.

(258) **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 requirements are 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).

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

(2710) **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 an 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.

(2811) **Time Limits.** An administratively approved OGP shall be valid for a period of three (3) years from the date of approval. An Operator may request a six (6) month extension of a permit, however, such permit must be reviewed by the City to determine if it is still in compliance with the OGM.

a. If the construction of the Oil and Gas Location has not begun within three (3) years, a new OGP application must be submitted by the Operator 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; and
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.

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.

(2912) 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.

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

An Oil and Gas Location phase of the OGP application to the City 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;

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**.

**Required OGP Phase 2 Application Materials for Phase 2.** 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.

(Vef) Variance Requests.

(1) Operator may seek an minor exception to the strict application of the requirements of the Oil & Gas Manual regulations 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 may not diminish 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 request for a variance 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;
   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 these Oil & Gas Manual standards and regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these Oil & Gas Manual standards and regulations.

c. Granting of the Variance Request will not confer on the applicant any special privilege denied by these Oil & Gas Manual standards and regulations 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 these Oil & Gas Manual standards and regulations.

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 these Oil & Gas Manual standards and regulations will not cause substantial detriment to the public good or impair the intent of these Oil & Gas Manual standards and regulations.

(fg) 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(fg)(3). At the conclusion of the hearing, the Planning and Zoning Commission shall approve, approve with conditions, or deny the permit, administrative decision, or Variance Request.
(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(fg)(3). At the conclusion of the hearing, Council shall approve, approve with conditions, or reverse the decision.

(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, or modify 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 3.** The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-3, which section reads as follows:


(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 and-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, or-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>
<thead>
<tr>
<th>Table 135-3-1 Chemicals Not to be Used in Hydraulic Fracturing</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Ingredient Name</strong></td>
</tr>
<tr>
<td>Benzene</td>
</tr>
<tr>
<td>Lead</td>
</tr>
<tr>
<td>Mercury</td>
</tr>
<tr>
<td>Arsenic</td>
</tr>
<tr>
<td>Cadmium</td>
</tr>
<tr>
<td>Chromium</td>
</tr>
<tr>
<td>Ethylbenzene</td>
</tr>
<tr>
<td>Xylene-(\text{f})</td>
</tr>
<tr>
<td>1,3,5-trimethylbenzene</td>
</tr>
<tr>
<td>1,4-dioxane</td>
</tr>
<tr>
<td>1-butanol</td>
</tr>
<tr>
<td>2-butoxyethanol</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, or 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 4. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-4, which section reads as follows:

Sec 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 impervious 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, (Dawson, Denver, Arapahoe (Upper and Lower), 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, the COGCC, 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, the COGCC, 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, the COGCC, 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, the COGCC, 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>
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</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>
<tr>
<td>1,2-Dichloroethane</td>
</tr>
<tr>
<td>Trichloroethylene</td>
</tr>
<tr>
<td>Para-Dichlorobenzene</td>
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<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-Dichloropropane</td>
</tr>
<tr>
<td>Ethylbenzene</td>
</tr>
<tr>
<td>Contaminant:</td>
</tr>
<tr>
<td>-------------</td>
</tr>
<tr>
<td>Alachlor</td>
</tr>
<tr>
<td>Aldicarb1</td>
</tr>
<tr>
<td>Aldicarb sulfoxide</td>
</tr>
<tr>
<td>Aldicarb sulfone</td>
</tr>
<tr>
<td>Atrazine</td>
</tr>
<tr>
<td>Carbofuran</td>
</tr>
<tr>
<td>Chlordane</td>
</tr>
<tr>
<td>Dibromochloropropane</td>
</tr>
<tr>
<td>2,4-D</td>
</tr>
<tr>
<td>Ethylene dibromide</td>
</tr>
<tr>
<td>Heptachlor</td>
</tr>
<tr>
<td>Heptachlor epoxide</td>
</tr>
<tr>
<td>Lindane</td>
</tr>
<tr>
<td>Methoxychlor</td>
</tr>
<tr>
<td>Polychlorinated biphenyls</td>
</tr>
<tr>
<td>Pentachlorophenol</td>
</tr>
<tr>
<td>Toxaphene</td>
</tr>
<tr>
<td>2,4,5-TP (Silvex)</td>
</tr>
<tr>
<td>Benzopyrene</td>
</tr>
<tr>
<td>Dalapon</td>
</tr>
<tr>
<td>Di(2-ethylhexyl)adipate</td>
</tr>
<tr>
<td>Di(2-ethylhexyl)phthalate</td>
</tr>
<tr>
<td>Dinoseb</td>
</tr>
<tr>
<td>Diquat</td>
</tr>
<tr>
<td>Endothall</td>
</tr>
<tr>
<td>Endrin</td>
</tr>
<tr>
<td>Glyphosate</td>
</tr>
<tr>
<td>Hexachlorobenzene</td>
</tr>
<tr>
<td>Hexachlorocyclopentadiene</td>
</tr>
<tr>
<td>Oxamyl (Vydate)</td>
</tr>
<tr>
<td>Picloram</td>
</tr>
</tbody>
</table>

Table 135-4-3 Synthetic Organic Compounds (SOCs)
Simazine
2,3,7,8-TCDD (Dioxin)
Perfluorooctanoic Acid (PFOA)
Perfluorooctane Sulfonate (PFOS)

Table 135-4-4 Radionuclides

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

| GENERAL WATER QUALITY                                                                                           |
| Alkalinity, Conductivity & TDS, pH, Dissolved Organic Carbon (or Total Organic Carbon), Bacteria, and Hydrogen Sulfide |
| MAJOR IONS                                                                                                       |
| Bromide, Magnesium, Potassium, Sodium, and Nitrate + Nitrite as N                                                                                          |
| METALS                                                                                                           |
| Boron, Lead, Selenium, Strontium                                                                                   |
### General Sampling Parameters

<table>
<thead>
<tr>
<th>Parameter</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DISSOLVED GASES</strong></td>
</tr>
<tr>
<td>Methane, Ethane</td>
</tr>
<tr>
<td><strong>OTHER</strong></td>
</tr>
<tr>
<td>Water Level, Stable isotopes of water (Oxygen, Hydrogen, Carbon), Phosphorus</td>
</tr>
</tbody>
</table>

#### Table 135-4-7 General Sampling Parameters

<table>
<thead>
<tr>
<th>Parameter</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GENERAL WATER QUALITY</strong></td>
</tr>
<tr>
<td>Alkalinity, Conductivity &amp; Total Dissolved Solids (TDS), pH, Dissolved Organic Carbon (or Total Organic Carbon), Bacteria, and Hydrogen Sulfide</td>
</tr>
<tr>
<td><strong>MAJOR IONS</strong></td>
</tr>
<tr>
<td>Bromide, Chloride, Fluoride, Magnesium, Potassium, Sodium, Sulfate, and Nitrate + Nitrite as N</td>
</tr>
<tr>
<td><strong>METALS</strong></td>
</tr>
<tr>
<td>Arsenic, Barium, Boron, Chromium, Copper, Iron, Lead, Manganese, Selenium, Strontium, Mercury, Uranium, and Radium</td>
</tr>
<tr>
<td><strong>DISSOLVED GASES and VOLATILE ORGANIC COMPOUNDS</strong></td>
</tr>
<tr>
<td>Methane, Ethane, Propane, BTEX as Benzene, Toluene, Ethylbenzene and Xylenes, Total Petroleum Hydrocarbons (TPH)</td>
</tr>
<tr>
<td><strong>OTHER</strong></td>
</tr>
<tr>
<td>Water Level, Stable isotopes of water (Oxygen, Hydrogen, Carbon), Phosphorus</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 remediation 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. 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, or 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 Comments by COGA
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 at 303-739-7555.

(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 5. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-5, which section reads as follows:

Sec 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:

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

j. **Reduced Emission Completion.** Operator shall comply with the United States Environmental Protection Agency (US EPA) reduced emission completion rules for oil and gas wells.

(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 total hydrocarbons. 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 hour, 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 have the ability to 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) hour-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 6. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-6, which section reads as follows:

**Sec 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 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, and 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.

(h) Wildlife/Wildlife Impact Management Plan (WIMP.)
(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. 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 7. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-7, which section reads as follows:

Sec 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 owners 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.

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.

   a. Upon the City’s completeness determination of the OGP Oil and Gas Location application, the Operator shall hold a Neighborhood Meeting to facilitate engagement between the Operator and nearby 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.
   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 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 OGP 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.

   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.

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 COGCC or OSHA reportable injuries, accidents, or natural events shall be reported to the City within twenty-four (24) hours, except for a or a COGCC Grade 1 Gas Leak, which must 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 spills at the Oil and Gas Location, including but not limited to COGCC Form 22.

b. Any other incident that has the potential to impact the public or the environment, any spill of any volume 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 twenty-four (24)-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 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 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 8. The City Code of the City of Aurora, Colorado, is hereby amended by adding
sections, to be numbered 135-8 through 135-30, which sections read as follows:

Sec. 135-8. through Sec 135-30. Reserved.

Section 9. The City Code of the City of Aurora, Colorado, is hereby amended by adding
a section, to be numbered 135-31, which section reads as follows:

Sec. 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. Local jurisdictions have no authority
to regulate interstate pipelines.

(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. 25-7-1208, local governments may enact local air pollution resolutions or ordinances that include more stringent emission control regulations than state requirements.

Section 10. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-32, which section reads as follows:

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 contact the Oil & Gas Manager to determine if a new application is required or if the Variance Request process can be utilized.

(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 subject to an ongoing enforcement action by any federal, state, or local agency 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 at ODA@auroragov.org or 303-739-7345.
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 or related 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 requested 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 requirement 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 deficiencies—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 deficiencies—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 deficiencies—missing submittal requirements in the OGMP application are identified, the Operator shall address the deficiencies—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.

(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 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. Surface owners and registered neighborhood organizations, Notified Residents shall be notified by mail a minimum of ten (10) calendar days in advance.

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.

(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.

3) 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. The Oil & Gas Manager 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) to confirm or deny the administrative decision. Any call-up must occur by the end of the second full Council meeting following the decision.

(17) Issuance of OGMP. Once any City Council call-up requirements are complete, the Oil & Gas Midstream Permit (OGMP) will be issued to the Operator by the Oil & Gas Division with or without conditions. No installation of Oil and Gas Midstream Facilities may begin until 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 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. An Operator may request a six (6) month extension of a permit, however such permit must be reviewed by the City to determine if it is still in compliance with the OGM.

a. If the construction of the Oil and Gas Midstream Location has not begun within three (3) years, a new application must be submitted by the Operator. 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.

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 Gathering Line and Off-Location Produced Water Flowline will be properly cleaned, capped, and maintained if the Gathering Line and Off-Location Produced Water Flowline will be properly abandoned in place or whether the Gathering Line and 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 impacted property 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 from other landowners 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 or property owner in such a manner to control soil erosion, dust, and the growth of noxious weeds.

(3) **Site Plan for the CGF, Compressor Station, 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.

(4) Narrative list of applicable regulations addressed. The Operator shall include those regulations which:
a. the COGCC has the ability to respond to and resolve potential complaints regarding, and
b. the COGCC has enforcement ability to which it can exercise through inspection to ensure compliance with the regulation.

(d) Variance Requests.

(1) Operator may seek a minor exception to the strict application of the Oil & Gas Manual regulations 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 may not diminish...
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** request for a variance 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.

**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.

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 these Oil & Gas Manual standards and regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these Oil & Gas Manual standards and regulations.

c. Granting of the Variance Request will not confer on the applicant any special privilege denied by these Oil & Gas Manual standards and regulations 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 these Oil & Gas Manual standards and regulations.
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 these Oil & Gas Manual standards and regulations will not cause substantial detriment to the public good or impair the intent of these Oil & Gas Manual standards and regulations.

(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). At the conclusion of the hearing, the Planning and Zoning Commission shall approve, approve with conditions, or deny the permit, administrative decision, or Variance Request.

(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 action on the permit decision. Such appeal may be filed by the applicant, the owner of the subject 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). At the conclusion of the hearing, Council shall approve, approve with conditions, or deny the permit.

(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 location 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, or modify 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.

(f) Notice
(1) Printed, published, mailed, and website notice for development 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.
   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.

(3) Published Notice
   a. Notice of the public hearing on an Oil and Gas Location or Oil and Gas Midstream Location 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.

Section 11. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-33, which section reads as follows:

Sec. 135-33. OGMP – Safety and 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) **Security Fencing for Visual Mitigation.** Permanent security fencing, if applicable, shall be installed around the CGF, Compressor Station, and Associated Facilities and shall be secured. An internal security fence may include chain link fence with security wire immediately surrounding the CGF and Compressor Station, with there shall be visual mitigation of the any internal chain-link fence addressed by BMPs used in the visual mitigation plan. Gating systems shall meet the City’s Roadway Specification Manual applicable at the time of the OGMP application.

**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 this restricted area 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) Discharge Valves.
   (1) Open-ended discharge valves on all storage tanks, pipelines, and other containers within the Oil and Gas Midstream Location shall be secured and shall not be accessible to the general public. Open-ended discharge valves within the Oil and Gas Midstream Facility shall be blinded and locked and, where feasible, placed within the interior of the secondary containment area. An exception is made for safety relief valves.

(f) Chemical and Disclosure Storage.
   (1) Operator shall disclose the below-referenced chemicals to the Aurora Fire Rescue, Sable Altura Fire Rescue, and 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.

(g) 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, and rubbish, or landscaping.

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

(i) 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.

(2) **Marking of Pipeline Location.** Pipeline markers, which clearly indicate the subsurface location of the pipeline, shall be located at each public road crossing, at each railroad crossing, and in sufficient number along the remainder of each buried line so that the location of the pipeline is accurately known.

(jj) **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.

Risk Management.
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 12. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-34, which section reads as follows:

Sec 135-34. OGMP – Protection of Water Quality.
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 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.

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 at 303-739-7555.

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.

**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.

**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.

**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.

**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. Please review the CAD Data Submittal Standards, including templates and required layer file labeling are available at the City, at http://tinyurl.com/AuroraCAD. 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. Please email CADGIS@auroragov.org for questions or more detailed instructions.
Section 13. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-35, which section reads as follows:

Sec 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.

(23) 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.

(34) 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 total hydrocarbons. 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.

(45) 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. The City may require 
continuous monitoring of certain facilities or in some situations.

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.

(56) 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.

(67) 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 air quality rules or regulations at the Oil and Gas Midstream Facilities.

(78) **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.

(89) **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.** Operator will prevent odors by routing to closed-loop systems. 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 is expected to be mitigated to the maximum extent practicable 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 shall 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 14. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-36, which section reads as follows:

Sec 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 \textit{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.

(1) 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 concurrently with the submission of the COGCC permit 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, or 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 15. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-37, which section reads as follows:

Sec 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. Upon City acceptance of the OGMP application, the Operator shall hold a Neighborhood Meeting meeting to facilitate engagement between the Operator and nearby residents (Neighborhood Meeting). 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 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.

(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.

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.

(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 COGCC reportable safety event, or OSHA reportable injuries, 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 member of the general public that requires medical treatment, or damage to lands, structures or property shall be reported to the City within twenty-four (24) 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 other incident that has the potential to impact the public or the environment, any spill of any volume 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 twenty-four (24)-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 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 to bring the Oil and Gas Midstream Location or Facility into compliance as soon as practicable after the purchase date.

(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) CGF and Associated Facilities Documentation.

(1) CGF and Associated Facilities documentation will be held in accordance with OSHA Process Safety Information and continuous review per OSHA requirement.

(hg) 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.

(ih) 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 16. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-38, which section reads as follows:

Sec 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.

(ab) 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.
License Agreements.

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

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.

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 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 non-water pipelines are no longer in use, they shall be properly abandoned as required by applicable COGCC, PUC or PHMSA rules in place using flow fill or similar or removed. At that time, the easement shall be released to the property owner or to the City. 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.

Pipeline Location Requirements.

1. Pipeline location requirements allow the City to properly exercise its land use authority. Operator is responsible for locating all existing and proposed utility crossings (including both City and other party’s crossings) and ensure a minimum vertical separation of ten feet (10’) 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’) unless specified 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 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 not subject to PHMSA or PUC regulation under COGCC authority and Off-Location Produced Water Flowlines 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. Gathering Lines, and Off-Location Flowlines, and Crude Oil Transfer Lines Produced Water Flowlines 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 for air emissions, 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>
</tbody>
</table>
Within the arterial City ROWs | 20 | Bored
---|---|---
All other City ROWs | 15 | Bored
Floodplains | 20 | Bored
Floodways, creeks, ditches, and other conveyances | 20 | Bored

15) Operators of natural gas gathering lines must submit a leak detection plan detailing how the Operator will minimize emissions.

Testing and Maintenance.
1) All phases of construction shall be inspected by Operator’s third-party inspectors.

Section 17. The City Code of the City of Aurora, Colorado, is hereby amended by adding sections, to be numbered 135-39 through 135-89. Which sections read as follows:

Sec 135-39. through Sec 135.89. Reserved

Section 18. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-90, which section reads as follows:

Sec 135-90. Inspections

(a) General.

1) Operator Monitoring. The Operator will conduct its air, and groundwater, and plugged and decommissioned well 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, and Oil and Gas Midstream Facilities, CGF, Compressor Station, Gathering Lines not subject to PHMSA or PUC regulation, Off-Location Produced Water Flowlines, and Associated Facilities easements for the purpose of undertaking compliance 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**, Gathering Lines not subject to PHMSA or PUC regulation, 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. Reasonable notice may include notification by City staff at the Oil and Gas Location, Oil and Gas Facility, Oil and Gas Midstream Location, or Oil and Gas Midstream Facility.

**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. 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 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. 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 above-ground appurtenance. 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.

**Section 19.** The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 135-91, which section reads as follows:

**Sec 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 Manager Division and its his/her 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 subject to review, amendment, and final decision 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) Notwithstanding 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 20. The City Code of the City of Aurora, Colorado, is hereby amended by adding sections, to be numbered 135-92 through 135-99, which sections read as follows:
Sec 135-92. through Sec 135-99. Reserved.

**Section 21.** That section 146-3.3.5.DD.1. of the UDO of the City of Aurora is hereby amended to read as follows:

**DD Oil and Gas Facility**

1. **Purpose**

Each Oil and Gas Facility and Oil and Gas Location shall be subject to the rules and regulations set forth in Chapter 135 of the Aurora City Code (Oil & Gas Manual), as amended.

**Section 22.** That section 146-3.3.5.DD.2. of the UDO of the City of Aurora is hereby amended to read as follows:

2. **Notice to Purchasers**

   a. A seller of real property upon which an oil or gas well or facility has been located shall provide written notice of the existence of such well to a purchaser of such real property prior to the closing of the sale. The seller shall cause the following notice to be recorded with the clerk and recorder of the appropriate county:

   **Notice: The property known as [legal description and address] contains an oil and/or gas well.**

   This requirement to provide notice to prospective purchasers and record such notice shall only apply to the transaction between the developer or builder and the initial purchaser and does not apply upon any subsequent sale of the property.

   b. Vendors of residentially zoned real property within a state-determined setback shall provide the following notice to prospective purchasers in 14-point bold type on a single sheet of paper that is signed by the prospective purchaser prior to entering into a contract for purchase:

   **Notice of nearby oil and gas facility. This property is located within a state-determined setback from an oil and gas facility.**

   Vendors of residentially zoned real property within a state-determined setback from an oil and gas facility shall cause the following notice to be recorded with the clerk and recorder of the appropriate county:

   **Notice**

   **The property known as [legal description and address] is located within a state-determined setback from an oil and gas facility.**

   This requirement to provide notice to prospective purchasers and record such notice shall only apply to the transaction between the developer or builder and
the initial purchaser and does not apply upon any subsequent sale of the property.

The City Council declares that the purpose of this Section is to facilitate the development of oil and gas resources within the city limits and to mitigate potential land use conflicts between oil and gas development and existing and planned land uses. Nothing in this Section shall be construed as giving the City the authority to enforce state regulations.

2. Permitted and Conditional Uses

   a. Permitted Use

A well site or oil and gas facility is a permitted use in any base zone district and any overlay district unless prohibited by state law, provided the exterior boundary of such site or facility is more than 1,000 feet from a platted residential lot, a platted lot line containing either a building unit or a high occupancy building unit, or a POS zone district, and the use complies with the requirements of this Section. Required separation distances shall be measured as stated in applicable state regulations.

   b. Conditional Use

A well site or oil and gas facility is a conditional use in any zone district, subject to the requirements in Section 146.5.4.3.A (Conditional Use) where the exterior boundary of such well site or oil and gas facility is to be located 1,000 feet or less from a platted residential lot, a platted lot line containing either a building unit or a high occupancy building unit, or a POS zone district. Required separation distances shall be measured as stated in applicable state regulations.

Section 23. The City hereby repeals section 146-3.3.5.DD.3 through 146-3.3.5.DD.7 of the UDO pertaining to oil and gas facilities:


   a. Continuance of Existing Wells

Well sites and production sites that exist on the Effective Date of the regulations codified in this Section 146.3.3.5.DD, or that are later annexed to the city, may continue operating without the issuance of an oil and gas permit, unless the area of the production site is expanded or new wells are drilled on the site. The construction or reconstruction does not require that accessory equipment in a production site or a well site conform to the development standards in this Section. The right to operate a well site or production site terminates if the use is discontinued for six months or more, other than by temporary abandonment or shut in that is in conformance with COGCC regulations.
b.—Existing Accessory Equipment and Pumping Systems
Accessory equipment and pumping systems that exist on the Effective Date of the regulations codified in this Section 146.3.3.5-DD or that are located within territory that is later annexed to the city may continue operating without the issuance of an oil and gas permit. Any renovation or repair of nonconforming accessory equipment or pumping systems shall be permitted without an oil and gas permit, provided the work does not increase the extent of nonconformity. Any replacement of existing accessory equipment or any addition of accessory equipment shall conform to this Section. The replacement or addition of individual tanks, treaters, or separators does not necessitate that the remaining accessory equipment, access roads, or a well-site, conform to the development standards in this Section.

c.—Applicability of Section
This Section shall apply to the permitting, construction, erection, maintenance, alteration, repair, and location of wells, accessory equipment, or structures within the city.

d.—Conflicts with Other Provisions
Nothing in this Section 146.3.3.5-DD shall be construed to limit other applicable City ordinances that are not in conflict with this Section. If a conflict occurs between this Section and other regulations, this Section shall govern.

e.—Permit Required
Subject to Subsections (3)(a) and (3)(b) above, it is unlawful for any person to drill a well or reactivate a plugged or abandoned well, operate a production site, or perform initial installation of accessory equipment or pumping systems unless an oil and gas permit has first been granted in accordance with the procedures in this Section. The initial permit shall allow twinning of a well and relocation of accessory equipment or gathering and transmission lines provided the activities comply with the development standards of this Section. If the twinning of a well or relocation of accessory equipment or gathering and transmission lines occurs, the operator shall file a revised plan with the Planning Director within 30 days. The revised plan shall show any changes from the approved oil and gas permit and demonstrate how the changes comply with the development standards of this Section. When an oil and gas permit has been granted for a well, reentry of the well for purposes of sidetracking, deepening, recompleting, or reworking does not require an oil and gas permit amendment. It is unlawful for any person to fail to perform all conditions required by an oil and gas permit.

f.—Granting of Permit for Unplatted Property
An oil and gas permit for a well-site or production site may be granted on unplatted property.
g. Designation of Agent

Every operator of any well subject to this Section shall designate an agent residing within the state to receive legal process, orders, and notices. Notice of a change in agent must be submitted by certified mail to the Planning Director within 10 calendar days of the change.

h. Oil and Gas Permit Submittal Requirements

An application for an oil and gas permit pursuant to this Section shall be filed with the Planning Department and must include all information required by the Planning Department, including:

i. Site plan (proposed layout, access, landscape plan, fence, tanks, containment, colors, lighting plan, and haul routes, as well as existing easements, rights of way, and a depiction of all visible improvements within 500 feet of the well). Landscape and fence plans are required when a well pad is within 1500 feet of a platted residential lot or a platted lot line containing, a building unit or high occupancy building unit (as those two terms are defined in state law), or a City-owned park, reservoir, or golf course.

ii. Context map (distance to nearest structures, how site fits in relation to adopted Master Plan).

iii. Traffic impact study or memorandum, road haul routes, proposed mitigation.

iv. Water quality control plan (drainage).

v. Operations plan.

a. Source of water supply (City Council approval is necessary if water is supplied by the City).

b. Emergency response plan (including contact information with fire department).

c. Mitigation plan (hours of operation, lighting, noise, dust, weed control, fluid disposal, and reclamation).

d. Road maintenance agreement.

vi. Completed application form, ownership (surface, mineral) authorization, and demonstration of interest in property.

4. Development Standards

a. Setbacks

Operators shall comply with all applicable COGCC regulations regarding setbacks.

b. Production Site Containment

Operators shall comply with all applicable COGCC regulations regarding production site containment.

c. Visual Impacts and Aesthetics

The following visual mitigation requirements shall apply to oil and gas well sites and production sites:
To the maximum extent practicable, an existing or proposed well site and a production site shall be located away from prominent natural features such as distinctive rock and land forms, vegetative patterns, river crossings, land in the POS zone district, and other designated landmarks.

To the maximum extent practicable, a well site and a production site shall be located to avoid hilltops and ridges to prevent the appearance of pump jack and accessory equipment profiles on the horizon.

Electric pumping systems shall be required in areas where feasible.

No tanks located in a production site shall exceed 20 feet in height.

To the maximum extent practicable, the applicant shall locate facilities at the base of slopes to provide a background of topography and natural cover.

To the maximum extent practicable, the applicant shall align access roads to follow existing grades and minimize cuts and fills.

All facilities shall be painted in uniform, non-contrasting, and non-reflective color tone similar to the Munsell Soil Color Coding System. The colors shall be matched to land and not to sky and shall be slightly darker than the adjacent landscape, to the maximum extent practicable. Exposed concrete shall be colored to match the soil color to the maximum extent practicable.

Electrical lines servicing pumping and accessory equipment shall be installed below ground only.

After commencement of production operations, all excavation slopes, both cut and fill, shall be planted and maintained with grasses, plants, or shrubs for the purposes of adequate erosion control.

Upon abandonment, the site operations shall be cleaned, holes filled, equipment removed, and the land graded to return the site to its original condition as soon as weather and pit conditions will permit, consistent with applicable COGCC regulations. All such reclamation shall be completed within six months, unless an extension is granted by the COGCC.

d. **Best Management Practices (BMP)**

BMPs are mitigation measures applied to areas being developed for oil and gas to promote energy development in an environmentally sensitive manner. Operators shall employ BMPs to the maximum extent practicable. As a condition of approval, BMPs may be required for conditional uses to ensure mitigation of land use impacts from a proposed well or production site on the surrounding area. BMPs may only be required where a finding is made based upon evidence at a public hearing that such requirement would not constitute an operational conflict with COGCC regulations. An operational conflict exists where imposition of the BMP would conflict with the application of state statutes and rules, or would materially impede or destroy the state interest as provided in the Act. BMPs include but are not limited to:

Closed-loop systems instead of open pits.
ii. Recycling of flow back water on site.
iii. Vapor recovery systems instead of flaring of gases.
iv. Baseline water quality monitoring.

5. Access Roads

a. Private Roads
All private roads used to access an oil and gas production site shall be improved prior to the start of production activity and maintained according to the standards in this Subsection, which shall control in a conflict. Access roads to the production site shall be subject to review by the City Engineer in accordance with the City standards and specifications, and the following minimum standards:
i. A graded roadway conforming to the Aurora Roadway Design and Construction Specifications Manual, including provisions for positive drainage flow from the roadway surface. In addition, cross-drainage of waterways shall be provided (in the form of roadside swales, gulches, rivers, and creeks) as prescribed by an approved drainage report and drainage plan.
ii. Maintained to provide a roadway passable for emergency vehicles and without irregular surfaces, deteriorated features, or obstacles that would delay the passage of emergency vehicles.

b. Access from Public Right-of-Way
All proposed access roads to production sites that gain access off of a paved public right-of-way shall be improved as required in this Section. In addition, the point of intersection with the public right-of-way shall be improved to the following minimum standards:
i. An access width of 23 feet with paved 29 foot radii at each side of the access road at the point of intersection with the public right-of-way capable of sustaining an imposed weight limit of 185,000 pounds; and
ii. A minimum of six inches of asphalt pavement over the initial 100-foot portion of the proposed access road, beginning at the edge of the existing pavement of a paved public right-of-way.
iii. Any gating system crossing the primary access drive into the site must provide a minimum 23 foot opening width. A Knox lock or other approved Knox Hardware must be integrated into the gating system to allow for emergency access.

c. Truck Traffic Hours, Routes
The hours and routes of truck traffic on public roads providing access to the well or production site shall be such that the trip capacity levels and road conditions are not impaired or damaged. Approval of a permit under this Section may be conditioned upon the designation of access routes and hours of hauling.
d. Traffic Impacts, Performance Bond

The permittee shall be responsible for any damage to public roads caused by truck traffic accessing well sites. The permittee shall mitigate and repair damage to city roadways, culverts, and bridges that result from oil and gas facility construction and the traffic generation due to operation of the oil and gas facility. The applicant shall consult with the Director of Public Works, to determine such impacts, and may be required to enter into a road maintenance agreement, and post a performance bond or other security to fund the repair of public infrastructure as a condition on the issuance of the permit.

6. Additional Performance Standards

All oil and gas well structures and equipment shall be maintained so that they do not become a hazard or injurious to public health and safety. In addition, the following performance standards shall apply:

a. Flood Hazard

Unless otherwise stated in this Section, all wells and accessory equipment shall comply with all applicable provisions of Section 146-2.6.1 (FPO overlay district) pertaining to flood hazard regulations.

b. On-site Transport

All oil or gas shall be transported from the well to the on-site treatment facilities and production pits by buried pipeline.

c. Air Emissions

Air contaminant emission sources shall comply with the permit and control provisions of the state air quality control program (C.R.S. §§ 25-7-101 et. seq.) and the rules and regulations promulgated by the State Air Quality Control Commission. The permittee shall employ such control measures and operating procedures as are necessary to minimize fugitive particulate emissions into the atmosphere.

d. Noise

Operators shall comply with all applicable COGCC regulations regarding noise.

e. Wildlife Impact Mitigation; Natural Area Zones

When a well or production site is located in a significant wildlife habitat, as defined by the Colorado Parks and Wildlife, or in a natural area or open space, as designated in the Comprehensive Plan or other applicable planning document, the applicant shall indicate as such and the applicant shall consult with the State Division of Wildlife or the City Parks, Recreation, and Open Space Department to obtain recommendations for appropriate site-specific and cumulative impact mitigation procedures. The operator or owner shall implement the procedures recommended by the City after consultation with the State Division of Wildlife. The applicant shall not engage in activities that threaten endangered species, natural areas, or designated open spaces or parks.
f.— Signs
Each well and production site shall post a legible sign in a conspicuous place, which is three to six 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, and number of the well 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 well site and production site is abandoned.

g. — Fencing
Notwithstanding any provision of Section 146-4.7.9 (Fence and Wall Regulations) to the contrary, fencing shall be provided as follows:

i. — Within all Residential zone districts, all pumping systems and accessory equipment used in the operation of a well shall be screened on all sides by a non-flammable privacy fence.

ii. — If any part of a well pad is within 1,500 feet of a platted residential lot, a platted lot line containing either a building unit or a high occupancy building unit, or a government-owned park, reservoir, or golf course, fencing shall be required. The fence shall be non-flammable, and shall be designed to screen the production equipment and provide security for the well site. The maximum height of the fence is nine feet. The specific material used for the fence shall be based on compatibility with adjacent development and visibility from surrounding residential development.

iii. — Access through the fence shall be provided by a solid gate that preserves the integrity of the screening. The access gate shall be securely locked to prevent access by unauthorized persons.

h. — Landscaping
All facilities shall comply with those landscaping, buffering, and screening requirements in Section 146 4.7.5.N (Oil and Gas Well Sites and Facilities).

i. — Lighting
Lighting shall be downcast, and shall not shine beyond the boundaries of the drilling operation or oil and gas facility.

j. — Ponds and Modular Large Volume Tanks
The use of uncovered ponds and modular large volume tanks for storage of liquids associated with the drilling or stimulation of wells is permitted on a temporary basis. All ponds and modular large volume tanks must be removed once the drilling phase and the completion phase of the well is finished.

k. — Compatibility with Approved Master Plans
The location and operations of the oil and gas facility shall be compatible with the approved Master Plan for the subject property.
7. Notice to Purchasers

a. A seller of real property upon which an oil or gas well or facility has been located shall provide written notice of the existence of such well to a purchaser of such real property prior to the closing of the sale. The seller shall cause the following notice to be recorded with the clerk and recorder of the appropriate county:

Notice: The property known as [legal description and address] contains an oil and/or gas well.

This requirement to provide notice to prospective purchasers and record such notice shall only apply to the transaction between the developer or builder and the initial purchaser and does not apply upon any subsequent sale of the property.

b. Vendors of residentially zoned real property within a state determined setback shall provide the following notice to prospective purchasers in 14 point bold type on a single sheet of paper that is signed by the prospective purchaser prior to entering into a contract for purchase:

Notice of nearby oil and gas facility.

This property is located within a state determined setback from an oil and gas facility.

Vendors of residentially zoned real property within a state determined setback from an oil and gas facility shall cause the following notice to be recorded with the clerk and recorder of the appropriate county:

Notice

The property known as [legal description and address] is located within a state determined setback from an oil and gas facility.

This requirement to provide notice to prospective purchasers and record such notice shall only apply to the transaction between the developer or builder and the initial purchaser and does not apply upon any subsequent sale of the property.

The City Council declares that the purpose of this Section is to facilitate the development of oil and gas resources within the city limits and to mitigate potential land use conflicts between oil and gas development and existing and planned land uses. Nothing in this Section shall be construed as giving the City the authority to enforce state regulations. If it is established by competent evidence that a proposed oil and gas facility fails to meet the regulations in this Section, the permit for such facility may be denied.

Section 24. That section 146-4.6.3.C, Table 4.6-1 of the UDO of the City of Aurora hereby amended to read as follows:
Table 4.6-1
Required Off-Street Parking

<table>
<thead>
<tr>
<th>Number Required</th>
<th>Category</th>
<th>Required Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Mining</td>
<td>No Parking Requirement</td>
</tr>
<tr>
<td></td>
<td>Oil and Gas Facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Railroad Track</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Transit Facility</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Electric Power Generator Station</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Solar Collector as a Primary Use</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Telecom Facility, Tower</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Telecom Facility, Freestanding</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Monopole</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Telecom Facility, Freestanding Unipole</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Telecom Facility, Freestanding, Stealth</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Utility, Major</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Utility, Minor</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wind Energy System, Large</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bio-medical Waste Treatment Facility</td>
<td></td>
</tr>
</tbody>
</table>

**Section 25.** That section 146-4.7.9.O of the UDO of the City of Aurora, Colorado is hereby amended to read as follows:

O. Screening of Outdoor Storage, Equipment, Asphalt, Concrete, Landscape Yards, Surface Parking Lots, Oil and Gas Facilities, Substations or Pump Stations

1. Permitted Materials
   Permitted materials include the following, all of which must be opaque:
   a. Walls consisting of brick, stone, and integrally colored decorative concrete masonry units (CMUs);
   b. Decorative and durable pre-cast concrete panels
   c. Composite wood
   d. Closed style wood fences

2. Prohibited Materials
   Color cladded, welded wire, chain link, Omega or similar welded wire may not be utilized to meet screening requirements.

**Section 26.** The City section 146-5.1.2.B. of the UDO of the City of Aurora, Colorado is hereby amended to read as follows:
B. Powers and Duties
The Planning and Zoning Commission has the following powers and duties related to this UDO.
1. To make recommendations to City Council regarding the Comprehensive Plan and proposed amendments to that plan as described in Section 146-5.4.1.A.
2. To make recommendations to City Council regarding the text of this UDO and proposed amendments to the text of this UDO as described in Section 146-5.4.1.C;
3. To make recommendations to City Council regarding the Official Zoning Map and proposed amendments to that map as described in Section 146-5.4.1.C
4. To make decisions on all those types of applications indicated as a Planning and Zoning Commission decision in Table 5.2-1 (Summary Table of Procedures).
5. To make decisions on Oil and Gas Location applications and appeals pursuant to the criteria set forth in Chapter 135 of the Aurora City Code (Oil & Gas Manual), as amended.
5.- 6. To make recommendations to City Council regarding a plan for capital improvements as provided in Section 9-5 of the City Charter.
6.- 7. To exercise any additional powers conferred by statute or Charter at the request of City Council.

Section 27. The City hereby repeals section 146-5.4.3.A.4 of the UDO pertaining to oil and gas permit procedures and review criteria; notice; appeal:

4. Oil and Gas Permit Procedures and Review Criteria; Notice; Appeal
   a.—Applicability
      i. The application for oil and gas drilling or operation of a production site in a location more than 1,000 feet from a platted residential lot, a platted lot line containing either a building unit or a high density building unit, or a government-owned park, reservoir, open space or golf course shall be submitted to the Planning Director. The Director shall issue the oil and gas permit for drilling if it is determined that the application complies with the requirements of this Section 146-5.4.3.A.4.
      ii. An application for drilling or operation of a production site in a location less than 1,000 feet from a platted residential lot, a platted lot line containing either a building unit or a high density building unit, or an existing or proposed City-owned park, reservoir, open space, or golf course shall be submitted to the Planning and Zoning Commission for consideration at a public hearing. The applicant, abutting property owners, the surface owner, and any interested party may be heard.
   b.—Notice
   Notice of the application shall be mailed by the applicant to property owners within one half mile, to registered neighborhood groups within one mile, and to the surface owners of the subject property at least 10 calendar days prior to a decision by the Planning Director or Planning and Zoning Commission.
c. Criteria for Approval or Denial

i. Approval

An oil and gas permit for a well drilling site or production site shall be approved or approved with conditions if the application conforms to the requirements of this Section and complies with:

a. The submittal requirements;
b. The provisions, development standards, and performance standards of this Section; and
c. The applicable requirements of the fire code and City storm drainage criteria manual, and storm water quality criteria approved by the Director of Water and the Director of Public Works.

ii. Denial

An application for an oil and gas permit for a well drilling site or production site shall be denied if:

a. The application does not meet the requirements listed in this Section.
b. The applicant has failed to comply or otherwise violated the terms and conditions of a previous permit or has failed to make any mitigation or damage payments to the City required by a previous permit.

d. Failure to Comply with the Conditions

Failure to comply with the conditions imposed on a permit shall be grounds for revocation of the permit. Notice of an alleged violation of conditions shall be provided to the permittee, who may request a hearing before the City Council on the alleged violation.

e. Appeals

i. From Planning Director

Any administratively-approved well permit application, interpretation, or decision of the Planning Director 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 14 calendar days of the director's decision. Such appeal shall specifically state the grounds for the appeal. If an appeal is filed, the Planning and Zoning Commission shall schedule a public hearing according to the procedures described in Section 146-5.3 (Common Procedures). The Planning and Zoning Commission shall review the appeal based on the various requirements of this Section 146-5.3.13 and shall ensure that the intent and specific requirements of this UDO are met. At the conclusion of the hearing, the Planning and Zoning Commission shall approve, approve with conditions, or deny the permit.

ii. From 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 Planning Director within 14 calendar days after the Planning and Zoning Commission's action on the permit. 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. At the conclusion of the hearing, council shall approve, 
approve with conditions, or deny the permit.

**Section 28.** That section 146-5.4.3.B of the UDO 
of the City of Aurora, Colorado is hereby amended to read as 
follows:

B. Site Plans
   All applicable provisions of Section 146-5.3 
   (Common Procedures) apply unless 
specifically modified by the provisions of this 
Section 146-5.4.3.B. Oil and gas wells are 
processed under the provisions of Section 0 and are not subject to this Section.
Section 29. That the definitions set forth below from section 146-6.2 of the UDO of the City of Aurora, Colorado are hereby amended to read as follows:

Oil and Gas Facility
Shall mean equipment or improvements used or installed at an Oil and Gas Location for the exploration, production, withdrawal, gathering, treatment, or processing 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.

As used in the context of oil and gas regulations in Section 146-3.3.5.DD, the following terms have the following meanings:
1. Accessory Equipment
   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.

2. Act

3. Building Unit
   The meaning as set forth in the COGCC regulations.

4. Berm
   An earthen barrier of compacted soils preventing the passage of liquid materials or providing screening from adjacent uses as may be specified in an applicable development standard.

5. COGCC
   The Colorado Oil and Gas Conservation Commission.

6. COGCC Regulations
   The rules and regulations promulgated by the COGCC and codified at 2 C.C.R., Title 404, as amended.

7. Designated Agent
   The designated representative of any producer, operator, transporter, refiner, or gasoline or other extraction plant operator or owner.

8. Distance from a well site to a platted residential subdivision, platted lot line containing either a building unit or high density building unit
   The distance from the edge of the well pad (graveled area not including access road) to the nearest platted residential lot line, or a platted lot line that contains a building unit or a high density building unit.

9. Gas
   All natural gases and all hydrocarbons not defined in this Article 146-6 as oil.

10. High Occupancy Building Unit
The meaning as set forth in the COGCC regulations.

11. **Injection Well**
   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.

12. **Oil**
   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 are not the result of condensation of gas before or after it leaves the reservoir.

13. **Oil and Gas**
   Oil or gas or both oil and gas.

14. **Oil and Gas Well**
   A hole drilled into the earth for the purpose of exploring for or extracting oil, gas, or other hydrocarbon substances.

15. **Oil and Gas Facility**
   Equipment or improvements used or installed at an oil and gas location for the exploration, production, withdrawal, gathering, treatment, or processing of oil or natural gas.

16. **Operating Plan**
   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 regular functioning of that facility.

17. **Operator**
   The person designated as operator and named in COGCC form 2 or a subsequently filed COGCC form 10.

18. **Owner**
   Any person with a working interest ownership in the oil and gas or leasehold interest therein.

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

20. **Production Pits**
   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.

21. **Production Site**
   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 pipelines.
22. **Tank**
   Any container used in conjunction with the production or storage of petroleum and hydrocarbon substances, stored at or near atmospheric pressure.

23. **Treatment Facilities**
   Any plant, equipment, or other works used for the purpose of treating, separating, or stabilizing any substance produced from a well.

24. **Twinning**
   The drilling of a well adjacent to or near an existing well bore 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.

25. **Well**
   An oil and gas well or an injection well.

26. **Well Site**
   That surface area of a proposed or existing well or wells and its pumping systems.

**Section 30.** Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

**Section 31.** City employees violating the terms, directives, or mandates of this Code are not subject to the general penalty provisions contained in Section 1-13 of this City Code.

**Section 32.** Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

**Section 33.** All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent of such conflict. This repeal shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this _____ day of ____________, 2021.

PASSED AND ORDERED PUBLISHED this _____ day of ____________, 2021.
ATTEST:

________________________
MIKE COFFMAN, Mayor

KADEE RODRIGUEZ, City Clerk

APPROVED AS TO FORM:

________________________
IAN BEST, ASSISTANT CITY ATTORNEY