

## **Objective Criteria Review Memo – Bayswater Exploration’s COT 30-J Pad, Form 2A #401922636**

This summary explains how COGCC staff conducted its technical review of the Bayswater Exploration’s (Bayswater) COT 30-J Pad location, Form 2A #401922636 within the context of SB 19-181 and for the required Director’s Objective Criteria. This Form 2A permit application met the following Director’s Objective Criteria -

1. (Criteria 1) The proposed Location lies within 1,500 feet of a Building Unit (two Building Units, one approximately 1,180 feet southeast and the other approximately 1,490 feet northwest of the location).
2. (Criteria 5c) The proposed Location lies within a Sensitive Area for water resources (concrete irrigation ditch is 0 feet west of the location and the location is within an area of potential shallow groundwater).
3. (Criteria 12) The proposed location will have an access road within 200 feet of a Building Unit on lands not subject to a Surface Use Agreement.

COGCC staff met with the Director to discuss whether the Objective Criteria were sufficiently addressed and whether the Form 2A could be approved with the proposed Best Management Practices (BMPs) and applied Conditions of Approval (COAs). The following sections provide details regarding the evaluation of each criterion.

### **Criteria 1: Oil and Gas Locations within 1,500’ of a Building Unit or High Occupancy Building, which include Urban Mitigation Area (“UMA”) and Large UMA Facility (“LUMAF”) locations**

**Site Specific Description of Applicability of Criteria 1:** Based on the technical review and desktop evaluation, staff identified two Building Units within 1,500 feet of the Oil and Gas Location. The nearest Building Unit is approximately 1,180 feet to the southeast of the Oil and Gas Location. The second Building Unit is approximately 1,490 feet to the northwest of the Oil and Gas Location.

**Site Specific Measures to Address Criteria 1:** Bayswater contacted the two Building Unit owners on June 28, 2019. Both Building Unit owners expressed concern with traffic, noise, and dust. Bayswater has provided BMPs on the Form 2A to address nuisance impacts related to noise, dust, lights, and odors. Additionally, Bayswater has an approved Access Point permit from Weld County.

**Determination:** Given the foregoing, the Director determined Criteria 1 was sufficiently analyzed.

### **Criteria 5c: Oil and Gas Locations within a Sensitive Area for water resources**

**Site Specific Description of Applicability of Criteria 5c:** The Form 2A indicates there is a concrete lined irrigation ditch within the proposed disturbance area, the Eaton Ditch Canal is 374 feet south of the proposed Location, and the estimated depth to groundwater is 4 feet.

**Site Specific Measures to Address Criteria 5c:** Bayswater has indicated the surface owner has requested the concrete lined irrigation ditch be removed. Bayswater provided a Berm Construction BMP on the Form 2A that indicates not only will the tank berms be constructed with steel rings and lined, but also additional tertiary containment will be constructed on the location. Additionally, Bayswater agreed to a COA requiring them to line the secondary containment areas for the tanks and separators to protect the potential shallow groundwater from spills and releases.

**Determination:** Given the foregoing, the Director determined that Criteria 5c was sufficiently analyzed.

### **Criteria 12: Oil and Gas Locations with an Access Road within 200 feet of a Building Unit on lands not subject to a Surface Use Agreement**

**Site Specific Description of Applicability of Criteria 12:** Bayswater has provided an Access Road Map showing the Access Road will be within 200 feet of Building Units.

**Site Specific Measures to Address Criteria 12:** Bayswater originally provided an Access Road Map indicating the access route would use an existing non-public road shared jointly by several different surface owners to access the proposed location. Bayswater agreed to update their Access Road on the Surface Owners property so that oil field truck traffic will not be using the existing non-public road used by neighboring surface owners. A revised Access Road Map is attached to the Form 2A. This new access point with Weld County Road 27 was approved by Weld County and a copy of the Weld County Access Permit is attached to the Form 2A (Doc #2479109). However, where this new Access Road meets Weld County Road 27 is still within 200 feet of two Building Unit owners. Bayswater spoke with these two Building Unit owners to discuss this access point. One of the Building Unit owners expressed no concerns and the other Building Unit owner's only concern was with speeds on Weld County Road 27 due to a small rise in this road that limits visibility. He advised Bayswater to have all oil field traffic be aware of this road condition on Weld County Road 27 and slow down accordingly.

**Determination:** Given the foregoing, the Director determined that Criteria 12 was sufficiently analyzed.

Staff met with the Director to discuss the Objective Criteria that are met by this Oil and Gas Location. The Director determined that following the application of the additional analysis from the Objective Criteria, the permit application meets the standard for protection of public health, safety, welfare, the environment and wildlife resources set by SB 19-181.