

## **Objective Criteria Review Memo – Incline Operating’s Hungenberg Pad, Form 2A #401732132**

This summary explains how COGCC conducted its technical review of the proposed Incline Operating Hungenberg Pad location, Form 2A Doc #401732132 within the context of SB 19-181 and for the required Objective Criteria. This Form 2A permit application met the following Objective Criteria -

1. (Criteria 1) Oil and Gas Locations within 1,500 feet of a Building Unit or High Occupancy Building, which includes Urban Mitigation Area (UMA) and Large UMA Facility (LUMAF) locations (the closest Building Unit is 540 feet from a well and 582 feet from a production facility)
2. (Criteria 3) Oil and Gas Locations within 1,500 feet of a municipal boundary, platted subdivision, or county boundary (the City of Greeley municipal boundary is approximately 1,450 feet east)
3. (Criteria 5c) Location within a Sensitive Area for water resources (nearby irrigation ditch and possible shallow groundwater)

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 Best Management Practices (BMPs) and applied Conditions of Approval (COAs) on the approved Form 2A. The following section provide details regarding the evaluation of each criterion.

**Criteria 1:** Oil and Gas Locations within 1,500 feet of a Building Unit or High Occupancy Building, which includes Urban Mitigation Area (UMA) and Large UMA Facility (LUMAF) locations.

**Site Specific Description of Applicability of Criteria 1:** During the OGLA technical review, eight Building Units were identified within 1,500 feet of the Oil & Gas Location. There are three Building Units within the Buffer Zone (1,000 feet from a well or production facility), with the nearest Building Unit being 540 feet from a well and 582 feet from a production facility. The remaining five Building Units are between 1,000 feet and 1,500 feet from the Oil & Gas Location.

**Site Specific Measures to Address Criteria 1:** Incline Operating submitted all required notices to the Building Unit owners within the Buffer Zone as required by the COGCC and included the 604.c.(2) mitigation BMPs to address, among other things, noise, dust, lights, and odors on the Form 2A. In particular, the Noise mitigation BMP (BMP #21) indicates that 32 foot sound walls will be used on all sides of the proposed location. The Lighting mitigation BMP (BMP #15) indicates all lights will be pointed downwards. The Odor mitigation BMP (BMP #23) indicates oil based mud drilling fluid will not be used, thus eliminating a frequent cause of odor complaints.

These nuisance mitigation BMPs serve to protect the Building Unit Owners within 1,500 feet of the Oil and Gas Location.

This Form 2A received a Public Comment from the Building Unit Owner immediately south of, and adjacent to, this proposed Oil & Gas Location in late November 2018. The Public Comment expressed concern for the proximity of the location to their home, a request that all fluids be piped from the location, and a request that various attachments and BMPs be revised so that they are consistent with each other and what is indicated on the Form 2A. COGCC staff reviewed the Public Comment and determined that the Form 2A met the Rejection Policy that was in place at that time. The Form 2A was rejected, Incline Operating made the corrections to the attachments and BMPs, incorporating some of the requests from the Building Unit Owner, and resubmitted the Form 2A in late December 2018. The Rule 306.e Certification letter on this Form 2A indicates that Incline Operating consulted with this same Building Unit Owner on two occasions. Once shortly after the Public Comment was made and the Form 2A was Rejected, and again in January 2019. Incline Operating has also indicated this Building Unit Owner suggested a consultant, which Incline Operating used, for their noise mitigation study conducted for this Oil & Gas Location. At the request of COGCC staff, Incline Operating provided a detailed response to the Public Comment, addressing the Building Unit Owners concerns. Incline Operating did commit to the majority of the Building Unit Owners requests with the exception of use of low-profile tanks, and the use of a local water sources via temporary waterlines to fill tanks for well completions instead of trucking water to the location. Incline Operating agreed to pipe the oil and gas from the location. Incline Operating declined to use low-profile tanks as it requires more surface area disturbance and they will shield them from view via a permanent fence.

Incline Operating has also indicated they have contacted the five Building Unit owners between 1,000 feet and 1,500 feet. One follow-up phone call took place and there were no questions.

**Criteria 1 Summary:** Incline Operating has sent out notices to all BU owners and residents within 1,500 feet of the location. Incline Operating has also provided BMPs for avoiding or minimizing impacts to the public health, safety, and welfare of nearby residents from nuisance conditions.

**Criteria 3:** Oil and Gas Locations within 1,500 feet of a municipal boundary, platted subdivision, or county boundary.

**Site Specific Description of Applicability of Criteria 3:** This Oil & Gas Location is located approximately 1,450 feet west of the City of Greeley municipal boundary. Specifically a runway of the Greeley - Weld County Airport.

**Site Specific Measures to Address Criteria 3:** A north/south runway of the Greeley - Weld County Airport property is located approximately 1,450 feet east of the proposed location and falls within an airport overlay. An FAA determination of this location and its proximity to the runway has been conducted and the FAA has issued a Determination of No Hazard. Incline Operating has had no consultation with the City of Greeley, and the City of Greeley. However, there is a COA on the FAA Determination of No Hazard that the manager of the Greeley-Weld County Airport be notified at least three days prior to rig up and after it is removed.

**Criteria 3 Summary:** The FAA has issued a Determination of No Hazard. Incline Operating has had no consultation with the City of Greeley, and the City of Greeley. However, there is a COA on the FAA Determination of No Hazard that the manager of the Greeley-Weld County Airport be notified at least three days prior to rig up and after it is removed.

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

**Site Specific Description of Applicability of Criteria 5.c:** The proposed location is in a sensitive area due to its proximity to several irrigation ditches and possible shallow groundwater.

**Site Specific Measures to Address Criteria 5.c:** The nearest irrigation ditch to the proposed location is 14 feet to the east. Incline Operating included a Leak Detection and Berm Construction BMP on the Form 2A that address additional protections to prevent or minimize impacts to nearby irrigation ditches and possible shallow groundwater. The estimated depth to groundwater is 15 feet and the soil type is a sandy loam; therefore, COGCC staff placed a Condition of Approval on the Form 2A requiring Incline Operating to line the secondary containment area for the tanks and separators to mitigate potential impacts to possible shallow groundwater.

**Criteria 5.c Summary:** Incline Operating has provided BMPs for minimizing impacts to nearby surface water features and groundwater

**Director Determination:** Based on the Objective Criteria review. The Director has determined that this permit application meets the standard for protection of public health, safety, welfare, the environment and wildlife resources set by SB 19-181.