

Blehm Form 2A Technical Review Response to Comments 09152021

- 1) In the Equipment and Flowlines tab, Bayswater has indicated there will be 25 separators on this proposed Oil & Gas Location. This is also reflected in the facility drawings. However, there are several Plans that indicate 26 separators in their introductory Facility Information section. The Plans that indicate there will be 26 separators are: Noise Mitigation Plan, Odor Plan, Operations Safety Management Plan, Fluid Leak Detection Plan, Interim Reclamation Plan, Cumulative Impacts Plan, and the Community Outreach Plan. Please confirm the number of separators planned for this Oil & Gas Location and provide either revisions to the Plans listed above or revised facility drawings. **All references to 26 separators are correct. Please update the Form 2A Equipment and Flowlines tab to reflect 26 separators. The Layout Drawings/Grading Plan have been updated to depict 2 bulk separators, bringing the total to 26.**
- 2) In the Equipment and Flowlines tab, Bayswater has indicated there will be no Vapor Recovery Units (VRUs) on this proposed Oil & Gas Location. This is also reflected in the facility drawings. However, there are several Plans that indicate 4 VRUs in their introductory Facility Information section. The Plans that indicate there will be 4 VRUs are: Dust Mitigation Plan and the Water Plan. Please confirm the number of separators planned for this Oil & Gas Location and provide either revisions to the Plans listed above or revised facility drawings. **All references to the number of VRUs have been updated to reflect the proper equipment nomenclature (VRU v. Compressor).**
- 3) The Light Mitigation Plan only includes light impacts during the production phase of operations. There is no examination of light impacts during the pre-production (construction, drilling, or completion) phases of operations. Please provide supplemental information per COGCC Rule 424.a.(2)A that examines what light impacts will occur during pre-production (construction, drilling, or completion) phases of operations. **Pre-production lighting has been addressed. Please refer to the revised Light Mitigation Plan submitted herewith (Lighting Mitigation Summary Report).**
- 4) The Odor Mitigation Plan does not clearly and explicitly indicate what the Odor mitigation BMPs will be employed for this proposed Oil & Gas Location. Please provide a section to this Plan that lists/summarizes all Odor mitigation BMPs. **BMPs have been re-formatted. Please refer to the revised Odor Mitigation Plan submitted herewith.**
- 5) The Dust Mitigation Plan does not include discussion concerning truck trips for the production phase of operations. Please revise this Plan to

include this information. Discussion concerning truck trips for the production phase of operations has been addressed. Please refer to the revised Dust Mitigation Plan submitted herewith.

6) The Transportation Plan does not clearly and explicitly indicate what transportation related mitigation BMPs will be employed for this proposed Oil & Gas Location. Please provide a section to this Plan that lists/summarizes all transportation related mitigation BMPs. BMPs have been added. Please refer to the revised Transportation Plan Substantially Equivalent Cover Sheet submitted herewith.

7) In discussing the disposal of water-based bentonitic drilling fluids, the Waste Management Plan indicates they will be hauled off and disposed of at a properly permitted commercial waste facility per Rule 903.d.(3). Rule 903.d.(3) discusses disposal in pits or Land Application. Rule 905.d.(2) is the Rule discussing disposal at a commercial Solid Waste Disposal facility. Please revise this section of the Waste Management Plan to reference the correct Rule. Similarly, the statement about disposal of oily waste/tank bottoms being disposed at properly permitted commercial waste facility references Rule 905.d. However, Rule 905.e. is the Rule that discusses this method of oily waste disposal. Please also revise this section of the Waste Management Plan to reference the correct Rule. The requested edits have been addressed. Please refer to the revised Waste Management Plan submitted herewith.

8) The Production Process Flow Diagram depicts four VRUs (2 HP VRUs & 2 LP VRUs); however, no VRUs are indicated in the Site Equipment tab of the Form 2A. Please confirm the count of VRUs and revise the Production Process Flow Diagram if necessary. All references to the number of VRUs have been updated to reflect the proper equipment nomenclature (VRU v. Compressor). Please refer to the revised Production Process Flow Diagram submitted herewith.

9) During my review of the Form 2A and the various Plans and attachments, there was mention that the Belmont Farms Homeowners Association to the west requested visual impact mitigation measures be employed by Bayswater. However, I did not see any visual impact mitigation measure BMPs included on the Form 2A that address their concerns. Please provide visual impact mitigation BMPs and I will add them to the Form 2A. Please add the following BMP to the Form 2A:

Equipment observable from any public highway shall be painted with uniform non-contrasting, non-reflective color tones (similar to the Munsell Soil Color Coding System), and with colors matched to, but slightly darker than, the surrounding landscape. Bayswater will install visual screening on the west side

of the OGL as ordered in item #17 of the Final Order from the Weld County 1041 WOGLA hearing on January 21, 2021.

Upon first production, Operator will use the stockpiled topsoil to berm the west side of the site as a visual screening of the site. It is estimated that such berm will be 6-8' in height and that it will be vegetated using a seed mix approved by the landowner and suitable to the native soil at the site. The berm will be treated as needed for erosion control and invasive species prevention. Additional visual screening and noise mitigation will be achieved with the installation of 16' sound walls around the compressors on the site which will remain in place for the life of the wells.

The related Form 2B Cumulative Impacts Data Identification for this Oil & Gas Development Plan is still being reviewed by COGCC staff. Any concerns/issues identified during OGLA staff's technical review of the Form 2B will be sent to you in a separate correspondence. I anticipate our review of the Form 2B will be completed within the next few days. **Acknowledged.**

Because this Form 2A must be heard before the Commission due to Rule 604.b.(4) being applied, I anticipate the Commissioners will be inquiring as to the nature and extent of Bayswater's engagement with the nearby Residential Building Unit owners. Given that there are only nine RBU owners within 2,000 feet, the question as to obtaining informed consent from them will likely need to be addressed. Any information you can provide to that effect will be useful in preparing the Director Recommendation to the Commission.

Bayswater engaged in robust community outreach efforts regarding the Blehm location. In November 2020, prior to hosting meetings with community members, stakeholders, and local government, Bayswater sent to all surface owners within 2,000 feet of the Blehm location, including the nine (9) Residential Building Unit owners (the "9 RBU Owners") within 2,000 feet of the location, a Notice of Planned Oil and Gas Activity Near Your Residence packet that included information for and the location of the Blehm pad, an anticipated development timeline, a consultation request form, the COGCC Fact Sheet: Oil and Gas Within 2,000 Feet, and the COGA Fact Sheet – CDPHE 2019 Health Study.

On January 6, 2021, Bayswater held a meeting with the Town of Severance, the Belmont Farms Home Owners Association (the "Belmont Farms HOA"), and Weld County to discuss the Blehm location. That same evening, Bayswater hosted a town hall meeting to which Bayswater invited: all surface owners within 2,000 feet of the Blehm location; the Belmont Farms HOA; the Town of Severance; and Weld County. According to Bayswater's records, the town hall meeting was attended by: six of the 9 RBU Owners (those six are members of the Belmont Farms HOA and participated in the meeting); Belmont Farms HOA representatives, who posted the meeting invite on the HOA website for any member to attend (the HOA covers 105 properties as far as 1.25 miles from the Blehm location); 19 Belmont Farms HOA members (including six of the 9 RBU Owners); and Jason Maxey and Amanda Petzold from Weld County. Following the meeting, Bayswater sent to all town hall participants and the Belmont Farms HOA a full set of Bayswater contacts and the COGA Fact Sheet – Hydraulic Fracturing.

In addition to the town halls and required mailings/notices to all 9 RBU Owners, Bayswater had telephone conversations with all 9 RBU Owners and invited those owners and the Town of Severance on a field tour in July 2021. The field tour was attended by representatives from the Town of Severance and one surface owner within 2,000 feet of the location.

In response to Bayswater's outreach efforts, it received limited feedback from certain Belmont Farms HOA members and the Town of Severance regarding potential noise, light, and traffic impacts and visual mitigation along the west side of the location. Bayswater considered and responded to the concerns raised with improved Best Management Practices ("BMPs") designed to eliminate or mitigate those potential impacts through a redesigned haul route, implementation of an earthen berm (rather than trees and shrubs) for visual mitigation along the west side of the location, and confirmed that the BMPs already include the use of sound wall structures for the duration of the drilling and completion phases to address noise and also mitigate operational lighting impacts. Bayswater has continued to update the Town of Severance and the Belmont Farms HOA regarding the permitting progress, as recently as September 2, 2021. No further comments or concerns were received from the 9 RBU Owners or anyone else, and the RBU Owner closest to the Blehm location verbally expressed to Bayswater support for the Blehm development plan.

Given the supportive community feedback, responsive implementation of BMPs to address community concerns, and no objections from the 9 RBU Owners after multiple points of contact, Bayswater chose not to pursue informed consents from these owners under Rule 604.b.(1). Bayswater's reading and understanding of Rule 604.b. is that informed consent is just one of several avenues to have a location approved within 2,000 feet of a residential building unit. Neither the Rules nor the Mission Change Statement of Basis and Purpose state or suggest that any one of the several avenues is mandatory or even preferred. Moreover, Bayswater selected the substantially equivalent protections avenue in Rule 604.b. because Bayswater has incorporated state-of-the-art BMPs into its Blehm design and operational plans, which Bayswater further modified to specifically address and resolve the limited concerns raised by the community members. Bayswater was and remains confident that it has satisfied the approval criteria of Rule 604.b.(4) without the need for informed consent.

Finally, the 9 RBU Owners received a copy of the OGD application and notice of hearing. None of the owners filed a petition or contacted Bayswater with comments or concerns. Accordingly, Bayswater believes that its Blehm location satisfies Rule 604.b. and all other Commission Rules, protects the 9 RBU Owners, and protects public health, safety and welfare, the environment and wildlife resources of the community.