



Concept Review City Comments

Date:	3/17/2022	2:15 pm
Project Address:	No Specific Address	
Project Location:	East (CE) Well Pad: West side of N. County Road 3, north of the Union Pacific Railroad, and directly southwest of the City's Power Substation South (CS) Well Pad: West of Interstate 25, south of E. Eisenhower Boulevard (Highway 30), and east of the City's Sports Park	
Legal Description:	East (CE) Well Pad: Parcel A5 - Savana Addition & Millennium East Tenth Subdivision South (CS) Well Pad: Parcel B13 - Grange Addition	

Purpose: The Concept Review (CR) meeting is to assist you in assessing the overall feasibility of your concept and to provide you with initial guidance in submitting a development review application. The City comments provided at the meeting are based on the information submitted with your CR application and as such, the comments may be general in nature. At the meeting, staff will discuss relevant Code standards and policies, explain City processes, identify potential issues with the concept, and answer specific questions identified in the CR application. Due to the preliminary nature of CR applications, additional comments may be made by City staff once a formal application is submitted to the City.

Information provided by the City for this Concept Review Meeting is valid for 6 months from the date of these review comments. If no formal application(s) is/are filed within this time period, another CR meeting must be scheduled for your project before the City will accept any formal application(s).

Follow-up Coordination/Assistance: City staff is available for follow-up assistance on any details of the project and you are welcome and encouraged to schedule a follow-up meeting to present more detailed information for comment on prior to submitting formal applications. Please contact the planner listed below if you would like to discuss the project further.

City Staff Contact Information

Planning	Transportation	Building
Troy Bliss 970.962.2579 Troy.Bliss@cityofloveland.org	Randy Maizland 970.962.2618 Randy.Maizland@cityofloveland.org	Kevin Foss 970.962.2616 Kevin.Foss@cityofloveland.org
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Stormwater	Parks & Rec	Airport
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Project Scheduling Constraints

- **PROJECT REVIEW DELAYED:** The City is currently experiencing a high volume of development applications. With the limited staff resources, projects are being scheduled beyond the City’s typical turnaround times for review.

Land Use Information

Request	Construction of two (2) multiple well pad and production facility areas for the development of oil and gas. Both well pad locations are proposed to be grouped into multi-wells of approximately 11 to 18 each to reduce surface impacts.
Zoning	Millennium Addition, Planned Unit Development (PUD) – Parcels A5 and B13. Oil and gas facilities are not specifically referenced in the Millennium General Development Plan (GDP). However, Heavy Industrial/Heavy Manufacturing is and defined as uses “engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials”. Parcel A5 does not allow a Heavy Manufacturing use. Parcel B13 allows Heavy Manufacturing as a “Special Review”. Please confirm with McWhinney/Centerra DRC that Parcel A5 can accommodate an oil and gas facility without amending the Millennium GDP. If an amendment is required, this would have to be done prior to or in conjunction with an Oil, Gas, and Mineral Development application with the City of Loveland. Please also coordinate with McWhinney/Centerra DRC relative to their Special Review compliance.
Comprehensive Plan Designation	East (CE) Well Pad: Low Density Residential with a Complete Neighborhood Overlay South (CS) Well Pad: Regional Activity Center
Existing Agreements	<input checked="" type="checkbox"/> Annexation <input checked="" type="checkbox"/> Development <input type="checkbox"/> None
Existing Development Plans	<input checked="" type="checkbox"/> PUD <input type="checkbox"/> Conceptual Master Plan <input type="checkbox"/> Special Review <input type="checkbox"/> Complete Neighborhood <input type="checkbox"/> None
Overlay Districts	<input type="checkbox"/> Floodplain <input type="checkbox"/> Airport <input type="checkbox"/> I-25 Corridor <input checked="" type="checkbox"/> None
UDC Designation for Use	The proposed use is considered as Resource Extraction (Oil & Gas) per the Unified Development Code (UDC). Resource Extraction (Oil & Gas) is subject to the standards outlined in Chapter 18.10 of the UDC.

Approval Process & Applications Required

Step	Application	Required/Optional	Description	Approval Process	UDC Reference
1	Oil, Gas, and Mineral Development	Required	Applications for oil and gas permits are required to provide the appropriate information outlined in the City of	Administrative (Track 2) with compliance to all	18.17.05

			<p>Loveland submittal checklist for Oil, Gas, and Mineral Development. With two (2) oil and gas well/facility sites proposed, it is expected that two separate applications will be provided for each location. As part of the application, please make sure to include telephone and email information for the designated agent and at least one back-up.</p> <p>These applications will be the first oil and gas development permits that the City reviews under the UDC. This will be a learning process for all involved. Maintaining open-lines of communication and coordination through follow-up meetings will become important in working together to complete this process.</p> <p>As both parcels are within the Millennium Planned Unit Development, letters of approval from the Centerra DRC is required with the applications or prior to any decision being made.</p>	<p>general standards (i.e. Division 18.10.02 of the UDC) and all enhanced standards (i.e. Division 18.10.03 of the UDC).</p> <p>Otherwise, the request would be presented to the Planning Commission at a public hearing (Track 3).</p> <p>Both tracks require a neighborhood meeting prior to any decision being made.</p>	
1	Oil and Gas Variances	If needed, based on required provisions in Division 18.10.02 of the UDC	To be submitted in conjunction with the Oil, Gas, and Mineral Development application.	Based on the two different tracks noted above.	18.17.15.08
1	Oil and Gas Overlay Zone Variances	If needed, based on required provisions in Division 18.10.04 of the UDC	To be submitted in conjunction with the Oil, Gas, and Mineral Development application.	Public hearing with City Council	18.17.15.09
2	Building Permit	Required	Building permits are needed in conjunction with the installation of any walls, temporary trailers, exterior lighting, etc.	Administrative	Building Code
Any time after CR	Building Permit Fee Estimate	Encouraged	An estimate of City fees that are assessed with the building permit process can be requested by submitting an Estimate Request Form to the Building Division. A building permit fee estimate is highly encouraged.		

Unified Development Code Standards

Oil and Gas Standards		UDC Reference
Land Use	Industrial, Processing, Recycling, Storage, and Disposal – Resource Extraction (oil and gas) refers back to Chapter 18.10 of the UDC.	Table 18.02.03.07

<p>COGCC Standards Adopted & Enhanced Noise Standards</p>	<p>These standards are general standards that must be met for all oil and gas developments and are included in various reports, information, plans, etc. as part of the application.</p> <p>Of particular note, a Noise Mitigation Study will be required for both applications. Depending on the outcomes of the reports, further mitigation measures may be required to comply with the City's sound limitation standards found in Chapter 7.32 of the Loveland Municipal Code.</p>		<p>18.10.02.01 18.10.03.06</p>
<p>Visual Impacts, Fencing, and Lighting</p>	<p>As part of the application submittal requirements (outlined in the City's Oil, Gas, and Mineral Development Checklist), an operations project development plan set will be required. As part of this plan set, information regarding mitigation to potential impacts from the oil and gas development will be incorporated that include screening of unsightly areas including fencing and landscaping. Lighting will also be a key component to the visual nature of the projects.</p>		<p>18.10.02.02</p>
<p>Setbacks for Oil and Gas Facilities</p>	<p>All oil and gas facilities shall comply with the setback distances set forth in Table 18.10.03.02 or such greater distances as may be required by the COGCC. Setback distances shall be measured from the closest edge of any equipment included in the oil and gas facility to the nearest part of the nearest feature associated with the sensitive area. For purposes of measuring the setback from any sensitive area that does not have a defined property or boundary line, the Director shall establish the boundary line for measurement.</p>		<p>18.10.03.02</p>
<p>Bufferyards & Landscaping</p>	<p>Bufferyards shall be established once the well is in production around the entire perimeter of the production site. Watering of the landscaping must be discussed further. The use of xeriscape plant types shall be used however irrigation or some other means of watering must be provided (i.e. water truck). Even for xeriscape landscaping, some temporary form of irrigation will be needed. Additional discussions regarding landscaping and irrigation is needed as access to water is going to be a challenge. In response to questions regarding landscaping, particularly grass seed, the City's position is that unless a permanent irrigation system is installed, the use of xeriscape plant types is preferred over grass seed. Please note however that the City does require, at a minimum, a temporary irrigation system. In addition to the City's position on landscape improvements, input from the Centerra DRC is important with respect to the design process.</p> <p>The following table represents the base standards for required perimeter bufferyards (i.e. reinterpreted bufferyard table as reference in 18.10.03.03):</p>		<p>18.10.03.03</p>
<p>Base Standard (plants per 100 linear feet)</p>	<p>Optional Width (feet)</p>	<p>Plan Multiplier</p>	<p>Option: add 6-foot opaque masonry wall</p>
<p>5 canopy trees 6 evergreen trees 4 large shrubs</p>	<p>150 170 190 210 230 250</p>	<p>1.00 0.90 0.80 0.70 0.60 0.50</p>	<p>.85</p>

Air Quality	The City requests a separate meeting with appropriate City staff is needed to understand more of the specifics regarding air quality – especially in terms of monitoring and reporting.	18.10.03.04
Pipelines	As part of the operations project development plan set (outlined in the City’s Oil, Gas, and Mineral Development Checklist), the underground pipelines for these two (2) sites that connect to off-site pipelines must be identified.	18.10.03.05
Additional Resources	The City may need to seek additional resources to provide technical expertise in order to evaluate the proposal. These potential resources are not captured in the application fees for oil and gas developments. As such, all 3 rd party review costs associated with the application must be paid by the applicant.	
City of Loveland Questions	<p>Organization 1) Would you introduce us to your organization? The City understands that MRG, LP was formed in February 2021. Who is on your staff?</p> <p>Process 2) Are you planning to submit the City application materials concurrently with the COGCC application? 3) When can the City expect those application materials? 4) Can you give the City a sense of the timeline for both projects? (Pad construction through first production)</p> <p>Surface locations and impacts 5) What is the drilling and spacing units you are targeting? 6) Have you considered other surface locations? What were your primary considerations in choosing these locations? 7) Are you intending to complete an alternative location analysis? 8) How many homes are within 2,000 feet of the locations chosen? 9) Are you intending to pipe oil, gas, and water? 10) Have you chosen pipeline corridors yet? 11) Are you planning to pipe water to the location for hydraulic fracturing? (To avoid thousands of water trucks supplying millions of gallons of water necessary) 12) Have you chosen a trucking haul route?</p> <p>Air quality 13) Does MRG intend to use electric drilling rigs – powered by the grid? 14) Does MRG intend to use grid electricity during production? 15) Will the operator have someone who can respond 24 hours/day seven days/week to concerns or nuisance complaints?</p> <p>Reclamation and landscaping</p>	

	<p>16) The City would like to see established landscaping and bufferyards prior to new residential development being built in the area. Will you have access to water for the landscaping?</p> <p>Prohibited facilities 17) The City requests that the operator not use waste injection wells onsite, glycol dehydrators, desiccant gas processing dehydrators, or pits of any kind.</p> <p>18) Will you commit to using artificial lift other than a traditional pump jack? (Gas compression and linear rod pumps are less noisy and smaller.)</p> <p>Safety 19) Will the operator use telemetric control and monitoring systems, including surveillance monitors, to detect when pilot lights on control devices are extinguished.</p> <p>20) Can you commit to not using PFAS3 in hydraulic fracturing fluid?</p> <p>21) Have you met with emergency responders? Do they have adequate foam and training to fight an oil and gas fire?</p> <p>22) Do you plan to do any analysis of plugged and abandoned wells? Loveland is requiring a cement analysis as well as soil gas test, ground water testing, locating the well head, and placing a permanent marker as well as documenting location at clerk and recorder.</p>	
<p>Attachments</p>	<p>Exhibit 1 – Example Larimer County requirements beyond State regulations (With respect to the decision-making processes, the City would like some additional considerations given to some potential operational requirements identified in Exhibit 1. Please review this information and as appropriate coordinate additional discussions relative to these items.)</p> <p>Exhibit 2 – Permitting Process 300 Series</p> <p>Exhibit 3 – COGCC Rules: Local Government Notice and Process</p>	

Example Larimer County requirements beyond state regulations

Item	State Requirements	Potential Operational Requirement for City
AIR QUALITY		
Monitoring	AQCC has requirements for ambient air quality monitoring but does not state what is being monitored and the frequency of monitoring. Only requires monitoring during drilling and completions and first 6 months of production.	City standards can define the type of monitoring (continuous or high frequency), the pollutants monitored, requiring use of triggered canister sampling, and extend the monitoring requirement (e.g., first three years of production).
Electric Equipment	CDPHE and COGCC encourage use of electric equipment at well sites, but there is no mandate.	Use of electric equipment could be required to extent possible, as it could be easily achieved for most development within City limits and reduce noise and air pollution.
Leak Detection and Repair	Requires a leak detection and repair (LDAR) program, reporting requirements, and prompt repair of any discovered leaks;	In some cases, the AQCC allows operators up to two years to repair a leak. The City would like to see repairs completed asap but no later than 72 hours after discovery.
Odor Complaint Response	The CDPHE has odor thresholds, and odor complaints are navigated by both the CDPHE and COGCC.	City regulations could include stricter odor testing standards as well as complaint protocols for the Operator, including a requirement for remonitoring and testing with FLIR camera if necessary.
WATER QUALITY		
Water Quality Protection	The COGCC has strong water quality protection requirements that address down-hole well bore integrity. Spill and public water supply protection must be coordinated with local governments and public water suppliers.	City regulations and standards could outline the coordination needed to respond to a spill and when public water supplies may be threatened. The City can also adopt water quality testing and prohibitions on certain chemicals (such as PFCs) that go beyond COGCC requirements.
Groundwater Testing	The COGCC requires baseline and follow-up testing of four water wells within ½ mile of new oil and gas wells	The City can require testing of all water wells within ½ mile of new oil and gas wells
Open Pits and Storage	State prohibits storage of equipment, chemicals, etc., not necessary for production prohibited.	Propose to prohibit open drilling and completion pits and storage of fracking chemicals within City limits.
Oil and Gas Pipelines	Off-location pipelines must be mapped and location given to local governments if requested.	City could add location requirements (e.g., 50 ft from residential or non-residential buildings), and requirements to align with existing easements to extent possible.
Wastewater injection wells	COGCC treats these like other oil and gas wells	Wastewater injection wells are not necessary for production and new injection wells can be prohibited within City limits.
NUISANCE		
Noise Mitigation	COGCC gets more complaints about noise than any other issue. Current regulations permit increased noise during drilling and completion; Continuous monitoring during drilling and completion within 2,000 feet of building unit	City can propose lower noise limits than COGCC during drilling and completion and requires noise to be measured from property line rather than 25 feet from homes (receptor).
SAFETY		
Emergency Preparedness and Response Plan	COGCC requires an emergency response plan but defers entirely to local government agencies and emergency responders	This is the area where coordination from the city and emergency responders is essential, and the City is currently working with PFA and OEM to draft requirements.
RECLAMATION		
Reclamation Plan	COGCC has requirements for both interim and final reclamation plans but few if any standards for what they contain. Does not require recording location of plugged wells at clerk and recorder.	Specific reclamation requirements can be added, such as requiring above grade markers for plugged wells and removal of pipelines.
Plugging and Abandonment and Decommissioning	Prior to plugging and abandonment, the COGCC requires notification. This does not include notification to local governments.	Plugging and abandonment of existing wells is encouraged and will not be denied. The City will ensure nearby residents are adequately notified and rigs needed to conduct the work can be safely mobilized to location.

**PERMITTING PROCESS
300 SERIES**

301. GENERAL REQUIREMENTS FOR APPROVAL, CHANGES TO OPERATIONS, AND FILING FEES FOR OIL AND GAS OPERATIONS

- a. Approval.** All operations governed by any regulation in this Series require written approval of the Commission, or Director where applicable. The Commission or Director, where applicable, will approve operations only if they protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources, and protect against adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations. Operators will obtain the Commission’s or Director’s, where applicable, approval through the procedures provided in this and such other applicable Commission Rules. The Commission, or Director, where applicable, may require any conditions of approval that are determined to be necessary and reasonable to protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources, or to protect against adverse environmental impacts on any air, water, soil, or biological resource resulting from Oil and Gas Operations.
- b. Denial.** The Commission may deny an Oil and Gas Development Plan, and the Commission or Director may deny Oil and Gas Operations if it does not comply with the Commission’s Rules or the Act.
- c. Changes to Approved Oil and Gas Development Plans.**
 - (1)** Operators will file any proposed change to an approved Oil and Gas Development Plan with the Director in writing through a Form 4, Sundry Notice. The Form 4 will be posted to the Commission’s website at least 14 days prior to approval or denial of the requested change.
 - (2)** The Director will determine what applications, forms, and information are required for the review and approval of the proposed change, and whether:
 - A.** The proposed change is significant and requires Commission approval;
 - B.** The proposed change requires consultation with the Colorado Department of Public Health and Environment (“CDPHE”) or Colorado Division of Parks and Wildlife (“CPW”); or
 - C.** The proposed change will not alter the basis upon which the Oil and Gas Development Plan is approved and can be administratively approved by the Director.
 - (3)** The Operator will not begin work until the Director or Commission provides written approval.
 - (4)** The Director or Commission will only approve changes that comply with the Commission’s Rules.
 - (5)** Notice of a Director-approved change to an Oil and Gas Development Plan will be posted to the Commission’s website.
- d. Filing Fees.** Operators will pay filing fees at the time of applying for a Form 2A, Oil and Gas Location Assessment; Form 2, Application for Permit-to-Drill; Drilling and Spacing Unit; Oil and Gas Development Plan; or Comprehensive Area Plan (“CAP”) (see Appendix III). Wells drilled for stratigraphic information only will be exempt from paying the filing fee.

- e. The Director or Commission may request any information necessary and reasonable to make a final determination of approval or denial on any permit application before the Commission. In such information requests, the Director or Commission will provide the reasoning for the request and a reasonable timeframe for the applicant to provide the information.
- f. **Coordination with Local Governments and Federal Agencies.**
 - (1) **Purpose.** The Commission, Local Governments, and federal surface management agencies all share authority to require permits for the surface impacts of Oil and Gas Operations. Recognizing that each permitting authority brings its own, unique expertise in reviewing a permit, the Commission supports creating coordinated, efficient processes among the permitting authorities.
 - (2) **Concurrent Permitting.** Where possible, the Commission prefers Operators to follow the concurrent permit review process pursuant to Rule 303.a.(6).A to allow each permitting authority to coordinate sharing its unique expertise and standards.
 - (3) **Pre-Application Consultation.** Prior to an Operator submitting an Oil and Gas Development Plan or Form 2A to the Commission, at the request of the Relevant Local Government or federal agency, the Director will participate in a Formal Consultation Process with the Relevant Local Government or federal agency and the Operator to discuss Oil and Gas Location siting, alternative location analysis, Best Management Practices, conditions of approval, anticipated milestones and events in the state and federal or local permitting processes, opportunities for collaboration, and other related topics regarding the Operator's planned development within the Relevant Local Government's or federal agency's jurisdiction.
 - (4) **Sequential Permitting.** An Operator may pursue a permit from the federal government or a Relevant Local Government before applying for an Oil and Gas Development Plan pursuant to Rule 303.
 - A. If the Operator chooses to seek a permit from the federal government or a Relevant Local Government before applying for an Oil and Gas Development Plan, during the course of the federal or Local Government permit review process, for any proposed location that meets one or more of the criteria in Rule 304.b.(2).B the Operator may submit an alternative location analysis to the Director that meets the criteria of Rule 304.b.(2).C.
 - B. If the Operator provides the Director with an alternative location analysis pursuant to Rule 301.f.(4).A, the Director will participate in a Formal Consultation Process with the Operator and the Relevant Local Government or federal agency about the proposed alternative locations prior to the Operator submitting a permit application to the Commission.
 - C. To promote the resolution of issues to the extent possible, a Relevant Local Government or federal agency may request that the Director participate as a referral agency in a Formal Consultation Process about proposed alternative locations for any location that meets the criteria of Rule 304.b.(2).B. If the Director receives such a request, the Operator will provide the Director with an alternative location analysis that meets the criteria of Rule 304.b.(2).C that may be used as a basis for the Formal Consultation Process. If the Director receives such a request, the Director will use best efforts to identify any potential conflicts, differences, or concerns that may exist regarding the proposed location(s) and the Commission's Rules.

302. LOCAL GOVERNMENTS

- a. Nothing in the Commission's Rules constrains the legal authority conferred to Local Governments by §§ 24-65.1-101 *et seq.*, 29-20-104, 30-15-401, C.R.S., or any other statute, to regulate surface Oil and Gas Operations in a manner that is more protective or stricter than the Commission's Rules.
- b. **Local Government Siting Information.** With their Oil and Gas Development Plan, or, if applicable, with their Form 2A or Drilling and Spacing Unit application, Operators will submit to the Director certification that:
 - (1) The Relevant Local Government does not regulate the siting of Oil and Gas Locations;
 - (2) The Relevant Local Government regulates the siting of Oil and Gas Locations, and has denied the siting of the proposed Oil and Gas Location;
 - (3) The Relevant Local Government regulates the siting of Oil and Gas Locations, and the proposed Oil and Gas Location does not meet any of the criteria listed in Rule 304.b.(2).B; or
 - (4) The Relevant Local Government regulates the siting of Oil and Gas Locations, and the proposed Oil and Gas Location meets one or more of the criteria listed in Rule 304.b.(2).B.
- c. **Director's Review of Local Government Siting Information.**
 - (1) For proposed Oil and Gas Locations listed in Rule 302.b.(1), the Director will conduct a siting review pursuant to the Commission's 300 Series Rules.
 - (2) For proposed Oil and Gas Locations listed in Rule 302.b.(2), the Commission will not approve the proposed Oil and Gas Location without a hearing before the Commission, rather than an Administrative Law Judge or Hearing Officer.
 - (3) For proposed Oil and Gas Locations listed in Rule 302.b.(3), the Director will defer to the Relevant Local Government's siting disposition.
 - (4) For proposed Oil and Gas Locations listed in Rule 302.b.(4), the Operator will submit an alternative location analysis pursuant to Rule 304.b.(2).
- d. With their Oil and Gas Development Plan, or, if applicable, with their Form 2A, Operators will state whether the proposed Oil and Gas Location is subject to the requirements of § 24-65.1-108, C.R.S., because it is located in an area designated as one of state interest.
- e. **Notice to Relevant and Proximate Local Governments.** An Operator will notify any Relevant and Proximate Local Governments that it plans to submit an Oil and Gas Development Plan no less than 30 days prior to submitting an Oil and Gas Development Plan. The notice will comply with the procedural and substantive requirements of Rules 303.e.(2) & (3).
- f. **Local Government Waiving Authority.**
 - (1) At any time, a Local Government may, by providing written notice to the Director on a Form 29, Local Government Information, and any relevant Operators:
 - A. Waive its right to receive notice under any or all of the Commission's Rules; or
 - B. Certify that it chooses not to regulate the siting of Oil and Gas Locations.

- (2) The Commission will maintain a list of Local Governments that have certified to the Director that they have chosen not to regulate the siting of Oil and Gas Locations, or receive any category of notice otherwise required by the Commission's Rules. This list will be posted on the Commission's website.
- (3) A Local Government may withdraw a waiver or certification at any time by providing written notice to an Operator and the Director on a Form 29. Upon receiving such notice, the Director will immediately remove the Local Government from the Rule 302.f.(2) list on the Commission's website.

g. Local Government Consultation. Within 45 days after an Operator provides notice of a proposed Oil and Gas Development Plan, and prior to the Director making a Director's Recommendation that the Commission approve or deny the Oil and Gas Development Plan, Relevant Local Governments or Proximate Local Governments may request, and will be provided, an opportunity to consult with the Operator and the Director. The Director or Operator will promptly schedule a Formal Consultation Process meeting. Nothing in this Rule 302.g precludes a Local Government from providing comments on a proposed Oil and Gas Development Plan or Form 2A during the Rule 303.d public comment period. Topics for Formal Consultation Process meeting will include, but not be limited to:

- (1) The location of access roads, Production Facilities, and Wells; and
- (2) Necessary and reasonable measures to avoid, minimize, and mitigate adverse impacts to public health, safety, welfare, the environment, or wildlife resources.

303. PROCEDURAL REQUIREMENTS FOR OIL AND GAS DEVELOPMENT PLANS

a. Components of an Oil and Gas Development Plan Application. Prior to commencing Oil and Gas Operations at an Oil and Gas Location that meets the criteria of Rule 304.a, an Operator will have an approved Oil and Gas Development Plan. An Operator will submit to the Commission the following:

- (1) An application with the Hearings Unit for a hearing on the proposed Oil and Gas Development Plan, pursuant to Rule 503.g.(1). If the Oil and Gas Development Plan includes lands to be spaced, the Oil and Gas Development Plan application will include an application for and request for hearing on the proposed Drilling and Spacing Unit(s) pursuant to Rules 305 & 503.g.(2). For at least one portion of a mineral tract within the proposed Oil and Gas Development Plan, the applicant will provide documentation as described in Rule 305.a.(2).L, showing the applicant's status as an Owner.
- (2) A Form 2A that meets all requirements of Rule 304 for each proposed Oil and Gas Location.
- (3) Payment of the full filing fee required by Rule 301.d.
- (4) Any other relevant information that the Director determines is necessary and reasonable to determine whether the proposed operation meets the Commission's Rules and protects and minimizes adverse impacts to public health, safety, welfare, the environment, and wildlife resources. The Director will provide the Operator with the reason for the request in writing.
- (5) **Cumulative Impacts Data Evaluation Repository.**

A. Purpose. This Rule 303.a.(5) is intended to provide data for the Commission's cumulative impacts data evaluation repository. The Commission intends to use the data, in

cooperation with CDPHE and other partners, to undertake basin-wide, statewide, and other studies to evaluate and address cumulative impacts to relevant resources at appropriate scales pursuant to Rules 304.c.(19) or 904.

B. Resource Impacts. The Operator will submit a Form 2B, Cumulative Impacts Data Identification that provides quantitative and qualitative data to evaluate incremental adverse and beneficial contributions to cumulative impacts caused by Oil and Gas Operations associated with the proposed Oil and Gas Development Plan, including any measures the Operator will take to avoid, minimize, or mitigate any adverse impacts:

i. **Air Resources.** A quantitative evaluation of the incremental increase in the pollutants listed below, estimated for the entire proposed Oil and Gas Development Plan. The emissions estimates will include both stationary and mobile sources of emissions during all pre-production activities, and both stationary and mobile sources of emissions for the first year of production based on all proposed wells and equipment.

- aa. Oxides of nitrogen (NO_x);
- bb. Carbon monoxide (CO);
- cc. Volatile Organic Compounds (VOCs);
- dd. Methane (CH₄);
- ee. Ethane (C₂H₆);
- ff. Carbon dioxide (CO₂); and
- gg. Nitrous oxide (N₂O).

ii. **Public Health.** An evaluation of incremental adverse impacts to public health due to Oil and Gas Operations associated with the proposed Oil and Gas Development Plan, including:

aa. A quantitative evaluation of the incremental increase in total hazardous air pollutant emissions estimated for the entire proposed Oil and Gas Development Plan. The emissions estimates will include both stationary and mobile sources of emissions during all pre-production activities, and both stationary and mobile sources of emissions for the first year of production based on all proposed wells and equipment.

bb. A quantitative evaluation of the incremental increase in specific hazardous air pollutant emissions with known health impacts, estimated for the entire proposed Oil and Gas Development Plan. The emissions estimates will include both stationary and mobile sources of emissions during all pre-production activities, and both stationary and mobile sources of emissions for the first year of production based on all proposed wells and equipment:

1. Benzene;
2. Toluene;
3. Ethylbenzene;

4. Xylenes;
 5. n-Hexane;
 6. 2,2,4-Trimethylpentane (2,2,4-TMP);
 7. Hydrogen sulfide (H₂S);
 8. Formaldehyde; and
 9. Methanol.
- cc.** A qualitative evaluation of any potential acute or chronic, short- or long-term incremental impacts to public health as a result of such emissions.
- dd.** Whether the proposed Oil and Gas Development Plan includes any proposed Oil and Gas Locations within a Disproportionately Impacted Community.

iii. Water Resources.

- aa.** For any proposed Oil and Gas Development Plan that includes proposed Oil and Gas Locations that will be listed as a sensitive area for water resources, or are within 2,640 feet of a surface Water of the State, the total planned on-location storage volume (measured in Barrels (bbls)) of:
1. Oil;
 2. Condensate;
 3. Produced water; and
 4. Other volumes of stored hydrocarbons, Chemicals, or E&P Waste Fluids.
- bb.** An evaluation and identification of potential contaminant migration pathways and likely distances from the proposed Oil and Gas Locations to the nearest downstream riparian corridors, wetlands, and surface Waters of the State. If the Operator identifies any such contaminant migration pathways, the Operator will provide a qualitative evaluation of the baseline conditions in the riparian corridor, wetland, or surface Water of the State.
- cc.** A qualitative evaluation of potential impact to any Public Water System intake.
- dd.** A qualitative evaluation of measures the Operator proposes to take to reduce water use, including reusing and recycling produced water.
- ee.** A quantitative evaluation of the anticipated volume of all surface water and Groundwater to be used, including the percentage of the total volume that is anticipated to be reused or recycled water, consistent with Rules 304.c.(18).A & C.

- iv. **Terrestrial and Aquatic Wildlife Resources and Ecosystems.** A quantitative or, where quantitative information is not reasonably available, a qualitative evaluation of potential impacts to Wildlife Resources as a result of Oil and Gas Operations associated with the proposed Oil and Gas Development Plan, including:
 - aa. List of High Priority Habitats within 1 mile; and
 - bb. Total acreage of new or expanded surface disturbance associated with the proposed Oil and Gas Development Plan, including:
 - 1. A breakdown (by acreage) of the types of current land use;
 - 2. The number of acres of new or expanded surface disturbance within High Priority Habitat.

- v. **Soil Resources.**
 - aa. A quantitative evaluation of incremental adverse impacts to topsoil as a result of surface disturbance associated with the proposed Oil and Gas Development Plan; and
 - bb. A qualitative evaluation of incremental adverse impacts on ecosystems, including any vegetative communities, as a result of Oil and Gas Operations associated with the proposed Oil and Gas Development Plan.

- vi. **Public Welfare.** A qualitative or quantitative evaluation of incremental adverse impacts to public welfare as a result of Oil and Gas Operations associated with the proposed Oil and Gas Development Plan, that addresses each of the following potential sources of impacts to public welfare, over both a short-term and long-term timeframe:
 - aa. Noise;
 - bb. Light;
 - cc. Odor;
 - dd. Dust; and
 - ee. Recreation and scenic values.

C. Surrounding Oil and Gas Impacts. On the Form 2B, the Operator will identify Oil and Gas Locations in proximity to each of the proposed Oil and Gas Locations associated with the proposed Oil and Gas Development Plan. Specifically, on the Form 2B, the Operator will identify:

- i. The total number of active, permitted, and proposed Oil and Gas Locations within a 1 mile radius of each of the proposed Oil and Gas Locations, including those permitted by the Relevant Local Government, even if a permit application has not yet been submitted to the Commission for the same location.
- ii. The cumulative total of the acreage that is currently disturbed or is planned to be disturbed to construct the active and proposed Oil and Gas Locations associated with the Oil and Gas Development Plan within a 1 mile radius of each of the

proposed Oil and Gas Locations, and the source(s) used to calculate the total acreage, which may include:

- aa.** Any relevant field observation or measurements; or
 - bb.** The Commission's electronic location files.
 - iii.** The total number of oil and gas Wells within a 1 mile radius of each of the proposed Oil and Gas Locations that are:
 - aa.** Active;
 - bb.** Permitted but not drilled;
 - cc.** Proposed; and
 - dd.** Plugged and Abandoned.
 - iv.** The total volume of produced hydrocarbon and produced water storage that exists and is proposed at the active and proposed Oil and Gas Locations associated with the Oil and Gas Development Plan within a 1 mile radius of each of the proposed Oil and Gas Locations, and the sources used to calculate the storage volumes.
- D. Other Industrial Impacts.** On the Form 2B, the Operator will identify existing industrial facilities within a 1 mile radius of each of the proposed Oil and Gas Locations associated with the proposed Oil and Gas Development Plan, including:
 - i.** A map or aerial photo, if necessary, showing the proposed Oil and Gas Location(s) and the industrial facilities; and
 - ii.** A general description of the use or operation of the industrial facilities.

(6) Permitting Coordination Notifications.

- A.** If an Operator is concurrently seeking a permit from the Commission and a federal agency or a Relevant Local Government for one or more locations within the proposed Oil and Gas Development Plan, the Operator may engage the Director in the federal agency or Relevant Local Government process. The Relevant Local Government or federal agency may also request that the Director engage in the Relevant Local Government process or federal agency process. If the Operator, Relevant Local Government, or federal agency requests the Director's engagement, the Operator will:
 - i.** Notify the Director that it is concurrently seeking a permit from the Relevant Local Government or federal agency permitting process on the Form 2A at the time the Operator submits the proposed Oil and Gas Development Plan;
 - ii.** Identify any potential conflicts or differences between agency standards for each of the respective permitting authorities on the Form 2A; and
 - iii.** Promptly notify the Director in writing of subsequent milestones and events in the Local Government or federal agency permitting process, including but not limited to:
 - aa.** Submission of documents;

- bb.** On-site inspections;
- cc.** Public comment deadlines;
- dd.** Hearings and public meetings; or
- ee.** Issuance of final decisions.

B. If an Operator has already obtained a permit from a federal agency or a Relevant Local Government for one or more locations within the proposed Oil and Gas Development Plan, the Operator will submit the federal agency's or Relevant Local Government's final decision documents approving the siting and any related surface disturbance as an attachment to the Form 2A for that location.

- i.** If a Relevant Local Government has already approved the siting of one or more Oil and Gas Locations proposed as part of an Oil and Gas Development Plan, and the Director determines that it will recommend that the Commission deny the proposed Oil and Gas Development Plan based on an alternative location analysis process pursuant to Rule 304.b.(2), the Director will notify the Relevant Local Government and the Operator prior to issuing a Recommendation pursuant to Rule 306.
- ii.** For a proposed Oil and Gas Location on federal surface or mineral estate for which the relevant federal agency has already approved one or more Application(s) for Permit to Drill, the Operator will submit any environmental analysis or analyses conducted for the Application(s) for Permit to Drill pursuant to the National Environmental Policy Act.

(7) A certification that all components of the Oil and Gas Development Plan have been submitted. The Operator will submit a Form 2C, Oil and Gas Development Plan Certification, to certify the submission of all components of the Oil and Gas Development Plan, and to identify all components of the application.

(8) If an Operator proposes multiple Oil and Gas Locations, and the Director determines that the number of proposed locations, geographic scope, or high number of adjacent or nearby Oil and Gas Development Plans submitted by the same Operator would be more appropriately considered as a CAP, the Director may request a meeting with the Operator to evaluate whether the proposed Oil and Gas Development Plan(s) should be re-submitted as a CAP application pursuant to Rule 314.

b. Completeness Determination. After the Operator certifies pursuant to Rule 303.a.(7) that all required components of the Oil and Gas Development Plan have been submitted, the Director will use best efforts to review the application materials within 30 days to determine if they are complete.

(1) If the proposed Oil and Gas Development Plan is complete, the Director will approve the Form 2C and issue a completeness determination to the Operator via electronic mail.

(2) A completeness determination does not constitute approval or denial of an Oil and Gas Development Plan, nor does it convey any rights to conduct any surface-disturbing activities.

(3) At any time, before or after the Director makes a completeness determination, the Director or the Commission may request any relevant information necessary and reasonable to make a final determination of approval or denial on an Oil and Gas Development Plan. The Operator will provide any requested information before the Commission makes a final

decision to approve or deny the Oil and Gas Development Plan. The Director will provide the Operator with the reason for the request in writing.

- (4) If the Director determines that an application is incomplete, the Director will notify the Operator in writing of any such inadequacies. The Operator will have 90 days from the date that it was contacted to correct or provide requested information, otherwise the Director will deny the Form 2C, and all components of the application will be considered withdrawn and the Oil and Gas Development Plan filing fee will not be refunded.
- (5) The Director will submit the completeness determination to the Hearings Unit, where it will be part of the record before the Commission on the Oil and Gas Development Plan application.

c. Revisions to an Oil and Gas Development Plan Application.

- (1) At any time prior to the Director making a completeness determination, the Operator may request changes to its Oil and Gas Development Plan or provide additional or different information by contacting the Director.
- (2) After the Director makes a completeness determination, the Operator may only make material changes to its Oil and Gas Development Plan application with the Director's approval, which may require re-noticing the application pursuant to Rules 303.e and 503.g.(1), and reopening the public review and consultation period pursuant to Rule 303.d.

d. Public Review and Consultation.

- (1) **Public Comment Period.** When the Director makes a completeness determination by approving a Form 2C, the Oil and Gas Development Plan application components, exemptions granted pursuant to Rule 304.d, and supporting materials will be posted to the Commission's website. The website posting will provide:
 - A. The date by which public comments must be received to be considered, which is:
 - i. 45 days from the date the Oil and Gas Development Plan was posted if the Oil and Gas Development Plan includes any proposed Oil and Gas Locations within 2,000 feet of a Residential Building Unit, High Occupancy Building Unit, or School Facility within a Disproportionately Impacted Community; and
 - ii. 30 days from the date the Oil and Gas Development Plan was posted for all other Oil and Gas Development Plans; and
 - B. The mechanism for the public to provide comments.
- (2) **Notification for Consultation.** At the same time the Director posts materials to the Commission's website pursuant to Rule 303.d.(1), the Director will provide electronic notice of such posting to:
 - A. The Relevant Local Government(s);
 - B. All Proximate Local Government(s);
 - C. CPW;
 - D. CDPHE, if consultation will occur pursuant to Rule 309.f; and

- E. Public Water System administrators, if consultation will occur pursuant to Rule 309.g.
- (3) **Confidentiality.** If the Operator designates any portion of its Oil and Gas Development Plan application as “confidential” pursuant to Rule 223, then the Director will post only the redacted version when the Oil and Gas Development Plan application is posted.
- e. **Notice.**
- (1) **Who Receives Notice.** The Operator will provide notice of the completeness determination within 7 days to:
- A. All Owners of minerals to be developed by the Oil and Gas Development Plan except that no notice is required for minerals already subject to a federal Unit Agreement pursuant to 43 C.F.R. § 3180.
 - B. All Surface Owners, Building Unit owners, and residents, including tenants of both residential and commercial properties, within 2,000 feet of any Working Pad Surface included in the Oil and Gas Development Plan. Notice to tenants may be accomplished by sending the notice to the residences addressed to “Current Resident.”
 - C. The Colorado State Land Board (if a mineral owner).
 - D. The U.S. Bureau of Land Management (if any federal entity is mineral owner).
 - E. The Southern Ute Indian Tribe (for applications involving minerals within the exterior boundary of the Tribe’s reservation that are subject to the Commission’s jurisdiction pursuant to Rule 201.d.(2)).
 - F. All Schools, Child Care Centers, and School Governing Bodies pursuant to Rule 309.d.
 - G. Police, fire departments, emergency service agencies, and first responder agencies responsible for ensuring public safety in all areas within 2,000 feet of any Working Pad Surface included in the Oil and Gas Development Plan.
 - H. The administrator of any Public Water System that operates:
 - i. A surface water Public Water System intake that is 15 stream miles or less downstream from the proposed Working Pad Surface;
 - ii. A groundwater under the direct influence of surface water (“GUDI”) Public Water System supply well within 2,640 feet of the proposed Working Pad Surface; and
 - iii. A Public Water System supply well completed in a Type III Aquifer within 2,640 feet of the proposed Working Pad Surface.
- (2) **Substance of Notice.** Notice provided by the Operator pursuant to this section will include:
- A. An introductory letter including:
 - i. The Operator’s contact information including its electronic mail address, phone number, and physical address(es) to which the public may direct questions and comments;
 - ii. The contact information for the Relevant Local Government;

- iii. The Commission's website address and main telephone number;
 - iv. The location of all proposed Oil and Gas Locations; and
 - v. The anticipated date that each phase of operations will commence (by month and year).
- B.** A description of the proposed Oil and Gas Development Plan, including:
- i. How many Wells and Locations are proposed;
 - ii. The proposed construction schedule by quarter and year;
 - iii. A description of each operational phase of development and what to expect during each phase;
 - iv. Proposed haul routes and traffic volume associated with each phase of operations; and
 - v. A description of any variances requested pursuant to Rule 502.
- C.** The Commission's information sheet about the procedural steps involved with the Director's and Commission's review of Oil and Gas Development Plans;
- D.** The Commission's information sheet about the Commission's public comment process and the relevant deadlines;
- E.** The Commission's information sheet about Hydraulic Fracturing Treatments, unless Hydraulic Fracturing Treatments will not be utilized at any Well within the proposed Oil and Gas Development Plan;
- F.** Other information that the Director identifies in the completeness determination as necessary to protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources;
- G.** The Commission's information sheet about how the public may view the status of the proposed Oil and Gas Development Plan application on the Commission's website; and
- H.** Information on how the public may learn more details about and ask questions about the Oil and Gas Development Plan prior to the closure of the public comment period.
- I.** All written information provided pursuant to Rule 303.e.(2) will also be provided in all languages spoken by 5% or more of the population in all census block groups within 2,000 feet of each proposed Oil and Gas Location within the Oil and Gas Development Plan.
- (3) Procedure for Providing Notice.** Notice will be delivered by one of the following mechanisms:
- A.** Hand delivery, with confirmation of receipt;
 - B.** Certified mail, return-receipt requested;
 - C.** Electronic mail, with electronic receipt confirmation; or

- D. By other delivery service with receipt confirmation.
- f. **Publication of Comments.** The Director will post public comments on the Commission's website according to applicable guidance.
- g. **Extension of Comment Period.** The Director may extend or reopen the comment period for up to an additional 30 days for a proposed Oil and Gas Development Plan and 45 days for a proposed CAP if the Director determines an extension or reopening is reasonable in order to obtain public input.
- h. **Drilling and Spacing Unit Applications.** When an Oil and Gas Development Plan includes an application for a new Drilling and Spacing Unit or to amend an existing Drilling and Spacing Unit, the Drilling and Spacing Unit application will be noticed and subject to the petition process set forth in Rules 504.b.(2) & 507.

304. FORM 2A, OIL AND GAS LOCATION ASSESSMENT APPLICATION

- a. **Submitting Form 2A.** Operators will submit a completed Form 2A, Oil and Gas Location Assessment as part of their Oil and Gas Development Plan application, as required by Rule 303.a.(2). Operators will submit and obtain approval of a Form 2A prior to:
 - (1) Surface disturbance at a site previously undisturbed by Oil and Gas Operations;
 - (2) Surface disturbance for purposes of expanding an existing Working Pad Surface or Oil and Gas Location; or
 - (3) Any significant change to the design and operation of an Oil and Gas Location, including but not limited to the addition of a Well or a Pit, except an Emergency Pit or a lined Plugging Pit. The Director will determine if a Form 2A is required for significant changes at an existing Oil and Gas Location made in response to new requirements or regulations from other state or federal agencies or the Relevant Local Government.
- b. **Information Requirements.** All Form 2As will include the following information, unless otherwise provided in a Commission Order approving a CAP pursuant to Rule 314.
 - (1) **Local Government Siting Information.** The Operator will comply with the certification requirements of Rule 302.b.
 - (2) **Alternative Location Analysis.**
 - A. **Applicability.** This Rule 304.b.(2) applies to any proposed Oil and Gas Location:
 - i. That meets any of the criteria listed in Rule 304.b.(2).B, unless the Director determines in the completeness determination that an alternative location analysis is not necessary to protect and minimize adverse impacts to public health, safety, welfare, the environment, or wildlife resources. The Director may not waive the alternative location analysis requirement for any Oil and Gas Location that meets the criteria listed in Rule 304.b.(2).B.i-iii.
 - ii. For which the Director or Commission determines that an alternative location analysis is necessary to evaluate whether the proposed Oil and Gas Location reasonably protects and minimizes adverse impacts to public health, safety, welfare, the environment, and wildlife resources.

- iii. Within the exterior boundaries of the Southern Ute Indian Reservation and subject to the Commission's jurisdiction pursuant to Rule 201.d.(2), if the Southern Ute Indian Tribe objects to the proposed Oil and Gas Location, or requests an alternative location analysis.

B. Alternative Location Analysis Criteria. An Operator will perform an alternative location analysis if:

- i. The proposed Working Pad Surface is within 2,000 feet of 1 or more Residential Building Units or High Occupancy Building Units;
- ii. The proposed Working Pad Surface is less than 2,000 feet from a School Facility or Child Care Center;
- iii. The proposed Working Pad Surface is within 1,500 feet of a Designated Outside Activity Area;
- iv. The proposed Working Pad Surface is less than 2,000 feet of a municipal or county boundary, and the Proximate Local Government objects to the location or requests an alternative location analysis;
- v. The proposed Working Pad Surface is within a Floodplain;
- vi. Unless waived by the applicable Public Water System(s), the proposed Oil and Gas Location is within:
 - aa. A surface water supply area as defined in Rule 411.a.(1); or
 - bb. Within 2,640 feet of a Public Water System supply well that is completed in a Type III Aquifer or is a groundwater under the direct influence of surface water well as defined in Rule 411.b.(1);
- vii. The proposed Oil and Gas Location is within the boundaries of, or is immediately upgradient from, a mapped, visible, or field-verified wetland or riparian corridor;
- viii. The proposed Oil and Gas Location is within High Priority Habitat and the Operator did not obtain a waiver from CPW through a pre-application consultation;
- ix. The Operator is using or intends to use a Surface Owner protection bond pursuant to Rule 703 to access the proposed Oil and Gas Location; or
- x. The proposed Working Pad Surface is within 2,000 feet of a Residential Building Unit, High Occupancy Building Unit, or School Facility located within a Disproportionately Impacted Community.

C. Contents of an Alternative Location Analysis. If an alternative location analysis is required, the Operator will prepare a narrative analysis that identifies all potential alternate locations from which the targeted minerals can be accessed that may be considered for siting of the Oil and Gas Location. Operators will also submit the following information:

- i. One or more maps or recent aerial images showing:
 - aa. The proposed area of mineral development;

- bb.** The Operator's proposed Oil and Gas Location;
 - cc.** All technically feasible alternative locations;
 - dd.** All proximal existing and permitted Oil and Gas Locations;
 - ee.** All relevant jurisdictional boundaries;
 - ff.** All Disproportionately Impacted Communities within 2,000 feet of each Oil and Gas Location analyzed in the alternative location analysis;
 - gg.** A reference coordinate (latitude/longitude); and
 - hh.** All Rule 304.b.(2).B criteria met by the proposed location and any alternative location(s) shown.
- ii.** For each alternative location evaluated, a table showing all information required by Rules 304.b.(3).A & B.
 - iii.** A data table for the proposed Oil and Gas Location and each alternative location, with all measurements made from each proposed Working Pad Surface, that lists the following information:
 - aa.** All Rule 304.b.(2).B criteria met.
 - bb.** For proposed Oil and Gas Locations within or within 2,000 feet of a Disproportionately Impacted Community:
 - 1.** The distance to the nearest Building Unit, High Occupancy Building Unit, and School;
 - 2.** A description of the community outreach efforts conducted by the Operator prior to preparing the alternative location analysis, including whether the Operator made information available in languages other than English based on the linguistic needs of the community, questions and Operator responses to questions from residents of the Disproportionately Impacted Community, and any public meetings conducted (including location, time of day, and whether interpreters were requested and provided) with residents of the Disproportionately Impacted Community;
 - 3.** The number and description of existing Oil and Gas Locations, Oil and Gas Facilities, and Wells also within 2,000 feet of any Residential Building Unit, High Occupancy Building Unit, or School Facility within 2,000 feet of any proposed Oil and Gas Location analyzed in the Alternative Location Analysis.
 - cc.** Distance to any municipal or county boundaries that are within 2,000 feet, and the names of the Proximate Local Government(s).
 - dd.** **Relevant Local Government Information.** For each alternative location analyzed, the:
 - 1.** Name of the Relevant Local Government;

2. The Relevant Local Government's land use or zoning designation;
 3. The Relevant Local Government's permitting process; and
 4. The status of each Relevant Local Government's permit process, if applicable.
- ee. Current land use, and plans for future land use at and proximal to each identified location.
- ff. Distance to nearest wetland, surface water, surface water supply area as defined in Rule 411.a.(1), or Public Water System supply well that is completed in a Type III Aquifer or is a groundwater under the direct influence of surface water well as defined in Rule 411.b.(1).
- gg. Distance to nearest High Priority Habitat.
- hh. Anticipated method of right-to-construct and surface ownership.
- D. The Director may request that the Operator provide any additional information or analyze additional locations for the Oil and Gas Location if the Director believes that additional analysis or information is necessary for the Director's and Commission's review of the public health, safety, welfare, environmental, and wildlife impacts of the locations the Operator analyzes.

(3) Cultural Distances.

- A. A table showing the distance and approximate bearing from the edge of the Working Pad Surface of the proposed or existing Oil and Gas Location to the edge or corner of the nearest building, Residential Building Unit, High Occupancy Building Unit, and School Facility; the nearest boundary of a Designated Outside Activity Area; the nearest Residential Building Unit, High Occupancy Building Unit, or School Facility within a Disproportionately Impacted Community within 2,000 feet of the proposed Working Pad Surface; the boundary of the nearest Disproportionately Impacted Community; and the nearest public road, above ground utility, railroad, and property line.
- B. A table showing the number of Building Units, Residential Building Units, High Occupancy Building Units, School properties, School Facilities, and Designated Outdoor Activity Areas within the following radii of the Working Pad Surface:
- i. 0–500 feet;
 - ii. 501–1,000 feet; and
 - iii. 1,001–2,000 feet.
- C. A current aerial image depicting the information in the tables in Rules 304.b.(3).A & B.

- (4) Location Pictures.** The Operator will attach to the Form 2A photographs as described in this Rule 304.b.(4). The photographs will depict the staked location and its surroundings. Each photograph will be identified by date taken, Well or location name, and direction of view. The field of view of each photograph will be shown on a current aerial image, also attached. Operators will provide location photographs in sufficiently high resolution so that details of current surrounding land use may be readily discerned. Operators will attach one of the following photograph options:

- A. A minimum of 4 color photographs showing the staked location and its surroundings from each cardinal direction, with no significant gaps between fields of view;
 - B. A minimum of 2 panoramic photographs of the location and its surroundings covering a full 360° around the location; or
 - C. Photographs of the locations and its surroundings taken from an unmanned aerial vehicle.
- (5) **Site Equipment List.** A list of major equipment components to be used in conjunction with drilling and operating the Well(s), including but not limited to, all Tanks, Pits, flares, combustion equipment, separators, and other ancillary equipment.
- (6) **Flowline Descriptions.** A description of the proposed location, size, and material of any Flowlines, including Off-Location Flowlines.
- (7) **Drawings.** Operators will provide the drawings, maps, and figures required below in a suitable size, scale, and electronic format for the Director to conduct a review. If multiple drawings are required to convey the required information, then the Operator will provide them in a logical manner. All drawings, maps, and figures will include a scale bar and north arrow, the Operator's name, the site name, and other information as necessary to identify the attachment as part of the Oil and Gas Development Plan. Aerial imagery used for base maps will be current.
- A. **Location Drawings.** A scaled drawing and scaled aerial photograph showing the approximate outline of the Oil and Gas Location and Working Pad Surface and all visible improvements within 2,000 feet of the proposed Oil and Gas Location (as measured from the proposed edge of the Working Pad Surface), with a horizontal distance and approximate bearing from the Working Pad Surface. If there are no visible improvements within 2,000 feet of a proposed Oil and Gas Location, the Operator will specify this on the Form 2A. Visible improvements will include, but not be limited to:
- i. All buildings and Building Units, with High Occupancy Building Units identified;
 - ii. Publicly maintained roads and trails, including their names;
 - iii. Fences;
 - iv. Above-ground utility lines;
 - v. Railroads;
 - vi. Pipelines or Pipeline markers;
 - vii. Mines;
 - viii. Oil and gas Wells and associated Production Facilities;
 - ix. Injection Wells and associated facilities;
 - x. Plugged oil and gas Wells, including dry holes;
 - xi. Known water wells; and
 - xii. Known sewers with manholes.

- B. Layout Drawings.** Location construction and operations layout drawings, location construction, and operations cross-section plots including location and finish grades and operations facility layout drawings. These drawings will include, as applicable to the proposed Oil and Gas Location:
- i. The Working Pad Surface and surrounding disturbed area making up the entirety of the Oil and Gas Location;
 - ii. A preliminary drill rig layout;
 - iii. Preliminary Well completion and Stimulation layout;
 - iv. If a Well is proposed to be hydraulically fractured, a preliminary layout drawing of the Flowback equipment, including the equipment and connections to comply with reduced emission completion requirements pursuant to Rule 903.c.(1); and
 - v. The location of all existing and proposed Oil and Gas Facilities listed on the Form 2A.
- C. Wildlife Habitat Drawing.** A drawing, map, or aerial image depicting High Priority Habitat within 1 mile of the Working Pad Surface.
- D. Preliminary Process Flow Diagrams.** Process flow diagrams depicting:
- i. Flowback operations; and
 - ii. Oil and gas production operations.
- E. Hydrology Map.** A topographic map showing the horizontal distance and approximate bearing from the Oil and Gas Location to:
- i. All surface Waters of the State within 2,640 feet of the proposed Working Pad Surface. The map will indicate which surface water features are downgradient;
 - ii. All Water Sources within 2,640 feet of the proposed Working Pad Surface;
 - iii. Any Public Water System facilities, including intakes, wells, storage facilities, recharge areas, and treatments plants within 2,640 feet of the Working Pad Surface;
 - iv. Rule 411 buffer zones within 2,640 feet of the Working Pad Surface; and
 - v. Any surface waters within 2,640 feet of the Working Pad Surface that are 15 stream miles upstream of a Public Water System intake.
- F. Access Road Map.** A U.S. Geological Survey topographic map, or scaled aerial photograph showing the access route from the nearest publicly maintained road to the proposed Oil and Gas Location, and identifying any new access roads constructed as part of the Oil and Gas Development Plan. The map will clearly identify any Residential Building Units within 2,000 feet of the access road for this Oil and Gas Location.
- G. Related Location and Flowline Map.** A U.S. Geological Survey topographic map, or scaled aerial photograph showing:

- i. All existing, approved, and proposed Oil and Gas Locations within 2,000 feet of the area affected by the proposed Oil and Gas Development Plan;
 - ii. All proposed Flowline corridors, including Off-Location Flowline corridors, to or from the proposed Oil and Gas Location and to or from associated Oil and Gas Facilities.
 - H. Directional Well Plat.** If the proposed Oil and Gas Location includes one or more directional Wells, a map showing the surface hole location and the proposed wellbore trajectory with the top of the productive zone and bottom-hole location for each Well.
 - I. Geologic Hazard Map.** A map identifying any Geologic Hazards within a 1 mile radius of the proposed Working Pad Surface. For any identified Geologic Hazard that extends beyond the 1 mile radius, a second map scaled to show the extent of that hazard in relation to the proposed Oil and Gas Location.
 - J. Disproportionately Impacted Communities Map.** If the proposed Oil and Gas Location is within 2,000 feet of a Residential Building Unit, High Occupancy Building Unit, or School Facility located within a Disproportionately Impacted Community, a map or aerial photo showing the spatial relationship between the proposed Oil and Gas Location and the building(s) identified, and the boundaries of the census block group that meets the 100 Series definition of a Disproportionately Impacted Community.
- (8) Geographic Information System (“GIS”) Data.** GIS polygon data to describe the boundaries of the entire proposed Oil and Gas Location and the Working Pad Surface.
- (9) Land Use Description.** A narrative description of the current land use(s), the Relevant Local Government’s land use or zoning designation, any applicable federal land use designations for proposed Oil and Gas Locations on federal surface estate, and the landowner’s designated final land use(s) for the purpose of determining Reclamation standards.
- A.** If the final land use includes residential, industrial/commercial, or Crop Land and does not include any other uses, the land use should be indicated and no further information is needed.
 - B. Reference Area Data.** If the final land use includes rangeland, forestry, recreation, or wildlife habitat, then a Reference Area will be selected and documented. The Operator will also submit the following information:
 - i. **Reference Area Map.** A topographic map or aerial image showing the location of the Reference Area with respect to the proposed Oil and Gas Location including latitude and longitude of Reference Area; and
 - ii. **Reference Area Pictures.** 5 color photographs of the Reference Area, including 4 taken from each cardinal direction, and 1 taken from above the Reference Area. Each photograph will be identified by date taken, Well or Oil and Gas Location name, and direction of view. The photographs will be taken during the peak growing season and will clearly depict vegetation cover and diversity. To ensure that the photographs accurately depict vegetation during peak growing season, these photographs may be submitted up to 12 months after the Form 2A. Photographs of the Reference Area may be taken from an unmanned aerial vehicle, provided such aerial images are collected at a sufficient resolution to provide specific vegetation information.

- iii. A table of the dominant vegetation within the Reference Area.
- (10) **NRCS Map Unit Description.** A Natural Resources Conservation Service (“NRCS”) soil map unit description.
 - (11) **Best Management Practices.** A description of any Operator-proposed, site specific Best Management Practices that the Operator commits to perform as part of the implementation of the Oil and Gas Development Plan, including any Best Management Practices, conditions of approval, or stipulations required by an approved federal permit.
 - (12) **Surface Owner Information.**
 - A. Contact information for the Surface Owner(s); and
 - B. A redacted version of the Surface Use Agreement or a memorandum describing the Surface Use Agreement that includes a description of the lands subject to the agreement, signatures of the parties to the agreement, dates of signature, and any provisions of the agreement that are relevant to the Form 2A.
 - (13) **Proximate Local Government Information.** Contact information for any Proximate Local Governments.
 - (14) **Wetlands.** If a federal, state, or local government agency requires a permit or sets other substantive standards for direct or indirect impacts to a wetland, including but not limited to the discharge of dredged or fill material during the construction of a proposed Oil and Gas Location, access roads to the Oil and Gas Location, or Pipeline corridors associated with the Oil and Gas Location, evidence that the Operator has complied with the agency’s substantive standards, sought any required permits, and whether the permit(s) have been issued.
 - (15) **Schools and Child Care Centers.** If the proposed Oil and Gas Location is within 2,000 feet of a School Facility, Future School Facility, or Child Care Center, a statement indicating whether the School Governing Body requested consultation.
- c. **Plans.** All Form 2As will include site-specific plans that demonstrate compliance with the Commission’s Rules for the operation of the proposed Oil and Gas Location in a manner that is protective of and minimizes adverse impacts to public health, safety, welfare, the environment, and wildlife resources. Each Form 2A will include the following plans, unless otherwise provided in a Commission Order approving a CAP pursuant to Rule 314.
- (1) **Emergency Spill Response Program.** For operations within 2,640 feet of a groundwater under the direct influence of surface water well or Type III Well or surface water that is 15 miles or less upstream from a Public Water System(s) intake, an emergency spill response program consistent with the requirements of Rules 411.a.(4).B, 411.b.(5).B, & 602.j.
 - (2) **Noise Mitigation Plan.** A noise mitigation plan consistent with the requirements of Rule 423.a.
 - (3) **Light Mitigation Plan.** A light mitigation plan consistent with the requirements of Rule 424.a.
 - (4) **Odor Mitigation Plan.** An odor mitigation plan consistent with the requirements of Rule 426.a.

- (5) **Dust Mitigation Plan.** A dust mitigation plan consistent with the requirements of Rule 427.a.
- (6) **Transportation Plan.** If the Relevant Local Government requires a transportation plan or an equivalent traffic planning document, the transportation plan submitted to the Relevant Local Government. If the Relevant Local Government does not require a transportation plan, the Director may request information regarding haul routes, traffic volumes, and Best Management Practices to avoid, minimize, and mitigate impacts from traffic associated with the Oil and Gas Location.
- (7) **Operations Safety Management Program.** An operations safety management program consistent with the requirements of Rule 602.d.
- (8) **Emergency Response Plan.** An emergency response plan consistent with the requirements of Rule 602.j.
- (9) **Flood Shut-In Plan.** If located in a Floodplain, a shut-in plan consistent with the requirements of Rule 421.b.(1).
- (10) **Hydrogen Sulfide Drilling Operations Plan.** If operating in zones known or suspected to contain hydrogen sulfide gas (“H₂S”), a H₂S drilling operations plan consistent with the requirements of Rule 612.d.
- (11) **Waste Management Plan.** A waste management plan consistent with the requirements of Rule 905.a.(4).
- (12) **Gas Capture Plan.** A gas capture plan or commitment consistent with the requirements of Rule 903.e.
- (13) **Fluid Leak Detection Plan.** A fluid leak detection plan.
- (14) **Topsoil Protection Plan.** A topsoil protection plan consistent with the requirements of Rule 1002.c.
- (15) **Stormwater Management Plan.** A stormwater management plan consistent with the requirements of Rule 1002.f.
- (16) **Interim Reclamation Plan.** An interim reclamation plan consistent with the requirements of Rule 1003.
- (17) **Wildlife Plan.** A Wildlife Protection Plan or Wildlife Mitigation Plan consistent with the requirements of Rule 1201.
- (18) **Water Plan.** A plan identifying the planned source of water for drilling and completion operations including:
 - A. The planned source and volume of all surface water and Groundwater to be used and the coordinates of the planned source of water;
 - B. The seller’s name and address if water is to be purchased;
 - C. If recycled or reused water is anticipated to be used, a description of the source of that water, background concentrations of chemicals listed in Table 437-1, anticipated method of transporting the water, and anticipated volumes to be used in addition to the reuse and recycling plan requirements of Rule 905.a.(3); and

- D. If fresh water is anticipated to be used, a description of why the Operator does not intend to use recycled or reused water.
- (19) **Cumulative Impacts Plan.** A plan documenting how the Operator will address cumulative impacts to resources identified pursuant to Rule 303.a.(5) that includes:
- A. A description of all resources to which cumulative adverse impacts are expected to be increased;
 - B. A description of specific measures taken to avoid or minimize the extent to which cumulative adverse impacts are increased;
 - C. A description of all measures taken to mitigate or offset cumulative adverse impacts to any of the resources; and
 - D. Additional information determined to be reasonable and necessary to the evaluation of cumulative impacts by the Operator, the Director, CDPHE, CPW, or the Relevant Local Government.
- (20) **Community Outreach Plan.** For Oil and Gas Locations proposed within 2,000 feet of a Residential Building Unit, High Occupancy Building Unit, or School Facility located within a Disproportionately Impacted Community, a consultation, outreach, and engagement plan that includes:
- A. A description of any measures taken to directly mitigate adverse impacts to the Disproportionately Impacted Community;
 - B. Certification that written materials have been and will be provided in all languages spoken by 5% or more of the population in the census block group where the proposed Oil and Gas Location is located and those census block groups within 2,000 feet of the proposed Oil and Gas Location; and
 - C. The proposed date, time, and location of any public meeting(s) that are held at a location in close proximity to the Disproportionately Impacted Community. The Operator will provide child care and interpretation services at such a public meeting upon request.
- (21) **Geologic Hazard Plan.** If the Operator identifies any Geologic Hazards pursuant to Rule 304.b.(7).I, the Operator will submit a Geologic Hazard plan describing proposed mitigation measures.
- d. **Lesser Impact Areas.** The Director may exempt an Operator from submitting any of the information required by Rule 304.b, or any plan required by Rule 304.c, under the following circumstances:
- (1) If the Operator requests an exemption from the Director based on evidence showing the information or plan is unnecessary because:
 - A. The impacted resource or resource concern are not present in the area; or
 - B. Impacts to the resource will be so minimal as to pose no concern.
 - (2) Operators may request an exemption from the Director in writing, without proceeding through the ordinary Rule 502 variance process. A request for an exemption will be provided with the Form 2A at the time the form is submitted.

- (3) The Director may grant an exemption as part of the completeness determination if the Director concurs with the Operator that providing the information or plan is unnecessary to protect and minimize adverse impacts to public health, safety, welfare, the environment, or wildlife resources.
- (4) If the Director grants an exemption, the Commission may nevertheless request the information or plan subject to the exemption, or related information, if the Commission determines that reviewing the information or plan is necessary to protect and minimize adverse impacts.

e. Substantially Equivalent Information.

- (1) The Operator may submit substantially equivalent information or plans developed through a Local Government land use process in lieu of providing information or plans required by Rules 304.b & 304.c. Nothing in this Rule 304.e.(1) precludes the Director or Commission from requiring the Operator to submit information or plans otherwise required by Rules 304.b or 304.c because the Director or Commission determines that the information or plans developed through the Local Government land use process are not equivalent.
- (2) For proposed Oil and Gas Locations on federal surface or mineral estate for which an Operator has submitted environmental analysis pursuant to Rule 303.a.(6).B.ii, the Operator may provide references to equivalent information in the federal environmental analysis in lieu of providing information or plans required by Rules 304.b & 304.c, including the alternative location analysis required by Rule 304.b.(2). Nothing in this Rule 304.e.(2) precludes the Director or Commission from requiring the Operator to submit information or plans otherwise required by Rules 304.b or 304.c because the Director or Commission determines that the federal environmental analysis is not equivalent.

305. APPLICATION FOR A DRILLING AND SPACING UNIT

a. Procedural Requirements.

- (1) Operators seeking to create a new Drilling and Spacing Unit, or to modify an existing Drilling and Spacing Unit, will file a Drilling and Spacing Unit pursuant to Rule 503.g.(2). If the proposed Drilling and Spacing Unit is part of an Oil and Gas Development Plan application, the Drilling and Spacing Unit application will be included with the hearing application for that Oil and Gas Development Plan.
- (2) All Drilling and Spacing Unit applications will include the following information:
 - A. Certification that the Operator has complied with the Local Government siting disposition requirements of Rule 302.b.
 - B. Certification that the operations in the Drilling and Spacing Unit will be conducted in a reasonable manner to protect and minimize adverse impacts to public health, safety, welfare, the environment, and wildlife resources.
 - C. The unit boundary and interwell completion setback distances.
 - D. All existing Oil and Gas Locations and associated Wells that are developing the same formation in the application lands. The application will discuss what the Operator intends to do with the existing Oil and Gas Locations and Wells.
 - E. The wellbore orientation for all horizontal Wells in the proposed unit.

COGCC RULES: LOCAL GOVERNMENT NOTICE AND PROCESS

The new COGCC rules now give additional notice to local governments and the ability to participate in hearings before the COGCC. I have included this analysis to give some background on the new COGCC regulations since the Operator may choose to pursue a COGCC location permit before, after or at the same time it is requesting a Commerce City oil and gas permit.

- Rule 303.a.(6)A. – Permitting may be completed concurrently. The Relevant local government may request the COGCC Director engage in the local government process.
- Rule 302.e – Notice to Relevant and Proximate Local Governments – Operators must give Relevant and Proximate Local Governments (within 2,000 feet) at least 30 days’ notice prior to submission of an Oil and Gas Development Plan (OGDP)
- Rule 301.f – Upon request of Relevant Local Government, the Operator and COGCC Director will participate in Formal Consultation Process prior to submission of OGDP. The COGCC will participate as a referral agency to identify any potential conflicts with COGCC rules.
- Rule 302.b – In an OGDP, the Operator must state the disposition of the Relevant Local Government. Director will defer to local government unless location is within 2,000 feet of a municipality, a home, or other sensitive areas listed in Rule 304.b.(2)B. The Operator can choose to first file with local government, COGCC, or simultaneous permitting. (Rule 303a.(6)).
- Rule 303.d – COGCC will send electronic notification to Relevant and Proximate Local Governments of OGDP completeness determination.
- Rule 303.e – Operators must send a completed OGDP application to Relevant and Proximate Local Governments
- Rule 302.g – Must offer “Formal Consultation” to relevant or proximate local government withing 45 days after submission of OGDP
- Rule 309.g – Must offer “Formal Consultation” to affected Public Water Systems
- Rule 303.d – Public has 30 days to comment to COGCC; 45 days if within 2,000 feet of building unit.
- Rule 306.c – The Director of the COGCC must send notice of recommended decision to Relevant and Proximate Local Governments.
- Rule 507 – a local government may request to be a party to the hearing on the oil and gas development plan application.
- Rule 520.c – If dissatisfied with decision of hearing officer, the local government can appeal to the full COGCC commission.

NARRATIVE DESCRIPTION

According to the new rules, a Relevant and Proximate Local Government will be given at least 30 days’ notice prior to the submission of an OGDP (Rule 302.e). The Relevant Local Government may request pre-application consultation (Rule 301.f). COGCC will send electronic notification to Relevant and Proximate Local Governments (Rule 303.d) and Operators will mail

notice to both as well (Rule 303.e). The Operator must also offer “Formal Consultation” to both Relevant and Proximate Local Governments (Rule 302.g). Depending on the location, the public and local governments have 30 or 45 days to comment (Rule 303.d). The COGCC Director then recommends a decision and the notice of the recommended decision is sent to Relevant and Proximate Local Governments (Rule 306.c). At this point, the local governments have the ability to request to be a party to the hearing on the OGD (Rule 507). Only the Relevant Local Government is granted automatic standing, others must demonstrate that they are an “Affected Person.” These hearings will likely be before a hearing officer. The hearing officer will put forward a “recommended order” (Rule 520.b). If the local government does not agree with the recommended order, it must file an “exception” pursuant to (Rule 520.c). An “exception hearing” goes before the full commission for de novo review. The final agency decision by the COGCC is entered within 30 days and then may be challenged by judicial review. (Rule 501.d; 521.b).

Transportation Comments

Project	MRG CE Well Pad - CR3	Date: 3/17/2022
Reviewer	Randy Maizland, 970.962.2618, Randy.Maizland@cityofloveland.org	
Larimer County Urban Area Street Standards	The property will need to be developed in accordance with the Larimer County Urban Area Street Standards (LCUASS) & all subsequent updates https://www.larimer.org/urban-area-street-standards-2021	
Adequate Community Facility (ACF)	The property will need to be developed in accordance with the City's Adequate Community Facilities (ACF) Ordinance (http://www.cityofloveland.org/modules/showdocument.aspx?documentid=71)	
Traffic Impact Study	A Traffic Impact Study (TIS) will need to be provided The level of analysis required will be determined at a scoping meeting with Transportation Development Staff The TIS will include a Truck Routing Plan (UDC Section 18.12.102)	
Site Access & Connectivity	<ul style="list-style-type: none"> • The access driveway located on County Road 3 shall meet LCUASS spacing requirements and should be coordinated with the adjacent property owner/developer to determine the ultimate access location for both the oil & gas wells and the surrounding future development. • A CDOT access permit may also be required for access onto US34 • Access and gate layout shall be designed so that design vehicles enter and exit in a forward direction 	
Adjacent Street Frontage Obligations	Depending on the findings of the TIS, ultimate adjacent street improvements on County Road 3 may need to be constructed to the LCUASS 2-lane arterial standards. This obligation may be satisfied by a cash-in-lieu payment of approved by the City Engineer. A minimum 34 foot wide off-site, asphalt paved street connection on CR3 is required to the nearest improved arterial or the intersection that will be used for access.	
Off-Site Improvements	Other off-site improvement obligations not mentioned above, if any, will be determined by the findings and conclusions of the TIS	
ROW Setback	All facilities should be located at least 50' from the center of County Road 3 to allow for future ultimate road widening	
Security for Road Damage	Prior to the issuance of an oil and gas permit, a \$25,000 performance security for each well that is permitted while the well is in operation, in a form of an irrevocable letter of credit or equivalent financial security shall be provided (UDC Section 18.10.207.B)	
Encroachment Permit	Any private utilities like transmission lines in the Right-of-Way will require a revocable encroachment permit from Public Works (http://www.cityofloveland.org/home/showdocument?id=7951)	

FIRE Comments

Project	MRG CE Pad, Loveland CO	Date: 3/17/2022
Reviewer	Ingrid McMillan-Ernst, 970.962.2554, Ingrid.McMillan-Ernst@LFRA.org	
Codes	The requirements of the 2012 I-Codes and current NFPA standards must be met. After planning approval, the applicant must submit plans for review and approval of a building permit. The plans shall be prepared by a licensed design professional.	
Project Description	Development of operation areas for development of oil and gas wells, (15 wells) including accompanying production facilities that separate the oil from gas with connections to gathering pipelines.	
Loveland Fire Rescue Authority Website	Development and permitting requirements can be found through the Community Safety Division tab at www.LFRA.org	
Access	<ul style="list-style-type: none"> • Two points of sustained vehicular access must be provided to each development; Due to the mostly unoccupied nature of this facility, LFRA will allow one access just as it allows for cellular sites. • The fire access road shall be a minimum of 20' wide, all-weather surface, engineered to withstand the weight of a 40-ton vehicle and maintained in all seasons. • Turning radii shall be: 25' inside / 50' outside diameter. • Gates shall be approved and min. 20' wide with Knox key access 	
Hydrants	<ul style="list-style-type: none"> • Hydrant or approved water source placement shall be provided to within 1000 feet of the development. • All hydrants shall be in place and operational prior to any combustible material being brought on site. 	
Fire Flow	The minimum fire flow and flow duration shall be 1500 gpm at 20 psi.	
Hazardous Materials	<p>Permits shall include a full code analysis and SOP.</p> <ul style="list-style-type: none"> • A hazardous materials operational permit will be required from LFRA, and renewed annually. All pertinent items will be identified in permit forms. David Rhoades (David.Rhoades@LFRA.org) is the contact. 970-962-2612 • A separate Operations Permit for the Production Water (tanks). Tanks shall have adequate hazardous signage on them. 	
Addressing	An approved address shall be posted on the fence / containment area that is clearly visible to the fire access road. The address signage shall also include Emergency Contact information	
NOTE:	<ul style="list-style-type: none"> • Site Plan/ Permit plans will be required to Identify and show on drawing proposed / upcoming zoning on surrounding sites per the McWhinney development masterplan and already approved development plans adjacent to development. Dimensions shall be provided to distances to adjacent developments, and adjacent (existing) structures. • You will be required to Identify on plans all underground gas lines, existing and new, both on site and all adjacent sites serving this 	

proposal. It shall be identified whether underground lines are connecting both proposed sites.

- A truck routing plan will be required.
- A Site Safety / Emergency Action plan will be required.
- A building permit may be required for the 32' high sound mitigation walls.
- Prior to approval of proposed site(s) LFRA will request a meeting: LFRA currently does not have the equipment to adequately respond to a hazardous incident at the proposed site, which will be surrounded in the future by mixed use development. LFRA will request a meeting with MRG/ Representatives to better understand what enhancement tools MRG will have on site for continued suppression and cooling measures for an event, air monitoring tools for perimeter area, etc. LFRA wants to coordinate with the MRG to identify what LFRA may need in order to adequately respond to a hazardous incident (suppression foam cache -- quantities of, how accessed and where stored, air monitoring equipment, etc.). The discussion would also include how LFRA would be updated intermittently (once well is punched and has yielded results) of constituents of the gasses in the area (methane, propane, hydrogen sulfite gas) pressures and volume and flows, so that LFRA will know what to expect in terms of plume projection/pressure wave when responding.
Ingrid McMillan-Ernst will coordinate the meeting at appropriate time.

Building Comments

Project	MRG CE Well Pad	Date: 3/16/22
Reviewer	Steve Hefling, 970.962.2508, Steve.Hefling@cityofloveland.org	
Building Permit(s) Required	<ul style="list-style-type: none"> • Each separate building will need it's own permit. Each occupancy type will have to comply with codes and permitting processes. • Footing & Foundation permits are available upon request; the full building is required to be submitted. The F&F permit can be requested either concurrently with, or after the full building permit has been submitted. F&F permits have a 10 day review timeframe and are issued at no cost, all fees are collected on the full building permit. 	
Contractor Requirements	<p>All work is to be performed by licensed contractors who must hold or obtain a contractor's license with the City of Loveland. This includes the General Contractor, Electrical, Mechanical and Plumbing contractors. Contractor license applications can be found on our website:</p> <p>http://www.cityofloveland.org/departments/development-center/contractor-s-licensing</p>	
Permit Review Timeframes	<p>Commercial projects are currently at a 20 business day initial review period, which begins after the project has been accepted through our check in process and after the plan check fee has been paid to the Building Division. The plan check fee will be calculated by the Building Division and sent to the contact/owner/contractor listed on the permit application once the project is accepted through the check in process. Additional rounds of review (if necessary) are currently at 10 business days.</p>	
Electronic Submittal Process	<ul style="list-style-type: none"> • All reviews are done electronically; please fill out the applicable permit application and other required forms under the project type section located here: www.cityofloveland.org/departments/development-services/building-division/forms-and-applications/non-residential-and-multi-family-forms • All forms, application and stamped architectural drawings are to be submitted to epplan-building@cityofloveland.org for the next available check in date. All projects go through our check in process, which is a cursory review of the documents by the Plan reviewers. Check in is conducted every day, Monday through Friday excluding major holidays. 	
Plan Design Requirements	<ul style="list-style-type: none"> • A Colorado licensed Professional Designer will need to prepare all plans for submittal (architect or engineer) to include a complete Code Analysis for the type of occupancies, area, occupancy separations, occupant load, building construction type and Energy code compliance information. Licensed engineers will be required to prepare mechanical, electrical and plumbing drawings. • A complete code analysis for the Loveland Design Criteria for wind, roof snow, ground snow, etc.is also required with the submittal. These design criteria can be 	

	<p>found here: www.cityofloveland.org/departments/development-services/building-division/loveland-building-code</p> <ul style="list-style-type: none">• Property line setbacks will determine requirements for fire rated wall assemblies and penetrations/openings.• Accessibility requirements shall be met both for the building and the site per IBC Chapter 11 and 2009 A117.1.
Estimate Request Form	<p>It is highly recommended to submit an estimate request form to receive an estimate of building permit fees, water tap fees, and capital expansion costs. Electrical design costs and water rights are not included on the estimate as they are not collected on the building permit.</p>

Water/Wastewater Division Comments

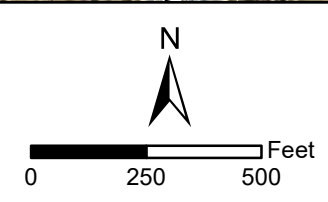
Project	MRG CE Well Pad- Millennium East	Date: 3/17/2022
Reviewer	Donald Cecil, 970.962.3702, donald.cecil@cityofloveland.org	
Water/Wastewater Development Standards	Standard Development Criteria is applicable to any public improvements (e.g. depth of cover, width of easements, landscape conflicts, valve placement, manhole spacing, materials, etc.). See Water and Wastewater Development Standards at: http://www.cityofloveland.org/WWWDS	
Existing Water System	<ul style="list-style-type: none"> • There is an existing water main in Centerra Parkway. • The Millennium East Subdivision developments are extending the City of Loveland water main from Centerra Parkway to the east. • Presently the existing terminus is located at: Kinston Parkway and Silverheels Drive (Millennium East 10th). • There is a Little Thompson Water District water main in CR 3. You may need to coordinate with them with any road improvements. 970.532.2096 www.ltwd.org 	
Proposed Water System	<ul style="list-style-type: none"> • The current water master plan shows future water mains in this area. • It is assumed that this project does not need a dedicated city of Loveland water tap. • If the project does need to be served for water, you may need to coordinate with Little Thompson Water District. • Future discussions on how the site is to be served by Loveland Water & Power will be required once infrastructure from the Millennium East subdivision is extended to the site. 	
Water Resources Comments	<p>Coordinate with Nathan Alburn 970.962.3718, nathan.alburn@cityofloveland.org</p> <ul style="list-style-type: none"> • This area is currently being served by LTWD. Depending on the timing of when water is required, LTWD may initially serve the property with any potable water requirements. Once City of Loveland water service is available, the water rights requirements will be reviewed at that time. • As per City of Loveland Municipal Code Chapter 18.10.02.04 Water Supply and Disposal (Oil and Gas Standards), please be aware that if requested by the City's Water and Power Department Director, the applicant's source(s) and amounts of water used in the City shall be documented and a record of it shall be provided to the City. • See other statements contained within Unified Development Code, Chapter 18.10.02.04. http://online.encodeplus.com/regsl/loveland-co/doc-viewer.aspx#secid-3900 	

	<ul style="list-style-type: none"> • No water rights credit exists on the property. If City water service is requested or required, water rights will be due base on the type of development. • Commercial (non-residential) meters: Commercial water rights (e.g., businesses, retail, warehouses, as well as clubhouses, community buildings, maintenance buildings, etc.) are calculated from values provided in the meter justification letter and will be due before approval of the building permit. • Irrigation meters: Water rights for dedicated irrigation meters will be due based on 3.00 acre-feet per acre for all irrigable acres and are due prior to activating the meter(s). A Hydrozone option potentially reduces the full water rights required and is available for dedicated irrigation meters for applicants looking to install low water use, naturally irrigated, or non-irrigated landscaping. See https://www.lovelandwaterandpower.org/city-government/departments/water-and-power/the-hydrozone-program for more information. • Please see 19.04.020 of Title 19 of the Municipal Code: https://library.municode.com/co/loveland/codes/code_of_ordinances • Current Cash-in-Lieu (CIL) amount: \$41,000/AF as of January 1, 2022. This should be set for 2022, but it may be subject to change by resolution of City Council.
<p>Existing Wastewater System</p>	<p>There is an existing wastewater main in Centerra Parkway.</p>
<p>Proposed Wastewater System</p>	<ul style="list-style-type: none"> • The Millennium East Subdivision developments are extending the City of Loveland wastewater main from Centerra Parkway to the east. • Presently the existing terminus of the 18" main is located just past the extension of Frenchman Place (Millennium East 10th). • Per the Kinston Master Water and Wastewater Impact Demand Analysis this well site is located in Collection Area 3 which flows towards the wastewater main extended SE along the Union Pacific Railroad. • It is assumed that this project will not need a wastewater service connection. • No discharge flows from oil/gas well operations shall be allowed into the public sanitary sewer system.
<p>General Comments</p>	<p>Any proposed dry or wet utilities must meet strict separation requirements to all portions of the proposed public water/wastewater main and related appurtenances.</p>



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City of Loveland
 Department of Water & Power
 Loveland, Colorado

Utility Map
 Created By: gisview
 Date Created: 3/14/2022

HIGH PLAINS BLVD

N COUNTY ROAD 3

SITE

E HIGHWAY 34

E EISENHOWER BLVD

E HIGHWAY 34

E EISENHOWER BLVD

CENTERRA PKWY

CUPOLA DR

SKY POND DR

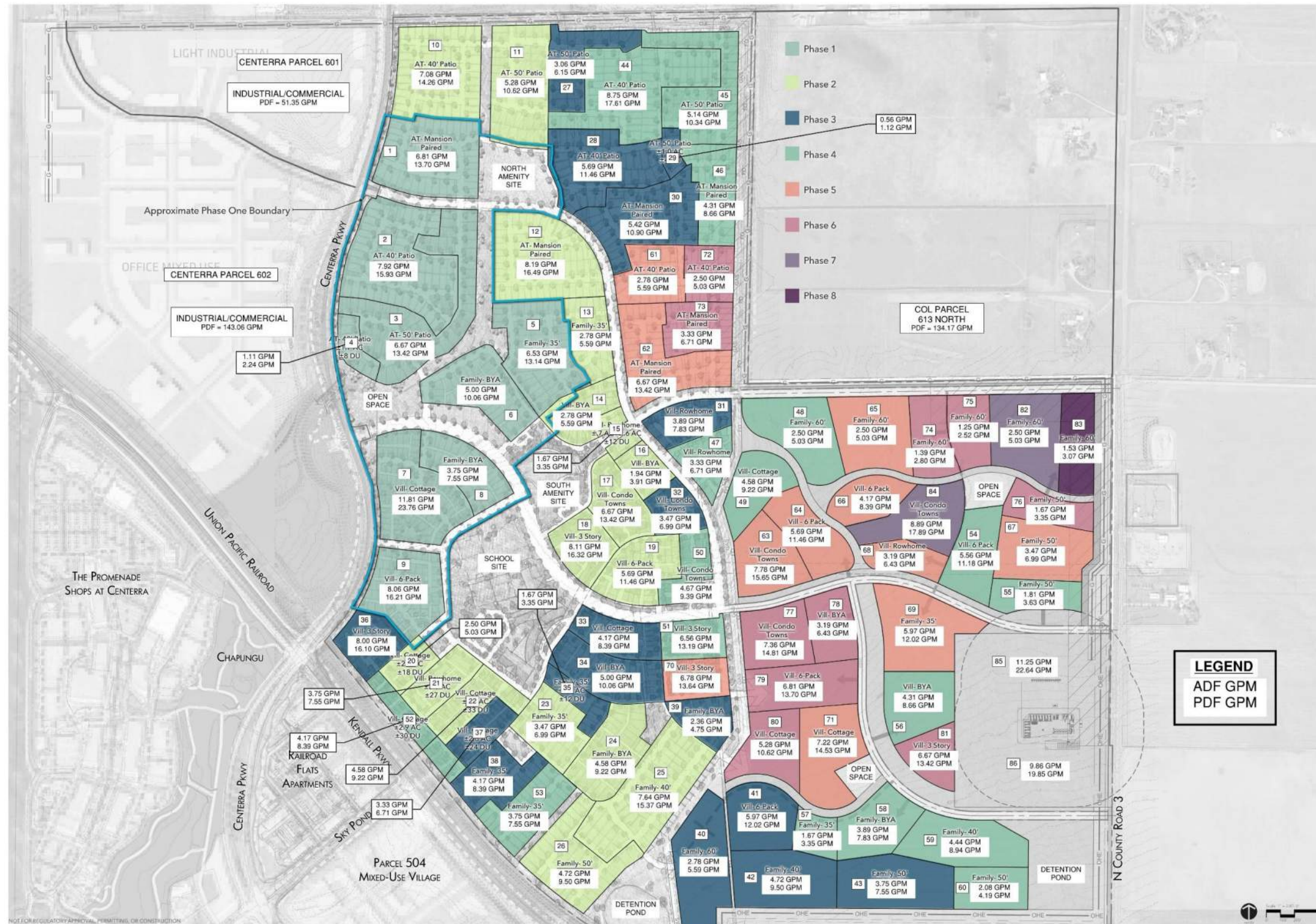
KENDALL PKWY

HOPPER LN

CABIN CREEK AVE

SILVERHEELS DR

Figure 5.2 – Proposed Wastewater Loading Exhibit



PROPOSED WASTEWATER LOADING EXHIBIT

Note: This information and/or illustration although deemed to be reliable, is conceptual in nature and McWhinney and/or its affiliates make no warranties to its accuracy. The information shown here is subject to change at any time.

Master Framework Plan
Phasing
August 30, 2019 C-8

Figure 4.2 – Proposed Water Exhibit

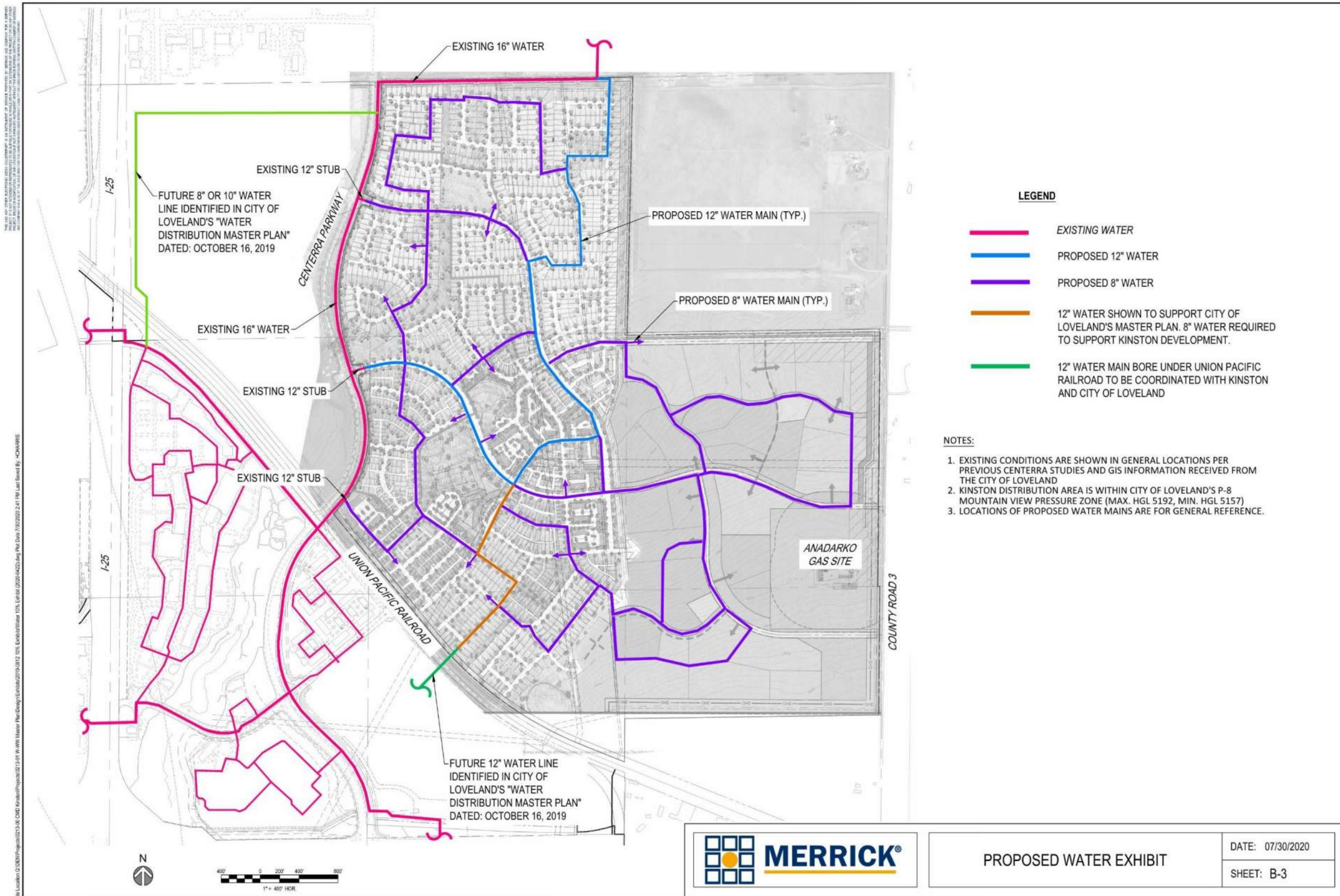
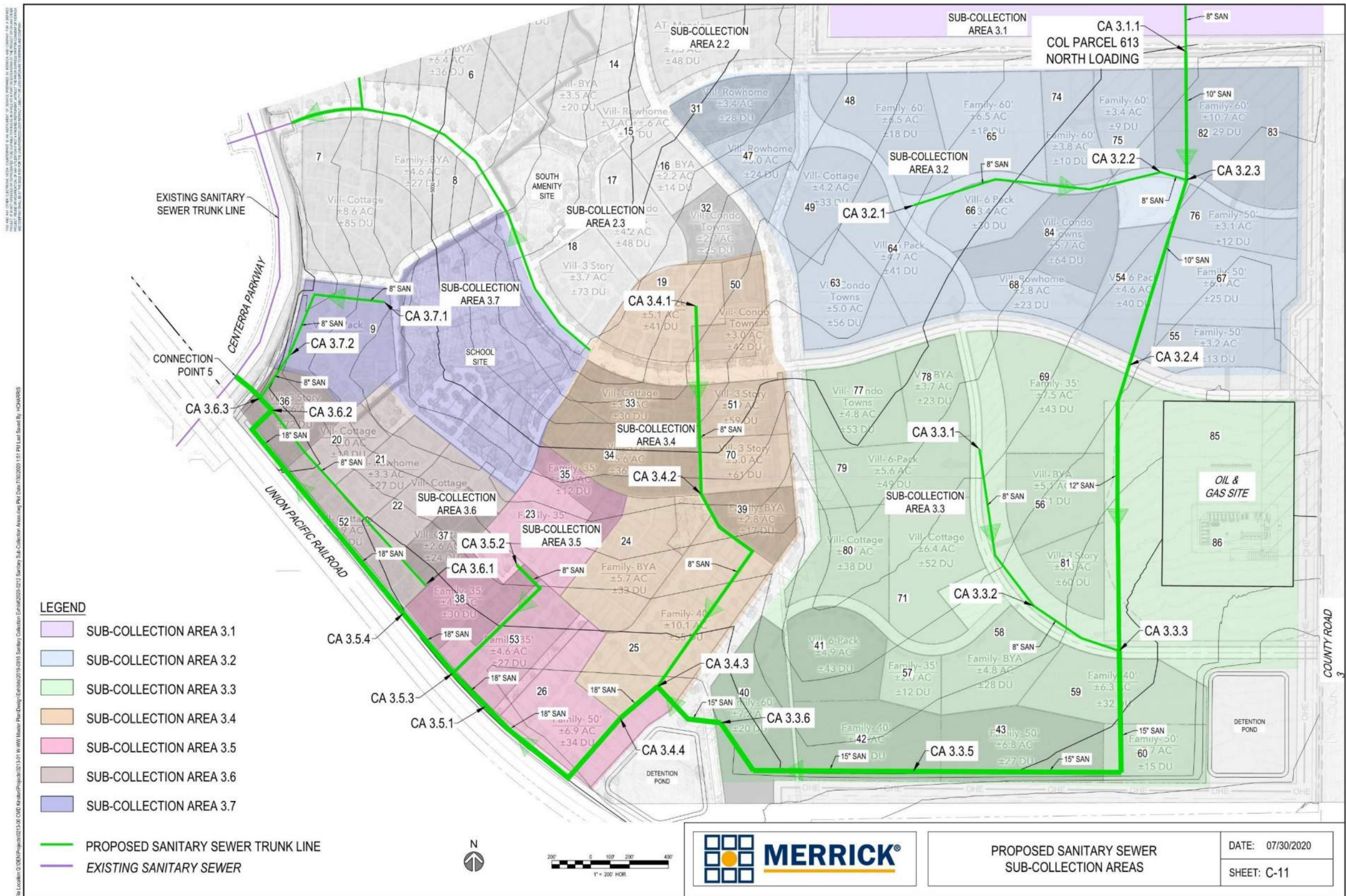


Figure 5.5 – Proposed Sanitary Sub-Collection Area 3

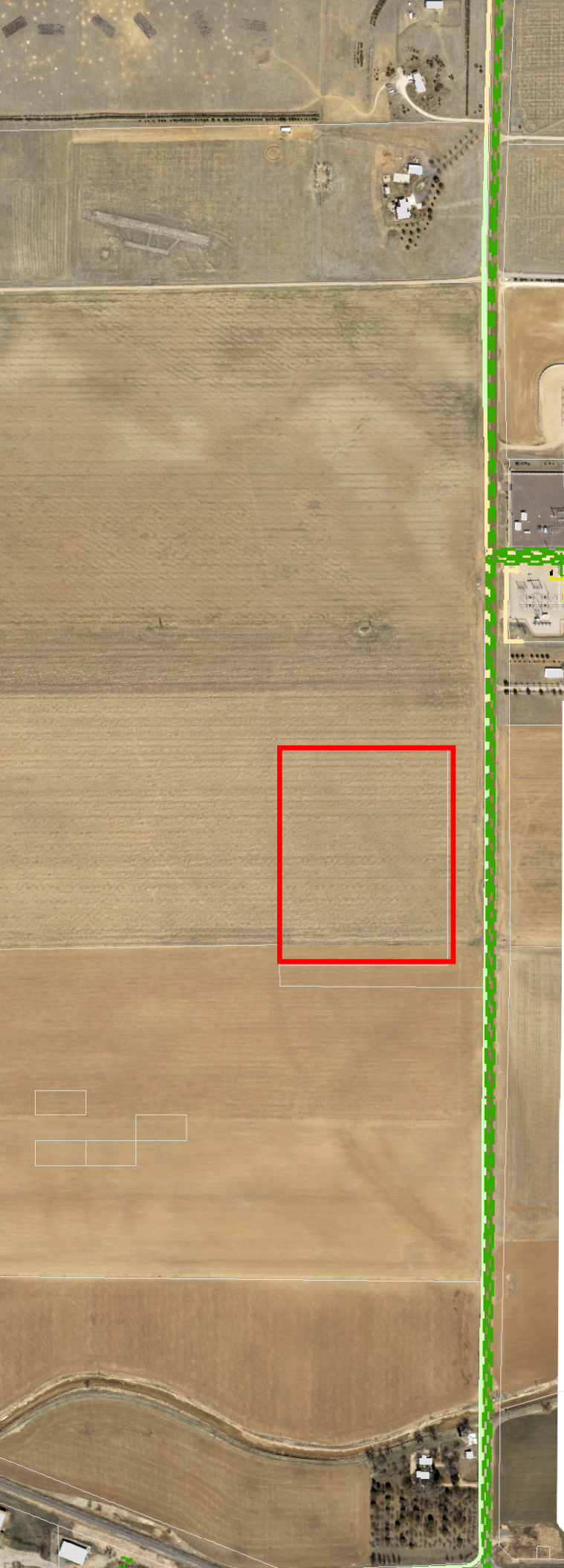


Loveland Power & Communications Comments

Project	CE Well Pad	Date: 3/17/2022
Reviewer	Luis Sandoval - (970) 962-3705 - Luis.Sandoval@cityofloveland.org	
Project Location, Power Details	<p>The proposed project is located on county parcel numbers 8511105017, and 8511105016 which is just south of the Airport substation and across N County Road 3. Power will require a 25ft easement along the west side of N County Road 3, adjacent to the ROW. Power is concerned about impacts to the substation which include, but are not limited to, the route of the drilling, vibration that might be measurable at the substation, any ongoing vibration or seismic activity, and any toxic substances that will be under or in near proximity to the substation. Given the time constraints and the large amount of “temporary” load, there is no feasible way for Power to provide the ~3MW necessary for an electric drilling rig.</p>	
Requirements for Electric Service	<p>All work performed for the project must comply with the current, adopted version of the City of Loveland Water and Power Requirements for Electric Service (RES). A copy of the RES is available on the City’s website at: www.lovgov.org/res</p>	
Electric Distribution System Costs	<ul style="list-style-type: none"> • The customer shall be responsible for all costs associated with the design, material, and construction of the electrical distribution system internal to the development. • Any costs associated with the upgrading, removal, relocation, raising, or lowering of existing underground and overhead electric lines and facilities shall be the responsibility of the customer. • The customer shall be responsible for their portion of the costs for extension or expansion of the electrical distribution system necessary to serve their development. 	
New or Upgraded Commercial Service	<p>For a new or upgraded electric service on a commercial project, requirements include:</p> <ul style="list-style-type: none"> • A \$1,680 distribution design deposit • Electrical Service Worksheet • Stamped electrical one-line diagram, panel schedules, load calculations • Elevation drawing detailing location of service entrance equipment on building with horizontal and vertical clearances shown from ground level, windows, doors, other utilities, etc. • Plat and current site improvement/utility plans • AutoCAD base drawing file (dwg) that shows all existing and proposed utilities, easements and property lines. All X-ref’s must be bound to the base drawing. • Cut sheets of meter gear/service entrance equipment 	
Commercial Subdivision	<p>For commercial subdivisions, requirements include:</p> <ul style="list-style-type: none"> • A \$1,680 distribution design deposit (1 to 10 lots) • A \$3,155 distribution design deposit (more than 10 lots) • Plat and current site improvement/utility plans • AutoCAD base drawing file (dwg) that shows all existing and proposed utilities, easements and property lines. All X-ref’s must be bound to the base drawing. 	
New Residential Subdivision (more than 10 Lots)	<p>For residential subdivisions, requirements include:</p> <ul style="list-style-type: none"> • A \$3,155 distribution design deposit • Plat and current site improvement/utility plans • AutoCAD base drawing file (dwg) that shows all existing and proposed utilities, easements and property lines. All X-ref’s must be bound to the base drawing. <p>If a subdivision will not have center lot water meter pits, the proposed lot layout will need to be submitted for a power equipment design prior to submitting the Site Development Plan (SDP).</p> <ul style="list-style-type: none"> • Loveland Power will provide the location of required transformers and handholes on the proposed lot layout and return the layout to the customer. • The customer’s design team is required to design the water infrastructure to avoid conflicts between the power equipment and water equipment i.e. meter pits and fire hydrants. • The SDP will need to show the designated power equipment locations with a square containing either a ‘T’ for a transformer or an ‘H’ for a handhole. 	

	<i>Residential building permits will not be approved until all power substructure is installed and energized and the lot has been released by the Distribution /Designer.</i>
Loveland Power Contact Information	<ul style="list-style-type: none"> • All required items must be submitted to the Loveland Power Division as a complete package prior to issuing a temporary construction meter and prior to receiving approval for the site work permit. Please E-mail items to powerdevelopment@cityofloveland.org. • Electric design deposit check may be made out and sent to: Loveland Water & Power 200 N. Wilson Ave. Loveland, CO 80537 <i>(Please reference project name or PZ number)</i> Credit card deposit available by calling 970-962-3000 <p>1. Distribution Designers will design the installation and provide an estimated cost. The customer must pay the total estimated cost of the project prior to release of materials or installation. Frequently, the costs of temporary construction power can be included in the cost of the permanent power. Due to current market conditions and supply chain disruptions, material costs may fluctuate significantly between project estimate and project construction. When the final cost is determined, the customer will be billed or refunded the difference between the estimated cost and the actual cost. Please be aware that lead times for certain materials could be up to 52 weeks.</p>
Contractor Qualification for Substructure Installation	<ul style="list-style-type: none"> • The customer is responsible for hiring a contractor at their cost to install all new substructure, relocating existing substructure if necessary, and prepping the transformer location. • The contractor's on-site Foreman will be required to attend a qualification meeting conducted by the Power Distribution Designer assigned to the project prior to scheduling a pre-construction meeting. • The contractor shall guarantee the construction equipment, materials and workmanship furnished to be as specified and to be free from defects for a period of 2 years after the date of final acceptance by the City.
Pre-Construction Meeting	No substructure, including street crossings, shall be installed prior to a pre-construction meeting held by the Electric Distribution Designer.
Substructure Material	All material must be supplied by the Loveland Power Division including materials for street crossings. Failure to use Loveland Power Division supplied material may result in substructure not being accepted, and replacement will be at the customer's cost.
Utility Easement Requirements	<p>Utility Easements will be required for transformers, conduit and any required electrical facilities.</p> <ul style="list-style-type: none"> • The customer shall grant any additional required utility easements. These easements may be dedicated by separate instrument. The easement documents must be recorded before the service is energized. • The customer shall be responsible for coordination of the utilities located within the provided easements concerning enforcing clearance requirements and eliminating conflicts between each residing entity. The more stringent utility clearance requirements take precedence. • Typical Easement Widths <ul style="list-style-type: none"> ○ Residential <ul style="list-style-type: none"> ▪ Front Lot – 14 feet ▪ Side Lot – 7 feet ○ Commercial <ul style="list-style-type: none"> ▪ Front and Side Lot – 14 feet ▪ Conduit route to transformer – 10 feet ▪ Transformer site – 15 feet by 15 feet centered on the transformer location ○ Roadway <ul style="list-style-type: none"> ▪ Adjacent to Right of Way or adjacent to back of sidewalk – 14 feet to 25 feet
Electrical Equipment Clearances	Minimum clearance to underground power lines, overhead power lines and service drops, as required by the RES, NESC, NEC or other code, must be maintained at all times – both during and after construction. The customer is responsible for all costs

	<p>associated with the temporary or permanent reconfiguration of power lines and service drops impacted by their project.</p> <p>Landscaping Clearances</p> <ul style="list-style-type: none"> • Street trees must not be planted within 5 feet of existing or proposed underground electric lines or directly under existing or proposed overhead electric lines. • Canopy trees must be planted 35 feet away from streetlights on all arterial and major collector streets. Decorative flowering trees have no distance requirements from streetlights on any streets, and canopy trees have no distance requirements from streetlights on any streets not designated as arterial or major collector streets. • Vaults will have no bushes, shrubs or trees of mature growth within 10 feet of the short sides of vaults. No trees, bushes or shrubs shall be planted in front of the long sides of the vault. Full growth diameters of bushes, shrubs and trees will be the determination of where they are planted in relation to the distances from electric vault's perimeters. • Switchgear will have no bushes, shrubs or trees of mature growth within 10 feet of the sides of the switchgear. No trees, bushes or shrubs shall be planted in front of the switchgear doors. Full growth diameters of bushes, shrubs and trees will be the determination of where they are planted in relation to the distances from switchgears. • Transformers will have no bushes, shrubs or trees of mature growth within 5 feet of the sides and back of the transformer. No trees, bushes or shrubs shall be planted in front of the transformer doors. Full growth diameters of bushes, shrubs and trees will be the determination of where they are planted in relation to the distances from transformers. <p>Pad-Mounted Equipment Clearances</p> <p>For all pad-mounted equipment, the City requires a minimum of 10 feet of clear space in front of all access doors to allow for hot-stick operation. 24-hr, unobstructed access to Loveland Power equipment is required. Equipment must be accessible from property. Adequate space for power infrastructure and equipment must be dedicated and shown on a plat. The need for additional easements may be required and will need to be dedicated prior to infrastructure installation.</p> <p>Permanent Structures Not Permitted Above Underground Conductors</p> <p>No permanent structure shall be constructed over any existing, underground conductor. Permanent structures shall have 5 feet of horizontal clearance from any existing, underground conductor. Temporary structures may be required to be relocated at the owner's expense if requested by the City.</p>
<p>Customer Relations: Electric Rates, Assessments, Rebates</p>	<p>Water & Power Customer Relations: 970-962-3710</p> <ul style="list-style-type: none"> • For information regarding electric rates, please call Water and Power Customer Relations • If you are looking for facility assessments, efficiency rebates, or you want to find a contractor, please follow the link to: http://www.encyworks.org/
<p>Broadband Information</p>	<ul style="list-style-type: none"> • Pulse is a new City owned utility that provides high-speed fiber service to all businesses and residents in the City of Loveland. The infrastructure is currently being installed with scheduled full buildout in the next 3-5 years. Depending on the timing of your project, Pulse would like to offer you service. • Fiber substructure will be designed by Pulse and installed alongside Power. Pulse will pay all costs associated with the design, materials and installation of the fiber substructure. For installation, you have the choice of using your contractor or having Pulse use their contractor. For additional information or to fill out an early interest form, please visit the Pulse website at http://www.lovelandpulse.com.



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Stormwater Comments

Project	CE Well Pad	Date: 3/17/2022
Reviewer	Suzette Schaff, 970.962.2531, suzette.schaff@cityofloveland.org	
Drainage Report	A lot specific final drainage and erosion control report will need to be prepared in accordance with our storm drainage criteria and construction standards which may be found on our web site at the following address: https://www.lovgov.org/services/public-works/stormwater/stormwater-standards .	
Stormwater Detention Requirements	<ul style="list-style-type: none"> • Per discussions with the engineer that will be designing this project, it is understood that the developed stormwater from this project site will be detained within a detention pond that is designed to hold 1.5 times a single 100-year storm event volume. The stormwater that is stored in the detention pond will be removed from the pond with a vacuum truck and taken to a treatment facility in another location. An emergency spillway will be designed into the detention pond. This is acceptable to the City. • The detention volume will need to be designed using the Rational Modified FAA Method, in accordance with our criteria. 	
Temporary Sediment & Erosion Control	Our Temporary Sediment & Erosion Control submittal requirements may be found on our web site at the following address: https://www.lovgov.org/services/public-works/stormwater/stormwater-standards .	
Permanent Stormwater Quality Best Management Practices	<ul style="list-style-type: none"> • Please incorporate some form(s) of permanent Stormwater quality best management practices into the swale that routes off-site stormwater flows around the site that satisfies the State of Colorado COR Permit No. 090000. • A Standard Operating Procedure document (SOP) that describes the required maintenance procedures for all Stormwater Permanent Control Measures will need to be submitted at the time of Site Plan Review. The SOP should be brief and written in simple “layperson” terms so that the persons assigned the maintenance responsibilities can easily understand how each measure should be maintained and cleaned. Additional information regarding the document is located in our storm drainage criteria which may be found on our web site at the following address: https://www.lovgov.org/services/public-works/stormwater/stormwater-standards. • The applicant shall complete and submit a “Base Design Standard Worksheet for Post Construction Control Measures” worksheet, provided on the City website, which outlines “base design standard” criteria for Permanent Stormwater Quality Control Measures designed for this development as outlined within the Colorado Department of Public Health and Safety (CDPS) Permit No. COR090000. The purpose of this worksheet is to demonstrate which of the “minimum base standards” are being met on the development/redevelopment and to demonstrate to the COL how the minimum base design standards were met. The worksheet may be found on our web site at the following address: https://www.lovgov.org/services/public-works/stormwater/stormwater-standards. 	
Storm Drainage & Erosion Control Standards and Details	Our storm drainage & erosion control standard construction details may be found on our web site at the following address: https://www.lovgov.org/services/public-works/stormwater/stormwater-standards	



Concept Review Meeting

Project: MRG CE Pad CR3

Date: 3/17/2022

Contact: Aaron Ehle 970-962-2856 aaron.ehle@cityofloveland.org

Comments:

- a) **FAA Obstruction Evaluation/Airport Airspace Analysis (OE/AAA):** Due to the site's proximity to Northern Colorado Regional Airport, an obstruction evaluation/airport airspace analysis may be required for temporary (e.g., cranes) or permanent (e.g., buildings) structures. If required, submit form 7460-1 - Notice of Proposed Construction or Alteration, at least 45 days before the start date of proposed construction or alteration. Please visit the Airport's website for more information:
<https://www.flynoco.com/airport-development/construction/>.