

### Setback Rules

Distances are important, but not as important as mitigation measures and surface owner and local government involvement. Nothing in this rule prohibits building development that occurs subsequent to the oil and gas site.

#### **1,000 Foot Buffer Zone Setback:**

- Mandatory commission hearing for any location proposed within 1,000 feet of a “high occupancy building,” such as hospital, school, nursing home, or place of worship.
- Mitigation measures required for all permits located within 1,000 feet:
  - Closed loop drilling and elimination of pits except for fresh water, reserve pits for drilling surface casing, and emergency pits;
  - Green completions required to reduce odors and emissions;
  - Liners beneath certain crude oil, condensate and produced water tanks ;
  - Berms around crude oil, condensate and produced water tanks to contain 150% of the largest vessel within the bermed area;
  - Noise mitigation to 50% of previously allowable noise from drilling operations; and
  - Plans for waste management, traffic, and fluid leak detection.
- Operators must provide notification to all building units owners within 1,000 feet, including:
  - Pre-application notice 30-days prior to permit submittal in urban mitigation areas;
  - An invitation to meet with building unit owners, upon request. The meetings may be on an individual basis, in small groups, or in larger community meetings. The meetings must include:
    - Timing and duration of drilling;
    - Equipment to be used;
    - Interim and final reclamation plans;
    - Dimension of the site and layout of the production facilities; and
    - Security, noise, light, odors, dust, and traffic and associated mitigation measures.
  - Operators must consider all legitimate concerns related to public health, safety and welfare raised during the meetings or in written comments.
  - In consultation with the LGD and the Director, the mitigation measures shall be included as conditions of approval on the permit.

#### **500 Foot Setback:**

- All of the above mitigation measures will be required in permit, plus:
  - Fully lined, steel-rim berms around tanks and separators to contain any spills; and
  - Tertiary containment when within 500 feet of surface water to prevent contamination.
- Same notice as above, with additional detail regarding the oil and gas location and an invitation to provide written comments to the operator, COGCC or the LGC regarding the location.
- LGD may extend the public comment period from 20 to 40 days.
- In Urban Mitigation Areas, the operator must get a waiver from Building Unit Owners within 500 feet of the location, or must seek a variance from the COGCC.