

ACCDAN Comments on Adams County Draft Regulations



Submitted: August 11, 2017

Contact: Jennifer Gamble, ACCDAN President

Jennifer.gamble@oppowerllc.com

720-334-0709

- 1) Add a provision for all new oil and gas-related permits for wells, locations and pipelines that includes an operational life provision. This would mean from the date a well or pipeline goes operational, it has an operational window of, for example, 30 years. The reason for this is the life of materials (i.e. corrosion, wear, leaks, etc.). After 30 years, the permit expires and the operator must conduct a detailed review of all equipment, piping, etc. to determine that no corrosion exists, replace corroded, damaged or failing materials with new (including replacement of underground piping with current industry BMP materials), update the facility to new safety standards and state and county requirements and then undergo a detailed inspection by the county inspector. If the facility passes the “life extension” inspection, than it can operate for another 5 years and the operator must go through this process every five years until it closes, removes and fully remediates the site. This is similar to requirements in the nuclear power industry and by comparison, the nuclear power industry has had no deaths or accidents impacting public health in the United States in more than four decades.
- 2) In general in all cases, the setbacks or “no build zones” should be measured from the outer most edge of the oil and gas infrastructure and not from the well head itself as the infrastructure that extends out from the well head in many cases presents real and present hazard/danger to the public.
- 3) **Expiration of Approval**
 - a. Remove the word permanently and replace with “for 20 years”. I do not think you can commit for future generations forever. You cannot predict the changes that will occur in the developments or the oil and gas industry and “permanent” is forever and creates a forever looming negative attribute for an area.
 - b. Add a provision for a neighborhood meeting and public review and comment to the permit renewal process.
 - c. Add a clarification that every time the operator goes 3 years without drilling a well, it has to do this renewal. For example, if they drill two wells initially, then wait four years (they must renew) and then they drill five wells and wait another 37 months (they must renew), etc. etc. This may be your intent but it is not clear.
 - d. Add a provision that if all wells have not been drilled within 20 years the permit is revoked for the remaining wells.
 - e. Instead of having the renewal “as determined by the Director”, use the same process as for a permit that allows the director to approve, deny, approve with conditions or refer to the Board of County Commissioners for a vote and public hearing.

- f. Change the wording from “shall” be renewed to “may be renewed.”

4) Flowlines and Gathering Pipelines

- a. Only including “flow lines” and “gathering lines” leaves a gap. This should include any underground lines (flow, gathering, pipeline, other) associated with an oil and gas site. We get into semantics where a certain segment is left off and then goes unregulated (like the COGCC debacle). Adams County needs to do better than the State with this.
- b. Water body crossing – specify how deep below the water body these pipelines (installed using BMP/boring technology) should be. A qualified environmental expert knowledgeable in pipeline risks and hazards should decide a safe distance greater than X feet. In addition, additional provisions should be added to the regulations for protection of proximate streams, rivers and ditches.
- c. Floodplain Regulations – use a 500-Year Flood standard for floodplain compliance.
- d. GPS and As-Built Drawings – put in a provision that they can only use piping materials that can be easily located by conventional utility locate methods – for example, they should NOT be allowed to use “poly” piping or lines such as were involved with Firestone explosion or any similar line materials that cannot easily be detected.
- e. Abandonment – Operator must remove all underground piping and lines when they are to be abandoned or go unused for a period of 5 years or more. Removal of 100% of lines is required for proper closure/abandonment and remediation.
- f. Valves – the location and directions for shutoff valves as well as emergency contact details shall be provided to the county/county inspector.
- g. Notification of gas leaks – what about notification of oil leaks? Shouldn’t this be notification for oil and gas leaks? What about fracking fluids and used water? Seems like scope of this needs to be expanded to cover leaks of anything from the pipelines regardless of what is leaking. In addition, specify that it is the operator that shall notify the county of any leaks. Add that the county in turn then notifies the public of the leak through its weekly oil and gas report that is posted on the county website.
- h. Setback – why is the setback only for oil lines and only for gathering lines? The setback needs to be for all oil and gas underground lines (flow, gathering, pipeline, other – any underground line). ACCDAN recommends a setback of 750 feet from any structure to any underground oil and gas line and vice versa from any underground oil and gas line to any structure (regardless of what comes first). We find anything less than 500 feet to be wholly unacceptable, non-protective of human health and environment, places the county at risk of a citizen-initiated lawsuit.
- i. Gas Gathering Pipelines – this section is confusing – it only seems to apply to pipelines with less dense development (10 or fewer buildings within 220 yards). What if there are more than 10 buildings within 220 yards? -- Having a 750 foot setback requirement between all underground oil and gas pipelines and all structures would address/fix this. As written, this clause seems to have limited application and creates a regulatory loop hole which is not surprising since it is a State regulation. And again, should apply to both oil and gas pipelines, and all underground infrastructure (not just gathering lines).
- j. Integrity testing – Add a provision for integrity/leak testing of the lines and reporting that data to the county.

5) Plugged and Abandoned and Former Oil and Gas Production Sites

- a. Why does this not also apply to gathering lines – see previous comment (make sure you address all underground oil and gas-related lines in all regulations).
- b. Add a provision that states –“Operator must remove all underground piping and lines when they are to be abandoned or go unused for a period of 5 years or more. Removal of 100% of lines is required for proper closure/abandonment and remediation.” The five year requirement, lessens the likelihood of all these historic leaks we have been having in Adams County. If a well is not producing for 5 years, they need to plug it and remove ALL of the piping.
- c. If, and only if, all underground piping is removed the distances contained in this draft regulation may be okay, but they still seem really minimal. We suggest they be changed to state all underground piping removed, markers and distances of greater than 250 feet in all instances.
- d. Item # 6 on remediation of hydrocarbons should be strengthened to in all instances require as a minimum cleanup/remediation of all hydrocarbons that are above EPA or state action levels for environmental cleanup standards (rather than leaving the remediation level up to the county health department on a case by case basis).

6) Residential Construction Standards

- a. Of the three provided setback (no build zone) choices, ACCDAN recommends the 750 setback/buffer for a required distance from new residential construction and existing oil and gas infrastructure.
- b. This regulation is limited to residential construction. Similar setback/no build zone provisions need to be added to all construction (commercial, office space, schools, day cares, restaurants, etc. everything with the exception of other similar industrial uses).
- c. On item (f), ACCDAN recommends waivers be required for anything within 750 feet or less of the residential home. We also recommend that this waiver not be limited to plumbing as other types of lines can create pathways for natural gas to travel (French drains, electrical chases, other pipe chases, drainage systems, sewer, etc.). So it should cover all underground utilities and drainage systems.