

**TOWN OF ERIE OIL AND GAS TABLE TOP WORKSHOP NOVEMBER 14, 2019**

OIL AND GAS REGULATIONS, 10/28/2019 DRAFT

**Overview of Application, Public Engagement, and Enforcement Provisions**

**NEW OIL AND GAS OPERATIONS CAN ONLY BE LOCATED IN HEAVY INDUSTRIAL ZONE**

- Property must be rezoned under Town's rezoning process

**APPLICANT MUST FILE STUDIES, IMPACT ANALYSES, PROPOSED MITIGATION, AND PLANS**

- Applicant pays all costs of application review by outside consultants and referral agencies
  - Community Outreach Plan
  - Cumulative Impact Analysis
  - Alternative Site Analysis
  - Geologic and Natural Hazards Assessment and Mitigation Plan
  - Air Quality Modeling, Monitoring and Mitigation Plans; Leak Detection and Repair Program; Odor Management Plan
  - Electrification Plan
  - Dust Suppression Plan
  - Water Quality Impact Assessment, Monitoring and Mitigation Plan
  - Stormwater Management Plan
  - Water Supply Plan
  - Spill Release Response and Reporting Plan, Waste Water and Waste Management Plan, Chemicals and Hydraulic Fracturing Fluids Disposal and Reporting Plan
  - Emergency Response Plan
  - Ambient Noise Baseline Survey and Noise Management Plans
  - Lighting Study
  - Vegetation and Weed Management Plan, and Reclamation Plan
  - Grading, Drainage, and Erosion Control Plan
  - Traffic Management Plan, and Access Road Plan
  - Flowline Management Plan
  - Wildlife and Wildlife Habitat Assessment
  - Cultural, Historical and Archeological Survey
  - Public Services and Facilities Impact Assessment

**APPLICANT MUST DEMONSTRATE COMPLIANCE WITH STANDARDS TO PROTECT PUBLIC HEALTH, SAFETY AND WELFARE, AND THE ENVIRONMENT**

- **Health and environmental standards**
  - Air quality:
    - Minimization of emissions
    - Elimination or minimization of flares
    - Leak detection and repair
    - Emission control
    - Odor management
    - Dust suppression

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Water quality:

- Protection of water quality and water pressure of water wells
- Baseline sampling, monthly testing, reporting for water sources within 1/2 mile of projected borehole and well site
- Groundwater baseline sampling and monitoring
- Stormwater management
- Water supply for Operation that is least detrimental to environment
- Spill release response and reporting, chemical disclosure and storage, disclosure and containment of hazardous materials, emergency response
- Steel-rim berms
- Restrictions on fuel storage areas and vehicle fueling and maintenance areas
- Waste water management and disposal restrictions
- No underground waste water injection wells
- Grading, drainage and erosion control

Wild life and wildlife habitat

Mitigation for wildlife and wildlife habitat, natural resource areas, floodplains, wetlands and riparian areas

Geologic Hazards

Minimization of risk from geologic and natural hazards or of exacerbating such hazards

- **Nuisance standards**
  - Control and mitigation of noise
  - Control and mitigation of vibrations, and seismic monitoring
  - Minimization of glare from lighting
- **Land use and service delivery standards**
  - Setbacks (from water bodies, occupied buildings and outdoor recreation areas)
  - Minimization of site disturbance
  - Preservation of visual quality, scenic attributes and character of the Town
  - Maintenance, landscaping and reclamation of site and roads
  - Protection of historical and cultural areas
  - Mitigation of impacts on Town's capacity to provide municipal services and capacity of service delivery systems
  - Transportation management, maintenance and repair of public roads and access roads
  - Security of well pad site

**PUBLIC PROCESS AND OPPORTUNITIES FOR COMMENT**

- 2 public hearings for Rezoning application (Planning Commission and Board of Trustees)
  - 15-day public notice of each public hearing by publication, written notice, to owners/occupants within 1 mile and posting on property
- 2 public hearings for Oil and Gas Permit application (Planning Commission and Board of Trustees)
  - 15-day public notice of each public hearing by publication, written notice, to owners/occupants within 1 mile and posting on property
- Neighborhood meeting(s), conducted per Community Outreach Plan

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**APPLICANT MUST DEMONSTRATE FINANCIAL CAPABILITY AND PROVIDE ADEQUATE LIABILITY INSURANCE**

- Applicant must demonstrate adequate financial and technical capability
- Applicant must provide financial guarantee sufficient to ensure compliance with Permit conditions; amount of guarantee may be increased at any time, if LGD determines guarantee amount is no longer sufficient
- Applicant must provide minimum \$2 Million liability insurance covering Operator and Town

**EXISTING OIL AND GAS OPERATIONS MUST REGISTER WITH THE TOWN**

- Operations existing prior to effective date of Town's Oil and Gas Regulations must be registered with the Town within 30 days of effective date of the Regulations, including wells out of production, temporarily abandoned and abandoned
- Operator must identify, assess and monitor decommissioned and abandoned wells located within 1/4 mile of proposed Operation's projected borehole, including:
  - Risk assessment of leaking gas or water to ground surface or surface water resources
  - Soil gas surveys prior to Operations, within 1 year, then every 3 years after beginning production
  - If contamination detected, no further operations until source is detected and resolved
  - Bradenhead monitoring with monthly pressure reading/reporting

**OPERATOR MUST SUBMIT ACTIVITY NOTICE FOR SEISMIC SURVEYING AND TESTING**

15-day notice ahead of seismic surveying/testing to owners and occupants, homeowners associations, and LGD of local governments within 1 mile, and other persons or geographic areas Director may designate

**TOWN HAS RIGHT TO ENFORCE ALL PERMIT TERMS, CONDITIONS AND REQUIREMENTS**

- Right to inspect
- Right to suspend or revoke Permit if Operator fails to comply with Permit conditions or violates Town regulations or seek court relief
- Right to assess fines for violations, subject to statutory limitations (\$1000/day per violation)

**OPERATOR AGREEMENT MAY BE APPROVED BY BOARD OF TRUSTEES UNDER CERTAIN CIRCUMSTANCES**

- Environmental and nuisance mitigation requirements at least as stringent as requirements of Town's Oil and Gas Regulations
- Negotiated agreement must be approved by Board of Trustees in public meetings after notice