

Swan Proposed Oil and Gas Well Site – AE18-003 Swan #4-64 6-1 3DH Well Facility
Arapahoe County Public Works and Development Department
Updated Staff Response to Questions and Comments Received
prior to, during or subsequent to the
Arapahoe County Community Open House on April 4, 2018
Posted June 13, 2018

Arapahoe County Public Works and Development Department, Arapahoe County Office of Emergency Management (Arapahoe County Sheriff's Office), Bennett-Watkins Fire Rescue, Area Neighbors, and several representatives of ConocoPhillips participated in an open house for neighbors living in proximity to the sites for the proposed Swan Well and the recently approved Tiberius Well.

Staff is providing the information below to update information provided as a handout for the April 4, 2018, meeting. Staff based these updates to answers on comments received prior to and during the meeting and additional questions and comments that have come in by email, phone, or through citizen comment at County Commission meetings. We believe we have captured the range of questions.

Due to the many comments and the closely aligned nature of some questions, we have sometimes combined several similar questions into a single question, so we may not have worded these precisely as you or a neighbor may have submitted. Although we also generally grouped answers by category/topic, there is overlap between topics, so you may need to look at a different section to get a better overall picture of what we are explaining.

General categories/topics are:

- Quick Reference to Acronyms Used in this Response
- Key Take-Away Points
- Information Distribution/Sources for More Information
- Oil and Gas Facility Application and Review Process
- Site Location and Drilling and Well Pad Design
- Emergency Egress/Access Roads
- Fire and Other Emergency Response
- Additional Health and Safety Questions
- Other General Questions and Information Requests

If your comments were provided directly to a County Commissioner, most likely those have been forwarded to staff for consideration in connection with the review process. When the applicant has executed a memorandum of understanding (MOU) in accordance with the County Land Development Code, the decision on a Use by Special Review (USR) application for an oil and gas facility is usually an Administrative (staff review) process; however, in some cases the USR application may be elevated to the Board of County Commissioners for review. *That is a decision made late in the process after staff reviews are completed.* For that reason, individual Commissioners do not participate in direct responses, as a Commissioner involved in discussions may not be able to participate in the quasi-judicial review (for a case that is elevated for Board decision) or where an administrative decision may be appealed to the Board. This was also the reason Commissioner Baker did not attend the community open house.

At this time, we are ending formal comment on case # AE18-003 Swan #4-64 6-1 3DH Well Facility in order to be able to complete the Administrative Energy Use by Special Review application review and determination process. Staff anticipates the Public Works and Development Director will be able to make an administrative determination on the application by June 30 or decide by that date to elevate the application to a public hearing.

In relation to the proposed northern emergency access road, Engineering Services did not approve the design initially submitted and denied the engineering variances requested with that design. At the time of this updated response, the County is waiting for a new design in compliance with required engineering standards. The outstanding design issue relates only to storm drainage; Engineering Services has accepted the location, alignment, gravel thickness and road width. As this is a technical review based on engineering standards and fire district requirements, the County will not accept additional public comment as part of the review for the road design. Staff will post the final, approved road design to the County web page when it is available.

QUICK REFERENCE LIST TO ACRONYMS USED IN THIS RESPONSE

The document defines these terms, but this quick reference may help with not having to scroll back through text looking for a specific acronym if you've forgotten what it means later on.

ACSO – Arapahoe County Sheriff's Office (includes patrol as well as emergency management)

AEUSR – Administrative Energy Use by Special Review (12-1900 Energy Facilities, Arapahoe County Land Development Code)

BOCC – Arapahoe County Board of County Commissioners

BWFR – Bennett-Watkins Fire Rescue (a fire protection district)

CLOMR – Conditional Letter of Map Revision (FEMA – floodplain map; also see LOMR)

COGCC – Colorado Oil and Gas Conservation Commission (State of Colorado regulatory agency)

Conoco/COP – ConocoPhillips (applicant for the Swan well site)

EAR – Emergency Access Road (used for emergency response vehicles and emergency neighborhood evacuation)

Engineering Services – a Division of Arapahoe County Public Works and Development Department

FEMA – Federal Emergency Management Agency

GESC – Grading and Erosion and Sediment Control (permit from the Engineering Services Division)

LGD – Local Government Designee (County's Energy Specialist serves in this role to communicate with COGCC on issues of local government interest in relation to oil and gas development)

LOMR – Letter of Map Revision (FEMA – floodplain map; also see CLOMR)

OEM – Office of Emergency Management (within the Arapahoe County Sheriff's Office)

Planning – a Division of Arapahoe County Public Works and Development Department

PWD – Arapahoe County Public Works and Development Department

SEMSWA – Southeast Metro Storm Water Authority

UDFCD – Urban Drainage Flood Control District

USR – Use by Special Review (13-900 Use by Special Review, Arapahoe County Land Development Code; also see 12-1900 Energy Facilities)

Will-Serve Letter – A letter of commitment from Bennett-Watkins Fire Rescue to provide emergency response services to the well site provided it meets all fire district requirements

KEY TAKE-AWAY POINTS

Because the following document is so long, we are providing a few key take-away points to get started. For a better understanding of these, please see the questions and responses that follow.

1. Staff has not yet submitted the ConocoPhillips Administrative Energy Use by Special Review (AEUSR) application to the Public Works and Development Director for a final determination of action.

The County has not approved a design for the emergency access road proposed for construction across land owned by Prosper Farms, LLC, under an easement agreement between Prosper Farms, LLC, and Conoco; following rejection of Conoco's request for a variance from design standards, staff anticipates receiving an updated road design from Conoco meeting design standards.

Due to some concerns with timing in relation to a possible decision from COGCC, staff may elect to forward the application to the Public Works and Development Director with a recommendation that action be taken. This recommendation would include a recommended condition that ConocoPhillips must submit a road design acceptable to the County and Bennett-Watkins Fire District (emergency access road engineered to convey the 100-year storm event) prior to issuance of any permits for project site work. The County review is, however, independent from the State review. Action by the Director could include conditional approval, denial, or elevating the application to a public hearing regardless of timing on the State application.

2. The County has not yet made a decision on whether a public hearing will be required for the Use by Special Review (USR) application.

This is a decision made by the Public Works and Development Director based on the analysis and findings submitted by County staff with the AEUSR. The same work must be completed for the AEUSR that would be necessary for a USR going to public hearing, so this is a decision that is made late in the overall review process.

3. The Public Works and Development Director's options for the pending application are to: (a) approve administratively; (b) deny administratively; or (c) elevate the application to a Use by Special Review public hearing before the Board of County Commissioners for a decision by the Board. Conditions of approval will likely be required as part of the process.

The County can approve most applications administratively because the County and the applicant are usually able to work through and resolve concerns through specific conditions of approval that are within the County's authority to address.

4. The County's Land Development Code requires that an oil and gas operator obtain a will-serve letter from the fire district to receive approval of an oil and gas facility application. Bennett-Watkins Fire Rescue (BWFR) has issued a will-serve letter based on understandings related to additional access for emergency response and neighborhood evacuation as well as the limited number of on-site storage tanks.

The will-serve letter is contingent on the acceptance of an emergency access road design that meets BWFR's requirements. Once constructed, the County and fire district must inspect and accept the road as meeting the approved design before the County and BWFR consider the road

completed. If ConocoPhillips does not submit an acceptable road design, or if the site development fails to meet any other conditions required by the fire district, BWFR has indicated the fire district will rescind the will-serve letter.

5. Conoco has indicated it may request more wells for the Swan site in the future. This will require an additional application to the County and an additional decision related to a will-serve letter by BWFR. Conoco anticipates that future technology may decrease the need for additional storage tanks on site.

Staff would note that the initial disturbed area (approximately 13 acres) for the current Swan application (one well) includes the access road, berms, topsoil stockpiles and sediment basin. Conoco will reduce the well pad to approximately four acres for the production phase of the current proposal.

The Colorado Oil and Gas Conservation Commission (COGCC) will need to make any determination related to whether this phased approach (application for one well now, additional wells in a future application) is consistent with State regulations related to pad size, incremental approvals, or whether an alternative site analysis is required for the current application based on the anticipated future expansion. These relate to State regulations rather than County regulations.

6. The COGCC process for action on an oil and gas facility application is separate from the County action under the County's land use regulations.

While the timing of the COGCC process is not tied to the timing of the County process, COGCC may be able to impose different requirements on an applicant than a local government as noted above.

INFORMATION DISTRIBUTION AND PUBLIC COMMENT PERIOD

Q. Will the County distribute the answers to citizens' questions to the Watkins Farm HOA?

- A. Yes. Staff will copy all people who have corresponded previously with the County on the email, including the HOA, to the best of our ability (see note below about email address difficulties). We have also posted the response document to our *Planning and Land Development, Major Planning Cases* page: <https://www.arapahoegov.com/1456/Major-Planning-Cases>. In addition, you may want to look at the "*Frequently asked Oil & Gas questions and answers*" link on the *Oil and Gas* page: <https://www.arapahoegov.com/597/Oil-and-Gas>.

We have had email messages to some addresses come back to us as undeliverable. This may have occurred for one of several reasons. Some email addresses were difficult to read on hand-written sign-in sheets for the meeting, so we may not have figured out the email address correctly. A neighbor may have copied another neighbor on an email, but used an incorrect address to which we have responded. An email address may have changed since we received earlier correspondence. For email addresses with limited capacity, the email-box may be full. Some people may have security controls in place that reject messages from an unrecognized sender or may route emails from an unrecognized sender to a spam or junk email-box.

For these reasons, feel free to share this information through your HOA website or provide your neighbors with the link to view the information on the Arapahoe County website noted above.

Q: When does the public comment period end for the Swan well pad application?

A: *This response document ends the formal comment period for the current Swan well site application to Arapahoe County.* The posting on the property set a comment response date of March 24, 2018, which the County informally extended due to the number of issues raised. Staff addressed questions and comments received through May 31, 2018; while some comments have come in since that time, we needed a cut-off time to be able to complete this response document.

Staff responded previously that the comment period for the Swan application will end one week after the County receives the revised road plan for the northern egress route to give citizens additional opportunity to comment on this portion of the project. More specifically, the revised road plan was to show the road constructed with six inches of Class 6 or better road base at 80% compaction, rather than four inches, and identify drainage measures to convey water from a 100-year storm or to submit information for consideration of an engineering variance to this standard.

At the time of this response, Conoco has submitted an updated design to note the six inches of road base, but is reworking plans to address drainage based on the County's action denying the engineering variance requested with an earlier plan. ***The outstanding design issue relates only to storm drainage. The County and fire district have accepted the location, general alignment (subject to adjustment based on final design), gravel thickness and road width.***

As this is a technical review based solely on engineering and fire district standards, the County will not accept additional public comment for the emergency access road design as part of this application review process. Staff will post the final, approved road design to the Major Planning Cases web page when it is available.

SOURCES FOR MORE INFORMATION

Arapahoe County, *Public Works and Development Department, Planning and Land Development, Major Planning Cases* page: <https://www.arapahoegov.com/1456/Major-Planning-Cases>

Arapahoe County, *Public Works and Development Department, Oil and Gas* page: <https://www.arapahoegov.com/597/Oil-and-Gas>

Colorado Oil and Gas Conservation Commission web site: <http://cogcc.state.co.us/>

OIL AND GAS FACILITY APPLICATION AND REVIEW PROCESS

Q: What process does the County use to review applications for oil and gas facilities and make a determination?

If an operator has signed the Memorandum of Understanding (MOU) with Arapahoe County (a standard agreement approved by the Board of County Commissioners for use with all oil and gas operators), and if the application complies with the Land Development Code requirements and the conditions within the MOU, the facility application is reviewed, and can typically be approved, administratively.

This is a review by County staff (Planning and Engineering Services Divisions of Public Works and Development), with referrals to the governing Fire Protection District, the Sheriff's Office, Colorado Parks and Wildlife and Tri-County Health Department (TCHD), and may include referrals to

additional review agencies at the County’s discretion, such as Colorado Department of Public Health and Environment (CDPHE).

The Public Works and Development Director signs the approval document for the Administrative Energy Use by Special Review. The Public Works and Development Director can alternatively determine there are circumstances that warrant elevating the decision to the Board of County Commissioners through a Use by Special Review public hearing; the MOU was designed with the intent and expectation that elevating the application to a public hearing would be a rare occurrence.

Sections 12-1903.03 *Environmental/Public Health and Safety Impacts* and 12-1903.04 *Emergency Service Providers*, of the Land Development Code, *Energy Facilities* regulations, note that the administrative process is not intended to apply to projects with site-specific conditions that present *significant and material impacts* to public health, safety or welfare or the environment *that cannot be adequately mitigated through conditions agreed to by the applicant through the MOU or by conditions imposed upon the Administrative Use by Special Review approval*. In addition, there is a requirement that the Energy Facility applicant must provide a commitment-to-serve (“will-serve”) letter from the authority having jurisdiction for providing emergency fire protection and medical response services and having the ability to provide such services.

Arapahoe County recognizes that the residents of the area have significant concerns that these requirements will not be met to the satisfaction of nearby neighbors for the Swan well application submitted by ConocoPhillips. The County bases its determination (on any oil and gas facility application) on *whether the project design reasonably mitigates impacts through means that the County has authority to control. Mitigation may reflect not only requirements within the County’s authority, but also conditions the County requested and the applicant agreed to accommodate in view of specific site conditions.*

The County takes into account factors that include:

- *State regulations administered through the Colorado Oil and Gas Conservation Commission,*
- *County regulations pertaining to energy facilities and the MOU,*
- *Engineering criteria for approval of ingress/egress/road capacity/drainage standards,*
- *Ability of various agencies to provide emergency response, including the Bennett-Watkins Fire Protection District (in the case of the proposed Swan well site) and the Arapahoe County Sheriff’s Office of Emergency Management, and*
- *Special siting conditions that may warrant additional measures such as visual screening.*

Q: Has the County already approved or denied the Swan Well site? If not, when will the County make a determination?

A. No, the application is still under review. The County is still working with Conoco to address responses to comments on the application and to review the northern emergency access road (EAR) design. The County has received some agency comments only in the last week. Staff anticipates the Public Works and Development Director will be able to make an administrative determination by June 30 or to determine to elevate the application to a public hearing before the Board of County Commissioners.

Q: Why has the County not scheduled a public hearing with the County Commissioners on Swan application? How does the County use public comment when there is not a public hearing?

A: Under the County’s Land Development Code (LDC), where the applicant has executed an MOU with the County, the County typically processes applications for oil and gas wells administratively. There are two situations where the Board can hear an application at public hearing. First, the Director of Public Works and Development may elect to elevate the application to the Board of County Commissioners. Second, the applicant may appeal the administrative decision on the application to the Board.

This application for the Swan Well site qualifies for an administrative process under the LDC. The application is, however, still under review by County staff, and the Public Works and Development Director will not decide whether to elevate the application for public hearing and Board of County Commissioners decision until staff completes that review.

Nevertheless, the review of that application, whether administrative or through elevation to the Board, will take into account impacts to the public health, safety, and welfare and to the environment, and will consider whether appropriate conditions of approval will be adequate to mitigate any such impacts. If approved, the oil and gas operator (ConocoPhillips in the case of the Swan well) will have to meet conditions of approval prior to commencing operations at the well site. Some conditions may also be ongoing, such as maintenance of the emergency access roads in the case of the proposed Swan well site.

Public comment is appreciated in all cases and, even if the Board does not conduct a hearing, County staff and the Director of Public Works and Development still consider public comment in the review of the application and for purposes of decision on the application. Examples of public comment influencing the Swan well application include the inclusion of the EAR, addition of berms for visual screening, and updating documents to show the future alignment of Sixth Avenue with the Prosper development.

Q: When does the County use Conditions of Approval for an administrative approval? How does the administrative process ensure the well site design and operations meet conditions of approval? Can the applicant request that the County change the conditions of approval after the Public Works and Development Director signs the AEUSR?

A: The County uses conditions of approval to ensure that any site-specific conditions from a proposed oil and gas facility that present significant and material impacts to the public health, safety, or welfare are adequately mitigated.

In the case of the Swan well application, it is likely that any approval will include specific conditions to mitigate site-specific impacts; staff and partner agencies are considering a number of potential conditions of approval. For instance, Bennett-Watkins Fire Rescue (BWFR) has indicated that emergency access for emergency responders and egress for area residents is a requirement for a will-serve letter from BWFR. Failure to obtain a will-serve letter or having a will-serve letter rescinded due to the project’s failure to meet required conditions would prevent approval under the County’s Land Development Code and issuance of County permits necessary for construction.

As BWFR has issued a will-serve letter for the current Swan well application, the County may proceed with review and approval of the AEUSR and include a *condition of approval* that requires the operator to construct and complete the emergency access road (EAR) prior to any drilling occurring on the Swan well site. *The signature of the AEUSR by the Public Works and Development Director does **not** mean that construction and drilling can proceed immediately if conditions of approval are still outstanding.*

County staff (in addition to the fire district) also will likely require a *condition of approval* that the EAR be completed by ConocoPhillips and inspected and accepted by Arapahoe County and BWFR prior to any drilling occurring on the site. For the road design to receive full approval for construction, the application must meet all engineering requirements or receive appropriate technical variances. A key engineering requirement is issuance of a Grading and Erosion and Sediment Control (GESC) permit prior to road construction activities.

In the case of the EAR for the proposed Swan well site, issuance of a GESC permit may require receipt of a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA) prior to issuance of the GESC permit by the County's Engineering Services Division to the applicant. A CLOMR process can take quite some time to be completed; during that time, the related Engineering review process remains active within PWD. As further explanation of the CLOMR possibility, Engineering Services provided the following explanation:

A CLOMR is required when a proposed project would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). In this case, for example, if Conoco received a variance for the culvert requirement, FEMA would require a CLOMR.

At this time, without the actual design, Engineering Services is unable to determine whether the BFE or the width of the floodplain will change. If the new design does not cause any changes to the floodplain, the CLOMR will not be required, and the County will refer the project directly to the U.S. Army Corps of Engineers for a 404 Permit determination and to Urban Drainage Flood Control District (UDFCD) for culvert design.

Even though the County Public Works Director may approve the AEUSR application as a land use process during that time and sign the final document, failure of the applicant to meet conditions of approval would prohibit the applicant from commencing operations or commencing certain work related to the conditions.

Alternatively, the applicant does have the option under the Land Development Code to appeal to the Board of County Commissioners to amend the AEUSR-imposed conditions of approval. Requesting a significant change to final conditions of approval may result in a new review and referral process, and any condition amended would need to ensure adequate mitigation as required with the original condition.

The County enforces conditions of approval through several means, including:

- Withholding permits required by Public Works and Development,
- Withholding final inspections or certificates of occupancy where applicable, or
- Issuing a notice of zoning violation (and any legal action needed subsequent to that notice) *if the condition is ongoing over time* (i.e., the condition is not tied to a specific event such as issuance of a permit; for example, *maintenance of the EAR* would be an *ongoing* condition of approval).

BWFR has also required other conditions of approval including the reduction in number of tanks from the 2016 application. As these are reflected in the plan submitted with the 2018 application and would be part of the approval document, they do not need to be listed separately as conditions of

approval; however, any change to these would not be consistent with BWFR's requirements for providing a commitment for emergency response services.

The County and partner review agencies are still developing potential conditions of approval that would apply to the Swan well site if the County approves the application. Conditions are developed throughout the review process, so this response includes only examples and not a complete or final list of conditions that may apply.

Staff develops recommended conditions of approval during the review process, even though the County has not yet determined whether it will approve an application. Conditions can help to determine whether a project is approvable and can help to ensure that all issues have been considered in the event of a positive determination, whether that determination is administrative or follows a public hearing.

*Some staff responses in this Q/A document note that an approval "will likely include" a certain condition of approval; this is not intended to be a vague answer. Conditions of approval developed by staff are part of a recommendation; the PWD Director or Board may or may not make a decision exactly as recommended by staff. **This is a process and, as such, conditions may change as the process moves forward.***

Q: Doesn't the proposed placement of the Swan well site go against criteria within the County's Land Development Code and 1041 Regulations for considering compatibility of adjoining land uses and placement of uses within an appropriate zone district? We feel Conoco should locate the Swan site at least 2,500 feet away from our homes.

A: Under COGCC regulations for the placement of oil and gas facilities, oil and gas pads can be located in any zone district within the county. Most oil and gas facilities, including a well site location/pad, are not subject to 1041 Regulations. Under State rules, oil and gas wells need only to be set back 500 feet from the nearest wall of the nearest home. Large facilities, as defined by COGCC, must be set back 1,000 feet from homes. The Swan well is proposed to be located a distance of at least 1,000 feet from the nearest home. COGCC regulations and Colorado case law limit the land use controls, such as increased setbacks, that local governments can impose. The County believes it is achieving all that can be required under COGCC regulations with the review and determination on this site.

Q: Is the Swan site expandable in the future? What County process would be required?

A: The Planning Division, under the regulations of the Land Development Code, will require a new application if Conoco wishes to increase the Swan pad size or expand the number of wells and/or tanks and related equipment in the future after the County approves an initial facility application. Any new application would go through the same level of review by Planning, Engineering Services, the Fire District and the Office of Emergency Management (OEM) if the current regulations and MOU still apply at that time or would be subject to any revised regulations and MOU in place at the time Conoco submits the new application.

Conoco has stated it expects to request additional wells through a future application if the well turns out to be sufficiently productive and anticipates being able to manage operations in a way to minimize or eliminate the need for additional storage tanks on site. The number of tanks proposed with the 2016 Swan well application (subsequently withdrawn) was a concern for BWFR at this particular site. A new fire district will-serve letter will be required for any additional wells and/or tanks.

Conoco has not, however submitted a proposal to the County to expand the site at this time. Nevertheless, any such request would require a new application (or revised application if requested while the current application is still being reviewed), which would be processed under the provisions of the Land Development Code with new (or additional) agency referrals and notice to the public.

Q: Have there been any environmental studies on the rattlesnake dens, antelope migration paths and prairie owl burrows?

A: Colorado Parks and Wildlife reviewed this specific application as part of the County's referral process and indicated the agency has no biological concerns from the proposed facility.

Q: Emails from the community in the past month have pointed out many errors, typos and mistakes in the applications for both Tiberius and Swan. How carefully does the County read and check the applications?

A: The County reviews the applications and checks for errors. We have asked that Conoco's consultant correct all of the errors and typos. Staff then reviews the application resubmittal to ensure that the documentation addresses all comments and corrections.

Q: Why haven't the residents in Watkins Farm been informed of negotiations between BWFR, Conoco, Prosper Farm and Arapahoe County? Let us know at all stages of developing changes so we can be a part of the conversation.

A: Negotiations between Prosper Farms, LLC, and ConocoPhillips were agreements between a private property owner and an oil and gas operator needing surface use agreements for the oil and gas facility and an easement to provide emergency access. The landowner and operator executed these agreements separately and submitted documentation to the County as part of the energy facility application.

Discussions between BWFR and ConocoPhillips have been communicated in a number of ways as the situation has changed over time with the recension of the original will-serve letter for the initial application, the subsequent withdrawal of the initial energy facility application, and fire district review of the new application currently under consideration.

Public Works and Development staff, OEM and BWFR addressed a number of specific questions related to the various review steps with respect to requirements and expectations at the April 4th community open house; this follow-up response document further addresses a number of these. Over a period of months leading up to and following the open house, staff also communicated with citizens by phone and by email on many issues.

These actions are not all negotiations; many are steps in the process to address requirements, request variances to engineering standards, make determinations as to whether to approve variances, and to update the application accordingly when County engineering denied the variances. When additional questions arose, staff and other review agencies and the applicant entered into necessary discussions to get answers and to clarify and update the application when needed. ***These are normal steps in an application review process.***

Negotiations, review determinations, and mitigations have included the following:

- BWFR withdrew the district’s original will-serve letter for the original Swan application after discussions with PWD staff and review and consideration of community concerns.
- Conoco revised its original plan for 8 wells and 32 tanks to one well and four tanks.
- Conoco negotiated an easement with Prosper Farms, a private property owner, to provide emergency fire equipment access and community egress to the north of Watkins Farm. This road will be gated and locked to prevent day-to-day access that could damage the road.
- Engineering Services is currently working with BWFR and Conoco to ensure that the northern EAR is designed and built to appropriate standards. The County will share the northern EAR plans with the community once an acceptable design has been submitted and approved; this is a technical review based on engineering standards.
- Conoco submitted plans to use an existing energy facility access road to provide additional emergency access/egress to the south. Conoco built this road to standards required by the MOU to provide both access to the well site for operations and for any emergency response needed for that well. This road is gated and locked.
- Conoco procured additional land from Prosper Farms to build berms on the east and west sides of the Swan pad for visual mitigation.
- Conoco submitted a noise assessment report and committed to sound mitigation during drilling and fracking phases.
- BWFR purchased additional foam and a foam trailer with partial funding from ConocoPhillips. While the foam is sufficient to address a fire at the Swan pad, the Swan well application was not the driving reason for procuring this resource; this is a resource used for all oil and gas development within the BWFR service area or areas contracted for service. BWFR has already acquired this resource, and the County has not yet made a final determination on the Swan well site.
- BWFR hired six additional staff for firefighting in the district. The Swan well application was not the driver for this decision; the additional staff will help to meet all the needs for the fire district.
- Conoco established a contract with a private water supplier for fire-fighting purposes if needed. Conoco also established a contract with a water hauler.

Q: Does ConocoPhillips, aka Burlington Resources, need County approval before the company can apply for a COGCC permit? How can the COGCC have a comment period that ends before the County approves the application?

A: The County and COGCC permitting processes are separate; COGCC does not wait for the local jurisdiction to complete its process. Citizens are encouraged to comment on both processes, as COGCC may be able impose requirements that the County may not have the authority to address. The County review is also independent of the State’s review; staff evaluates the application based on County criteria while taking State regulations into account.

SITE LOCATION AND DRILLING AND WELL PAD DESIGN

Q: Can Conoco reach the oil and gas by drilling from the other side of the Section? Aren’t horizontal laterals of three miles now commonplace?

A: Prosper Farms and ConocoPhillips have a surface use agreement already recorded, and Prosper Farms has indicated that it expects the County to honor this agreement. Agreements with the surface owner, in combination with the site geology and proximity of drilling operations to pipelines (existing or planned), largely determine the locations of oil and gas pads. While oil and gas

operations use three-mile laterals successfully in Weld County, the Niobrara Formation is not consistent along the Front Range. One-mile to two-mile laterals have been successful within the formation underlying Arapahoe County; the distance may vary from one site to another.

Q: Why can't oil and gas under the Swan site be reached by drilling from a well pad located to the south of Sixth Avenue?

A: COGCC designates **drilling units** for recovery of minerals, including oil and gas. The minerals under the Swan site are in a separate drilling unit from the minerals under the land to the south. In addition, lateral drilling occurs in an east-west direction.

Q: Section 1 along Watkins Road in the Prosper Final Development Plan identifies proposed commercial and industrial sites. Doesn't oil and gas drilling belong in this area and not next to so many existing houses?

A: There are several issues related to this question.

- One is that the minerals under the Swan site cannot be accessed from Section 1 unless COGCC redefines the drilling unit. At the time of the community open house, the Planning Division incorrectly identified the COGCC drilling unit for the minerals under the Swan site. The drilling unit consists of Section 6 only.
- Another is that COGCC regulations override local zoning; minerals can be recovered within any zone district, and the County cannot require that oil and gas facilities locate within industrially zoned areas.
- Sites for non-residential development along I-70, as defined within the Preliminary Development Plan for Prosper, are intended for uses that provide services to the new community being established along the I-70 Corridor and are intended to provide new long-term jobs and economic support within the Corridor. Prosper Farms selected these sites to integrate with the new planned community and to be accessible from I-70; site selection was not based on whether or not minerals are economically recoverable within these specific areas. It is unknown at this time whether oil and gas development may impact these areas in the future.

Q: Will the County require an alternative site analysis for the Swan site? Why has Conoco not provided an alternative site analysis neighborhoods requested over a year ago? Who will make the final decision on whether to require the analysis and whether it results in a change in location?

A: The Public Works and Development Department has made the determination *not to require a formal alternative site analysis that exceeds information already submitted by Conoco* for the Swan site. The County's determination *does not preclude COGCC from requiring an alternative site analysis* if COGCC staff determines that the proposed development of the Swan well site would meet the State's requirements for alternative site analysis as currently proposed or as may be proposed in the future. *The reasons for the County's decision on this are explained below.*

COGCC rules require an alternative site analysis for projects when: (a) the site is a large facility, as defined by COGCC, and (b) the site is in an area defined by COGCC as an urban mitigation area, and (c) the well is less than 1,000 feet from the nearest home. *The Swan Well site, as currently submitted to Arapahoe County, does not appear to qualify for an alternative site analysis under COGCC rules.* The Swan well is not within an urban mitigation area and is more than 1,000 feet from the nearest home. Also, as currently proposed, the Swan site does not qualify as a large facility.

While Planning Division staff informed Conoco in 2017 that an alternative site analysis would be required for the Swan application, discussions between Conoco and the County were continuing at the time of the April 2018 community meeting. Conoco is firmly committed to the position stated in the letter dated March 28, 2018, that an alternative site analysis cannot be provided and identifying some of the factors taken into consideration in selecting the current site (letter posted to the *Major Planning Cases* web page). The County does not have criteria (separate from, or in addition to, those of COGCC) for when an alternative site analysis is required, what information would be part of such an analysis, and how the County would make a decision as to whether the County could require an alternative site based on any analysis submitted.

Geology of the formation and site, the drilling units, the length of laterals, and other criteria such as proximity to a pipeline, along with ability to negotiate a surface use agreement, are factors that may impact the determination of a site location. The mineral rights owners, facility operator (ConocoPhillips) and the surface owner (Prosper Farms) have stated that they have done the work necessary to locate the well site and will not relocate the site. Furthermore, the proposal does not meet the COGCC criteria for this additional work and Conoco has noted that the company will not undertake additional work to prepare a formal alternative site analysis with this proposal.

*Residents have raised concerns about whether the phasing of the number of wells proposed for the Swan well site circumvents certain State regulations, including a requirement for alternative site analysis. State staff, rather than County staff, must make this determination. It is unknown at this time whether COGCC will make a decision that an alternative site analysis is appropriate for this application based on issues raised by citizens or in a comment letter to COGCC from CDPHE staff, dated May 18, 2018. The CDPHE letter is posted to the *Major Planning Cases* web page, along with a letter from BWFR to CDPHE, dated May 14, 2018, provided as part of ongoing discussions between agencies.*

Q: What mitigation measures has Conoco planned for the Swan pad to decrease impacts to nearby homes, such as equipment height, noise, lighting, berms and landscaping? Will traffic signals be used on Sixth Avenue or Watkins Road due to truck traffic?

- A. Based on the County's review of the application, so far, the following measures are being planned:
- Visual (Equipment): Conoco will install low-profile tanks (17 feet in height) to comply with an agreement with Prosper Farms.
 - Visual (Screening): Two berms are planned, approximately ten feet in height (height undulates to improve views of landscape and appear more natural in configuration), one for the east side and one for the west side of the pad; Prosper Farms allowed the area to be expanded to include land for these berms. Conoco will plant and maintain the berms with a native grass-seed mix. Privacy fencing will also contribute to visual mitigation.
 - Noise: Conoco submitted a Noise Impact Assessment Report since the date of the community open house. As the report indicates projected noise levels will exceed State standards, Conoco has committed to installation of sound walls as part of a noise mitigation plan, as depicted in the assessment report (posted to County's *Major Planning Cases* web page).
 - Lighting: Activities such as road and well pad construction, facility construction, and pipeline construction typically occur during daylight hours, similar to other construction work. These operations rarely require supplemental lighting. Drilling and completions are both 24-hour operations, and temporary lighting will help to provide a safe work environment and ensure compliance with OSHA requirements. During drilling, site lighting will be directed downward and inward and will comply with COGCC Rule 803. Drilling takes approximately 16 days per

well, but can vary with local conditions. There will not be any permanent lighting installed on the site for production operations.

- **Traffic Control/Truck Traffic:** At this time, the traffic anticipated on Sixth Avenue does not meet the threshold for installation of a traffic light. While traffic will not meet thresholds for an installed traffic signal at Sixth Avenue or Watkins Road, Conoco will provide traffic control during rig move-in and move-out and during fracking, when traffic conflicts are expected to be at their peak.
- **School Bus Stop:** Bennett School District and the Bennett Transportation Department reviewed the application and did not state any concerns about the site's impact on the school bus stop at Sixth Avenue and Imboden Road. ConocoPhillips has committed to work with the school district to minimize traffic during busing hours, as required in the MOU with the County.

Q: I want to make sure that the mitigation features (e.g. landscaping, walls, etc.) that will be required for the Swan well site will also be required for the Tiberius well site to the south of Watkins Farm. Both sites affect the Watkins Farm community negatively and we should make sure to mitigate the effects as much as possible for both sites.

A: The Tiberius application was approved without visual mitigation (no low-profile tanks, berms or privacy fencing) because the pad and equipment are farther away from homes (approximately 1/3-mile), and the surface owner did not require Conoco to provide low-profile tanks or other visual mitigation. The nine tanks at the Tiberius pad will be 24 feet tall and have a 750-barrel capacity. By comparison, Conoco is proposing tanks at the Swan well site to be 17 feet tall with a 500-barrel capacity.

Q: Why can't Conoco place oil and gas facilities in areas that are topographically lower?

A: ConocoPhillips responded to this question, stating that plans call for installing Swan well production equipment at or slightly below the existing grade.

Q: Why can't the access road to the well site be on the west side of the well rather than the east side of the well to reduce impacts of traffic on this access road to nearby neighbors?

A: Conoco evaluated this site layout as an option, but indicated this placement does not work operationally for access to equipment. Conoco also noted that berms will help to screen the view of this area and that a noise mitigation plan will be in place during construction and drilling when higher volumes of truck traffic will occur. Placement of the access road to the east also moves the tanks farther from existing homes.

Q: Why isn't the realignment of Sixth Avenue posted on the Swan application and County open house exhibits to indicate the actual proximity of the well site to future public roads? When the County reviews well sites, does staff coordinate reviews to include both Conoco maps and Prosper maps to understand the impacts?

A: Staff requested, and Conoco provided, an updated exhibit showing the locations of the existing and future alignments of Sixth Avenue and distances between the wellhead and Sixth Avenue, as well as between the wellhead and the northern EAR. This exhibit also shows the distances between the pad to nearby reference points. This document is posted to the *Major Planning Cases* web page, but is subject to change after staff and agency review as part of the ongoing application process.

Q: Is lightning mitigation in place for other oil and gas sites near our neighborhoods? Can the operator choose where the best standards apply?

A: Conoco responded that the company applies the latest technology for grounding for lightning protection to all oil and gas facilities constructed and operated by ConocoPhillips.

Q: While decreasing the number of tanks (on the Swan and Tiberius sites) is a good thing, Conoco increased the size of the tanks planned at Tiberius. How does decreasing the number of tanks reduce the community impact? How are the 750-barrel tanks at Tiberius an improvement?

A: Conoco has not increased the size of the tanks planned on the Swan site; each tank has a capacity of 500 barrels. The capacity of each tank at the Tiberius pad (2017 application) is 750 barrels. While this is an increase in tank size at the Tiberius site (recently approved for an AEUSR), BWFR feels a reduction in the number of tanks at Tiberius results in a reduction in risk, even with the larger tank size.

Decreasing the number of tanks reduces the chance that a tank fire will spread and reduces the volume of fire suppressant that would be required for a tank fire. BWFR expressed a concern with the initial application for the Tiberius well site that proposed 16 tanks. Conoco reduced the number of tanks to nine, each with the volume of 750 barrels, and BWFR subsequently issued a will-serve letter for the site. The County then approved the Tiberius AEUSR.

Q: Form 2A for Tiberius on COGCC's website states it is for five wells. Was this a mistake, or am I reading it wrong?

A: COGCC was informed that there was a mistake on the Form 2A (the State well permit application).

Q: Concerns with benzene as an air pollutant were voiced. Who regulates air quality associated with oil and gas drilling and production?

A: The Air Pollution Control Division of CDPHE is the State agency responsible for air quality relative to the federal Clean Air Act. Citizens can report air quality complaints to the Oil and Gas Team of CDPHE at 303-692-3144 or 303-692-3240.

EMERGENCY EGRESS ROADS

Q: What can be done about neighborhood concerns over increased security risks with the addition of new routes into the neighborhood? Will other people be able to access our neighborhood by the emergency roads?

A: The northern emergency access road (EAR – an alternate to primary roads in the event of a neighborhood evacuation or need for alternate access by emergency response vehicles) will have gates that are locked, except in an emergency. The gates can only be unlocked by emergency services personnel (for emergency vehicle access or for a managed evacuation) or by ConocoPhillips (for maintenance of the road) or Prosper Farms representatives (as necessary for access as the property owner).

For this reason, the road should not present an additional means of access to neighborhoods (except by emergency responders) or an additional security risk. These routes will also be accessible during any kind of area emergency where the Sheriff's Office or Fire District is a responder and will not be

limited to oil and gas related emergencies. Emergency services providers make the determination on when and how emergency evacuation is initiated and managed. Keeping the road gated prevents the road from being damaged over time so that it remains in good shape for emergency needs and prevents trespass on private property, as well as allowing emergency responders to manage any evacuation event.

The southern route is an existing access road to another well site that will also provide emergency egress during any incident at the Swan well that necessitates an alternate means of either evacuation for homes to the south of the Swan well site or emergency response vehicle access. This road is also gated and locked. BWFR and ACSO will have access to the locked gate at this location, as well.

Q: Why didn't anyone consult with the Thunder Ranch neighborhood on the northern emergency egress road? Request assurance in writing that the northern egress road will not be expanded in the future for use as a public road and that the road will be used only as an emergency road and not as a connector between neighborhoods. Will the road be removed if the well is capped?

A: Roads internal to the Thunder Ranch neighborhood are public right-of-way. The EAR is on private property. Conoco will maintain the road to Fire District and any applicable County Engineering-approved standards and in accordance with permits issued by the County. The easement agreement between Prosper Farms and ConocoPhillips sets out the purpose of the roadway.

The Fire District will not allow unauthorized use of the EAR to occur due to concerns about road damage from excessive use; the road must remain in good condition for any impending emergency. Unauthorized access would also be a trespass issue. The private entities providing the easement for the road and paying for the construction and maintenance of the road also do not want unauthorized use to occur, as that would increase time, materials and costs for maintaining the road.

Conoco has indicated it will remove the road when it permanently plugs all wells on the site, and County staff anticipates requiring removal as a condition of approval for the well site if the County approves the AEUSR.

If the private property were to be subdivided in the future, with plans to dedicate the right-of-way for general public road use (rather than emergency-only use related to the well site), a public hearing would be necessary prior to any such approval under the County's subdivision regulations.

Q: Watkins Farm HOA and community members had been asking for the emergency egress road plans for months when we finally got the plans on March 28, 2018, although the date on the plans is February 2018. Why did it take so long for the HOA to receive the plans?

A: Planning Division staff did not receive the emergency egress road plans until shortly before the Open House. It is common for applicants and their consultants to date a document as it is being prepared, which may be weeks or even months before an applicant submits the plans to the County.

Q: Conoco must maintain the road providing emergency egress for residents to the south of Sixth Avenue for use at all times. It appears to be just a dirt road on private property. Can it support the fire vehicle weight in the event of an emergency response?

A: The road was constructed to comply with the Arapahoe County MOU for access roads to an oil and gas facility, as Conoco previously constructed this road for the purpose of providing operator access to an oil and gas facility to the south. The standards for facility access roads, which are also used for

any emergency response to the related oil and gas facility, were developed with input of fire districts with jurisdiction in unincorporated Arapahoe County. Operators must continually maintain these access roads to acceptable standards for emergency vehicles. As such, this road, which will also provide an evacuation route to the south if the County approves the Swan well site, was designed and installed to support the size and weight of any emergency vehicle.

The circumstances of the northern road are different from this southern route; the County does not have a separate standard for an emergency-only access road, so the BWFR set the standard for the northern EAR in accordance with requirements from the adopted version of the 2012 International Fire Code.

Q: It appears that the northern emergency road is about equidistant to the well as Sixth Avenue is. What is the distance from the proposed well site to the emergency road?

A: The emergency road is within an easement along the quarter-section line. The project engineering firm for Conoco provided an updated exhibit on June 8, 2018, showing distances from the proposed location of the wellhead and from the proposed location of the pad to various reference points. These reference points include the current Sixth Avenue alignment, points along the proposed Sixth Avenue realignment, the future Eclipse Way, Imboden Road, and the centerline of the proposed northern EAR. The distance shown from the wellhead to the centerline of the EAR is 1,504.4 feet, and the distance from the edge of pad to centerline of the EAR is 1,353 feet. The distance from the wellhead to the centerline of the future alignment of Sixth Avenue is 961 feet. This document is posted to the *Major Planning Cases* web page, but is subject to change after staff and agency review as part of the ongoing application process.

Q: What is the chance that both emergency egress roads would be impassible in an emergency? Will emergency responders review the northern emergency egress road?

A: Public Works and Development staff, the Office of Emergency Management and the Fire District have determined that the emergency road network will meet reasonable requirements for emergency response access and for neighborhood evacuation based on the requirements that the northern EAR is designed, constructed and maintained to identified standards. Emergency responders accepted the locations of the roads, and the road construction standards are subject to approval by County Engineering Services and the Fire District.

The road design must meet criteria for all-weather access by emergency vehicles, as well as for evacuation, and Conoco must maintain the road in such condition for the life of any wells approved, now or in the future, at the proposed Swan well site. These reviewers have indicated there is a very low probability that either EAR or Sixth Avenue will be impassible.

Q: Regarding the northern emergency egress road: When will road construction begin? When construction of the EAR be complete?

A: Conoco will finalize timing of construction of the northern EAR after the County completes an approval document and identifies required conditions of approval. The road will be completed prior to any installation of equipment or drilling activity on the site (construction of the EAR is likely to occur in conjunction with construction of the access road to the pad site, as the same resources will be needed to construct both roads). The County and partner agencies will finalize any conditions of approval at the time of a determination on the AEUSR application. Conoco has scheduled Swan pad

construction to start in early August of 2019 and has scheduled drilling to start at the end of October 2019.

Q: In an emergency occurs on the Swan well pad, Watkins Farm residents would all drive toward the emergency on the northern emergency egress road. Is that a safe route?

A: BWFR has stated that the use of the road does not require residents to drive directly toward the emergency. While drivers would eventually travel west from Watkins Farm, they would be sufficiently north or south at a safe distance from the Swan pad and would not be travelling toward the well pad. In the event of a community evacuation of any type, emergency responders will escort and/or direct evacuees safely. This effort will be coordinated with incident command to ensure that any operational activities occurring at the incident site do not negatively affect the safety of evacuees.

Q: Strong winds are common in the area. Won't winds during a fire impact residents trying escape by way of a road so near the Swan site?

A: Conoco noted to staff that its operations team took windy conditions in the eastern part of the County into account with emergency planning, design of the facility, and the decision to provide the planned additional emergency egress route.

Q: Has Conoco or the County notified adjacent property owners of the road's planned location?

A: The County and Conoco notified adjacent property owners of the road plans at the Open House, and County staff emailed a map of the road location to all who requested a copy of the map in addition to providing the map to the HOAs of both Watkins Farm and Thunder Ranch neighborhoods.

Q: Why didn't the Army Corps of Engineers assess plans for the northern egress road that goes through a floodplain? How can Conoco maintain the EAR during a flood when the floodplain crosses the alignment of the proposed roadway?

A: County engineering requires culverts designed to convey floodwater to the 100-year storm event unless an engineering variance is otherwise determined to be appropriate. Engineering Services denied a request for variances to this requirement, and Conoco's consultant has not yet submitted an updated plan to the County addressing floodwater conveyance. BWFR has stated Conoco must design the emergency access road to convey the 100-year storm to ensure that there is no water flow across (flood water overtopping) the emergency access road during the 100-year storm event.

An appropriate review agency will be determined at the time Conoco's consultant submits an updated design of the EAR to the County. If the design alters the existing regulatory floodplain, FEMA is the regulatory review agency rather than the Corps of Engineers at this phase of review. FEMA will review the plans for the northern egress road for a possible Conditional Letter of Map Revision (CLOMR) for the affected FEMA-designated floodplains. A condition of approval for the northern EAR will be that construction cannot begin until FEMA approves the plans to allow the County to issue a GESC permit. A CLOMR process can take quite some time to be completed.

If the design does not impact the existing regulatory floodplain, the County will refer the project directly to the U.S. Army Corps of Engineers for a 404 Permit determination and to UDFCD for culvert design.

Q: Who is paying for and maintaining the emergency egress roads? Are taxes paid by County residents being spent on the road? How will the road be maintained if the gate is locked? How will Conoco get a snowplow to the site during a heavy snowstorm? Will the County ensure that neighborhood streets are plowed to ensure that people can get through the neighborhood to reach the EAR?

A: Conoco is paying to construct the northern EAR and maintain it during all weather conditions under an easement agreement with Prosper Farms, the owner of the land provided for the northern emergency egress route. Taxes paid by County residents are not going toward the road. Conoco has already built the southern egress route. Conoco will have keys to the gates for road maintenance. Conoco will need to provide an operations manual for this road to the County; this manual will need to address plans for snowplowing.

The County has a prioritization process for snowplowing public roads, with neighborhood streets generally being the lowest priority. Although the Road & Bridge Division of Public Works and Development can evaluate any changes to snowplowing needs for the 2018-2019 winter season or the 2019-2020 winter season, depending on the timing for drilling to begin on the Swan Well site, the operational manual will identify how Conoco intends to ensure access. Drilling is likely the first activity that could potentially influence any short-term or long-term operational needs.

Q: Why aren't public safety agencies requiring Conoco to pave the EAR? Will a gravel road handle a fire truck?

A: The Fire District and the County Engineering Services Division determined that a gravel road designed and built to support fire trucks and any other vehicles intended to use this road during an emergency meets public safety needs. These types of roads are rarely paved, and paving complicates the removal process when a well site is closed.

Q: Should Conoco provide an additional northern emergency egress road to the northeast from Watkins Farm, across Box Elder Creek to Quail Run/I-70?

A: Although additional public roadway access is on the County's long-range Transportation Master Plan for this area, that work is not budgeted and will likely not meet the criteria for budgeting within the upcoming ten-year period. Quail Run is also a private road and would require landowner approval for access by others, as well as a source of funds for building, maintaining, and eventually removing the road. Emergency services partners evaluated the planned EAR network and determined that it will be effective for meeting needs and they cannot support requiring this level of additional roadway access.

Q: Can Conoco provide additional access to the south, via Sixth Avenue or through private property to Alameda, for neighbors to reach the southern EAR in the event that the northern EAR is blocked or impassible?

A: Emergency response providers relied on experience and expertise with emergency access roads in determining that the northern EAR and the existing access road that will also be used for emergency egress to the south are at very low risk for being blocked or impassible and that requiring this level of additional roadway access to the south cannot be supported. Providing an additional route would result in additional private property impacts as well as design and maintenance costs and additional stress on resources for evacuation management during an emergency event.

FIRE AND OEM: WILL-SERVE, EMERGENCY RESPONSE AND PREPAREDNESS

Q: Does Conoco retain a private company for fighting fires on the well pad in addition to fire services provided by any local fire district?

A: During drilling and completions activities, ConocoPhillips does have a contract with a third party to provide well intervention services including well control and firefighting. Once Conoco places the well into production operations, ConocoPhillips may, in the unlikely event of a fire, remotely shut in the well to reduce the fuel source. As outlined on Page 18 of ConocoPhillips' Emergency Response Plan (posted to *Major Planning Cases* web page), Conoco allows only authorized personnel and fully equipped fire brigades to attack and suppress interior structural fires. ConocoPhillips has been working with, and continues to work with, BWFR and has secured a will-serve letter from the fire district for this project. Conoco has never needed to use the services of a well control company in its Niobrara asset due to the formation characteristics and their operating procedures.

Q: What is the response time for the fire district to respond to a fire at any wellsite in the Watkins area? Is Bennett-Watkins Fire and Rescue (BWFR) adequately staffed to serve the Swan well site? Did the passage of the recent mill levy increase the number of fire fighters, and did that change BWFR's opinion on a commitment to emergency services for the site (will-serve letter rescinded for earlier Swan well application and later granted for the application currently under consideration)?

A: BWFR currently staffs Station 92 located at 35900 E. Highway 36 in Watkins, CO, 24 hours a day/seven days a week, with career and reserve firefighters. Response from this station, which is the primary station for the area in question, to the Watkins Farms neighborhood is **approximately 6 minutes**.

Additional BWFR units respond from Bennett and other station locations within the jurisdiction. In addition, BWFR and surrounding fire districts have an automatic aid agreement that initiates the response of fire apparatus, known as tenders, which bring water to the emergency incident location. This is a similar method used to fight any other fire-related incident in areas not equipped with fire hydrants.

The recent mill levy changed staff and service levels to the community. BWFR recently hired six additional personnel. BWFR did not hire additional staff specifically in response to the Swan well application, but hired additional personnel to fulfill the many responsibilities of the fire district within the communities it serves. BWFR issued the Swan will-serve letter prior to hiring the additional firefighters. BWFR has adequate staff resources to provide the services covered by the will-serve letter. BWFR will consider any future changes to the well site for commitment to provide emergency services on a case-by-case basis.

Q: Does BWFR enforce the International Fire Code or other standards for fire protection agencies?

A: BWFR meets components of the National Fire Protection Association standard NFPA 1720. NFPA 1720 is the standard for the organization and deployment of fire suppression operations, emergency medical operations and special operations to the public by volunteer fire departments or departments that are staffed with a combination of career firefighters and volunteer firefighters (BWFR is staffed with both career and volunteer firefighters and is therefore considered a combination). BWFR has also adopted the 2012 edition of the International Fire Code, a model fire code used within much of

the metro area and much of which is applicable to buildings; BWFR applies the code to oil and gas facilities to the extent applicable by law.

Q: BWFR issued the will-serve letter for Swan because of the reduced number of tanks rather than the reduced number of wells. Can the fire department safely protect our community if there are eight wells on the Swan site as originally proposed?

A: The 2018 Swan application does have a reduced number of wells in comparison to the 2016 application, which Conoco withdrew. Conoco is proposing to drill only one well with this application; however, the number of wells is not what really impacts safety. The number of storage tanks was the issue of concern for a will-serve letter with the earlier application.

It is important to note that the fire district, in its decision to issue a will-serve letter for the current Swan well application, considered the additional egress roads and the resources available for firefighting, such as foam fire suppressant and the ability of Conoco to shut in the wells remotely in the event of a wellhead fire.

When Conoco applies for additional wells and tanks, BWFR and OEM will evaluate that application. BWFR will make a determination based on any new application for additional wells as to whether the district can issue a will-serve letter to expand the Swan well site. BWFR and the County review each submittal through the same process and enforce all applicable rules and standards to provide for safety of workers at the oil and gas facility and safety of citizens living nearby.

Q: Has BWFR identified a maximum number of wells and tanks for which the fire district will grant a will-serve letter for the Swan site?

A: No, the fire district evaluates each site application on a case-by-case basis to ensure code compliance and that it can safely provide service. Other than the previous application that Conoco withdrew after BWFR rescinded a will-serve letter, BWFR has not analyzed any specific number of wells and tanks other than as submitted with the current application.

Q: Will water be stored on site? Would trucking water in for firefighting increase the response time?

A: Water will not be stored on site at any of the Conoco well sites. This is not a common requirement at any other well site in Arapahoe County or in BWFR's response area. There are no specific legal requirements applicable to this type of development that requires an on-site water supply. This does not affect BWFR's response time to fight a fire at this location.

Q: Does the Swan site warrant a second water carrier? Is this a local business operated 24/7? Has there been a timed study along its route?

A: A site of the size proposed for the Swan well application can be served through the water the fire district can shuttle/truck to the scene. Other water supplies are therefore not required; however, the applicant has secured a contract with a private water provider as an additional resource and with a water hauler to shuttle additional water to the site if needed. These businesses operate 24 hours a day, 7 days a week. Emergency responders did not require a timed study for delivering these additional resources based on resources available through BWFR.

Conoco has agreed to maintain contracts with commercial water providers to truck water to fire incidents in the event that a fire requires additional resources. The additional time for these commercial assets to respond will not delay the initial response of BWFR, surrounding fire departments, or the Arapahoe County Sheriff's Office (ACSO).

Additionally, development planned for the area may help to develop water resources and infrastructure.

Q: How likely is an explosion at the Swan pad?

A: Conoco has supplied a detailed response on its multiple procedures in place to prevent explosions (posted to *Major Planning Cases* web page). It is important to note that the Niobrara formation in Arapahoe County is not over-pressured. That characteristic greatly reduces any chance of a blowout. County staff would also note that the home explosion incident in Firestone was due to an unmapped, active flowline that construction workers severed during home construction. The severed line caused gas to build up in the soil adjacent to the home over a period of years. COGCC promulgated new flowline regulations to eliminate this type of incident.

Q: Does the fire department have enough foam for a fire at the Swan site? Did Conoco supply this recently in order to push its agenda?

A: Yes, BWFR has enough foam for a fire at the Swan site. Conoco provided a smaller portion of the funding to BWFR than paid by the district, and this was not recently.

Q: What kind of foam will the fire department use? Is the foam the same kind that the State of Washington banned because it contains carcinogens that seep into the soil and water?

A: A nationally reputable company manufactures the foam BWFR procured. To date, BWFR has not received warnings of any unusual risks or environmental impacts with this type of foam. Some areas of the country that have had issues related to contamination from use of chemical fire suppressants have shallow groundwater that connects to surface water supplies. By comparison, private wells in this part of Arapahoe County are sufficiently deep that the State has not identified cross-contamination between surface areas, shallow groundwater, and domestic wells as a concern. As with any other problem resulting in soil contamination, environmental regulatory authorities would require appropriate containment and remediation if any soil or groundwater contamination occurred on the well pad.

Q: Does the County verify that Conoco has an emergency plan in place?

A: ConocoPhillips submitted a copy of its Niobrara Tier 1 Emergency Response Plan to the County. This addresses industry-specific emergency planning. (Posted to *Major Planning Cases* web page)

Q: What type of fire drill do emergency responders recommend to practice out here? Why have we not seen an emergency evacuation plan? Why did OEM provide information at the open house about individual emergency response kits? Why should this be our responsibility?

A: The Office of Emergency Management will coordinate with the Sheriff's Office and Bennett-Watkins Fire Rescue in the development of an all-hazards pre-plan that includes evacuation along with preparedness. OEM will build the plan using Geographic Information System (GIS) and survey

data of roads and well site pads as that information becomes available with construction of the northern EAR.

An essential element of community safety, regardless of the location of oil and gas wells, is individual preparedness. The Office of Emergency Management has previously supplied materials in support of the “make a plan, build a kit” philosophy. You can learn more at www.ready.gov. A plan and supply kits can be useful for sheltering in place and for evacuation to shelter in another location in the event of a wildland grass fire, tornado or other event.

OEM does not promote personal preparedness to replace emergency response, but to reinforce it. Preparing personal emergency kits can help citizens prepare for some period of time away from their homes when they may need a few days’ supply of essential medications, important personal records such as telephone numbers, and a plan for how to communicate with family members who may not be at home at the time of evacuation. Preparedness can also help citizens get through time in their homes when electrical power, usual drinking water supplies or other necessities may not be available. Having bottled water and non-perishable food on hand can help to get through a day or a few days until roads are passable, stores are open, and water systems are back on line.

ADDITIONAL HEALTH AND SAFETY QUESTIONS

Q. How is the County protecting the safety of the neighborhood?

A: The County is protecting the safety of the neighborhood through the review process and evaluation of all information submitted as part of the application and through conditions of approval necessary to mitigate site-specific health, safety, welfare or environmental impacts associated with, or anticipated as a result of, the proposed energy facility. The County must work, however, within the rules of the State of Colorado for oil and gas development to ensure neighborhood safety. The Planning Division of PWD (point of application and case management) includes public safety partners in the review of oil and gas well site applications.

These experts in public safety (Arapahoe County Sheriff’s Office, Office of Emergency Management, Tri-County Health Department, Colorado Department of Public Health and Environment, and the fire district with jurisdiction) have input to the application review. The fire district for a particular site determines whether the district can provide service to an oil and gas facility based on information in the application. A well site is approved by the County only if impacts can be adequately mitigated through the energy facility plan and related conditions of approval and only if a fire district issues a will-serve letter based on the specific application. The applicant may update the application in response to comments from review agencies in order to obtain a will-serve letter.

In the case of the Swan well application that is currently pending, Conoco decreased the number of wells originally proposed in 2016, decreased the number of tanks planned for the site, and negotiated with a private property owner to obtain an easement for the purpose of access and egress in the event of an emergency. BWFR rescinded a will-serve letter for the 2016 application that Conoco subsequently withdrew. BWFR has now issued a will-serve letter based on these revisions to the application and subject to completion, inspection and acceptance of the EAR. The County and the fire district will ensure that the emergency road will meet necessary standards for the intended purpose prior to allowing drilling to occur on site.

If the County approves the Swan application, the Office of Emergency Management will lead the process to develop and communicate to residents an emergency response plan for the area as specific data becomes available to help with plan development (Conoco anticipates drilling later in 2019). BWFR will participate in this process.

In addition, Bennett School District and the Bennett Transportation Department reviewed the application and did not identify any concerns about the site's impact on the school bus stop at Sixth Avenue and Imboden Road. ConocoPhillips has committed to work with the school district to minimize traffic during busing hours, as required in the MOU with the County.

Q: The increased risk to the health, welfare and safety of the citizens to Watkins Farms seems unnecessary. Is there anything else that Conoco, the County, local emergency providers or the State should do to reduce risk?

A: BWFR, OEM and County staff believe that the mitigation measures proposed by Conoco and those recommended or required by the County and BWFR as conditions of approval will mitigate potential impacts of the proposed land use to the extent that can local governments can accomplish under State regulations. Opportunity for local government regulation is limited for oil and gas facility applications; however, local agencies are working to put agreements into place with operators and to provide for adequate mitigation within the confines of the COGCC regulatory process.

The County also participates in the COGCC Local Government Designee (LGD) process. This allows the County to obtain information from COGCC on oil and gas activities within the unincorporated areas of the county and to provide comments and input to the COGCC process for individual well permitting and for changes to rules and regulations at the State level. The County's Energy Specialist works to communicate, through the County's web site, information on State issues and applications and to resolve citizen concerns whenever possible.

OTHER GENERAL QUESTIONS AND INFORMATION REQUESTS

Q: Why was Prosper Farms not present for the community open house?

A: Prosper Farms was invited, but elected to not participate and noted that other open houses had been conducted by Prosper Farms in conjunction with the development proposals for the Prosper planned community.

Q: Comment that Jewell Avenue west of Watkins is in poor condition.

A: Planning Division staff shared this comment with the County's Road & Bridge Division for follow-up. Road & Bridge staff noted that service requests come in on this section of road periodically and that the service coordinator assigns the work to the grading crew for repairs. Citizens may also file Service Requests on the Public Works and Development Department's **Road and Bridge** web page (click on **Service Request Form** under **Request Maintenance**):
<https://www.arapahogov.com/626/Road-and-Bridge>.

Other Responses Already Accomplished:

- Sent map of planned emergency egress roads presented during the Open House to a citizen.
- Provided COGCC hearing schedule to a citizen.
- Put a citizen in touch with Tri-County Health Department over concerns that area oil and gas drilling activity may have negatively affected his well.

- Provided the number of State oil and gas facility inspectors to a citizen (24 including supervisors).
- Plotted drilling units south of Sixth Avenue for neighbors living south of Sixth Avenue at their request.
- Provided responses on some generalities for oil and gas facilities, such as combustor height (30 feet), vapor recovery tower height (31.5 feet), flare height (20 feet), pumping unit height (33 feet).
- Responded to citizen inquiry as to why the County conducted the community meeting in an open house format rather than a presentation/comment/Q&A format. Reasons for this included improved accessibility for citizens to exhibits, ability to focus on areas of personal interest and have a discussion with individuals from various agencies, and ability to spend only as much time as an individual wanted to be there rather than sitting through a lengthy meeting.
- Responded to a number of individual email questions and comments, some of which staff has incorporated into this document. Although staff has made an effort to make this response document as comprehensive as possible, some questions and comments may not be reflected due to volume of comments received or if citizens submitted comments after May 31.

Attachments referenced in the response document are posted to the **Major Planning Cases** web page:

- ConocoPhillips letter dated March 28, 2018, re: alternative site analysis, reference page 13
- Bennett-Watkins Fire Rescue letter to CDPHE, dated May 14, 2018, reference page 13
- Colorado Department of Public Health and Environment letter to COGCC Director Julie Murphy, dated May 18, 2018, reference page 13
- Noise Impact Assessment Report submitted by COP, reference page 13
- CVL (for Conoco) updated exhibit showing distances to roads, sent by email June 8, 2018, reference pages 14, 17
- ConocoPhillips Niobrara Emergency Response Plan, reference pages 20, 22
- ConocoPhillips response on risk of well explosions, received by email on June 12, 2018, reference page 22

Thank you again for your participation. *There have been concerns voiced that the comment period is not a sincere effort on the County's part. As the Planning Division Manager, I can speak from my 30 years in the Planning profession that public comment is useful to a planning and regulatory agency in many ways. I hope that these responses will let you know that we have heard your concerns and taken your input into account, to the best of our abilities, in order to meet our professional responsibilities as a regulatory agency and as a planning agency working for the good of Arapahoe County citizens and industry. A number of individuals in various County departments, review agencies, and at ConocoPhillips have worked to provide updated information as part of this Arapahoe County Public Works and Development response document.*

I have no doubt that the answers will not entirely resolve concerns. I would encourage continued participation, not only in County public processes but also in reaching out to your representatives in State government to continue to review and revise regulations for responsible oil and gas development while protecting the interests of residents who live in areas near oil and gas facilities. Reaching out to the State may include commenting on COGCC permit applications, participating in COGCC rule-making public comment opportunities, and communicating with your State legislators. Participation in community meetings held by oil and gas operators can provide an opportunity for receiving information and for making industry representatives aware of your concerns in an effort to reach compromise.

– Jan Yeckes, Planning Division Manager, Public Works and Development