

LARIMER COUNTY | ENGINEERING

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The role of the Advisory Board is to advise the Board of County Commissioners and appropriate departments on environmental and science-related issues that affect Larimer County.

MINUTES

Date: June 28, 2021

Time: 6:00 – 7:00 p.m.

Location: Virtual by Zoom

Contact: Shelley Bayard de Volo, sbayard@larimer.org or 970.498.5738

Traci Shambo, tshambo@larimer.org or 970.498.5701

MEMBERS		STAFF		GUESTS
Rodger Ames	X	John Kefalas*		
Daniel Beveridge		Shelley Bayard de Volo [¥]		
John Bleem	X	Steven Decatur [§]		
Jim Gerek - <i>Chair</i>	X	Traci Shambo	X	
David Lehman – <i>Vice-Chair</i>	X			
Allyson Little	X			
Kirk Longstein				
George Rinker	X			
Travis Rounsaville	X			
Catriona Smith	X			
Katrina Winborn-Miller	X			
Chris Wood				

X = present; * = Commissioner Liaison; † = Speaker; ¥ = ESAB Liaison; § = Larimer County Office of Emergency Management (OEM)

Call to Order: 6:00 p.m.

1. **Amendments or additions to the agenda** – None.
2. **Introduction of members, staff, and guests**
3. **Public Comment** –
 - No public comment was received on the specific topic for the evening.
 - Jim stated he received comments on by-law issues but will save those for a future meeting where that topic is applicable.
4. **Discussion Items**
 - ESAB Comments on Larimer County Oil and Gas Regulations –





Jim noted that the members present constituted the required 2/3 of the board necessary for a legal Special Meeting. He explained that the ESAB's last meeting in June included an extensive presentation from the subcommittee working on the County's oil & gas regulation review. In the last meeting, Katrina led the group through the issues and topics. At that time, complete comments were not available. Since then, the subcommittee has put together comments for review along with a cover letter with several general recommendations. These documents were provided to ESAB members 2 weeks ago in hopes of everyone being able to have a chance to look at them prior to this meeting. He then asked if the subcommittee wanted to walk thru comments for the group.

Cat suggested that the group walk through the spreadsheet first and then the memo last. She said that the spreadsheet is based on June 4th version of the draft regs. She commented that the new, revised version of the code section had extensive changes that the subcommittee all agreed were in a positive light and that they were easier to follow.

Cat and Katrina started the discussion by working together to share the comments and ideas behind the comments by going line by line through the spreadsheet. Ally suggested to the group that line by line may not be needed since everyone had looked at it. The ESAB agreed and decided, as a group, to start taking comments from the group on the comments in the spreadsheet.

Travis said that although he had not read the code document entirely itself, the comments in the spread sheet seemed thorough. Ally commented that the Air Quality section looked good and noted that the subcommittee put a lot of work into that section. Travis thought recommendations were positive and that he felt like the "substantial modification clause" was an important change to clarify.

Kat noted that a previous big suggestion that ESAB had was regarding that the Code-required canister monitoring for certain pollutants because she had learned that there may not be a known method for this analysis. She noted that with the latest June 4th revision, this item was removed and so that took care of that issue.

Other key items discussed included the mention of "cumulative analysis" being required for a site. This term can be interpreted to mean a highly specific analysis which may include a very high level of monitoring with meteorologists & other very technical reviews. Katrina suggested that the ESAB comment made was to make sure they think about "what does this mean?" and "what do they want done?" when this statement is made a requirement in the code. She questioned if the County really wants and means for a large, technical, time intensive study like this or if the County is intending on something else.

Travis questioned if it said cumulative "analysis" versus cumulative "impacts" and is wondering if the code is intending to use it as more of a laymen's term and not meant to be used as a technical environmental term. He stated that he thought this could also cause confusion for the users of the Code and so the County may want to put thought into this term and what will be required for this analysis.

Cat noted her top items were:

- 1) The Code will cause the County time and resources to look at all these docs;



2) Financial assurance requirements state that they require \$90K per well. She wondered if this is this enough and thought the Code should clarify if this amount covers and is intended for all size wells. She questioned if it includes site restoration and structures? She thought it should be looked at since the County would not want to be stuck with all those extra costs.

Ally discussed the Odor section – section 11.3.5.b.2. She liked that timing of notifying people was added since she thought it is very important to help operators know how to meet the requirements. She noted that timing was clarified and added throughout the document.

Travis followed up and noted that there are a lot of comments getting at specific timelines, which he likes to help operators understand & meet the deadlines.

Jim noted that one member of the subcommittee (Chris) could not be at tonight's meeting, but that person had commented by email that he was comfortable with the material being discussed tonight and he wanted to leave his proxy in favor of the spreadsheet and cover letter as they are.

Jim noted that the County staff asked for comments by today (June 28) and so the ESAB plans to get its approved comments to the County by tomorrow. Jim said he will address the comments and memo to the BoCC and copy Matt Lafferty, County Planning Staff. County Staff will then work with their team and consider comments from everyone, including ESAB. After compiling comments, County staff will issue a final draft that will go to the County Planning Commission and then to the Board of County Commissioners.

Traci shared the process timeline from the County Planning website for the oil and gas regulations. Timeline on the County website states that the County wants the next DRAFT final version ready by July 2nd of this week. Jim suggested that the ESAB should try to review the final public hearing draft by their next meeting. If need be, the ESAB could still prepare testimony to go to the public hearings if they have any comments, they feel strongly about that did not get addressed.

Jim asked the group again if they have any further questions, comments, or concerns on the spreadsheet and offered kudos to the subcommittee who spent so much time on this effort. Jim then switched to discussion on the memo since he heard no further comments on the spreadsheet.

Jim noted to the group that he added a few brief clarifying comments to the draft yesterday and then shared his screen to show the changes. The DRAFT shown was dated June 28. He noted that he was accepting comments from others while he shared the screen and walked through the memo sections including "important positive changes" and "issues for further consideration".

Cat said she likes the edits that Jim made and said his changes made it read much better. John made a small comment to clarify that it might be better to change the first part of the memo to say, "more clearly describe". Several members agreed so this edit was made to emphasize that there are some items in the Code language that can be further clarified.



Roger asked a clarification question on the second bullet that mentioned an issue with potential requirements for separate submissions. He asked for examples of when this may happen. Cat said that it would likely be related to air quality studies where the County may have more stringent requirements than State air quality standards. Other examples mentioned include fugitive emission plans, well leak detection plans, or odor mitigation plans. Katrina pointed out that in her review she found that most sections of the Code require that operators prepare a separate plan for each specific section of the Code. Cat pointed out that if the County is in excess of the State requirements, it is likely that the operator could submit the same document they submit to the County to the State as well. Katrina made the comment that the operator will likely try to combine requirements and reports to meet multiple needs. She noted that she would be interested in seeing what type of plans operators submit and what details these documents include and entail as the program progresses 1-2 years down the road.

Finally, Cat noted in the memo that “OGF” needs to be spelled out in the location in the memo where it is used first. She noted the same for “BCC”. Jim made the suggested edits.

Jim Gerek asked for a motion for the ESAB to adopt the comments discussed, including the spreadsheet and cover letter dated June 28, 2021, for proposed Larimer County Oil & Gas regulations, and to submit them forthwith. Cat moved and Ally seconded the motion. It was approved by acclamation by all present.

5. **Adjourn** – The meeting was adjourned at 6:46 PM.
6. **Next meeting** - July 13th, which is the regular meeting on standard day