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**City of Aurora**

Planning Department  
15151 E Alameda Parkway  
Aurora, Colorado 80012  
Phone: 303-739-7250  
Fax: 303-739-7268  
www.auroragov.org



July 10, 2014

Maxwell Blair  
Conoco Phillips Company  
34501 E. Quincy Avenue, Bldg #1  
Watkins, CO 80137

**Re: Initial Submission Review – Eastern Hills 4-65 17-18 1H Oil and Gas Well Permit**  
Application Number: **DA-1959-00**  
Case Number: **2014-6025-00**

Dear Mr. Blair:

Thank you for your initial submission, which we started to process on Monday, June 19, 2014. We reviewed it and attached our comments along with this cover letter. The first section of our review highlights our major comments. The following sections and the redlined site plan and associated documents contain more specific comments, including those received from other city departments and community members. Based on the resubmittal, staff will determine the remainder of the process of approval for the project.

Note that all our comments are numbered. When you resubmit, include a cover letter specifically responding to each item marked with an asterisk. The Planning Department reserves the right to reject any resubmissions that fail to address these items. If you have made any other changes to your documents other than those requested, be sure to also specifically list them in your letter.

As always, if you have any comments or concerns, please give me a call. I may be reached at 303-739-7186.

Sincerely,

A handwritten signature in blue ink that reads "Stephen Rodriguez".

Stephen Rodriguez, Senior Planner  
City of Aurora Planning Department

cc: Jim Sayre, Planning Department  
Melinda Lundquist, CVL Consultants of Colorado Inc., 10333 E. Dry Creek Road Ste #240, Englewood, CO 80112  
Marsha Osborn, Neighborhood Liaison  
Mark Geyer, ODA  
Filed: K:\\$DA\1959-00rev1.rtf



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## *Initial Submission Review*

### **SUMMARY OF KEY COMMENTS FROM ALL DEPARTMENTS**

- Staff recommends that the applicant conduct a neighborhood meeting with interested parties to address impacts from the proposal and concerns expressed by neighbors.
- Please provide a detailed map showing the linear footage from the nearest piece of *equipment* on site to the nearest platted lot in Adonea Subdivision.
- Staff requests a meeting with Conoco Phillips to discuss noise mitigation for the site. Please provide a noise study to verify compliance with city and state requirements.
- Please provide a *context* map for the proposal.
- A finalized Road Maintenance Agreement is required for the project.
- Staff recommends designating specific haul route hours for truck traffic, and providing an earthen berm around the perimeter of the site to mitigate visibility concerns.
- Staff supports the waiver requests for the Vapor Recovery Tower (VRT) height, fence type, access and road width reduction, and landscaping requiring irrigation.
- Upon completion by CDPHE, provide staff the results of the water quality testing.
- Please address the concerns of Tri-County Health Department for the project.

### **PLANNING DEPARTMENT COMMENTS**

#### **1. Community Questions Comments and Concerns**

1A. Comments were received from property owners within a half- mile of the property or surrounding neighbors. The comments express concerns and express opposition to the project. Also, staff has received a number of calls asking about the City's regulations regarding noise, haul routes/road repair, water, and other potential impacts from the overall drilling process. See the attached print out for details.

Due to the amount of interest in the proposal from surrounding neighbors, staff recommends that the applicant conduct a neighborhood meeting to address their concerns. The city will assist in coordination with the applicant to schedule and set up the neighborhood meeting. Contact Margee Cannon in Neighborhood Services for assistance, she may be reached at 303-739-7287.

#### **2. Completeness and Clarity of the Application**

\*2A. Please provide a *detailed* map showing the linear footage from the edge of the pad on site to the nearest platted lot in Adonea Subdivision. This is required to verify that the "production site" as defined in city code, is greater than 1,000 feet from the nearest platted residential lot and does not require a Planning Commission hearing.

\*2B. The City requests a discussion with the applicant regarding noise mitigation efforts, to address impacts generated by operations that could negatively affect surrounding neighborhoods. The project should be in compliance with the city and state regulations for noise. Staff will be in contact with Conoco Phillips to discuss this issue and requests a noise study to verify this compliance.

\*2C. Please provide a *context map*, showing the distance to the nearest structures and how the site fits in relation to the adopted Eastern Hills Framework Development Plan (FDP). Please show existing subdivisions in the vicinity, to put the proposal in the proper context.

\*2D. A Road Maintenance Agreement between Conoco Phillips Company and the City of Aurora for potential road impacts to Powhatan Road is required. The agreement must be completed prior to administrative approval of the CSP/Oil and Gas permit. Please verify the status of this agreement.

### **3. Zoning and Land Use Comments**

\*3A. Staff has concerns regarding visibility, and haul route hours and specifically how these can be mitigated to lessen impacts to surrounding neighbors. Consider designating hours for the access route and hours of hauling as Powhaton Road abuts the aforementioned subdivision on the east side.

To mitigate visibility concerns, staff recommends that an earthen berm or hay be installed around the perimeter of the fence and planted with appropriate non-irrigated ground cover material.

\*3B. Please provide an acknowledgement or proof from the surface use owner that they are aware of the development application with the city.

3C. The site complies with city code regarding the setbacks from existing or planned right-of-way in the city and existing development.

### **4. Waivers Requested or Required**

\*4A. The waiver request lists waivers for the Vapor Recovery Tower (VRT) height, fencing type, access road width, and landscaping.

Based on the location of the site, staff will support a waiver for the 31' 6" VRT, and 8-foot barbed wire chain link fencing. Staff will support a waiver to landscaping requiring irrigation.

Life Safety has signed off on the waiver request for the reduction in width of the access road from 23-feet to 16-feet. Therefore, staff supports the waiver request.

### **5. Signage Issues**

\*5A. Signs 3-6 square feet in size with operator information and safety hazard warnings are required to be posted on the site. Please identify on the CSP where the signs will be located.

### **6. Environmental Issues**

\*6A. Baseline Water Quality testing – When the Colorado Department of Public Health and Environment (CDPHE) completes their analysis of water quality testing of wells within a half-mile radius of the proposed facility, provide the results to staff.

## **REFERRAL COMMENTS FROM OTHER DEPARTMENTS AND AGENCIES**

### **7. Building Department**

7A. No comments.

### **8. Civil Engineering**

\*8A. Rick Hunter / 303.739-7307/ [RHunter@auroragov.org](mailto:RHunter@auroragov.org)

1. Provide a draft roadway maintenance agreement for review and final approval. The agreement must be approved prior to approval of the site plan.

2. A license agreement will be required for the culvert and cattle guard within city right-of-way.

### **9. Life Safety**

\*9A. Neil Wiegert / 303.739.7613 [Nwiegert@auroragov.org](mailto:Nwiegert@auroragov.org)

1. Please see the existing comment mark-ups in blue on pages 1 through 3 of the site plan regarding minor notes corrections (E.), access road detail, existing hydrant location and access road *gate* notes.

### **10. Real Property**

\*10A. Darren Akrie / 303.739.7331 [DAKRIE@auroragov.org](mailto:DAKRIE@auroragov.org)

1. No issues at this time. However, if there are easements or a License Agreement required for encroachment into city right-of way, comments may be issued.

### **11. Utilities Department**

11A. No comments.

### **12. Tri-County Health Department (TCHD)**

12A. Please see the attached letter regarding Baseline Water Quality Testing, air quality, drainage, storage tanks, traffic safety and other comments regarding the operation.



July 7, 2014

Stephen Rodriguez  
City of Aurora Planning and Development  
15151 E, Alameda Parkway  
2<sup>nd</sup> Floor  
Aurora, CO 80012

RE: Eastern Hills 17-18 1H – Gas and Oil Permit - CSP  
Case No. DA-1959  
TCHD No. 3200

Dear Mr. Rodriguez:

Tri-County Health Department (TCHD) has reviewed the application for a Contextual Site Plan (CSP) to drill and complete one oil and gas well in the northeast corner of in Section 17, Township 4 South, Range 65 West of the Sixth Principal Meridian, Arapahoe County. Eastern Hills 17-18 1H is located approximately 436 feet west of Powhaton Road. Based on the information provided in the application, TCHD staff has the following comments.

#### **Domestic Wastewater Management**

Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste that protects public health and the environment. The drilling site plan indicates locations of two septic tanks.

TCHD permits the use of septic tanks. No application for an On-Site Wastewater Treatment System (OWTS) permit has been received by TCHD. The applicant must complete an application to install an OWTS (also known as individual sewage disposal system and in some cases vault), receive a permit to construct, schedule an inspection, and receive a use permit.

#### **Baseline Water Quality Testing**

Water quality is unregulated in domestic and irrigation wells in Colorado and monitored in a limited manner for commercial wells. This means water quality testing is typically not required, and the water quality is often unknown. In general, TCHD supports baseline water quality testing to establish the existing water quality relative to the well's permitted use and to identify water quality issues that should be known and addressed by the well's owner. Baseline water quality testing can also provide an understanding of pre-existing conditions should the water quality change in the future. Baseline and subsequent water quality testing data can support a determination of whether water treatment may be needed to protect the health of well water users and the health of the environment.

#### Specific Recommendations for Water Wells within ½ mile:

TCHD believes that any owner of a well within one-half mile of the proposed oil and gas operation should have the opportunity to obtain a baseline water quality test prior to the change in land use. One-half mile is the area of influence established by the Colorado Oil and Gas Conservation Commission's Final Rule 609 Statewide Groundwater Baseline Sampling and Monitoring.

TCHD recommends the following for well permits and water rights holders located within one-half mile of the proposed oil and gas well as they are likely used or will be used for drinking water for humans or animals.

- That the City or applicant notify owners of the wells or groundwater rights owners of the proposed application;
- That the City refer well owners who want to test their wells to TCHD for guidance on recommended testing parameters, procedures for selection of qualified sampling professionals and laboratories, and sharing of data; and
- That the City refer well owners desiring guidance for wellhead protection to TCHD.

### **Water Supply for Use by Workers**

Providing clean and safe water for use by workers for ware washing, food preparation, hand washing, and showering is important. The majority of foodborne illnesses can be traced to improper food handling procedures in home, retail, or office kitchens. Improper transport, storage, cross-connections, and backflow also pose dangers to potable water quality. Two potable water tanks are shown on the Drilling Site Plan. TCHD will need to review information regarding the source of water for workers as well as any proposed potable water system used by workers. If the drinking water is to be hauled, a public water system identification number for the water hauler must be provided to TCHD.

### **Potential Temporary Water Storage**

Non-potable water is used onsite. The storage tank should be marked with a sign indicating the water is non-potable. In addition, these very large water storage tanks have the potential to collapse if not properly constructed with appropriate quality controls. A collapse can result in significant damage to the environment, property, and individuals that may be nearby. TCHD recommends the applicant employ proper quality control techniques when constructing the water storage tank.

### **Preventing Surface Spills**

One of the most common environmental releases associated with oil and gas drilling operations is the inadvertent surface spill of chemicals, produced water, or flowback water. The list of Best Management Practices in Section B of the report included in the application highlights effective strategies for minimizing the risk of spills. Emergency response to spills should be indicated in the Spill Prevention, Control, and Countermeasures Plan that is kept onsite.

### **Above Ground Storage Tanks**

Fuel is stored onsite. All storage tanks must have a secondary containment area, a routine monitoring system to check for leaks, and best management practices implemented in order to prevent the release of contaminants into the soil and water supplies. TCHD does not have a copy of the Spill Prevention, Control and Countermeasures Plan and there may be more information in the plan that may address this concern.

### **Air Quality Permitting**

Air pollutant emissions including flares are regulated by the Colorado Department of Public Health and Environment. Vapor recovery equipment should be used to control the release of vapors into the environment. The use of green completion technology is strongly encouraged at every site. If the site is to use multiple flares and combustors, the oil and gas industry permits should include a regulatory analysis determining the applicability of state and federal air quality permitting requirements and air pollution control regulations for the proposed emissions source(s). More information as well as all forms can be found online at

<http://www.colorado.gov/cs/Satellite?c=Page&childpagename=CDPHE-AP%2FCBONLayout&cid=1251596445624&pagename=CBONWrapper>.

**Stormwater Permit for Construction**

TCHD recognizes that the applicant will submit to the City of Aurora a Grading, Erosion and Sediment Control Plan and best management practices. This will help minimize the environmental impact resulting from any construction and land disturbance on the site. TCHD encourages any reclamation, including site pad minimization, and reseeding activities to occur as early as possible. This prevents erosion, helps control excessive weeds, and can provide some benefit to air quality.

**Traffic Safety**

Oil and gas production and monitoring wells involve significant truck traffic to and from a site during the construction and drilling process. TCHD encourages the City to designate a primary traffic route for all construction traffic and deliveries. If the trucks servicing the site will be traveling on a local school bus route, we encourage the City to work with the applicant to minimize traffic during hours when school buses are in operation.

Please feel free to contact me at (720) 200-1571 or [slynch@tchd.org](mailto:slynch@tchd.org) if you have any questions.

Sincerely,



Sheila Lynch  
Land Use Program Coordinator  
Tri-County Health Department

CC: Warren Brown, Sheila Lynch, Brian Hlavacek, TCHD

Name: WARREN BROWN  
Organization: TRI-COUNTY HEALTH DEPARTMENT - PUBLIC HEALTH ENGINEER  
Address: 6162 S WILLOW DR SUITE 100 GREENWOOD VILLAGE, CO 80111-1628  
Phone: 3032209200  
Email: landuse@tchd.org  
User FileID: 260298  
<http://intraweb:80/DevelopmentPlanReviewAD/MyProjects/ViewFile.aspx?FileID=1zJIG2JT10U=>  
Comment: See referral response letter from Tri-County Health Department.  
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Name: Gretchen Helterhoff  
Organization: 42 N New Castle Ct  
Address: Aurora CO 80018  
Phone:  
Email: ghelterhoff@gmail.com  
Comment: We do not want a fracking site this close to our neighborhood. We chose our home at Adonea because we liked being in the 'outskirt'  
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Name: James Washburn  
Organization: 25970 E Byers Pl  
Address: Aurora Colorado 80018  
Phone:  
Email: jimwraith@gmail.com  
Comment: I absolutely object to this proposal. The 24/7 operations proposed are within sight and sound of my home. Beyond the obvious sensor  
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## Rodriguez, Stephen E

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**From:** Ms. Dogpyrsn [dogpyrsn@yahoo.com]  
**Sent:** Monday, July 07, 2014 1:30 AM  
**To:** Rodriguez, Stephen E  
**Subject:** Project #895198 Eastern Hills 17-18 1H Gas and Oil Well Permit CSP

Mr. Rodriguez:

I understand that you are the Case Manager for the above listed project. I am a resident of the Adonea neighborhood that received notification that a planned oil well/fracking site is being considered very close to our houses. I am generally not opposed to most of these projects, however, I feel that Aurora is trying to push this project through with very little notice and absolutely no public input or public hearings. We received the postcard mailing the Saturday before a holiday week and you, yourself, were not available for a portion of that week. The documents online say that all comments are due by Monday the 7th. Being available for only three days of comment is very underhanded and really not in the public interest. It certainly seems that Aurora is already siding with Conoco Phillips to the detriment of their citizens on this project.

Besides the overall objection I have to such a huge drilling structure with all its inherent noise and light pollution being so close to houses - including mine - I have several specific comments/questions based on the documents submitted on behalf of Conoco Phillips.

1. On NOT ONE page of any of the documents/maps does our neighborhood appear. It's as though it doesn't exist, but in my opinion, it is a deliberate attempt to downplay how very close the site will be to the houses on the south side of the neighborhood. A conservative estimate based on the information provided is 1200 feet. It could be closer. That is OUTRAGEOUS that the City would even consider a drilling/fracking site that close to houses. The Cross Creek neighborhood does appear on one of the maps and they are not close and Foxridge Farm mobile home park even appears on one of the maps, but not Adonea, the neighborhood most affected by the proposal. Why is our neighborhood not on any of the maps to show a true representation of how close it will actually be?
2. In section F of the 86 page document, it even says "This well location is far from the nearest neighborhoods...." How is 1200 feet "far" ??? This same section F also says the well would be located in a "remote location." SERIOUSLY??? In whose book is right up against a neighborhood a remote location???
3. I would like to know the exact distance to both the edge of the proposed site and the exact distance to the proposed well structure from the nearest house at the edge of our neighborhood. Nowhere in the published document does it give any of this information. (Remember, we're not even on the maps they've provided.)
4. I would like to know why they're not going to be using Aurora water for the fracking operation. I remember reading that Aurora was going to sell water to entities for just this purpose to add another income stream to the city. Why is Conoco Phillips not required to use city water?

Lastly, I never thought I would morph into a NIMBY, but I certainly have in this instance. The fact that the proposal is for a 24/7 operation with all the inherent noise/light disturbance and an initial 100 foot drilling tower and then a permanent 31 foot structure that could remain there for 20 years, will pretty much destroy any value myself and my fellow neighbors have invested or had hoped to invest in our homes. We are at the lower end of the spectrum and the City will be taking away our potential chance at improvement if this project is approved.

Thank you for your time.

Regards,  
Kim Foster  
Adonea Resident