From:	Ben Blaugrund
To:	Sanchez, Kimberly
Cc:	Daniel Cohen; Doug Young; Gail Hartman; John Gerstle; Meg Blum; Natalie Feinberg-Lopez; Pat Shanks; Scott Holwick; Case, Dale; Doyle, Ben; Robbins, Jeff; Andrews, Barbara; Webster, James B.
Subject:	Re: comments for Mon Oct 1 PC
Date:	Sunday, September 30, 2012 9:47:18 PM

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Kim Sanchez

KIM SANCHEZ |PLANNING DIVISION MANAGER

boulder county | land use department

2045 13th street | boulder, co 80302

303.441.3930 | ksanchez@bouldercounty.org

From:	Scott E. Holwick
To:	"Ben Blaugrund"; Sanchez, Kimberly
Cc:	Daniel Cohen; Doug Young; Gail Hartman; John Gerstle; Meg Blum; Natalie Feinberg-Lopez; Pat Shanks; Case, Dale; Doyle, Ben; Robbins, Jeff; Andrews, Barbara; Webster, James B.
Subject:	RE: comments for Mon Oct 1 PC
Date:	Monday, October 01, 2012 8:13:41 AM

I agree wholeheartedly with Ben's comments re: aggressively looking beyond the text amendments. I also concur with his text comments. I think that Nancy Hall's comments are, for the most part, spot on as well. In addition to what I noted last Wednesday, please consider the following additional comments:

20-100(A) – Boulder County acknowledges (instead of recognizes)....

20-300(B) – These non-conforming operations shall be allowed to continue provided the post-effective date operation remains consistent with the pre-effective date operation.

20-300(C) – 2nd to last sentence: For these applications, the County encourages the applicant to use the expedited ....

20-400(B) – general question: does (D), (E), (F), (G), (H) and (I) apply to the expedited process? If not, please insert some language in (B) that states expressly that the expedited process requirements are contained entirely within 20-600; otherwise, it appears that everything that follows in 20-400 applies to both processes.

20-400-(H)(2)(e) – this requirement appears to shift the burden from the operator to the landowner – it is absolutely the operator's burden to contact the owner of the access road (whether owner of the property or easement owner such a s a ditch company since many O&G operators try to use existing ditch access roads that are not suitable for the operator's equipment) to obtain permission to use it (this is critical whether private or public entity owner).

20-400(I) – is "public" road from which to view the posting defined anywhere????
20-500(F) – this seems different and more appropriate than 20-400-(H)(2)(e) on which I commented above.

20-500(H)(6) – again, "public" and "private" – defined???

20-500(H)(7) – is there definition re: "floodplains", "water bodies", etc – tied to the Comp Plan (and if so, at what citation)???

20-601(B)(3) – "surface water body" – defined???

20-601(B)(4) – what about irrigation wells (not just domestic or commercial)???

20-601(B)(7) and (8) – tie "floodway" and "wetland areas" to "as defined in the Comp Plan" as you did in (6)....

20-601(B)(9) – last phrase should be "as each is defined in the Comp Plan."

20-602 – All applications for oil and gas facilities that demonstrate compliance – initial compliance only or is there substantial "stick" to insure ongoing and continual compliance???

20-602(A) – citation needed to Public Health's "fugitive dust regulations"

20-602(A)(2)(e) (f) (g) and (h) – is there a CFR citation as in (b), (c) and (d) – if so, state it.

20-602(A)(3) – why are "Leak Detection and Repair" and "Directed Inspection and Maintenance" programs capitalized? Have they been defined somewhere? If so, link it.

20-602(A)(10) – where does this standard come from? If there is a technical basis for it, shouldn't it be stated 26,000 hours of operation or 36 months whichever occurs first?

20-602(C)(2) – put the trigger limits represented in (a) and (b) in the Table – it is much easier to understand.

20-602(D) – do all existing roads that will be used (by agreement with their owner(s)) need to meet the Transportation Standards? The burden to make this happen should be solely on the operator as many entities that own/operate such roads will not have the means to meet those standards….

20-703(A) – I really hate the language in (1), (2) and (3) – "unreasonable" loss of ag land, "minimize" the impact to ag operations, etc…. Whose definition are we using – the farmer's????? or the Operator's????

20-703(D)(2)(a) – the contacts should be locally available.

20-1200(A) – 3rd line: "in an amount equal to the 'actual' [OR] 'estimated' cost"…. (should not be both)

20-1200(A) – 3rd line from bottom: Section not Cection….

20-1400 – "Water Body" – just because such other structures do not discharge to live streams does not mean that they are not hydrologically connected to live streams (or for that matter, groundwater). If contamination is the concern, all of the other bodies of water will transport contaminants to live streams and/or the groundwater table, which in many places is nearly at the surface)….

Good luck tonight!

Best regards,

Scott

Scott E. Holwick

LYONS GADDIS KAHN & HALL, PC

P.O. Box 978

Longmont, CO 80502-0978

303-776-9900; Facsimile 303-776-9100

Email: sholwick@lgkhlaw.com; Website: www.lgkhlaw.com

Lyons Gaddis Kahn & Hall
A Professional Corporation Attorneys and Counselors

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Cc:	Sanchez, Kimberly; Daniel Cohen; Doug Young; Gail Hartman; JohnGerstle; Meg Blum; NatalieFeinberg-Lopez; Scott Holwick; Case, Dale; Doyle, Ben; Robbins, Jeff; Andrews, Barbara; Webster, James B.
Subject:	Re: comments for Mon Oct 1 PC
Date:	Monday, October 01, 2012 10:36:44 AM

Ben-

It appears to me that you have confused COGA and COGCC in your discussion. COGA is an industry association that sent us am aggressive letter. The Co Oil and Gas Conservation Commission is the state agency with regulatory authority.

Pat

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