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November 14, 2019

Kathy Denzer
Conoco Phillips Company
34501 E. Quincy Ave, Bldg 1
Watkins, CO 80137

Re: Second Submission Review– Eastern Hills North Phase Two – Oil and Gas Permit
Application Number: **DA-2023-03**
Case Numbers: **2019-6043-00**

Dear Ms. Denzer:

Thank you for your second submission, which we started to process on Tuesday, October 29, 2019. 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 contain more specific comments, including those received from other city departments and community members.

Since several important issues still remain, you will need to make another submission. Please revise your previous work and send us a new submission on or before Thursday, November 21, 2019.

Note that all our comments are numbered. When you resubmit, include a cover letter specifically responding to each item. 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 303-739-7209.

Sincerely,

Juliana Berry, Planner II
City of Aurora Planning Department

cc: Melinda Lundquist, CVL Consultants of Colorado Inc, 10333 E. Dry Creek Rd, Englewood, CO 80112
Scott Campbell, Neighborhood Liaison
Mark Geyer, ODA
Filed: K:\SDA\2023-03rev2.rtf



EASTERN HILLS NORTH PHASE 2 OIL AND GAS PERMIT REVIEW

Second Submittal Review

SUMMARY OF KEY COMMENTS FROM ALL DEPARTMENTS

Previous Comments:

- Amend Plan Set Roadway Maintenance Agreement notes to reflect that the Agreement is not yet executed and no work may commence until it is (see Item 1)
- All Phase 2 Plan Set sheets should specify “Phase 2” in the title and title block (including on the Cover Sheet), all Phase 1 Plan Set sheets should include the Phase 1 approval note, update any outstanding and highlighted notes to match OA requirements, label all redlined shapes, and add legends and fence heights (see Item 1)

New Comments:

- Add the groundwater quality monitoring wells (and labels including well IDs), and the labeled abandoned State Smith 1-16 well, to the context maps on all individual Phase 2 sheets and the Cover Sheet. Add the well ID numbers. (see Item 1)
- The privacy fence should be constructed in either the Interim Reclamation Phase or the Production Phase, whichever comes first; revise the plan set accordingly (see Item 1)
- A drainage easement and I&M plan are required for private detention ponds. Vehicle maintenance access to the top of the outlet structure is required (see Item 1)
- License Agreements will be required for the drainage easement outlet structures, and the access across Powhatan and associated culvert (see Item 1)
- Complete labeling for traffic signage, and revise the auxiliary lanes per the redline comments (see Item 1)
- Add a paragraph on equipment to the Project Summary in the Letter of Introduction (see Item 8)
- Provide a summary of the baseline ambient sound level study and be firm about the chosen noise mitigation measures, and how those measures will be monitored for success, in the BMP list within the Letter of Introduction as well as the Noise Management Plan (see Items 9 and 33)
- Add language to the BMP list within the Letter of Introduction that the applicant will keep the City informed as to the timing and results of soil testing of the abandoned State Smith 1-16 well (see Item 9)
- Continue to indicate how the applicant will respond directly to additional comments received from the public (see Item 10)
- Refine the Project Development Schedule (see Item 13)
- Please note that the Rush North site-specific Emergency Response Plan is attached at the end to the Eastern Hills field-wide ERP; this doesn't affect the subject application because the field-wide Plan was previously accepted by the City but is more for the applicant's notice (see Item 16)
- Complete the site-specific Air Quality Plan with available details, and reference health-based criteria for exposure limits (see Item 32)
- Please review the CAD Data Submittal Standards, including templates and required layer file labeling, at <http://tinyurl.com/AuroraCAD>. Email your Case Manager the appropriate Site Plan file before submitting your final Site Plan mylars. Once received, the City's AutoCAD Operator will run an audit report and your Case Manager will let you know whether the file meets or does not meet the City's CAD Data Submittal Standards. Please email CADGIS@auroragov.org for questions or more detailed instructions.
- Respond to additional redline comments



REVIEWERS

- Planning – Steve Rodriguez and Juliana Berry / 303-739-7186 and 303-739-7209 / srodrigu@auroragov.org and jberry@auroragov.org / Comments in dark teal
- Planning/Landscape – Kelly Bish / 303-739-7189 / kbish@auroragov.org / Comments in bright teal
- Public Works – Kristin Tanabe / 303-739-7306 / ktanabe@auroragov.org / Comments in green
- Building/Life Safety – Will Polk / 303-739-7371 / wpolk@auroragov.org / Comments in blue
- Traffic – Brianna Medema / 303-739-7336 / bmedema@auroragov.org / Comments in orange
- Real Property – Grace Gray / 303-739-7277 / ggray@auroragov.org / Comments in magenta
- Water – Steve Dekoskie and Joshua Godwin / 303-739-7490 and 720-859-4307 / sdekoski@auroragov.org and jgodwin@auroragov.org / Comments in red
- Parks, Recreation, and Open Space (PROS) –Curtis Bish / 303-739-7131 / cbish@auroragov.org / Comments in purple

SITE PLAN COMMENTS

1. Plan Set

1A. Sheet 1 – *Repeated comment*: Please add the following note: No work shall commence until the Amendment to the Roadway Maintenance Agreement is executed. (Public Works)

1B. Sheet Number 1 (Planning)

- Add the Best Management Practices Notes from the initial submission back in
- Add the proposed groundwater monitoring wells and air quality monitoring stations to the context maps on the individual Phase 2 sheets too
- *Repeated Comment*: Specify “Phase 2” in the legal description title, and in the Title and Title Block of all Phase 2 sheets
- *Repeated Comment*: Add the Weed Control BMP to Note #4
- Specify that the equipment layout is the layout for graphical purposes only in General Construction Note #3
- *Repeated Comment*: Reference to lighting in General Construction Note #6 should be only from the Lighting BMP, and the noise mitigation measures must or will be used (not “may need to be used”)
- Spell out what “VRT” stands for in the Data Block
- Update the Zoning District to “R2” in the Data Block

1C. Sheet Numbers 6—8 (Planning)

- *Repeated Comment*: Add the Phase 1 approval note

1D. Sheet Number 9 (Planning)

- Label the individual shapes in the Existing Phase 1 Production Equipment area too
- Add the Drilling Equipment Representative Dimension Table to an elevation sheet too
- *Repeated Comment*: Legend was not added
- *Repeated Comment*: Add fence height to the label where indicated

1E. Sheet Number 10 (Planning)

- Label the individual shapes in the Existing Phase 1 Production Equipment area too
- Add the Production Equipment List table to an elevation sheet too
- *Repeated Comment*: Legend was not added
- *Repeated Comment*: Add fence height to the label where indicated
- Add the wildlife fence detail and signage details from Sheet 11 too
- There is a label at the southeast corner of the shown site which just reads “Existing”. Please add the relevant word(s)
- Correct spelling of “existing” where indicated



1F. Sheet Number 11 (Planning)

- *Repeated Comment:* Legend was not added
- *Repeated Comment:* Add fence height to the label where indicated
- Does the “No Work Area” label remaining (near northeast corner of the shown site) also need to be removed?
- Add the privacy fence inset to the Production Phase sheet (Sheet 10) and amend the corresponding note to reflect that the fence will be built during the Production Phase or Interim Reclamation Phase, Whichever Comes First to ensure that privacy is maintained throughout the life of the wells after drilling and completions

1G. Sheet Number 12 (Planning)

- Label contours on the west side of the shown site too

1H. Sheet Number 13 (Planning)

- Label contours on the west side of the shown site too
- Label the individual shapes in the Existing Phase 1 Production Equipment and Existing Well Head areas too

1I. Sheet Number 15 (Planning)

- *Repeated Comment:* Legend was not added

1J. Show and label cattle guards on all pertinent sheets (Planning)

1K. Add the abandoned well (State Smith 1-16) to the Context Map and context map insets on all Phase 2 sheets (Planning)

1L. Include well ID numbers. Are you able to sample these wells? Improve text on all plan sheets. (Water)

1M. A drainage easement and I&M plan are required for private detention ponds. Vehicle maintenance access to the top of the outlet structure is required. (Water)

1N. Once the drainage easement is complete, a License Agreement will be required for the outlet structures- see the redline on Sheet 9 (Real Property)

1O. A License Agreement will be required for the access across Powhaton and the culvert- see the redline on Sheet 10 (Real Property)

1P. Traffic sign labels appear missing or truncated on Sheets 7, 10, and 13. (Traffic Engineering)

1Q. See redline comments on Sheet 17 regarding required auxiliary lanes. (Traffic Engineering)

2. Vicinity / Context Map (Planning)

2A. Please continue to incorporate into the overall Plan Set.

3. Interim Reclamation Plan (Planning)

3A. Please continue to incorporate into the overall Plan Set.

4. Visual Mitigation Plan (Planning)

4A. N/A

5. Landscape Plan (Planning/Landscape)

5A. Please continue to incorporate into the overall Plan Set, and do not upload separately.

6. Lighting Plan (Planning)

Field-Wide Lighting Plan

6A. The field-wide Lighting Plan was not submitted but has been previously accepted by the City.

Site-Specific Plan

6B. Please continue to incorporate into the overall Plan Set.

7. Building and Structure Elevations (Planning)

7A. Please continue to incorporate into the overall Plan Set.



LETTER OF INTRODUCTION COMMENTS

8. Project Summary (Planning)

8A. Add a paragraph on equipment, such as: "Equipment will consist of a temporary drill rig and associated support equipment, followed by a completion phase utilizing hydraulic fracturing, and ultimately 7 wellheads with minimal on-site pumping and oil and gas equipment."

9. Applicable BMPs Addressed (Narrative List) (Planning)

9A. Noise Mitigation

- Provide a summary of the results of the baseline ambient sound level study.
- List the chosen noise mitigation measures, and briefly describe how the mitigation will be monitored for success.

9B. Plugged and Decommissioned Well Testing

- Add language that the applicant will keep the City informed as to the timing and results of soil testing

10. Neighborhood Meeting Schedule / Results (Planning)

10A. This is acceptable as submitted.

10B. Additional Comments received by the City:

- Name: Darrell Eurich

Organization: 126 N. Ider Street, Aurora CO 80018 (darrell.eurich@gmail.com)

Comment: "I oppose any additional wells to be added to this project in phase 2. Only the 2 wells approved in phase 1 should go forward for review. There should not be any additional wells added after phase 1 approval. Adding more wells should require new applications for each new well!"

- Name: Urban Drainage and Flood District

Organization: submittals@udfcd.org

Comment: "We have no comments on the referenced project as it is not eligible for maintenance. The site is not adjacent to a major drainageway or mapped floodplain and does not include any proposed UDFCD master plan improvements. We do not need to review future submittals."

- Name: Sue Liu

Organization: Arapahoe County Public Works and Development, 6924 South Lima Street, Centennial CO 80112

Comment: "The Arapahoe County Public Works and Development – Engineering Services Division appreciates the opportunity to review and comment on the Eastern Hills North Phase 2 – Oil and Gas Permit project. We have reviewed the project documents and offer the following comment:

1. A \$7,500 road impact fee is required for each well if the County's right-of-ways are proposed as the haul route. Please coordinate with the County Oil and Gas Specialist, Diane Kocis at 720-874-6650, if any questions occur to this fee.
 2. Please coordinate with the County Inspector, Wayne Habenicht at 720-874-6500 to determine the associated permits required for using the County right-of-ways as the haul route.
- Thank you again for the opportunity to review this project and continued correspondence in this matter. Please let me know if you need additional information or clarification on any item listed above."

- Name: David Murphy

Organization: 237 S. Newbern Court, Aurora CO 80018 (davidmurphy22@yahoo.com)

Comment: "As a property owner in the Adonea subdivision, I am opposed to all the oil/gas wells constructed with less than a one mile setback from all residential neighborhoods. Currently the Eastern Hills North is less than half a miles from houses. But clearly the City of Aurora is going to move forward with granting permits without listening to the people impacted by these wells. Since the City of Aurora is going to receive a windfall tax revenue from these wells, is the city willing to reduce our property tax bill? Currently all property owners have to pay an 'extra' mill levy tax called the 'Adonea Metro District #2' tax at a rate of 79.232?"



- Name: Terri Maulik

Organization: Arapahoe County Planning Division, 6924 South Lima Street, Centennial CO 80112

Comment: "Thank you for the opportunity to review and comment on this project. If County roads will be used for this project, the applicant must provide Arapahoe County road impact fees and arrange a preconstruction inspection with Engineering Services."

- Name: Donna George

Organization: Public Service Company of Colorado dba Xcel Energy

Comment: "Public Service Company of Colorado's (PSCo) Right of Way & Permits Referral Desk has reviewed the second referral oil and gas well permit documentation for Eastern Hills North Phase Two and acknowledges working with electric distribution personnel for power needs at the project site."

However, pertaining to the existing electric transmission facilities along Powhaton Road, for safety reasons, PSCo advises the property owner/developer/contractor to contact our Siting and Land Rights department at www.xcelenergy.com/rightofway or email coloradorightofway@xcelenergy.com to have this project assigned to an Agent for development plan review, and execution of a License Agreement as necessary."

- Name: Annemarie Heinrich

Organization: Tri-County Health Department

Comment: "Thank you for the opportunity to review and comment on the Oil and Gas Permit Amendment for the approval of the second phase, consisting of seven (7) additional wells, of a multi-well oil and gas permit on 7.7 acres located southwest of Powhaton Road and Alameda Avenue. Tri-County Health Department (TCHD) staff previously reviewed the application for the Development Permit and provided comments in a letter dated October 31, 2018. TCHD received a response from the applicant, dated February 5, 2019, and the applicant has responded to our comments. Please feel free to contact me at 720-200-1585 or aheinrich@tchd.org if you have any questions."

11. Response to Initial Review Comment Letter (Planning)

11A. This is acceptable as submitted.

OPERATIONS PLAN COMMENTS

12. Operations Plan (Planning)

12A. The field-wide Operations Plan has been previously accepted by the City.

13. Project Development Schedule (Planning)

13A. Please show dates for the overall Completions Phase as well.

13B. Define "Toe Prep" and "PDO/Tbg".

13C. Clarify whether the Reclamation Phase Start and End are the Final or Initial Reclamation (no dates provided, so it's unclear).

14. Security Plan (Planning)

14A. This requirement was satisfied at initial submission.

15. Decommissioning / Final Reclamation Plan (Planning)

15A. This requirement was satisfied at initial submission.



EMERGENCY RESPONSE PLAN COMMENTS

16. Emergency Response Plan (Building/Life Safety)

Field-Wide Plan

16A. The field-wide Emergency Response Plan has been previously accepted by the City. Please note that the Rush North site-specific ERP is attached to the Eastern Hills North field-wide ERP at this second submission; this will not affect the City's previous approval of the field-wide ERP as that approval didn't include any site-specific information.

Site-Specific Plan

16B. This requirement is acceptable as submitted.

17. PHA-HAZOP Analysis (Building/Life Safety)

Field-Wide

17A. The field-wide PHA-HAZOP Analysis has been previously accepted by the City.

Site-Specific

17B. This requirement is acceptable as submitted.

COMMENTS ON OTHER REQUIRED ITEMS

18. Traffic Letter / Plan (Traffic)

18A. Traffic Letter is accepted (identified auxiliary lanes with met thresholds are required). Continue to submit this letter for Eastern Hills South and Grande South when they are submitted.

19. License Agreements (Real Property)

19A. This requirement was satisfied at initial submission.

20. Recorded Surface Use Agreement (Real Property)

20A. The version of the Agreement submitted is acceptable to Real Property.

21. Property Owner Authorizations (Real Property)

21A. This requirement was satisfied at initial submission.

22. Water Delivery Method/Water Supply Plan (Water)

22A. This requirement was satisfied at initial submission.

23. Groundwater Quality Monitoring Plan (Water)

23A. Until initial sampling, City staff and COPC environmental staff will have a standing call every other week to provide an update on the sampling and/or (if applicable) status update of the "requested well" installation schedule.

23B. If applicable and as noted in the submittal, COPC will notify the City at least 40 weeks prior to drilling if the "requested well" is not possible and that parties (City and COPC) will have to pursue the "easement well" protocol in order to comply with the monitoring well requirement.

23C. If applicable and as noted in the submittal, COPC will notify the City immediately of any delays outside of COPC's control.

23D. The field-wide Groundwater Quality Monitoring Plan has been previously accepted by the City.

24. Fugitive Dust Suppression Plan (Water)

24A. This requirement was satisfied at initial submission.

25. Fluid Disposal Plan (Water)

25A. This requirement was satisfied at initial submission.

26. Water Use Plan CDPHE Reg. 84

26A. N/A



27. Weed Control Plan (Water and PROS)

27A. This requirement was satisfied at initial submission.

28. Wildlife Impact Mitigation Plan (PROS)

28A. This requirement was satisfied at initial submission.

29. Stormwater Management Plan

29A. This document will be reviewed and commented on by the standard SWMP Review team via upload through the separate Public Works portal; please coordinate with Public Works to utilize that portal if you haven't already.

30. Preliminary Drainage Report / Letter

30A. This document will be reviewed and commented on by the standard SWMP Review team via upload through the separate Public Works portal; please coordinate with Public Works to utilize that portal if you haven't already.

31. Road Maintenance / Construction (Public Works)

31A. An amendment is under review by the City.

32. Air Quality Plan (Planning)

Field-Wide Plan

32A. The field-wide Air Quality Plan has been previously accepted by the City.

Site-Specific Plan

32B. Submit a complete Plan, including confirmed monitoring locations, pre-construction baseline air monitoring results, established alert level thresholds, all pre-activity information, all location-specific considerations, any anticipated location modifications and timeline, and location data plan.

32C. The Plan should also reference health-based criteria for exposure limits, as found in the NAAQS and ATSDR, and how the reports will include trend identification related to increases / decreases / spikes in concentration or emissions.

33. Noise Management Plan (Planning)

33A. Provide the results of the baseline ambient sound level study.

33B. Explain the referenced "adjustment to the allowable dBC noise limit from 65 dBC to 66.6 dBC" on page 6 of the Noise Modeling Report.

33C. Be clear as to what listed noise mitigation measures will be chosen for the site, and explain how the ambient noise level results are factored on. Additionally, how will the mitigation measures be monitored for success?

34. Application Form (Planning)

34A. This requirement is acceptable as submitted.

35. 1-Mile Radius Abutters List (Planning)

35A. This requirement is acceptable as submitted.

36. COGCC Forms / 2A (Planning)

36A. This requirement is acceptable as submitted.