



FOR IMMEDIATE RELEASE: April 7, 2015

CONTACT: Kristen Chernosky, Media Relations, 303-655-2061

## **City Council adopts revised oil and gas drilling regulations**

The City of Brighton City Council voted unanimously at tonight's city council meeting to approve an ordinance amending oil and gas regulations to allow for the development of oil and gas resources within the city limits while mitigating potential impacts to Brighton's groundwater resources. The regulations adopted were drafted in cooperation with the Colorado Oil and Gas Association (COGA) and the Colorado Oil and Gas Conservation Commission (COGCC), to protect the health, safety, and general welfare of residents while providing a process for permitting oil and gas operations and facilities within the city.

"Oil and gas development process is an important issue in Brighton," said Mayor Dick McLean. "The Council has consistently directed the staff to meet with stakeholders, consider a variety of perspectives and craft the best updated ordinances for our community. We are pleased with the collaboration, communication and balance that has occurred in order to pass regulations in Brighton that are in the best interest of all parties involved."

The regulations provide that buildings which require a certificate of occupancy shall not be constructed within a 200-foot radius of an oil and gas facility or within 25 feet of a well that has been plugged and abandoned. In addition, buildings that do not require a certificate of occupancy may not be built closer than 150 feet from a tank battery or an oil and gas well unless that well has been plugged and abandoned.

"The City has always sought a balanced, responsible approach to oil and gas development," Marv Falconburg, Assistant City Manager for Development, said. "Oil and gas is a key industry in our regional economic environment. At the same time, residents, businesses and property owners have a right to expect a regulatory environment that is consistent, fair and balanced. This is why we've adopted a one-of-two-ways process. Operators can obtain a permit through a Memorandum of Understanding process or a Conditional Use Process, at their discretion."

Under the adopted ordinance, oil and gas operators may obtain a city permit in either one of two processes: either through the use of a Memorandum of Understanding (MOU) or Conditional Use Process (CUP). The Memorandum of Understanding is an expedited process in which operators can voluntarily provide additional measures to ensure reduced noise, enhanced aesthetics and augmented protections for water and air. The Conditional Use Process is a more traditional municipal zoning process requiring public hearings for review and the placement of reasonable conditions on the oil and gas operation.

Both processes require detailed applications and City staff provides rigorous review.

The City of Brighton has been studying oil and gas related issues for three years in preparation for an update to its existing, yet outdated regulations. During this time, the city has hosted numerous presentations from oil and gas drilling experts, visited several operating oil and gas facility sites, and purposefully invited and involved representatives from the State, local oil and gas operators, as well as the public to participate in the drafting process.

With the recent enactment of new regulations by the Colorado Oil and Gas Conservation Commission governing such matters as setbacks and air quality, together with the ever changing developments within the industry, City staff, in consultation with the Planning Commission and City Council has taken particular care to draft amendments that address current issues. The regulations, as drafted, set forth a specific process to permit the

development of oil and gas resources with reasonable assurances for residents and businesses that address factors such as water protection, noise and traffic mitigation and air quality monitoring and control.

Recognizing oil and gas development is an industrial use that, as currently required by State law, must be allowed in all zone districts in the city, the city has crafted these adopted regulations to be consistent with similar constraints of industrial businesses. Factors such as proximity to other land uses such as homes, businesses or public facilities such as schools have been carefully weighed within the ordinance.

Sarah Landry of the Colorado Oil & Gas Association said, “We have been actively engaged with the City of Brighton’s regulatory process from the beginning of their extensive educational process. Starting in April of 2012, Brighton has approached this issue pragmatically, and has worked tirelessly with a diverse group of stakeholders over months of negotiations to understand both community concerns, and the technical aspects of energy production.” Landry added, “Brighton should be lauded for taking input from the COGCC, local chambers and business leaders, the general public, and industry, and finding common ground. This process should serve as a model across Colorado. This win-win outcome proves that local governments have a strong voice in oil and gas regulation and that industry is consistently willing to come to the table.”

In response to concerns raised by Brighton regarding the importance of protecting its domestic water supply, the COGCC, on July 28, 2014 unanimously adopted a new Order which sets forth specific requirements of the oil and gas industry to protect groundwater in and around Brighton. This special ruling recognized the unusual circumstance that Brighton obtains the majority of its municipal water supply from shallow groundwater wells. The Order established buffer zones and best management practices and prevents the drilling of new oil and gas wells within 500 feet of an existing city water well and within 300 feet of any river, stream, lake or ditch which is part of the water supply system for the city. Additional ground water sampling is required within a one-half mile radius from any existing city well and within 500 feet of a river, stream, or lake related to the Brighton water supply. The best management practices (BMP’s) for any new wells within these defined areas require additional measures such as pitless drilling systems, containment of fluids within tanks, berms and containment devices, automated monitoring and shut off capabilities and emergency spill response programs. This Order was the culmination of a cooperative effort by city staff, representatives from the COGCC, the Colorado Department of Public Health and Environment, and representatives from the oil and gas industry.

A copy of the ordinance will be available at [www.brightonco.gov/oilandgas](http://www.brightonco.gov/oilandgas).

--CITY--

