



ECMC GUIDANCE

FORM 2A - OIL AND GAS LOCATION ASSESSMENT APPLICATION

POST-COMPLETENESS - COMMUNITY MEETING 309.c.

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Purpose of the Rule 309.c Post-Completeness Community Meeting

The Colorado Energy and Carbon Management Commission (ECMC) requires a Post-Completeness Community Meeting, as outlined in Rule 309.c, to enhance transparency in the permitting process following the Director's completeness determination. This is to ensure that people who reside or operate businesses near a proposed new or expanding Oil and Gas Location, as well as the general public, have the opportunity to provide meaningful feedback. Operators are required to summarize this feedback along with the measures taken to avoid, minimize, and/or mitigate adverse impacts in an attachment to Form 2A to be submitted within 10 days of the date of the Post-Completeness Community Meeting per Rule 309.c.(4). A separate attachment is also required to specifically respond to community concerns pursuant to Rule 309.c.(7). The full text of Rule 309.c is provided in Appendix A of this guidance document.

Not all Oil and Gas Development Plans (OGDPs) or Comprehensive Area Plans (CAPs) require a Post-Completeness Community Meeting. It is only required if a proposed Oil and Gas Location within the OGDP or CAP meets the criteria outlined in Rule 309.c. Specifically, a meeting is required if the OGDP or CAP application includes an Oil and Gas Location with a Working Pad Surface within:

- One-half mile of a Residential Building Unit (RBU), High Occupancy Building Unit (HOBU), School Facility, Child Care Center, or
- 4,000 feet of a Residential Building Unit, High Occupancy Building Unit, School Facility, or Child Care Center in a Disproportionately Impacted Community.

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ECMC Rules establish a minimum compliance threshold. Operators are encouraged to increase their community engagement efforts to build and maintain trust of nearby communities.

Guidance for Post-Completeness Community Meeting

Per Rule 309.a, the Post-Completeness Community Meeting will occur within 45 days after the Director posts the completeness determination for an OGDP on the Commission's website. If the proposed OGDP or associated Form 2A(s) are located within a Disproportionately Impacted Community, the Post-Completeness Community Meeting will occur within 60 days after the Director posts the completeness determination for an OGDP on the Commission's website.

Regarding Rule 309.c, the Operator will hold a Post-Completeness Community Meeting if any Residential Building Units, High Occupancy Building Units, School Facilities, or Child Care Centers are located within 1/2 mile of the Working Pad Surface of any proposed Oil and Gas Location(s) associated with the OGDP, or if any Residential Building Units, High Occupancy Building Units, School Facilities, or Child Care Centers within a Disproportionately Impacted Community are located within 4,000 feet of the Working Pad Surface of any Oil and Gas Location(s) associated with the OGDP. This meeting will be open to the public.

Compliance with Rule 309.c. is obtained by hosting a community meeting that is open to the public and satisfies the requirements of the Rule within 45 days after the Director posts the completeness determination for an OGDP on the Commission website if the OGDP includes any proposed Oil and Gas Location(s) within ½-mile of any RBUs, HOBUs, School Facilities, or Child Care Centers or within 60 days after the Director posts the completeness determination for an OGDP on the Commission website if the OGDP includes any proposed Oil and Gas Location(s) within 4,000 feet of any RBUs, HOBUs, School Facilities, or Child Care Centers located within a Disproportionately Impacted Community.

Rules 309.c.(1).A-C outline additional requirements for the Post-Completeness Community Meeting for any Oil and Gas Location with a Working Pad Surface that is located within 4,000 feet of a Building Unit or High Occupancy Building Unit within a Disproportionately Impacted Community. Note that the 100-Series definition of a High

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Occupancy Building Unit lists the types of facilities to be considered as HOBUs, including any Schools or operating Child Care Centers.

Regarding Rule 309.c.(1).A, prior to scheduling the Post-Completeness Community Meeting, the Operator will consult with the ECMC Community Liaison regarding the date, time, type, and location of the meeting. The meeting will be held within, or in close proximity to, the residents of the Disproportionately Impacted Community.

Regarding Rule 309.c.(1).B, the Operator will invite the ECMC Community Liaison to attend the Post-Completeness Community Meeting. The Operator should strive to schedule the meeting at a time and place that enables the Community Liaison to attend.

Regarding Rule 309.c.(2).C, the Operator will facilitate the coordination of child care, transportation, and interpretation services upon request or as indicated by the Community Liaison. When the Operator consults with the Community Liaison pursuant to Rule 309.c.(1).A, that consultation should include a discussion of whether any Rule 309.c.(2).C services are requested by community members or the Community Liaison. The Operator will convey any requests for services they have received to the Community Liaison. The Operator will provide the requested services at the meeting unless otherwise approved by the Community Liaison.

Compliance with 309.c.(1).A-C is obtained by carefully considering the date, time, and location with input from ECMC Community Liaison, inviting the ECMC Community Liaison to attend the meeting, and facilitating coordination of child care, transportation, and interpretation services upon request from community members or as indicated by the Community Liaison.

It is recommended that the Operator consult with the ECMC Community Liaison at least 21 days prior to scheduling the Post-Completeness Community Meeting to ensure that the meeting will satisfy the requirements of this Rule.

Rules 309.c.(2).A-J outlines specific information to be provided by the Operator during the Post-Completeness Community Meeting.

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Compliance with 309.c.(2).A-J is obtained by providing all of the required information to attendees of the Post-Completeness Community Meeting.

Regarding Rule 309.c.(3), the Operator will provide attendees with an opportunity to share an email address to receive correspondence from the Operator, Community Liaison, or Commission regarding any information related to the proposed Oil and Gas Location(s). The Operator will provide these email addresses to ECMC Community Liaison.

Compliance with 309.c.(3) is obtained by collecting email addresses for correspondence. Verification that email addresses were collected will be provided as part of the Operator's written summary described in Rule 309.c.(4).

Upon request from ECMC, the Operator will provide relevant email addresses gathered during Post-Completeness Community Meetings; however, if a member of the public provides their contact information to the Operator and expresses a desire to withhold their information from ECMC, the Operator will respect the wishes of the person providing their contact information. To protect Personally Identifiable Information, contact information provided by members of the public should never be included on ECMC Forms or attachments.

Regarding Rule 309.c.(4), within 10 days of the Post-Completeness Community Meeting, the Operator will provide a written summary of the meeting to the Director, detailing the items listed in Rule 309.c.(4).A-D.

Compliance with 309.c.(4) is obtained by providing a written summary of the Post-Completeness Community Meeting to the Director. The Operator's written summary will include a list of all concerns related to public health, safety, welfare, the environment, and wildlife resources received during the meeting. Operators are encouraged to include comprehensive written responses to individual concerns, as required by Rule 309.c.(7), in this written summary to help expedite the review process

For any revisions to the OGDP identified pursuant to Rule 309.c.(4).D, the Operator will coordinate with the Location Assessment Specialist assigned to the OGDP.

Regarding Rule 309.c.(5), the Operator will provide advance notice of the Post-Completeness Community Meeting to all Surface Owners, Building Unit and High

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Occupancy Building Unit owners and tenants, and residents, including tenants of both residential and commercial properties, within ½ mile of a proposed Oil and Gas Location and within 4,000 feet of a proposed Oil and Gas Location for any Building Units within a Disproportionately Impacted Community. The notice must meet the procedural and substantive requirements outlined in Rules 303.e.(2) & (3). The Operator may send the notice addressed to "Current Resident." Additionally, the Operator may, but is not required to, post information about the meeting on its website or social media accounts.

Compliance with 309.c.(5) is obtained by providing verification that required notice was given to community members in accordance with Rule 303.e.(2) & (3). It is recommended that the Operator provide notice to community members at least 14 days in advance of the scheduled Post-Completeness Community Meeting.

Regarding Rule 309.c.(6), a party entitled to notice under Rule 309.c.(5) may waive, permanently or otherwise, their respective right to receive notice pursuant to the Commission's Rules. Any such waiver will be in writing and signed by the owner, agent, or tenant.

This Rule describes the option for Building Unit owners, agents, and tenants to waive their right to receive notices required by ECMC Rules. If any of these parties requests to waive their individual right to receive required notices, compliance with Rule 309.c.(6) is obtained by providing a copy of the waiver in writing, signed by the appropriate party, as an attachment to Form 2A. The Operator will include the language of the waiver along with the printed name and signature of the person who signed the waiver. Any additional personally identifiable information (e.g., address, phone number, email address) of the person signing the waiver will be removed or redacted prior to providing documentation of the waiver to ECMC.

Regarding Rule 309.c.(7), the Operator and the Director will consider all concerns related to public health, safety, welfare, the environment, and wildlife resources raised by the Building Unit or High Occupancy Building Unit owners, their agents, or tenants at the Post-Completeness Community Meeting. The Operator will provide a written response to all such concerns to the Director as an attachment to Form 2A prior to the Director making a Recommendation pursuant to Rule 306.

Compliance with 309.c.(7) is obtained by submitting a written response to concerns raised by the Building Unit or High Occupancy Building Unit owners, their agents, or

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tenants at the Post-Completeness Community Meeting to the Director as an attachment to Form 2A. This attachment is intended to capture comprehensive, written responses to all such concerns and will be provided to the Director as an attachment to Form 2A with sufficient time for the document to inform the Director's Recommendation.

Out of consideration for the timing of the permit review process between the Completeness determination and hearing, it is strongly recommended that Operators incorporate the written responses required by this Rule 309.c.(7) into the attachment described in Rule 309.c.(4), the Post-Completeness Community Meeting Summary, and submit the combined attachment within 10 days of the post-completeness community meeting. If additional time is needed to address community concerns as required by Rule 309.c.(7), ECMC Community Liaisons will consider extension requests to the 10-day deadline on a case-by-case basis.

Regarding Rule 309.c.(8), all information provided pursuant to Rule 309.c will also be provided in all languages spoken by 5% or more of the population in the census block groups within 2,000 feet of each proposed Oil and Gas Location within the Oil and Gas Development Plan.

Compliance with 309.c.(8) is obtained by providing the information required by Rules 309.c.(2), (3), (5), (6), and (7) in all languages that are spoken by 5% or more of the population in all census block group(s) located within 2,000 feet of each proposed Oil and Gas Location within the Oil and Gas Development Plan. In making this determination, the Operator will use data from census.gov pertaining to the Language(s) Spoken At Home within the census block. The Operator is encouraged to provide samples of translated materials presented to the community during the post-completeness phase.

Contact: Please reach out to our ECMC's community relations team with any questions at dnr_ecmc_communityliaison@state.co.us. For more information, please also visit our website: <https://ecmc.colorado.gov/community-resources/environmental-justice>

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Appendix A

Rule Citation - 309.c

c. Post-Completeness Community Meeting. If any Residential Building Units, High Occupancy Building Units, School Facilities, or Child Care Centers are located within 1/2 mile of the proposed Oil and Gas Location, or if any Residential Building Units, High Occupancy Building Units, School Facilities, or Child Care Centers within a Disproportionately Impacted Community are located within 4,000 feet of the proposed Oil and Gas Location, the Operator will hold a Post-Completeness Community Meeting that will be open to the public.

(1) Disproportionately Impacted Communities. For any Oil and Gas Location subject to this Rule 309.c, if the proposed Working Pad Surface is within 4,000 feet of a Building Unit or High Occupancy Building Unit within a Disproportionately Impacted Community:

A. The Operator will determine the date, time, type, and location of the meeting with input from the Community Liaison, and the meeting will be held within, or in close proximity to, the residents of the Disproportionately Impacted Community;

B. The Operator will invite the Community Liaison to attend; and

C. The Operator will facilitate coordination of child care, transportation, and interpretation services upon request or as indicated by the Community Liaison.

(2) Information Provided by Operator. At the Post-Completeness Community Meeting, the Operator will provide the following information:

A. The Operator's contact information including its electronic mail address, phone number, and physical address(es) to which the public may direct questions and comments;

B. The contact information for the Relevant Local Government;

C. The Commission's website address and main telephone number;

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- D. The date construction is anticipated to begin;
- E. The anticipated duration of pad construction, drilling, and completion activities;
- F. The types of equipment anticipated to be present on the proposed Oil and Gas Locations;
- G. The Operator's interim and final Reclamation obligation;
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- H. A description and diagram of the proposed Oil and Gas Locations that includes the dimensions of the proposed Oil and Gas Location and the anticipated layout of production or injection facilities, Pipelines, roads, and any other areas to be used for Oil and Gas Operations;
- I. Information relevant to potential health, safety, welfare, and environmental impacts associated with Oil and Gas Operations, including but not limited to security, noise, light, odors, dust, and traffic; and
- J. Information about proposed Best Management Practices, Enhanced Systems and Practices, or mitigation measures to avoid, minimize, or mitigate those impacts.

(3) The Post-Completeness Community Meeting will include an opportunity for attendees to provide an electronic mail address in order to receive written correspondence from the Operator, Community Liaison, or Commission regarding the proposed Oil and Gas Location(s).

(4) Within 10 days of the Post-Completeness Community Meeting, the Operator will provide to the Director a written summary of the meeting, detailing:

- A. The date, time, location, and format of the meeting;
- B. The number of attendees and description of any accommodations made to facilitate their participation, such as child care, transportation, or translation services;

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- C. Any comments in support or opposition voiced by the participants and the Operator's response(s) to each comment; and
- D. Any revisions the Operator intends to make to the Oil and Gas Development Plan application as a result of the meeting.

(5) Notice.

- A. The Operator will provide notice of the Post-Completeness Community Meeting to all Surface Owners, Building Unit and High Occupancy Building Unit owners and tenants, and residents, including tenants of both residential and commercial properties, within 1/2 mile of a proposed Oil and Gas Location, and within 4,000 feet of a proposed Oil and Gas Location for any Building Units within a Disproportionately Impacted Community.
- B. Notice of the Post-Completeness Community Meeting will comply with the procedural and substantive requirements of Rules 303.e.(2) & (3). Notice may be accomplished by sending the notice addressed to "Current Resident." The Operator may also post information about the meeting on its website or social media accounts.

(6) Waiver. The Building Unit or High Occupancy Building Unit owner, agent, or tenant may waive, permanently or otherwise, their respective right to receive notice pursuant to the Commission's Rules. Any such waiver will be in writing, signed by the owner, agent, or tenant.

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(7) The Operator and the Director will consider all concerns related to public health, safety, welfare, the environment, and wildlife resources raised by Building Unit or High Occupancy Building Unit owners, their agents, or tenants at the Post-Completeness Community Meeting. The Operator will provide a written response to all such concerns to the Director as an attachment to the Form 2A prior to the Director making a Recommendation pursuant to Rule 306.

(8) All information provided pursuant to this Rule 309.c will also be provided in all languages spoken by 5% or more of the population in the census block

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group(s) within 2,000 feet of each proposed Oil and Gas Location within the Oil and Gas Development Plan.