

604. SETBACKS and SITING REQUIREMENTS

a. Well Location Requirements.

(1) At the time the Well is drilled, a Well will be located not less than 200 feet from buildings, public roads, above ground utility lines, or railroads.

(2) At the time a Form 2A is filed, a Well will be located not less than 150 feet from a surface property line. The Commission may grant an exception if it is not feasible for the Operator to meet this minimum distance requirement and a waiver is obtained from the offset Surface Owner(s). The Operator will submit an exception location request letter stating the reasons for the exception and a signed waiver(s) from the offset Surface Owner(s) with the Form 2A for the proposed Oil and Gas Location where the Well will be drilled. Such signed waiver will be filed in the office of the county clerk and recorder of the county where the Well will be located.

(3) No Working Pad Surface will be located 2,000 feet or less from a School Facility or Child Care Center.

A. If the Operator and School Governing Body disagree as to whether a proposed Working Pad Surface is 2,000 feet or less from a School Facility or Child Care Center, the Commission will hear the matter in the course of considering the proposed Oil and Gas Development Plan. At the hearing, the Operator will demonstrate that the Working Pad Surface is more than 2,000 feet from any School Facility or Child Care Center.

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B. Any hearing required under Rule 604.b.(3).A will be held at a location reasonably proximate to the lands affected by the proposed Oil and Gas Development Plan.

(4) No Working Pad Surface will be located less than 500 feet from 1 or more Residential Building Units not subject to a Surface Use Agreement or waiver, that includes informed consent from all Building Unit owner(s) and tenant(s) explicitly agreeing to the proposed Oil and Gas Location siting.

b. Siting Requirements for Proposed Oil and Gas Locations Near Residential Building Units and High Occupancy Building Units. No Working Pad Surface will be located more than 500 feet and less than 2,000 feet from 1 or more Residential Building Units or High

Occupancy Building Units unless one or more of the following conditions are satisfied:

(1) The Residential Building Unit owners and tenants and High Occupancy Building Unit owners and tenants within 2,000 feet of the Working Pad Surface explicitly agree with informed consent to the proposed Oil and Gas Location;

(2) The location is within an approved Comprehensive Area Plan that includes preliminary siting approval pursuant to Rule 314.b.(5) or an approved Comprehensive Development Plan;

(3) Any Wells, Tanks, separation equipment, or compressors proposed on the Oil and Gas Location will be located more than 2,000 feet from all Residential Building Units or High Occupancy Building Units; or

(4) The Commission finds, after a hearing pursuant to Rule 510, that the proposed Oil and Gas Location and conditions of approval will provide substantially equivalent protections for public health, safety, welfare, the environment and wildlife resources, including Disproportionately Impacted Communities. The Commission will base its finding on information including but not limited to:

A. The Director's recommendation on the Oil and Gas Location pursuant to Rule 306.b;

B. The extent to which the Oil and Gas Location design and any planned Best Management Practices, preferred control technologies, and conditions of approval avoid, minimize, and mitigate adverse impacts, considering:

i. Geology, technology, and topography;

ii. The location of receptors and proximity to those receptors; and

iii. The anticipated size, duration, and intensity of all phases of the proposed Oil and Gas Operations at the proposed Oil and Gas Location.

C. The Relevant Local Government's consideration or disposition of a land use permit for the location, including any siting decisions and conditions of approval identified as

appropriate by the Relevant Local Government;

D. The Operator's alternative location analysis conducted pursuant to Rule 304.b.(2), or an alternative location analysis performed for the Relevant Local Government that the Director has accepted as substantially equivalent pursuant to Rule 304.e;

E. Related Oil and Gas Location siting and infrastructure proposed as a component of the same Oil and Gas Development Plan as the proposed Oil and Gas Location;

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F. How Oil and Gas Facilities associated with the proposed Oil and Gas Location are designed to avoid, minimize, and mitigate impacts on Residential Building Units and High Occupancy Building Units; or

G. The Operator's actual and planned engagement with nearby residents and businesses to consult with them about the planned Oil and Gas Operations.