

Montana

Model County Oil and Gas Regulations



EARTHWORKS™

OGAP— Oil & Gas
Accountability Project



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Accountability Project

OIL & GAS ACCOUNTABILITY PROJECT

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Dear Reader,

We are pleased to provide you with the enclosed set of model of oil and gas regulations for local governments in Montana. EARTHWORKS' Oil & Gas Accountability Project (OGAP) has worked with a number of county and municipal governments in a variety of states to enact or improve their oil and gas regulations. Local governments are sometimes limited in what aspects of oil and gas development they can regulate. Yet OGAP continues to see local regulations significantly mitigate property, nuisance, public health and environmental impacts for communities living with oil and gas development. To help provide some guidance on what counties can and cannot regulate, we have prepared the enclosed model county regulations for Montana.

We encourage local governments, citizens, landowners and community groups to contact us for consultation or advice regarding regulations in your areas. We also encourage readers to review our landmark publication, *Oil and Gas At Your Door? A Landowner's Guide to Oil and Gas Development*. The guidebook is available on-line at <http://www.earthworksaction.org/LOguidechapters.cfm>

The Oil & Gas Accountability Project was founded in 1999 to work with communities to prevent and reduce the impacts caused by oil and gas development. In 2005 we merged with EARTHWORKS, formerly the Mineral Policy Center. Together, we have 27,000 members and offices in California, Colorado, New Mexico, New York, Montana, Texas and Washington, D.C.

EARTHWORKS' Oil & Gas Accountability Project fulfills our mission by working with communities and grassroots groups to reform government policies, improve corporate practices, and influence investment decisions. We work to encourage conservation, recycling, responsible materials policies, fuel efficiency, and renewable energy sources. We expose the health, environmental, economic, social and cultural impacts of irresponsible mineral development through work informed by sound science.

To join us visit: www.earthworksaction.org

We wish to thank Western Environmental Law Center and Sarah McMillan for their instrumental partnership in this project. Sarah McMillan was primarily responsible for producing the model regulation specific to the State of Montana. Thank you also to Bruce Baizel, OGAP Staff Attorney, for his review and input into this document.

Sincerely,

A handwritten signature in cursive script, reading "Jennifer Goldman".

Jennifer Goldman
Public Health & Toxics Campaign Director
Oil & Gas Accountability Project

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I. AUTHORITY AND JURISDICTION

This Ordinance is adopted pursuant to Article XI, Section 6, Montana Constitution; Article II, Section 3, Montana Constitution; Article IX, Sections 1 and 2, Montana Constitution; Mont. Code Ann. §§ 7-1-101 et seq.; and Mont. Code Ann. §§ 76-2-201 et seq. This ordinance constitutes an exercise of the County's independent but related police, zoning, planning, and public nuisance powers to protect the public health, safety, and general welfare of the County's residents. This ordinance was adopted in accordance with the County Growth Policy.

This ordinance shall apply to the lands within the unincorporated area of the county with the exception of those lands where the county's jurisdiction is completely preempted by federal or state law.

II. FINDINGS

The County desires to protect the health, safety, and welfare of its citizens, which includes protecting the County's scenic, aesthetic and environmental values, and to insure the harmonious, orderly, efficient growth and development of the County. The County desires to have local in-pur and oversight over certain aspects of oil and gas operations and to facilitate the development of oil and gas resources within the County while mitigating its potentially adverse impacts and protecting the County's environment from the harmful, hazardous, and toxic effects, or nuisances, resulting from oil and gas activities.

These regulations will accomplish the County's goals by requiring the operator to assure the County that the operator will consider and protect the character of the area, conserve property values commensurate with use, preserve fish and wildlife habitat and wildlife corridors, prevent soil erosion, preserve scenic resources, protect water quality, protect agricultural lands from the effects of oil and gas development, ensure oil and gas activities occur in a responsible manner and do not destroy the character of the County, threaten water quality, or discourage agricultural uses, control noxious weeds, maintain low noise levels and protect dark night skies, protect the environment by avoiding unnecessary environmental degradation in such exploration and development, and will ensure areas affected by its activities are fully reclaimed.

The County hereby enacts this ordinance as necessary and proper to provide for the safety, preserve the health, protect the general welfare, promote the prosperity and improve the morals, order, comfort and convenience of the County and its inhabitants.

III. SCOPE AND APPLICABILITY

This ordinance is intended to address all oil and gas activity including exploration, development, and production activities, conventional and non-conventional, including coalbed methane (unless specified, all of the above referred to generally as "oil and gas activities" herein), within the County. Development, production of oil and gas, construction or operation of oil and gas facilities, and all exploration activities for oil and gas resources, with the exception of Class II Injection wells, shall be subject to the provisions of this ordinance and any other applicable County regulations. It is not

intended for these regulations to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances, or resolutions, except those specifically repealed by the adoption of these regulations. Where these regulations impose a greater restriction on land, buildings, or structures than is imposed or required by such existing provisions of law, ordinance, resolution, contract, or deed, the provisions of these regulations shall control. Applicants seeking to obtain an exploration or development permit shall also be subject to any state and federal requirements and permits.

IV. SEVERABILITY

Should any section, paragraph, clause or provision of this ordinance be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this article.

V. PRE-EMPTION

Nothing in this ordinance shall be construed to supersede or contravene the authority that the state and federal governments, or their agencies, have with respect to the management, protection, and utilization of the lands and resources under their jurisdiction. This ordinance shall apply to all lands, including state or federally owned lands, unless they are expressly pre-empted from having authority in this area by state or federal law. The County recognizes that the State of Montana has enacted statutes regulating the exploration and development of oil and gas in Montana, §§ 82-10-101 et seq., and §§ 82-11-101 et seq., MCA, and implementing regulations at 36.22.101 et seq., Admin R. Mont. There are no provisions in these statutes or implementing regulations that preempt the County from regulating the zoning and reclamation of oil and gas activity in the County, nor that pre-empt or further restrict the broad zoning and police powers included in the Montana Constitution, Article XI, Section 6 and recognized by the State in §§ 7-1-101 et seq., and §§ 76-2-201 et seq., MCA. The County recognizes that it has concurrent jurisdiction with the state in those areas regulated by the Oil and Gas Act. Any applicant must comply with all portions of this ordinance that impose requirements that are additional to, or more stringent than, the requirements contained in Montana's statutes and the implementing regulations.

VI. PROVISION OF LOCAL SERVICES

Where it is determined by the County that demographic changes which are directly attributable to the oil and gas activities will have an adverse fiscal impact on the provision of services by local government, such as housing supply, capacity of schools, local water supplies, transportation systems, utility expansions, health care facilities, law enforcement and fire protection, such impact shall be addressed through cooperative efforts toward financing of public improvements by the operator, phasing of the oil and gas activities, agreements with local government for impact fees, or other programs.

VII. APPLICATION PROCESS FOR A NATURAL RESOURCES CONDITIONAL USE PERMIT

A. Preliminary Application.

An applicant for a Natural Resources Conditional Use Permit (hereinafter “CUP”) shall submit the preliminary application, as described in Section VIII below, accompanied by the appropriate fee, to the Planning Department. Upon determination that the application is complete, the Planning Department shall schedule a hearing before the Planning and Zoning Commission and provide the required notice, as set forth below. The Planning and Zoning Commission may not, at this initial review, deny a preliminary application but shall take public comment on the content of the application. The Planning and Zoning Commission shall provide the applicant with its comments on the preliminary application in writing within 15 working days of the initial public hearing.

B. Final Application.

Subsequent to completion of the preliminary application process, an applicant for a CUP may submit the final application, as described in Section IX below, accompanied by the appropriate fee, to the Planning Department. Upon determination that the application is complete, the Planning Department shall schedule a hearing before the Planning and Zoning Commission, which shall be held within sixty (60) calendar days after the determination that the final application is complete, and provide notice as, set forth herein.

The Planning and Zoning Commission shall consider the application material, applicant testimony, the Staff Report and public comment. The Planning and Zoning Commission shall not grant a CUP unless the findings required under Section X(D) below are satisfied. The Planning and Zoning Commission shall provide the applicant with written findings regarding its decision.

C. Notice.

At least fifteen (15) days before each hearing, the Planning and Zoning Commission shall:

1. Mail notice to all persons owning property, including any Homeowners’ Associations, within 1/4 mile of the exterior boundaries of the area occupied or to be occupied by the use for which the permit is sought, and;
2. Give notice by publishing a notice of hearing two (2) times in the newspaper of general circulation in this County.

VIII. PRELIMINARY APPLICATION

Applicant shall submit a Preliminary Application to the Planning Department. The full fee established under the Planning Department Fee Schedule shall accompany all Preliminary Applications. The Preliminary Application shall include the following:

1. Twelve Copies of a completed conditional use permit application form and an Initial Development Plan, prepared by the Applicant or Applicant’s agent. Said plan, which shall be the preparatory basis for the Environmental Impact Study, shall address all of the following:
 - a. Cover letter describing project and submittal material;

- b. Copy(s) of all associated mineral leases;
 - c. Copy(s) of all applicable orders from the Board of Oil and Gas Conservation, and with associated stipulations;
 - d. Name and location of all water wells, springs, and surface water within a one-and-a-half mile radius of proposed site;
 - e. Detailed site inventory map and site development plan (1" = 50'), to include all existing and proposed structures, well pad location(s), rights-of-way, fencing, lighting, pipelines, pertinent surface features, areas of wildlife and wildlife habitat, and all development and mitigation measures associated with application. Applicant shall submit color photos of well location and of area from proposed well to north, south, east and west;
 - f. Complete written description of project including but not limited to: locations of all facilities associated with the project; proposed hours of operation; duration of project; operation of project, including staffing schedule(s) and estimated trips per day; traffic study and/or other information as required by the County Road and Bridge Superintendent; fire, accident and spill response plan(s); etc.;
 - g. An approved Noxious Weed Control and Revegetation Plan through the County Weed Control District;
 - h. Plans for reclamation of all disturbances associated with project(s);
 - i. Any additional information as deemed necessary by the Planning Department during the Planning Department's initial review.
2. Name and address of all property owners within a one-and-a-half mile radius of proposed project, and addressed envelopes with postage for certified mail to each address.

IX. FINAL APPLICATION

Applicant shall submit a Final Application to the Planning Department. The full fee established under the Planning Department Fee Schedule shall accompany all Final Applications. The Final Application shall include a completed conditional use permit application, a Final Development Plan, and an Environmental Impact Statement (EIS) conducted by a third-party Montana State licensed professional engineer (PE) qualified to evaluate the project's impacts, at the Applicant's expense. The Final Application shall also contain all required Performance Bonds and other securities and fees as indicated below.

A. Final Development Plan.

Applicant shall provide the Final Development Plan based on information provided in the (EIS). The Final Development Plan shall:

- 1. Document plans to protect property values of surrounding properties;
- 2. Document plans for fire protection and emergency response;
- 3. Document adequate water quantity for the proposal;
- 4. Demonstrate plans for protecting surface and ground water quality;
- 5. Demonstrate plans for conservation of important fish, wildlife and plant habitat;
- 6. Demonstrate plans for compliance with local, state and federal air quality

- regulations and/or standards;
7. Demonstrate plans for landscaping and its long-term maintenance so as to limit soil erosion and be in compliance with all local, state and federal soil management and conservation regulations and/or standards;
 8. Demonstrate plans to comply with all applicable weed control
 9. regulations;
 10. Include a schedule of phased-in development to diffuse impacts over time;
 11. Demonstrate plans for compliance with §§ 85-2-505 and 82-11-175, MCA, and any other applicable local, state and federal laws or regulations regarding disposal of all ground water involved with the proposal;
 12. Demonstrate plans for sufficient reclamation for any and all
 13. disturbances associated with the project(s); and
 14. 12. Address all comments raised by the Planning and Zoning
 15. Commission as a result of their review of the Preliminary Application.

B. Certification Of Notice Given.

The Applicant shall certify that the Applicant has given notice of the Final Development Plan to fee simple surface owners, including homeowners' associations, and discussed a proposed surface use agreement with the fee simple surface owners, if any, for the project location.

C. EIS Provisions

The EIS shall include:

1. Appraisal of current property values for all properties within one-and one half miles of the boundaries of the proposal;
2. An analysis of effects of proposed development on fire and emergency response systems;
3. Thorough collection of fish, wildlife and plant inventories within the proposal's boundaries;
4. Collection of baseline data for existing surface and ground water quality and quantity;
5. Collection of baseline data for existing air quality;
6. Collection of baseline data for existing ambient noise levels;
7. An analysis by a qualified person or entity of the Final Development Plan's specific measures to protect and conserve:
 - (a) property values;
 - (b) water quality and quantity;
 - (c) agricultural and conservation usage;
 - (d) plant and wildlife habitat;
 - (e) air quality; and
 - (f) noise levels; and
8. A Monitoring Schedule as set forth in section D below.

D. Monitoring Schedule.

A Monitoring Schedule for that provides for third party monitoring shall be included in the Final Application. Such monitoring shall occur at least monthly, shall be conducted by a State of Montana licensed and bonded environmental engineer, and must include monitoring of all development, as stated in the submitted Final Development Plan. The Monitoring Schedule is not valid unless specifically approved by the Planning and Zoning Commission. The third party monitor shall be jointly agreed upon by the Planning and Zoning Commission and the Applicant.

The Monitoring Schedule shall provide a mechanism for prompt notification to any and all local, state, or federal agencies involved in any permit or certification required for the proposal. The purpose of such notification is to ensure adequate enforcement of existing local, state and federal laws and regulations to protect private property and other rights of Montana citizens and Montana's natural resources.

The Monitoring Schedule shall require the Applicant to prepare and submit a Monthly Monitoring Report to the Planning Department and owners of surface estates affected by the CUP.

1. Monthly Monitoring Report. The Monthly Monitoring Report shall include a description of all data collected during the period, as well as data trends collected over time, detailed descriptions of any and all spills, leaks, contaminations, regardless of whether the spill, leak or contamination is a violation of local, state or federal laws or regulations. The Monthly Monitoring Report shall also include a detailed description of any violation of local, state, or federal laws or regulations and any corrective action taken. The Monthly Monitoring Report shall be a requirement for conditional approval and the failure to supply such Monthly Monitoring Report may be grounds for revocation of a CUP.
2. Monitoring Expenses/Performance Bonds. Such monitoring shall be at the sole expense of the Applicant, and a specific Monitoring Performance Bond shall guarantee all costs of monitoring. The Monitoring Performance Bond shall be approved by the County Attorney and made payable to the environmental engineer selected as the third party monitor. The County shall be a beneficiary of the Monitoring Performance Bond and shall have express authority to collect upon said bond in the event Applicant, their successors or assigns, fails to adequately monitor the project. The Monitoring Performance Bond shall be updated annually and shall provide for payments and expenses of all monitoring for no less than a 10-year period from the date of each update. Failure to maintain payment to the third party monitor or failure to maintain an adequate Monitoring Performance Bond for all monitoring expenses for no less than 10 years from the date of each update shall be cause for revocation of the CUP. The Monitoring Performance Bond shall be in addition to any required bond required by any other local, state, or federal agency.

E. Required Findings.

The Planning and Zoning Commission may grant a permit for a use classified as a Natural Resource Conditional Use only if it finds:

1. The use conforms to the objectives of the County Growth Policy and the intent of these Regulations;
2. The plan for this use will protect nearby properties, residents, groundwater, streams and wetlands from adverse impacts;
3. Non-renewable resource exploration and development will occur in a responsible manner;
4. The Final Development Plan provides for contributions and guarantees payment of an appropriate share of the additional costs for public services and facilities;
5. Adequate financial security, as determined by the County Attorney, has been provided to mitigate any such adverse effect;
6. The use meets density, coverage, yard, height, and all other regulations of the district in which it is located, unless otherwise provided in these Regulations;
7. The use meets all other applicable federal, state, and local regulations; and
8. A public hearing, after notice has been given, has been held.

X. CONDITIONAL APPROVAL

The Planning and Zoning Commission may make the granting of a CUP subject to reasonable limitations or conditions, as it may deem necessary, to enhance the appearance of the property, to reduce any adverse effects on nearby property or residences, to preserve the character of the area, or to protect the environment. The conditions may include, but are not limited to, the following:

1. Specific requirements for vehicular ingress and egress;
2. Specific requirements for hours of operation;
3. Specific requirements for the discharge of groundwater and surface water;
1. A fee for discharged effluent, based upon one and one-half times the total estimated or actual costs of all environmental cleanup or mitigation performed by or for any public agency, in order to achieve compliance with these Regulations;
4. Specific requirements for control of lights, odors, smoke, dust, airborne particles, vibration, greenhouse gas emissions, glare, and noise emissions from point and non-point sources, or disclosure, management and monitoring of chemicals;
5. Specific requirements for placement and height of structures required for the conditional use on the subject property;
6. Specific requirements for dedication, improvements and/or maintenance of rights-of-way;
7. Limitation of the term for which such conditional use may be permitted;
8. Conditions of approval may include changes to the Development Plan based upon information and data from the EIS, public hearing(s) and the written comments from the public, so as to improve environmental and property protection;
9. The Planning and Zoning Commission shall impose conditions requiring the

- developer to use best available technologies to minimize impacts on underground water reserves, rivers and streams, and surface resources;
10. The Planning and Zoning Commission shall impose conditions requiring the Applicant to guarantee complete reclamation of all disturbed areas. This guarantee shall be accomplished by requiring, in addition to the Monitoring Performance Bond, *supra*, any Applicant for any oil and gas exploration or production, along with all contractors and subcontractors, to post separate site-specific performance bonds for each tract of property affected by the proposed CUP. Said performance bonds shall be approved by the County Attorney, payable to the County, and shall be equal to or greater than the current value of the property plus the potential cleanup cost of any resultant air, land or water pollution or degradation, as estimated by the Final Development Plan and Environmental Impact Study. Failure to maintain adequate performance bonding shall be cause for revocation of the CUP.

XI. VARIANCES

A. Intent.

It is the intent of this section to provide a process under certain circumstances to deviate from the literal requirements of these Regulations. The County Commission, after considering the recommendations of the Planning and Zoning Commission, is authorized to grant certain variances that are not contrary to public interest, where, owing to special conditions, literal enforcement of this Regulation results in an unnecessary hardship.

B. Criteria.

In granting a variance, the Planning and Zoning Commission and County Commission shall consider the following criteria:

1. Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same zone or vicinity and that result from lot size or shape, topography, or other circumstances over which the owners of property have no control since enactment of this Regulation;
2. The variance is necessary for the preservation of a property right of the applicant that is substantially the same as that possessed by owners of other property in the same zone;
3. The variance would not be materially detrimental to property in the same zone or vicinity in which the property is located;
4. The variance requested is the minimum variance that would alleviate the hardship.

C. Procedure.

All variance applications shall be submitted to the Planning Department on the required form with the accompanying fee. A joint public hearing on the matter shall be scheduled before the Planning and Zoning Commission and County Commission. The Planning and Zoning Commission shall forward a recommendation to the County Commission to approve, conditionally approve, or deny the variance. The County Commission shall approve, conditionally approve, or deny the variance, in writing. The County Commission may impose reasonable conditions, as it may deem necessary, to

mitigate project impacts.

D. Notice.

At least fifteen (15) days before such hearing, the County shall give notice by:

1. Mailing notice to all persons owning property, including any Homeowners' Associations, within 1/4 mile of the exterior boundaries of the area occupied or to be occupied by the use for which the permit is sought, and;
2. Publishing notice of hearing two (2) times in the newspaper of general circulation in the County.

XII. COMPLAINTS AND ENFORCEMENT

It is the duty of the Planning and Zoning Commission, the County Commission, and its officers, agents and employees, to enforce the provisions of these Regulations.

A. Penalties & Sanctions

The County may prosecute violations of this ordinance in any court of competent jurisdiction of the County. Prosecution will be commenced by the issuance of a citation charging the violation. The code enforcement officer of the County or an employee or employees of the County authorized by the Board of County Commissioners may issue citations. Any citizen may submit a written complaint to the County to commence an investigation of an alleged violation.

1. Failure to obtain a County permit prior to commencement of any construction, development and/or exploration activities constitutes a violation of this ordinance and will result in a fine of five hundred dollars (\$500) or imprisonment for ninety days or both. With respect to violations of this ordinance that are continuous with respect to time, each day the violation continues is a separate offense.
2. Other penalties may include suspension or revocation of the exploration or development permit or the calling and exercise of the financial guarantees.

B. Right to Equitable and Injunctive Relief

In addition to penalties and sanctions outlined above in (A) (1) and below in (C), the County is hereby authorized to institute an action to enjoin any activity which violates this ordinance, including action to abate commencement of oil and gas development, construction of facilities, digging or drilling, or exploration without a County permit or otherwise in violation of this ordinance. The County may revoke a permit, issue cease and desist orders requiring cessation of any building, moving, alteration or use, which is in violation of these Regulations, and/or require mitigation and/or corrective action, including, but not limited to, dismantling or removal of non-complying structures, to remedy the violation.

C. Attorney's Fees and Costs

The County is entitled to attorneys' fees and costs if it prevails in any action prosecuted for violations of this ordinance.

XIII. MODIFICATION AND REVOCATION

Upon notice and hearing, the Planning and Zoning Commission may revoke or modify a CUP:

1. If circumstances related to the initial approval of the CUP have changed substantially since original approval;
2. If it is determined that the applicant provided information and/or documentation to the County regarding the activity which the applicant, its agents, servants or employees knew, or reasonably should have known, was false, misleading, deceptive or inaccurate;
3. If revocation or modification is necessary to protect the health, safety, or welfare of the area, or is necessary to preserve the integrity of existing use patterns in the area; or
4. If the person or entity holding the permit has not complied with the required conditions.

XIV. APPEAL PROCESS

Any citizen dissatisfied with a decision made pursuant to these regulations may appeal the decision to the Board of Adjustments, as set forth in § 76-2-226, M.C.A., and the County's regulations applicable to such appeals. Following resolution of that administrative appeal, any person aggrieved by such a resolution may present a petition to a court of record within 30 days, as set forth in § 76-2-227, M.C.A.

XV. DEFINITIONS

The following definitions shall be applied to the terms used in this ordinance. Terms not defined in this section shall be used in their ordinary sense.

- Agriculture or agricultural use: currently and within the past 12 months, the use of land for farm or ranch purposes, including pasture;
- Applicant: person, corporation or other legal entity possessing the legal right to develop the oil or gas resource or any other use proposed in connection thereof for the site in question; generally the applicant will be the owner or lessee of the oil or gas estate;
- Compressor station: an installation consisting of one or more individual compressors, located on a gathering or transmission line, or both;
- Drilling Operations: all of the physical and mechanical aspects of constructing a well for the exploration or production of oil or gas, or both, for injection of fluids associated with the production of oil or gas, or both, or the storage of natural hydrocarbons or liquefied petroleum gas derived from oil or gas, and including all of the following:
 1. moving drilling equipment onto the drill site;
 2. penetration of the ground by the drill bit and drilling the well bore;
 3. construction of well sites and access roads; or
 4. workovers and recompletions;
- Easement: authorization by a property owner for the use of a designated portion of his/her property by another, for a specified use;
- Evaporation pit: an excavated pit used for storing and evaporating
- wastewater produced in degasification activities, during drilling or production, or

both, sometimes lined;

- Exploration: the phase of operations that covers the search for oil or gas through exploratory drilling and seismic activities, including the use of dynamite for blasting, land vibrosis or “thumping,” or any use of a vibrator;
- Facility: any operation used in the production of, development of or exploration for oil and gas, including but not limited to: pipelines, drilling operations, re-entry or workovers, tanks, holding facilities, treatment facilities, pumping and compressor stations, and any other facility used in the exploration for, and production of, oil and gas;
- Gas well: a well capable of producing natural gas;
- Impact Fee: a fee imposed on a development to help finance the cost of improvement of services.
- Infrastructure: any facilities or other man-made structures utilized in oil and gas activities, including but not limited to roads and related utilities;
- Lessee: an individual or other legal entity leasing oil or gas rights for development purposes from the mineral owner. The lessee may also be the applicant, for the purposes of this article;
- Mitigation: the reducing of adverse impacts, for example, by application of conditions on approval of a development;
- Nuisance: a facility which is not constructed, operated or installed in substantial compliance with the provisions of this ordinance and any applicable conditions of approval, and, as to which, the applicant has failed or refused to abate, correct or discontinue any violation of this ordinance after being ordered to do so by the County;
- Operation of oil and gas well and/or facility: the process of exploring for or producing oil or gas, or both, including coalbed methane, or the storage of natural hydrocarbons or liquefied petroleum gas, including any and all of the following:
 1. production, pumping and flowing
 2. processing
 3. gathering
 4. compressing
 5. treating
 6. transporting
 7. conditioning
 8. brine removal and disposal
 9. separating
 10. storing
 11. injecting
 12. testing
 13. reporting
 14. maintenance and use of surface facilities
 15. secondary recovery
- Operator: any individual or firm who conducts operations of an oil and gas well and/or facilities or is otherwise engaged in all or a portion of the extraction operations at a well or other facility; usually the lessee of the mineral estate, although day-to-day operations may be contracted to another firm;

- Permit: a development or exploration permit issued to an operator by the County;
- Permit Area: the area over and through which the County authorizes a permittee to conduct its oil and gas exploration and/or development activities;
- Permittee: any person, corporation or other legal entity that has successfully completed the application/permit process and upon County approval has acquired a permit to conduct exploration activities and construct and/or operate oil and gas facilities;
- Reserve Pit: an excavated, lined and temporary pit used for storing drill cuttings and evaporating wastewater produced in degasification activities during drilling or production activities; and
- Reclamation: the restoration of lands and any natural resources disturbed by oil and gas activity.