





Gas & Oil Well Ordinance

Prepared by Citizens of Gem County

Protects Public, Health & Safety while achieving economic development

Safeguards and Protections:

- Air & Soil
- Property values
- Rural and quiet living space
- Ground water & Surface water
- Roadways, public areas, scenic and recreational areas

Accomplished by the means of:

- Setbacks
- Baseline testing - air, soil and waters
- Full disclosure of all chemicals, materials, equipment and methods
- Prohibiting nuisances that diminish enjoyment of our living spaces
- Regulations protecting **agriculture, hunting and fishing habitats**
- Drilling restrictions - Payette River, Tributaries, Floodplain, Seismically-charted areas including Black Canyon dam and methods of extraction
- Applicant responsible for **ALL cost of related to Gas & Oil operations/permits and infrastructure without any financial burden to Gem County government and its citizens**

Draft available for review:

www.ProtectGemCounty.org

Local Land Use Planning Act (LLUPA)

- Purpose (Idaho Code § 67-6502)
- Promote the health, safety, and general welfare of the people of the state of Idaho, which includes:
 - * Protect property rights
 - * Protection of state and local economies
 - * Protection of environment
 - * Protection of prime agricultural land,
 - * Protect life and property in areas of natural hazards
 - * Protect fish, wildlife, and recreational resources
 - * Avoid water and air pollution

Comprehensive Planning Process

LLUPA **requires** local governments to conduct comprehensive planning that satisfies the requirements of LLUPA.

An analysis of natural land types, existing land covers and uses, and the intrinsic suitability of lands for uses such as agriculture, forestry, mineral exploration and extraction, preservation, recreation, housing, commerce, industry, and public facilities. **A map shall be prepared indicating suitable projected land uses for the jurisdiction. (Idaho Code § 67-6508)**

NOTE:

~ Gem County has not prepared a map for suitable GAS & OIL Extraction ~

Additionally: Federal, Idaho State and county regulatory agencies ***DO NOT*** have:

- A **groundwater protection plan** that has been planned for or implemented in GEM County for ***Gas & Oil Exploration or Extraction***
- Baseline **ground water** data that has been collected for all water Stratum (areas) related with ***Gas & Oil Exploration or Extraction***
- An **Environmental / Infrastructure Impact Statement** (EIS) for proposed ***gas & oil extraction within Gem County***

Question: How will this industry affect our agricultural-based economy?

Preemption of Local Ordinances

Idaho Code is generally clear in expressly preempting specific county ordinance authority i.e.:

- Regulation of firearms (Idaho Code § 18-3302J)
- Exhibition of material or live conduct which is obscene (Idaho Code § 18-4113)
- Regulation of pseudoephedrine products (Idaho Code § 37-330)
- Noise standards for outdoor sport shooting ranges (Idaho Code § 55-2605)

Chapter 3, Title 47 *does not* expressly preempt local land use planning authority

- * If ordinances made under LLUPA impose higher standards than are required by any other statute or local ordinance, the provisions of ordinances made pursuant to LLUPA shall govern (Idaho Code § 67-6518)
- * State agencies are directed to comply with LLUPA plans and ordinances unless otherwise provided by law (Idaho Code § 67-6525)
- **Counties may regulate the manner of construction, location, and operation of oil and gas wells as set forth in LLUPA**

Counties with Noise Standards

- Bannock & Bonneville (45dbs)

NOTE:

45dbs is no louder than a quiet office setting

County Wind Energy Ordinances

Eight counties in Idaho have enacted wind **energy facility setback** ordinances:

Bannock (1-3 times total height of turbine)

Blaine (1.1 times total height of turbine)

Bonneville (1 times total height of turbine + 10 feet)

Cassia (1.5 times the total height of turbine)

Fremont (1 times the total height of turbine)

Jefferson (1 times the height of turbine)

Madison (**1 mile and 2-3 times total height of turbine**)

Power (1.2 times the total height of turbine)

October 15, 2013

“Idaho Department of Water Resources and the Idaho Department Environmental Quality keep a database and have tested water quality for the past 20 years”



Michael Lewis, Director USGS - Idaho Water Science Center

November 18th 2013

“Well, it’s *relevant* – and it’s *correct*...but while that is true, let’s ask another question: what parameters did they analyze for?.... but it has nothing to do with the inferred question.....

It’s an incomplete picture.”

“Based on my discussions with the agencies that monitor groundwater in this county [State; USGS has done *some*], there is **NOT** adequate data to assign a baseline assessment to the state of the shallow aquifer system here.” ~~~

“Recognizing that these studies aren’t cheap, ***what value do you place on your groundwaters?*** – the communities they serve, the businesses they support... ***They’re not making any new water.*** I propose this as a commonsense solution, to give you some insurance and some tools to understand, manage, and use your groundwater in a wise manner.” ~~~

“At least 100,000 customers in nine WV counties were told NOT to drink, bathe, cook or wash clothes using their tap water because of a spill into the Elk River in Charleston”

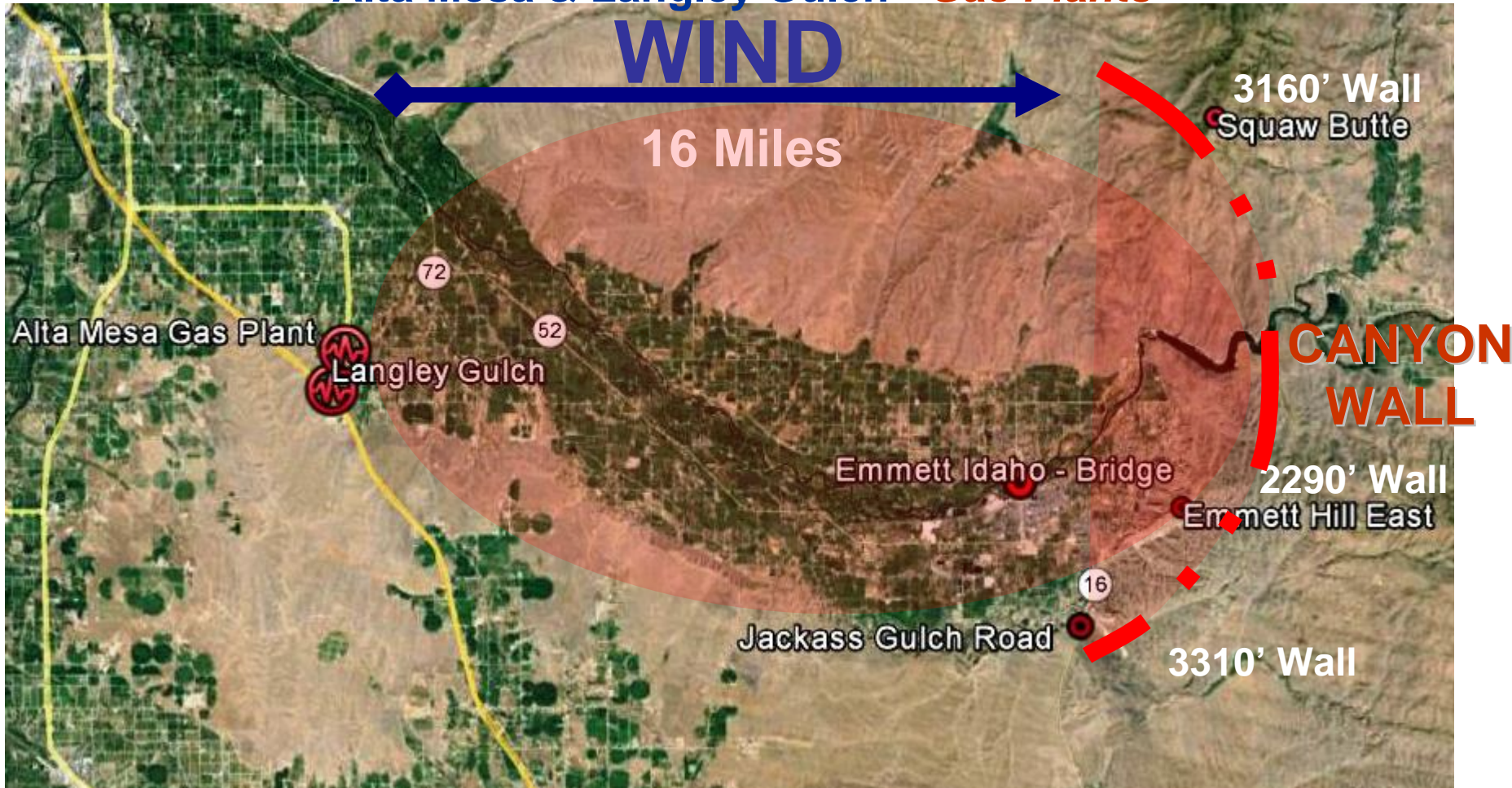
January 9, 2014

“West Virginia Chemical Spill: Several Hospitalized, 300,000 Without Water” - *January 11th 2014*



Crews clean up a chemical spill along the Elk River in Charleston W.Va. Jan. 9, 2014

Alta Mesa & Langley Gulch - Gas Plants

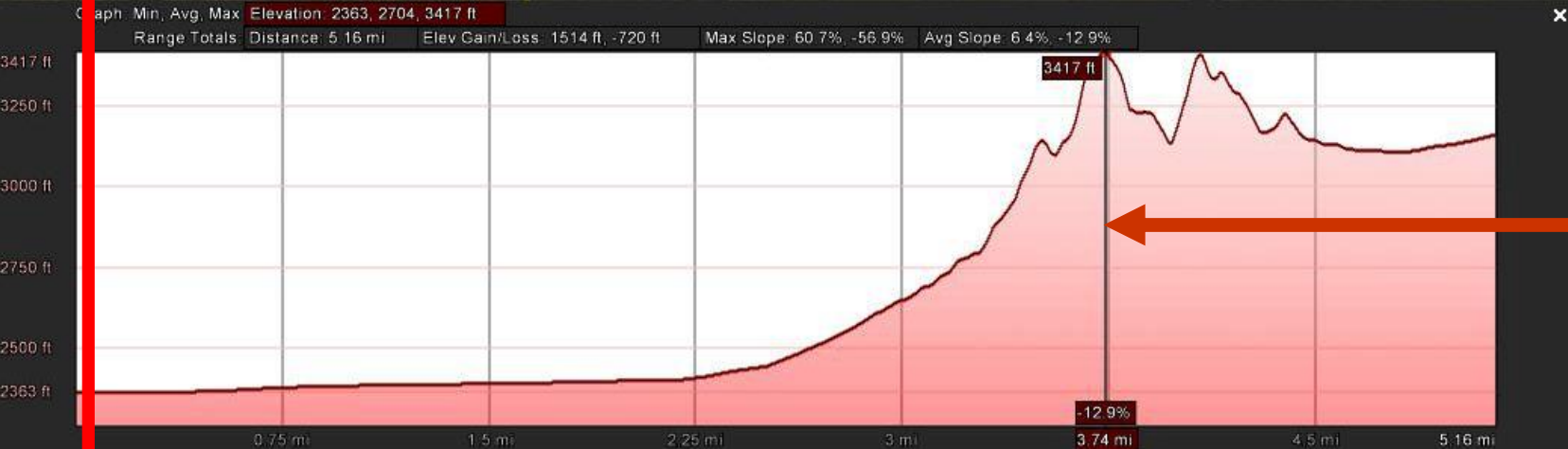


“State Regulated Toxic Air Pollutants”

nitrogen dioxide (NO₂)
carbon monoxide (CO)
(PM₁₀) & (PM_{2.5})
sulfur dioxide (SO₂)
Xylene

toluene
heptane
benzene
n-hexane
pentane

cyclohexane
ethylbenzene
formaldehyde
methylcyclohexane
2,2,4-trimethylpentane



“The presence of sensitive receptors in the area such as residences, schools, hospitals, and parks: No nearby sensitive receptors were identified in DEQ’s brief review”

“Based on the emissions presented in the modeling protocol, the proposed facility layout, the prevailing winds, and the nature of the emission sources, dispersion modeling will not be required for this project”

Idaho Department of Environmental Quality - November 20, 2013

Federal Clean Air Act Requires a Dispersion Model to include:

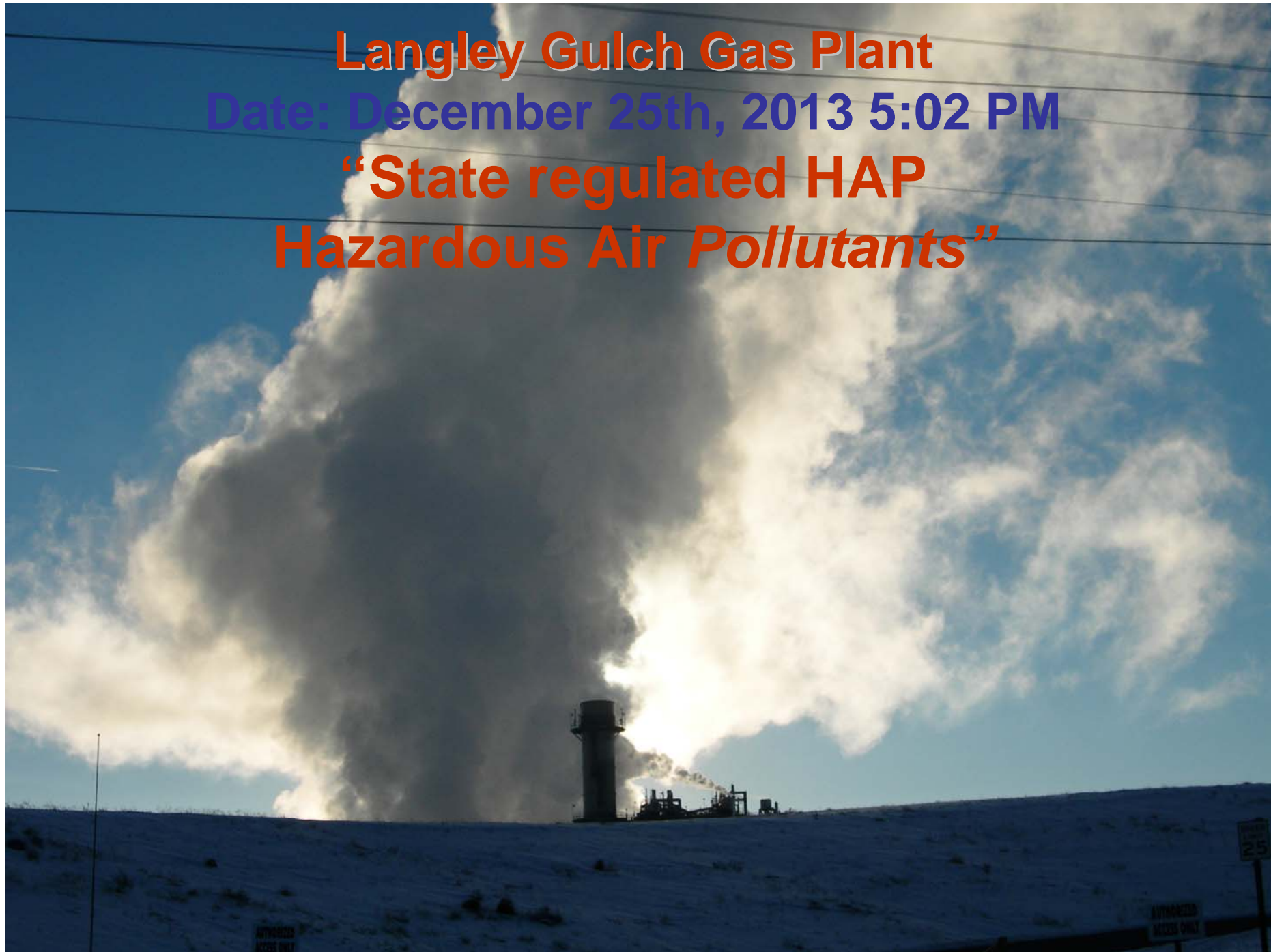
“The height to the bottom of any **inversion** aloft that may be present, cloud cover and solar radiation”

“Terrain elevations at the source location and at the receptor location(s), such as nearby homes, schools, businesses and hospitals”

Langley Gulch Gas Plant

Date: December 25th, 2013 5:02 PM

**“State regulated HAP
Hazardous Air Pollutants”**



Langley Gulch– Gas Plant

Date: December 25th, 2013 5:09 PM

**East View into Emmett Valley – *Air Pollutants
Trapped by Inversion & Box Canyon Walls***



Gas & Oil Well Ordinance

Prepared by Citizens of Gem County

Protects Public, Health & Safety while achieving economic development

Safeguards and Protections:

- **Air & Soil**
- **Property values**
- **Rural and quiet living space**
- **Ground water & Surface water**
- **Roadways, public areas, scenic and recreational areas**

Accomplished by the means of:

- **Setbacks**
- **Baseline testing** - air, soil and waters
- **Full disclosure** of all chemicals, materials, equipment and methods
- **Prohibiting nuisances** that diminish enjoyment of our living spaces
- Regulations protecting **agriculture, hunting and fishing habitats**
- **Drilling restrictions** - Payette River, Tributaries, Floodplain, Seismically-charted areas including Black Canyon dam and methods of extraction
- **Applicant responsible for ALL cost of related to Gas & Oil operations/permits and infrastructure without any financial burden to Gem County government and its citizens**

Draft available for review:

www.ProtectGemCounty.org