

## Summary of States O&G Operation Setbacks

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State	Summary	References
Alaska	Alaska – no requirement for setbacks, but do require wells within 660’ of residence to be equipped with fail-safe automatic surface-controlled subsurface safety valves capable of preventing an uncontrolled flow of fluid from the well’s tubing.	<a href="http://iogcc.publishpath.com/state-statutes">http://iogcc.publishpath.com/state-statutes</a>
Arizona	R12-7-143. Oil Tanks, Fire Walls, and Fire Hazards. All dikes or fire walls shall be erected and continuously maintained around all permanent oil tanks or batteries that are within the corporate limits of any city, town or village, or where such tanks are closer than 150 feet to any highway or inhabited dwelling, or closer than 1,000 feet to any school or church.	
California	<p>California considers setbacks as land-use issues and are handled by the local city or county. Each local agency will have different set-back rules depending on the structure.</p> <p>The Division has well-spacing regulations that can be found in Section 3600 of the Public Resources Code that define a nuisance well as within 300 feet of a residence or airport runway or within 100 feet of a dedicated public street, highway, or operating railway; any navigable body of water; any public recreational facility, or any other area of periodic high-density population; or any officially recognized wildlife preserve.</p> <p>Article 6. Preemption 3690. This chapter shall not be deemed a preemption by the state of any existing right of cities and counties to enact and enforce laws and regulations regulating the conduct and location of oil production activities, including, but not limited to, zoning, fire prevention, public safety, nuisance, appearance, noise, fencing, hours of operation, abandonment, and inspection.</p>	<p><a href="ftp://ftp.consrv.ca.gov/pub/oil/laws/PRC01.pdf">ftp://ftp.consrv.ca.gov/pub/oil/laws/PRC01.pdf</a></p>

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Colorado	<p>The COGCC increased the existing setback distances of 350' (high density) and 150' elsewhere to a uniform 500', and requires BMPs and protective measures to eliminate, minimize or mitigate for locations within 1,000' of occupied buildings. O&amp;G locations may not be located within 1,000' of schools, day care centers, hospitals, nursing homes, and correctional facilities. O&amp;G operators must notify Building Unit owners within 1,000' of operations, and created Local Governmental Designees ("LGDs"), to review locations proposed within their jurisdictions.</p> <p>Local governments by statute are allowed to regulate land use. Under Colorado statutes, local governments have the authority to regulate oil and gas development extensively, so long as the local regulation are not in operational conflict with state statutes. CRS § 30-15-411 (2010).</p> <p>The City of Longmont recently banned drilling and Boulder County, June 2013, just extended the drill ban moratorium another 18 months - more to come...</p> <p>§34-60-105(1), C.R.S.: "The commission has jurisdiction over all persons and property, public and private, necessary to enforce the provisions of this article, and has the power to make and enforce rules, regulations, and orders pursuant to this article, and to do whatever may reasonably be necessary to carry out the provisions of this article."</p> <p>§ 34-60-106(11)(a)(II), C.R.S.: The Commission shall "promulgate rules, in consultation with the department of public health and environment, to protect the health, safety, and welfare of the general public in the conduct of oil and gas operations."</p>	<p><a href="http://cogcc.state.co.us/RR_HF2012/Setbacks/finalrules/FinalSetBack.Htm">http://cogcc.state.co.us/RR_HF2012/Setbacks/finalrules/FinalSetBack.Htm</a></p>
Illinois	<p>SB 1715, enrolled June 2013, requires no well site with high volume horizontal hydraulic fracturing operations are proposed, planned, or occurs, measured from the closest edge of the well site, within 500 feet from any residence, school, hospital, or nursing home or water well. The well can be no closer than 1500' from the groundwater intake of a public water supply. Fracturing requires proof of \$5 million insurance. APD requires certified copy of official consent for operations conducted within city or</p>	<p><a href="http://www.ilga.gov/legislation/publicacts/98/PDF/098-0022.pdf">http://www.ilga.gov/legislation/publicacts/98/PDF/098-0022.pdf</a></p>
Indiana	<p>O&amp;G conservation law does not impose any well location setbacks. However, Indiana property statutes which govern the establishment of oil and gas estates in land do specify that any grant of oil and gas rights shall not authorize the "location of a well for oil and gas to be nearer than 200' to an existing house, barn, or other structure (except fences) without the express consent of the owner of the structure". IC 32-23-7-6(3).</p>	<p><a href="http://iogcc.publishpath.com/state-statutes">http://iogcc.publishpath.com/state-statutes</a></p>

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Kentucky	Requires wells to be 150 feet from any structure unless the operator receives a waiver from the structure owner.	<a href="http://iogcc.publishpath.com/state-statutes">http://iogcc.publishpath.com/state-statutes</a>
Louisiana	RS 30:28 requires a 500' setback, on wells drilled below 10,000', from residential or commercial structures. There are other setbacks covered in Order U-HS but they are only for Haynesville wells in urban areas. RS 38:225 provides that no person shall, drill, drive, jet, or otherwise sink oil, gas, or deep water wells within two hundred fifty feet of the levees.	<a href="http://iogcc.publishpath.com/state-statutes">http://iogcc.publishpath.com/state-statutes</a>
Maryland	Current regulations are 1,000 ft. from occupied dwelling, school, church or well head protection area unless written permission from owners, but regulations are currently under review.	<a href="http://iogcc.publishpath.com/state-statutes">http://iogcc.publishpath.com/state-statutes</a>
Michigan	Wells and non-H2S production facilities: 300 feet from water wells and from structures used for public or private occupancy. H2S production facilities: 600 feet from water wells, structures used for public or private occupancy, areas maintained for public recreation, or the edge of interstate, United States, or state highway.	<a href="http://iogcc.publishpath.com/state-statutes">http://iogcc.publishpath.com/state-statutes</a>
Montana	No setbacks in state rules, except for spacing. Montana law does not allow local governments to make resolutions or rules that prevent the complete use, development, or recovery of any mineral, forest or agricultural resource. However, local governments can impose reasonable conditions on application approvals; land use and zoning ordinances must allow effective utilization of mineral resources (Mont. Code Ann. § 76-2-209). Mont. Code Ann. § 7-1-113, "a local government with self-government powers is prohibited the exercise of any power in a manner inconsistent with state law or administrative regulation in any area affirmatively subjected by law to state regulation or control." No local standards or requirements can be lower or less stringent than the equivalent state standards.	<a href="http://www.oilandgasbmps.org/laws/montana_law.php">http://www.oilandgasbmps.org/laws/montana_law.php</a>

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New Mexico	<p>19.15.14.9 NMAC Applications: A. an applicant for a permit to drill a well within the corporate limits of a city, town or village shall give notice to the duly constituted governing body of the city, town or village.</p> <p>19.15.17NMAC An operator shall not locate a permanent pit or multi-well fluid management pit within 1000 feet from a permanent residence, school, hospital, institution or church. A below grade tank must be 300' from a residence.</p> <p>Under N.M. STAT. § 3-17-1, municipalities can pass ordinances "not inconsistent with the laws of New Mexico" to discharge powers and duties and to provide for safety, health, and prosperity of residents or order of the municipality. N.M. STAT. § 4-37-1 grants similar powers to counties. In addition, under N.M. STAT. § 3-18-17, any municipality or county with a floodplain or plains must have an ordinance that establishes building and permit requirements for construction – including that of oil and gas facilities. Eddy County has a 300' setback from residence, church, or school. Rio Arriba County has a 650' setback from dwellings. Santa Fe County has a 750' setback for dwellings and wells. Valencia County requires 500' from residential district boundary and 1000' from schools and health care facilities. Mora County prohibits oil and gas development (passed April, 2013 - expect more on this - court?)</p>	<p><a href="http://www.emnrd.state.nm.us/OCD/documents/14784-14785Exhibit.pdf">http://www.emnrd.state.nm.us/OCD/documents/14784-14785Exhibit.pdf</a></p>
North Dakota	<p>The operator must notify the owner of an occupied dwelling 1/4 mile of the location. Unless waived by the owner or if the commission determines that the well location is reasonably necessary to prevent waste or to protect correlative rights, the commission may not issue a drilling permit for an oil or gas well that will be located within 500 feet of an occupied dwelling. If the commission issues a drilling permit for a location within five hundred feet of an occupied dwelling, the commission may impose such conditions on the permit as the commission determines reasonably necessary to minimize impact to the owner of the dwelling.</p>	<p><a href="http://iogcc.publishpath.com/state-statutes">http://iogcc.publishpath.com/state-statutes</a></p>

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Oklahoma	<p>§ 52(3)(137) Nothing in this act is intended to limit or restrict the rights of cities and towns governmental corporate powers to prevent oil or gas drilling therein nor under its police powers to provide its own rules and regulations with reference to well-spacing units or drilling or production which they may have at this time under the general laws of the State of Oklahoma.</p> <p>§ 52(B)(1) Except as otherwise provided by this subsection, the Corporation Commission is hereby vested with exclusive jurisdiction, power and authority, and it shall be its duty to promulgate and enforce rules, and issue and enforce orders governing and regulating: a. the conservation of oil and gas,...c. the exploration, drilling, development, producing or processing for oil and gas on the lease site,</p>	<p><a href="http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=80584">http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=80584</a></p>
Pennsylvania	<p>§ 3304 - Uniformity of local ordinances. HB 1950 is directed at Marcellus Shale production and in part provides guidance and limited authority for municipal ordinances and zoning standards related to oil and gas development. Approved Feb. 2012</p> <ol style="list-style-type: none"> <li>1. setbacks from residences increased from 200' to 500' and 1000' from water supply extraction point</li> <li>2. allows for municipalities comments to be considered by Division</li> <li>3. rebuttable presumption of damage from 1000' to 2500' of water supply within 12 months of drilling</li> </ol>	<p><a href="http://pcicblog.org/wp-content/uploads/2012/02/MARCELLUS-SHALE-final-summary.pdf">http://pcicblog.org/wp-content/uploads/2012/02/MARCELLUS-SHALE-final-summary.pdf</a></p>
Texas	<p>Texas does not have a state-wide setback and instead setbacks are established at the community level. The community of Flower Mound, Texas has a setback of 1,500 feet and several other Texas communities (Dish, Denton, Colleyville, Southlake, and Weatherford) have 1,000 feet setbacks. Northlake has setback regulations for wells no closer than 600', but also restrict new development to be 600' away from nearest buildable plot.</p> <p>City of Coppell: Permitted in areas zoned Light Industrial and Agriculture. Oil and gas wells are prohibited within one thousand (1,000) feet from any habitable structure (residential or non-residential). Council may reduce this distance to allow a well within three hundred (300) feet of any non-residential building and five hundred (500) feet of any residence, religious institution, public building, school and/or public park after a notified public hearing of all property owners within one thousand (1,000) feet of the perimeter of the pad site. Permits are required prior to any drilling activity within the city.</p>	

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Virginia	No permit shall be issued for any well to be drilled closer than 200 feet from any inhabited building unless site conditions as approved by the director warrant the permission of a lesser distance and there exists a lease or agreement between the operator and the owner of the inhabited building.	<a href="http://iogcc.publishpath.com/state-statutes">http://iogcc.publishpath.com/state-statutes</a>
West Virginia	1. WV Code 22-6-21 (conventional wells); no oil or gas well shall be drilled nearer than 200' from an existing water well or dwelling. 2. WV Code 22-6A-12 (horizontal well act); wells may not be drilled within 250' of an existing water well or developed spring; center of well pads may not be located within 625' of an occupied dwelling structure or a building 2500 sq. ft. or larger used to house or shelter dairy cattle or poultry husbandry; wells may not be drilled within 100' from a perennial stream, natural or artificial lake, pond or reservoir, or a wetland, or within 300' of a naturally reproducing trout stream; no well pad may be located within 1000' of a surface or ground water intake of a public water supply.	<a href="http://iogcc.publishpath.com/state-statutes">http://iogcc.publishpath.com/state-statutes</a>
Wyoming	Commission Rules Chpt. 4, Sec.4(a)(v) On state and private surfaces, locate wellheads, pumping units, pits, production tanks and/or associated production equipment no less than 300' from any residence, school, hospital, or other places as determined by the Supervisor." Chpt.3, Section 22(b) further provides for pits, wellheads, pumping units, tanks, and treaters located no closer than 350' from water supplies, residences, schools, hospitals, or other structures where people are known to congregate. Current rules, in both sections, provide that the Supervisor can grant exceptions without a Commission hearing. Cities and towns have the power to regulate oil and gas through the zoning power granted by state statute (WSA § 15-1-601 (2010)). Under the statute, they may divide the city or town into districts and within those districts may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land (WSA § 15-1-601(a)(i)(E) (2010)). This power is, however, limited for counties as WSA §18-5-201 (2010) expressly prohibits county zoning resolutions or plans from preventing use or occupancy of lands necessary for mineral extraction. Without a similar prohibition, cities have started to regulate oil and gas development. Several WY cities, such as Gillette and Evanston have zoning and permitting requirement for O&G industries.	<a href="http://www.oilandgasbmps.org/laws/wyoming_localgovt_law.html">http://www.oilandgasbmps.org/laws/wyoming_localgovt_law.html</a>