

# Regulation of Oil and Gas in Colorado



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## OVERVIEW

- Overview of Colorado Oil and Gas Conservation Commission (COGCC)
- Local Governments Authority
- Colorado Department of Public Health and Environment (CDPHE)



# Overview of COGCC

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- Colorado Oil and Gas Conservation Act (as amended by Senate Bill 19-181)
- COGCC is part of the Department of Natural Resources
- COGCC's mission is to regulate the development and production of natural resources of oil and gas in the state of Colorado in a manner that protects public health, safety, welfare, the environment and wildlife resources
- COGCC oversees all phases of oil and gas development and downhole aspects

- COGCC Website: [cogcc.state.co.us](http://cogcc.state.co.us)



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# Local Government Authority

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- Prior to SB 19-181, local regulation could not conflict with state laws and regulations (preemption)
- SB 19-181 expanded local authority over oil and gas (Local Government Land Use Control Enabling Act)
  - Local governments may regulate
    - surface impacts in a reasonable manner to protect public health, safety, welfare and the environment
    - land use, location and siting, impacts to public facilities and services, water quality and source, noise, vibration, dust, odor, light, air quality, land disturbance, reclamation, cultural resources, emergency preparedness, security and traffic issues related to oil and gas development
  - Local government regulations may be stricter than state requirements



# CDPHE Consultations

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- COGCC Rule 309.f (previously 306.d)
- Can be requested by local governments or automatically triggered if operator seeks variance from COGCC rules related to public health or the environment
- Initial consultation period of 45-60 days
- CDPHE recommends permit conditions and/or best management practices (BMPs)





Air

Water

CDPHE  
Regulatory  
Authority



Waste



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# Regulation of Air Quality

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- CDPHE's Air Pollution Control Division (APCD) serves as staff to the Air Quality Control Commission (AQCC)
  - Colorado Air Pollution Prevention and Control Act
  - develops regulations
  - issues permits
  - monitors air quality
  - conducts inspections
  - enforces regulations



# AQCC's Oil and Gas Air Quality Regulations

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- Regulation 1 – Opacity (e.g. smoke and dust)
- Regulation 2 – Odor Emissions
- Regulation 3 – Statewide Permitting Requirements
- Regulation 6 – New Source Performance Standards (NSPS)
  - E.g. NSPS Kb (Storage Tanks) and NSPS OOOO (Crude Oil and Natural Gas Production, Transmission and Distribution)
- Regulation 7 – Control of Ozone Precursors and Oil and Gas Hydrocarbon Emissions
- Regulation 8 – Maximum Achievable Control Technology (MACT)
  - E.g. MACT HH (Oil and Natural Gas Production Facilities) and MACT HHH (Natural Gas Transmission and Storage Facilities)
- Regulation 22 – Greenhouse Gas Reporting and Emission Reduction Requirements





# Regulation Number 2 - Odor Emissions

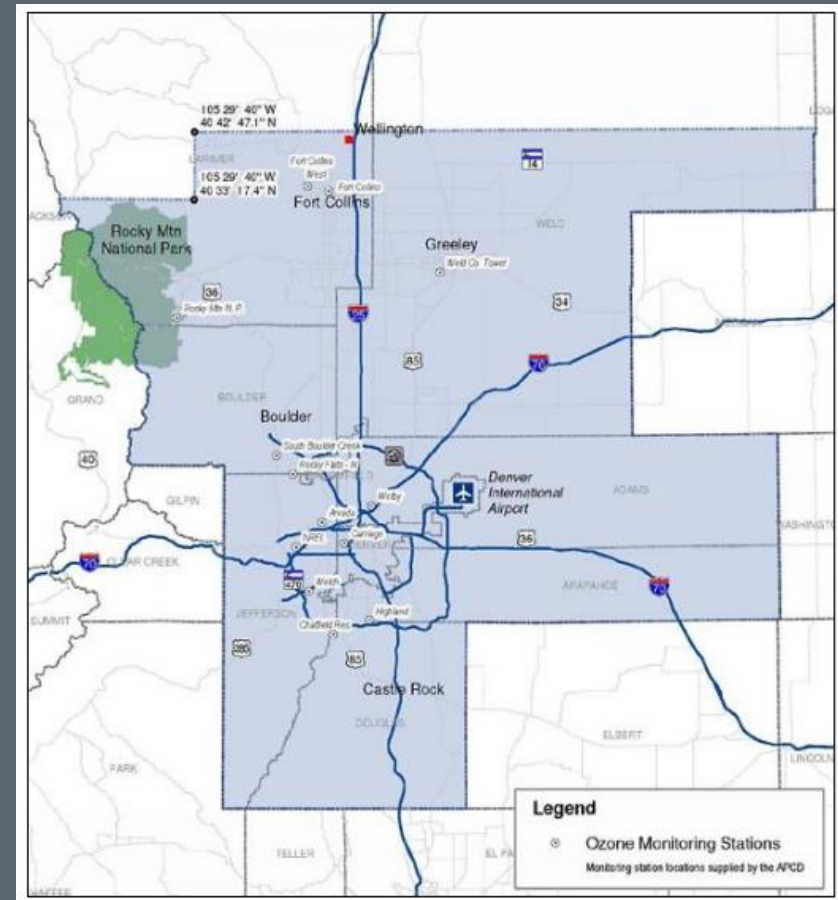
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- Prohibits odors above certain levels
  - 7 to 1 dilution standard in residential and commercial areas and 15 to 1 dilution standard in all other areas (i.e. if odors are detected after the odorous air has been diluted with 7 or more volumes of odor free air)
- Difficult to enforce because odors can come and go very quickly
- Different people experience different things in response to odors



# Regulation Number 3 - Permitting Requirements

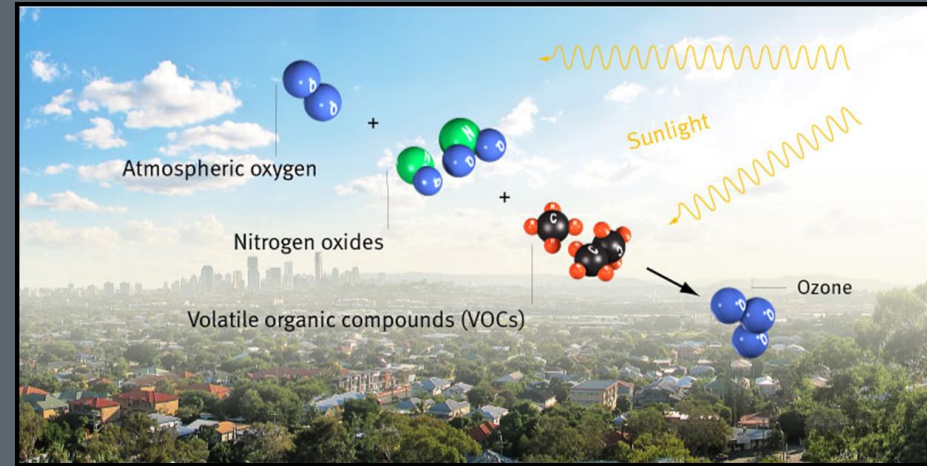
- Air Pollutant Emissions Notice (APEN)
  - Describes emissions sources, fuel types, consumption rates, emissions estimates, etc.
- Air Quality Permit
  - Authorizes legal emissions of air pollutants under certain terms and conditions
  - Defines what pollutants can be emitted and at what levels
  - Identifies what steps a facility must take to minimize emissions
  - Specifies how emissions must be measured and reported



Nonattainment Area Map

# Regulation Number 7 - Control of Ozone Precursors and Oil and Gas Hydrocarbon Emissions

- Regulation 7 requires:
  - the use of good air pollution control practices
  - equipment and process-specific emissions controls
  - comprehensive leak detection and repair (LDAR) program
  - air quality monitoring



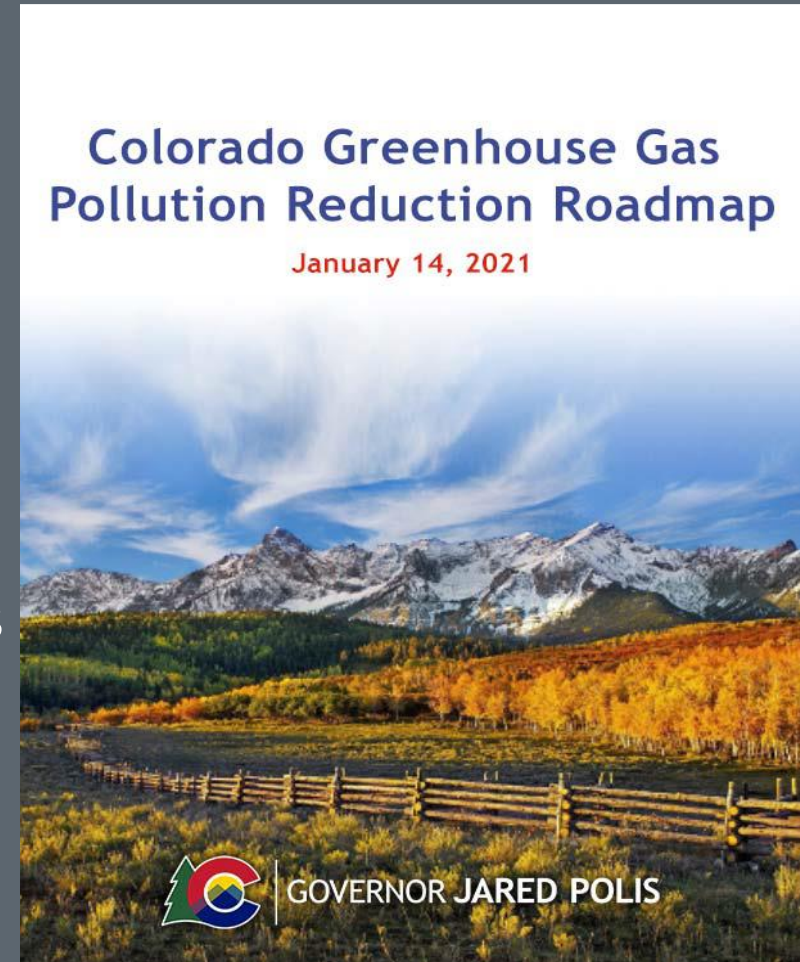
**Example: Action Day & Advisory**

Forecast - Denver Metro Air Quality	
Expected Air Quality for Your Health (Tuesday)	<b>MODERATE</b>
Expected Visibility (Wednesday)	<b>POOR</b>
Residential Burning Restricted 4PM Tue - 4PM Wed	<b>ACTION DAY!</b> FOR VISIBILITY



# Regulation Number 22 - Greenhouse Gas (GHG) Reporting and Emission Reduction Requirements

- House Bill 19-1261
  - GHG reduction goals
    - 26% by 2025
    - 50% by 2030
    - 90% by 2050
- Senate Bill 19-096
  - GHG reporting rule & reductions
  - GHG inventory
- GHG Roadmap



# Air Quality Resources

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- APCD Website: <https://www.colorado.gov/pacific/cdphe/apcd>
- AQCC Regulations: <https://www.colorado.gov/pacific/cdphe/aqcc-statutes-and-regulations>
- AQCC Website (with rulemaking calendar)- <https://www.colorado.gov/pacific/cdphe/aqcc>
- Getting Involved in the Rulemaking Process:  
[https://drive.google.com/file/d/1ajTTHzQuJC1obnYmk35x7LV1\\_3Xe3LqW/view](https://drive.google.com/file/d/1ajTTHzQuJC1obnYmk35x7LV1_3Xe3LqW/view)
- Oil and Gas Compliance and Recordkeeping: <https://cdphe.stg.colorado.gov/apens-and-air-permits>
- Air quality monitoring, modelling and data (including forecasts and advisories):  
<https://www.colorado.gov/airquality/>
- Air quality monitoring 101 and continuous monitoring 101: <https://cdphe.stg.colorado.gov/oil-and-gas-methane-other-hydrocarbons-monitoring-forum>
- Sign up for APCD Updates (including oil and gas): <https://cdphe.stg.colorado.gov/air-pollution-contacts>
- APCD Contact Information- 303-692-3100 [cdphe.commentsapcd@state.co.us](mailto:cdphe.commentsapcd@state.co.us)



# Regulation of State Waters

CDPHE Water  
Quality Control  
Commission  
(WQCC)

COGCC

CDPHE Water  
Quality Control  
Division (WQCD)

WQCD  
and  
COGCC

Adopts water  
quality  
standards

Implements  
oil and gas  
groundwater  
standards

Issues  
surface  
water and  
stormwater  
permits

Coordinate  
on spills to  
surface  
water

- WQCD Website: <https://www.colorado.gov/pacific/cdphe/wqcd>
- Regulations: <https://www.colorado.gov/pacific/cdphe/water-quality-control-commission-regulations>
- Stakeholder Engagement: <https://www.colorado.gov/cdphe/wgstakeholder>
- Contact Info: 303-692-3500; [cdphe.commentswqcd@state.co.us](mailto:cdphe.commentswqcd@state.co.us)



# Reporting Spills and Releases

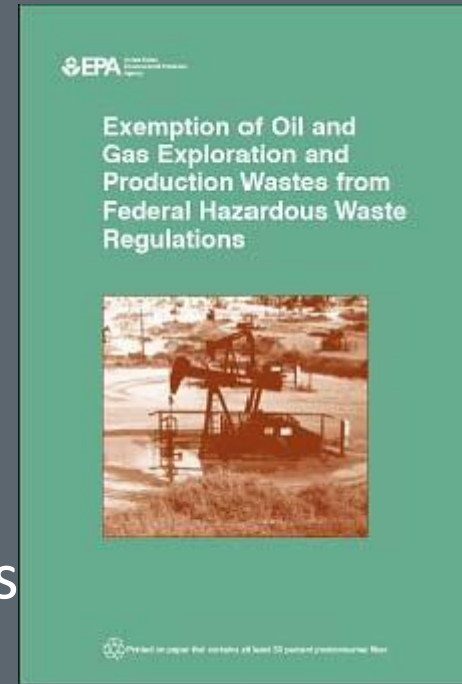
- COGCC Rule 912 requires that operators report spills above certain thresholds
- Regardless of whether it is reportable, a spill or release of any size must be stopped, cleaned up and investigated as soon as practicable
- If a spill or release impacts or threatens to impact waters of the state, it must also be reported immediately to CDPHE by calling the



**24-hour Colorado Emergency and Incident Reporting Line:**  
**1-877-518-5608**

# Waste Management

- Exploration and production (E&P) wastes are considered solid wastes
  - Drill cuttings, produced water, drilling muds, flowback and technologically enhanced naturally occurring radioactive materials (TENORM)
- Non-commercial waste management facilities are regulated by COGCC
- Commercial facilities are regulated by CDPHE's Hazardous Materials and Waste Management Division (HMWMD)



- HMWMD Website: <https://www.colorado.gov/pacific/cdphe/hm>
- Regulations: <https://www.colorado.gov/pacific/cdphe/solid-waste-regulations>
- Stakeholder Engagement: <https://www.colorado.gov/cdphe/hmwm-stakeholder-processes>
- Contact Info: 303-692-3320; [commentshmwmd@state.co.us](mailto:commentshmwmd@state.co.us)



# Oil and Gas Health Information and Response

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- Collaboration between Toxicology and Environmental Epidemiology Office and Air Pollution Control Division
- Tracks and investigates health concerns
  - The public can submit complaints over the phone ([303-389-1687](tel:303-389-1687)) or online ([www.colorado.gov/oghealth](http://www.colorado.gov/oghealth))
- Provides the public with health science information
  - Publishes investigation findings online



# Questions?

General questions: [sean.hackett@state.co.us](mailto:sean.hackett@state.co.us)

Consultation requests:  
[cdphe\\_cogcc\\_consultations@state.co.us](mailto:cdphe_cogcc_consultations@state.co.us)

