Role of local governments in oil and gas regulation

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Colorado’s Oil and Gas Basins

- Sand Wash Basin
- North Park Basin
- South Park Basin
- Canon City Embayment
- San Juan Basin
- Paradox Basin
- Uintah Basin
- Piceance Basin
- Denver Julesburg Basin
- Raton Basin
Oil and gas development is a highly-industrialized activity
ENVIRONMENTAL AND COMMUNITY IMPACTS OF OIL AND GAS DEVELOPMENT

NOISE
WATER
AIR
PUBLIC HEALTH
SAFETY
Water Quality
IMPACTS TO AIR QUALITY AND HEALTH

Local
- Dust
- Toxic emissions
- Carcinogenic (Benzene)

Regional
- Front Range in Non-Attainment for Ozone
- NW Colorado in Non-Attainment for Ozone.

Global
- Methane is 20 X more potent greenhouse gas than CO2
Storage Tanks
Increased risk to public safety?
DANGER
HIGH PRESSURE
EXPLOSIVE VAPORS
NO SMOKING
Well blow-out near Windsor, CO in February, 2013. Similar blow-out happened in Hudson, CO in February, 2017 – covering an area as far as 2,000 feet away in oil, fracking fluids, and water.
Six tank explosions and fires in two months in 2014

school told to “shelter in place”
Result of a lightning strike of waste water facility near Greeley on April 17, 2015
City of Longmont v. Colorado Oil & Gas Ass’n, a local government ordinance may not authorize what state law forbids, forbid what state law authorizes, or be found to “materially impede or destroy” the state interest in “permit[ting] each oil and gas pool in Colorado to produce up to its maximum efficient rate of production, subject to the prevention of waste, consistent with the protection of public health, safety, and welfare, including protection of the environment and wildlife resources…”
Few tools in the local government tool box to address oil and gas development...
Local Government Tools

1) Work through COGCC permitting process with your Local Government Designee

2) Apply zoning rules – *so long as not prohibiting oil and gas development*

3) Enter into voluntary agreements with the oil and gas industry
   - A. MOU
   - B. Broomfield Task Force
   - C. Comprehensive Drilling Plans
COGCC
Residential Drilling Rules
Setbacks – 600 series Rules

- **Schools and hospitals:** 1,000-foot setback

- **Urban Setbacks:** 500-foot setback
  - *Affects less than 4% of wells*

- **Rural Setback:** 500-foot setback
  - *Allows an “exception” if the industry asks for it*
  - *The only requirement is that impacts are mitigated to the greatest extent economically practicable*
Any “multi–well production facility” that is proposed near a residential area must prove it is located “as far as possible” from homes.
Great Western proposal in Windsor
Oil and Gas Task Force rulemaking:

Large oil and gas facilities within Urban Mitigation Areas
Large UMA Facility

- An “Urban Mitigation Area” is 22 homes within 1,000 feet of a proposed oil and gas facility or 11 homes within a semi-circle of the proposed location.

- A “Large UMA Facility” is eight or more wells or 4,000 barrels of hydrocarbons stored onsite.
Large scale oil and gas facility near Berthoud, CO
What is an Urban Mitigation Area?

22 homes within 1,000 ft from oil and gas location
11 homes within 1,000 ft semi-circle from oil and gas location
(4) Large UMA Facilities. Large UMA Facilities should be built as far as possible from existing building units and operated using the best available technology to avoid or minimize adverse impacts to adjoining land uses. To achieve this objective, the Director will require a combination of best management practices and required mitigation measures, and may also impose site specific conditions of approval related to operational and technical aspects of a proposed Large UMA Facility.
COGCC Large UMA Facilities

1. Additional 40–day comment period for citizens to comment on the proposed location including site and mitigation measures.

2. The rules require operators to provide proof of their search for alternative sites, and reasons why those sites were not selected.

3. If alt. locations are not available, must use best available technologies to avoid or minimize adverse impacts to adjoining land uses to the greatest extent achievable. (Rule 604.c.(4))

4. CDPHE is required to comment and offer mitigations to protect public health.
1) No alternative location analysis
2) No requirement for pipelines
3) Access road 35 feet from home
Local government may appeal decisions

- **To COGCC** – “Relevant local government” may require a hearing before the COGCC to contest a location decision under COGCC rule 503.b(7).

- **To District Court** – *Neighbors Affected by Triple Creek v. COGCC*
Most local governments take the “Carrot and Stick” approach – offering an administrative approval track to companies willing to go beyond COGCC regulations.
Boulder County’s proposed regulations

1. Hearing before the Planning Commission
2. Hearing before the County Commissioners
3. Hearing before Open Space Advisory Committee
Boulder County’s proposed regulations

1. No Drilling in Floodways or Floodplain*
2. Continuous Ambient Air Quality Monitoring
3. Offer to sample all wells within ¼ mile
4. “Disruption payments” to nearby property owners
5. Oil and gas roughnecks required bike-to-work every Tuesday to offset GHG emissions
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City and County of Broomfield

1. Current MOU with Extraction Oil and Gas
2. Declined passing 6-month moratorium
3. Attempting to update Comprehensive Plan to include Oil and Gas
4. Revise MOU with Extraction
Add a focus area: “Oil and Gas drilling” to Comprehensive Plan

Pursuant to COGCC Rule 302.c(3) The City and County of Broomfield shall request all Oil and Gas operators ("operators") to submit five year plan

The Update Committee will prepare a comprehensive map of the potential future well sites overlaid on the 2016 Comprehensive Plan Map.
On such map, the Update Committee will identify:

1. sites that it considers compatible with the current and planned future uses of the area;
2. sites where it anticipates minor issues to be resolved by negotiation with the operator; and
3. sites where it anticipates significant conflicts. Conflicts may include concerns over health, safety, traffic and noise.
a. **Purpose.** Comprehensive Drilling Plans are intended to identify foreseeable oil and gas activities in a defined geographic area, facilitate discussions about potential impacts, and identify measures to minimize adverse impacts to public health, safety, welfare, and the environment, including wildlife resources, from such activities. An operator’s decisions to initiate and enter into a Comprehensive Drilling Plan are voluntary.
Thank-you!

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