



# **COLORADO OIL AND GAS CONSERVATION COMMISSION RULEMAKING PROCESS**

**Garfield County BOCC**

**November 5, 2012**

**Kirby Wynn  
Oil and Gas Liaison**



# Staff request for Guidance

---

- Nov. 6 prehearing Conference.
- BOCC preferences regarding each category of proposed rule change:
  - Neutral
  - Support
  - Support with modification
  - Do not support
- BOCC instruction to staff regarding development and submittal to COGCC a preliminary prehearing statement (hardcopies due to COGCC November 9)
- Nov. 14, Dec. 10/11 Rulemaking hearings.

# **COGCC *Informal* Rulemaking Process**

---

- **Stakeholder discussion process began February 2012**
  - **Multiple meetings to review facts and refine issues**
  - **Stakeholder formal and informal input**
  - ***October: Straw man rules framework***

# **COGCC Rulemaking Process: Key Dates**

---

- ***October 15:*** Publication of Draft Rules
- ***November 2:*** Deadline to apply for Party Status for rulemaking
- ***November 6:*** Prehearing conference to narrow issues to be addressed, including time allotments for COGCC hearing
- ***November 9:*** Deadline for Public to notify COGCC of intent to provide oral testimony at the rulemaking hearing
- ***November 9:*** Deadline for written preliminary prehearing statements from Party Status groups (5 page limit)

# COGCC Rulemaking Process: Key Dates

---

- **November 9: Deadline for Alternative GW rule proposals**
- **November 9: Deadline for written public comments to be emailed to COGCC**
- **November 14/15: Initial COGCC hearing on proposed rules/further refine issues, Public and Party Status comments may be heard.**
- **November 28: Deadline for Alternative Setbacks rule proposals**

# **COGCC Rulemaking Process: Key Dates**

---

- ***November 30: Deadline for Final Prehearing Statements (15 page limit)***
- ***December 10/11: Rulemaking hearing***
- ***December 21: Deadline for rebuttal statements from any Party or COGCC staff***
  
- ***January 7/8: COGCC Hearing, final rulemakings decision target date***

# **COGCC Rulemaking Issues: DRAFT Monitoring**

---

- **Mandatory Baseline ground water sampling**
  - **Voluntary program already in place with 100% compliance in Garfield County**
  - **COGCC recommends required Statewide pre and post drilling and completions sampling using a more comprehensive approach**

# COGCC Rulemaking Issues: **DRAFT Setback**

---

- **Adjusted Well setbacks**
- **Extended permit application comment period: 40 days**
- ***Required odor mitigation zone reduction from 1,320' to 1,000' statewide***
- **Additional Building unit owner *Good Faith* consultation**
  - Discuss Operational plans, Setback distance, Equipment, Reclamation plan. Operator must discuss possible nuisance issues: odor, lights, dust, traffic plan and proposed mitigation for each.

# COGCC Rulemaking Issues: **DRAFT Setback**

---

- Adjusted Well/Production Facility setbacks
- 4 Buffer Zones (generalized summary)
  - **Exception Zone:** 350' or less; Required Building Unit owner meeting and approval
  - **Buffer Zone:** 1,000' or less: Require nearby building owner meeting
  - **High Occupancy Building:** Inside 750' requires Commission approval
  - **Designated Outside Activity Area:** 350' setback, Commission discretion to increase on case by case basis