Overview of Recently Revised COGCC Complaint Process

Energy Advisory Board Meeting
Rifle, Colorado

February 5, 2015

COLORADO
Oil & Gas Conservation Commission
Department of Natural Resources

Marc Morton
Local Government Liaison

Agenda

- COGCC Overview
- Complaint Process Update
- Recent Enforcement Changes

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The COGCC is…

- Regulatory agency created by statute in 1951 (Oil and Gas Conservation Act of 1951)
- Legislative directive then was to: “The waste of oil and gas . . . is hereby prohibited.”
- C.R.S § 34-60-101 is legal citation of current Oil and Gas Conservation Act, or “the Act”

COGCC Mission (adopted 2007)

- Foster the responsible, balanced development of oil and gas
- Protect public health, safety, and welfare, including the environment and wildlife resources
- Protect correlative rights
- Prevent waste

Who is the Commission?

- 9 Commissioners – 3 with O&G experience
  - Executive Directors of DNR and CDPHE
  - 7 volunteer citizens appointed by Governor
  - Represent broad constituencies by statute

Who is the Commission?

- Director and professional staff carry out the day-to-day administration of the “Act” and regulation of oil and gas operations
- 99 COGCC employees (FTEs) at present
- 5 Units: Engineering, Environmental, Field Inspection, Permitting, Hearings, and Financial
- Many (~ 57) employees are field-based and are our “boots on the ground”

LET'S TALK COMPLAINTS

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Complaint

From Wikipedia, the free encyclopedia

This article is about the legal usage. For complaints in other contexts, see complaint (disambiguation).

In legal terminology, a **complaint** is any formal legal document that sets out the facts and legal reasons (see: cause of action) that the filing party or parties (the plaintiff(s)) believes are sufficient to support a claim against the party or parties against whom the claim is brought (the defendant(s)) that entitles the plaintiff(s) to a remedy (either money damages or injunctive relief). For example, the Federal Rules of Civil Procedure

Civil procedure in the United States
Federal Rules of Civil Procedure
Doctrines of civil procedure
Jurisdiction
Subject-matter

Definition (noun: **complaint**; plural noun: **complaints)**

1. a statement that a situation is unsatisfactory or unacceptable.

Common complaints we receive at COGCC often relate to noise, dust, noise, odor, water quality, noise, vibrations, stormwater, and air quality.

Noise is the most common complaint.

TIMELINE - COMPLAINT PROCESSS REVIEW

- Initiated “Lean” Review Process October 2014 lead by Deputy Director Kulmann
- Work completed by COGCC internal team over next 6 weeks, followed by Staff review
- New link went live on January 9, 2015

http://cogcc.state.co.us/ then COMPLAINTS link from list at left

COGCC Website – http://cogcc.state.co.us/
Your immediate link to filing a complaint

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February 03, 2015

PUBLIC ANNOUNCEMENTS

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GWA operator guidance provides critical Rule 318A.e.(5) compliance information regarding wellbore spacing units.

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COGCC Values Statement

HOT TOPICS

Enforcement Program Information New
Information, data and guidance regarding the COGCC's Enforcement Program can be found here. This information is regularly updated.

New Enforcement and Penalty Rules New
On January 5, 2015, the Commission adopted revisions to Rules 522 a 523, the primary enforcement and penalty rules. Anticipated effective da is March 2, 2015. Click for revised rules.

Rule Revisions Effective January 30, 2015 New
On December 15, 2015, the Commission adopted amendments to Rule Series 100, 200, 300, 500, 600, 700 and 900. Revised rules are posted website Rules page. Click for redline.

New Enforcement Guidance and Penalty Policy New
On January 26, 2015, the Director finalized, and the Commission ratifie a revised Enforcement Guidance and Penalty Policy in conjunction with the recent revisions to Rules 522 and 523.

Or call 888-235-1101 or e-mail us at dnr_cogcc.complaints@state.co.us

COGCC Rule 522 addresses Complaints

- May be related to any action regulated by COGCC

- May be made to COGCC by any person directly and adversely affected by alleged violation

- COGCC investigates and works with operator and complainant to resolve complaints and violations

Making a Complaint

Online submittal of complaint is strongly encouraged; Calling COGCC is always an option, as staff will assist with handling issue, or give assistance to go online and file a written, formal complaint.

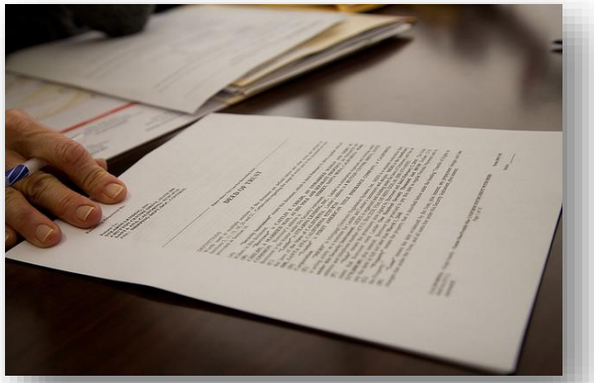
Written = Formal (done online)

- Form 18 using on-line tool on Complaints link at cogcc.state.co.us
- Provides correct and complete information to facilitate follow-up
- Gives Complainant "standing" in any associated enforcement actions

Verbal = Informal (888-235-1101)

- May be an initial step
- Will be followed up by COGCC intake staff
- Written follow-up will be strongly recommended by intake staff to allow "standing" in enforcement actions

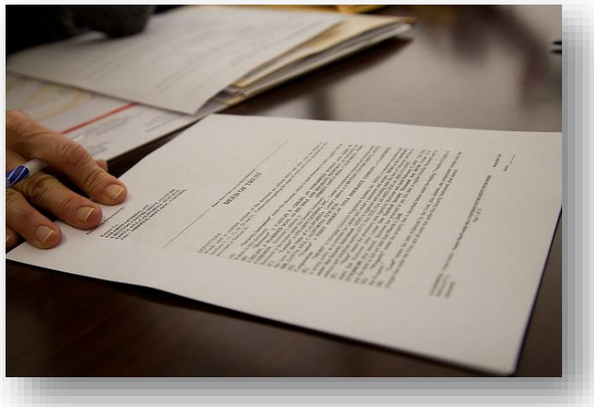
COGCC Complaint Process



Intake and routing

Investigate and take appropriate actions

Close and communicate



Step 1. Intake and Routing

Is the complaint regulated under COGCC rules?

✓If not, close the complaint and provide complainant the contact information for regulating agency

✓If so, route Form 18 to a COGCC team for follow-up
- Engineering
- Environmental
- Field Inspection
- Other

Step 2. Investigate and take appropriate actions

What are details of the issue?
What actions could correct, mitigate or remediate?

✓Follow-up with Complainant

✓Follow-up with Operator and other COGCC staff

✓Work with Operator to initiate appropriate remedial actions

✓Document the investigation
- -Update and approve Form 18
- -Initiate Form 18A to close

Step 3. Close and communicate

Has a violation occurred?
Is an enforcement action appropriate?

✓Verify results of investigation

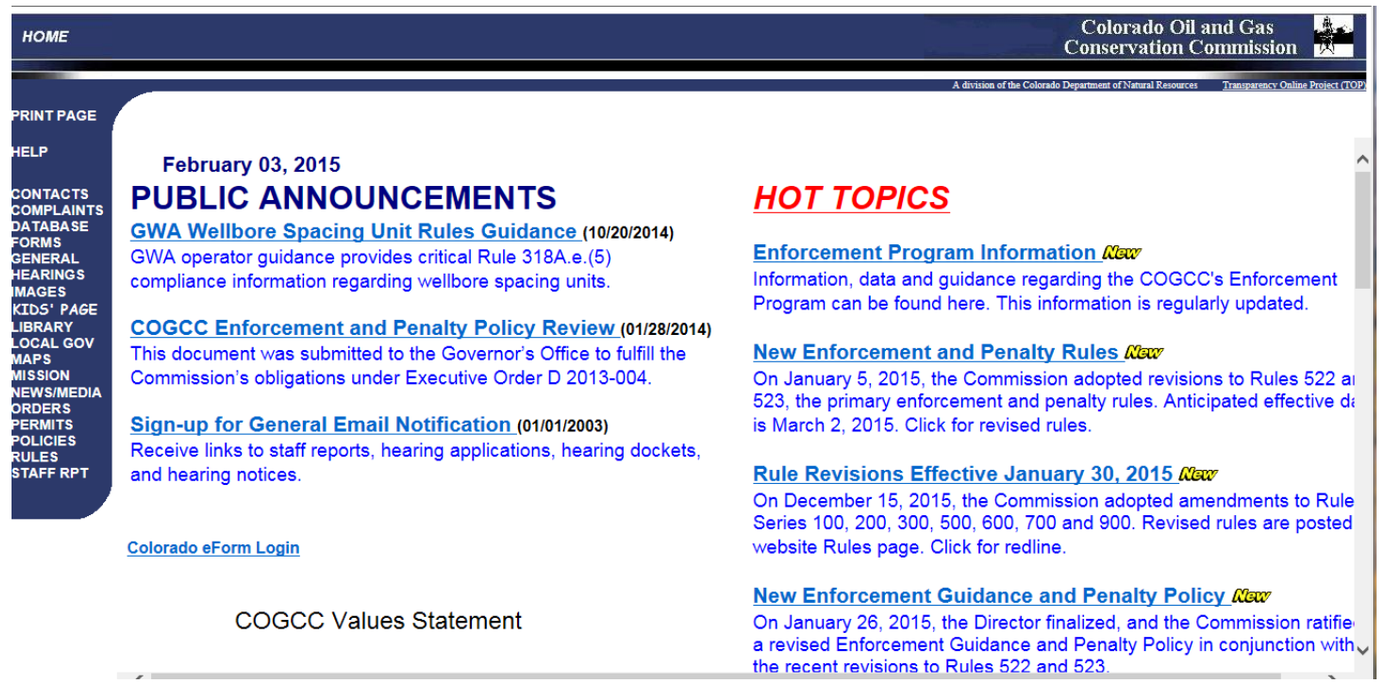
✓Finalize and approve Form 18A and other COGCC forms

✓Compare to enforcement matrix
-Proceed to enforcement if it required for that circumstance

✓Send formal communication to complainant regarding resolution and/or closure

Features of New Complaints Link

- One page guidance document
- Link to filing a complaint
- Q&A Link
- Link on how to track a complaints



File a Complaint

- **READ FIRST - Guidance for filing a complaint**
- **File your complaint**

Questions and Answers

- What should I expect after I file a complaint?
- I'm not satisfied with the results of my complaint. What are my rights?
- Why was my Complaint Closed?
- I want to comment on a proposed oil and gas location. Should I file a complaint to do this?
- I am the surface owner of a proposed oil and gas location. I have concerns that I want the operator to address, but I do not have a surface use agreement with the operator. Should I file a complaint?

See all Q&As in one document

How to Track a Complaint(s)

Guidance for tracking a complaint

Complaint incident search tool

(Enter your name in the 'Complainant' field to locate complaints submitted by you)

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COGCC Complaint Intake Tool (Will be used to populate a Form 18)

Type of Complaint (Click all that apply) *

- ☐ Air Quality/Odor
- ☐ Dust
- ☐ Ground Water/Water Well
- ☐ Lighting
- ☐ Noise
- ☐ Property Damage
- ☐ Royalties Payment / Missing Production
- ☐ Spills/Soil Contamination
- ☐ Traffic
- ☐ Waste Management / Dumping
- ☐ Notice Letters
- ☐ Other:

Location of Concern *

Please provide as much detail as possible. It is important to narrow down the location.

FORM 18 Rev 6/99

State of Colorado
Oil and Gas Conservation Commission

1120 Lincoln Street, Suite 801, Denver, Colorado 80203 (303) 894-2100 Fax: (303) 894-2109

FOR OGCC USE ONLY

COMPLAINT REPORT

This form may be submitted by any party with a complaint regarding oil and gas extractive operations. The complainant is to complete this form and mail to: COGCC, 1120 Lincoln St., Ste. 801, Denver, CO 80203 or fax to (303) 894-2109. COGCC will investigate the complaint and determine what action, if any, should be taken.

Complaint taken by:

API Number:

Facility ID:

COMPLAINT TYPE

☐ Environmental Damage ☐ Noise ☐ Payment ☐ Site Maintenance ☐ Other (describe):

COMPLAINANT INFORMATION

Name of Complainant:	Phone Numbers
Address:	No:
City: State: Zip:	Fax:
Date Complaint Taken by OGCC:	E-Mail:
Connection to Incident (Land Owner, Royalty Owner, etc.):	

DESCRIPTION OF COMPLAINT
(Please be as specific as possible)

Name of Operator:	OGCC Operator Number:
Date of Incident:	Facility Name:
Type of Facility (Well, Tank Battery, Flow Line, Pit):	QtrQtr: Section:
Well Name and Number:	Township: Range: Meridian:
County:	
☐ Yes ☐ No If yes, contact name:	
he incident, problem and cause (equipment failure, human error, etc.):	

Complaint Report

LET'S TALK ENFORCEMENT

en·force
(ĕn-fôrs′)*tr.v.* **en·forced**, **en·forc·ing**, **en·forc·es**
1. To compel observance of or obedience to: *enforce a law.*
2. To impose (a kind of behavior, for example):

Enforcement Update

- **Executive Order D 2013-004 (May 2013)** Directed COGCC to Review, Propose Regulations, and Adopt Guidance Regarding Its Enforcement and Penalty-Assessment Procedures

- Colorado Legislature passes of **HB 14-1356** called for increased fine structure and other provisions – signed into law June 2014

  - COGCC completed a **LEAN process review** of Enforcement and Penalty programs in 2014, provided training to Operators, & adopted new processes for enforcement

  - On January 5, 2015, the Commission adopted revisions to Rules 522 and 523, the primary enforcement and penalty rules, that included increased penalties for operators violating Commission Regulations. Anticipated effective date is March 2, 2015.

OUTCOMES

- Establishment of a more robust, consistent and transparent enforcement culture at COGCC leading to greater operator compliance

- Adoption of a Rule Matrix that calls for either Mandatory or discretionary enforcement paths depending on nature of violation

- Increased fine structure from $1,000/day to a maximum allowable penalty of $15,000/day and elimination of $10,000 overall penalty cap for each violation

Visit our Website at

http://cogcc.state.co.us/

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THANK YOU!

QUESTIONS?

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