CONSERVATION COLORADO – EARTHWORKS – SIERRA CLUB – WESTERN RESOURCE ADVOCATES

News Release

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Contacts:
Alan Septoff, Earthworks (202) 887-1872 x105
Chris Arend, Conservation Colorado (303) 605-3483
Catherine Collentine, Sierra Club (303) 454-3363
Laura Belanger, Western Resource Advocates (303) 215-9122

Conservation Groups Call on Oil and Gas Commission to Strengthen Proposed Rules
New COGCC Rules Need to Better Protect Public Safety, Health and Environment and Allow Public to Hold Industry Accountable

DENVER, CO -- Today Conservation Colorado, Earthworks, Sierra Club and Western Resource Advocates called on the Colorado Oil and Gas Commission to strengthen their staff’s proposed rules to implement HB 1356, bipartisan legislation Governor Hickenlooper signed into law in May to increase Colorado’s oil and gas fines and penalties for the first time in several decades. The COGCC considers finalizing the rules today and tomorrow.

“The COGCC needs to implement and enforce strong rules to protect public health, safety and the environment. The state should not wait until public health has been damaged before assessing fines -- a violation of any COGCC rule that represents a threat to public health or safety should receive a mandatory fine. If the state is going to continue to allow oil and gas development in residential areas, they need to hold the industry, and their own agency, to a higher standard. Coloradans need a strong rule implemented to protect those most threatened by increased oil and gas development, the people living nearby,” said Catherine Collentine with the Sierra Club.

The proposal the COGCC has put forward would only require fines for ‘significant impacts,’ without ensuring that violations that threaten public health, safety or the environment are penalized. The new rules would allow violations that threaten public health and safety, groundwater contamination and environmental degradation (classified as moderate violations) to be fined at the discretion of the Commission, rather than mandatory fines.

“Just like any other heavy industrial activity, the oil and gas industry needs to be held accountable for violations with appropriate penalties that prevent serious problems,” said Pete Maysmith, Executive Director, Conservation Colorado. “We are concerned the proposed rules
reduce citizens’ ability to report issues and are filled with loopholes that don’t meet the intent of legislation. We strongly urge the Commission to pass strong standards and sufficient penalties that increase transparency and hold the industry accountable. It is critical that Coloradans have certainty that their communities, health, clean air, and water are protected.”

In addition, the Commission is proposing new rules requiring anyone filing a complaint to use a written form, despite the fact that only 7% of complaints on oil and gas operations in Colorado over the past year and a half were filed in writing. Figuring out where to file a complaint is a daunting process for people newly impacted by oil and gas development. This new rule will remove legal standing for anyone who doesn’t complete a written form – making the process more inaccessible to the public and removing their rights and ability to hold the oil and gas industry accountable.

“The commission is moving in the wrong direction when almost no one files complaints in writing and now citizens won’t have any rights unless the complaint is filed in writing,” said Laura Belanger, Water Resources and Environmental Engineer at Western Resource Advocates. “The Commission needs to increase public protections – not increase public roadblocks.”

The growing trend of drilling near homes and schools has brought to light the dangers present when operators fail to follow state regulations. Minimal and outdated fines and penalties for violators coupled with the concerns of citizens living near fracking sites prompted the State Legislature and Governor Hickenlooper to act and increase these penalties.

“This proposal is an open invitation to more ballot initiatives,” said Earthworks’ energy program director Bruce Baizel. He continued, “Even though hundreds of thousands of Coloradans put their name on the line supporting increased local control of a largely self-policing oil and gas industry, these rules fail to significantly improve the loose state oversight that caused their concern in the first place.”

Over the past decade Colorado has experienced an unprecedented boom in oil and gas drilling. Colorado currently has more than 53,000 active oil and gas wells covering much of the state’s landscape. Across Colorado’s northern plains, oil and gas companies are increasingly operating not only in sparsely populated areas, but also in towns and suburbs along the Front Range, placing well pads in and around communities where an accident or violation could cause property damage or harm to those living in close proximity.

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