COLORADO (February 27, 2015) - Western Resource Advocates called on state regulators to vote on Monday March 2nd to strengthen new rules to keep communities and Colorado’s environment safer from oil and gas spills due to flooding. The current Colorado Oil and Gas Commission (COGCC) staff-proposed rules are noted for having critical gaps in protecting the public and environment. Recommendations do not include several key recommendations from the COGCC staff’s own report entitled, “‘Lessons Learned’ in the Front Range Flood of September 2013”, which was developed after the devastating floods that resulted in the release of an estimated 48,000 gallons of oil and 43,000 gallons of produced water. Notable missing report recommendations are a requirement that siting of oil and gas tanks, tank batteries and production equipment be as far from waterways as possible and a requirement that existing oil and gas wells be retrofitted so they can be shut down when they are inaccessible due to flooding. And importantly, the draft regulations do not recognize local governments’ existing authority and expertise in regulating oil and gas development in floodplains.

“We support what’s included in the new regulations, but there are significant gaps. The COGCC should require that oil and gas operations be located as far away from waterways as possible in order to protect public health, our water supplies, and the environment,” said Laura Belanger, Water Resources Engineer at Western Resource Advocates. “Our waterways and water supplies are some of Colorado’s most valuable resources so we need to ensure these industrial activities only take place in flood plains when no other feasible locations exist. Potentially harmful and flammable materials should not be stored in areas prone to flooding.”

The Governor’s Oil and Gas Task Force just concluded five months of discussions focused on reducing conflicts between local and state government in siting of oil and gas facilities. Matt Sura, consultant to Western Resource Advocates and an Oil and Gas Task Force member believes that local governments share siting responsibility with the COGCC for oil and gas development – especially in watersheds. “By federal and state statute, local governments have been given the responsibility to regulate development, including oil and gas development, in floodplains. Local government staff have the on-the-ground local knowledge and expertise needed to protect our water quality and public health and safety.” Sura noted, “It is a sad irony that one day after the task force completed its recommendations intended to reduce conflicts between the state and local governments, the COGCC is engaged in rulemaking that ignores the role local governments play in permitting activities within watersheds.”

Western Resource Advocates is joined by Boulder County and Northwest Colorado Council of Governments in requesting that the COGCC avoid siting oil and gas facilities near waterways and acknowledge the authority of local governments to have stricter requirements than the state when permitting oil and gas facilities within floodplains.
The COGCC staff released proposed rules on February 24th that will be voted on by the Commissioners on Monday March 2\textsuperscript{nd}. Western Resource Advocates staff noted that, besides missing several critical items, the proposal before the Commission does include many important requirements for facilities inside the 100-year floodplain such as prohibiting production and waste pits, requiring steel berms around oil and gas facilities, and requiring emergency response plans for any operations inside a 100-year flood plain.

Sura added, “Western Resource Advocates believes that local governments and the COGCC should work collaboratively to protect our water quality and public health and safety. The COGCC has great technical expertise on oil and gas issues while the local government has greater expertise in managing activities in their specific floodplains.”

** For copies of the Boulder County Commissioners and Northwest Council of Government’s letters regarding floodplain rulemaking please contact Matt Sura.

*For the last 25 years Western Resource Advocates has worked to protect the region’s air, land and water. With offices in six western states, Western Resource Advocate’s works to craft innovative solutions to complex natural resource challenges. The organization shapes a clean energy future that reduces pollution, protects our unique western lands, and addresses climate change. The organization restores degraded rivers and champions solutions to ensure a reliable water future. Go to [www.westernresourceadvocates.org](http://www.westernresourceadvocates.org) and follow us on Twitter @WRADV.*