COLORADO (March 2, 2015) – Today the Colorado Oil and Gas Conservation Commission (COGCC) adopted new regulations to address “Lesson Learned” from the September 2013 floods for oil and gas operations in the floodplain in order to better protect public health and safety and the environment. The following is a statement from Laura Belanger, Water Resources Engineer:

“We appreciate the stride forward the new regulations represent but more work still needs to be done to protect public health, our water supplies, and the environment. The new rules have two critical gaps.

First, the new rules still allow oil and gas operators to readily develop facilities very close to streams and rivers. This is contrary to a key recommendation in the COGCC staff’s own Flooding “Lessons Learned” Report, developed after the devastating floods of September 2013, that “Tanks, tank batteries and other production equipment should be located as far from waterways as practical.” The COGCC estimates that more than 20,850 Colorado oil and gas wells are within 500 feet of a river, stream or other drainage. These are water supplies that our towns, cities and agricultural communities depend on so we need to ensure that oil and gas facilities are kept out of areas prone to flooding whenever possible. While the new rules will help prevent spills during flood events, no amount of safeguards can guarantee that equipment located in the floodplain won’t fail and spill oil and wastewater into waterways during catastrophic events like we experienced in September 2013.

Secondly, the new regulations fail to recognize the current role of local government land use authority in regulating industrial activity like oil and gas in floodplains. Local governments have long regulated development in floodplains and have the on-the-ground local knowledge and expertise needed to protect our water quality and public health. Colorado would be best served if the COGCC acknowledged the critical role local governments play in permitting oil and gas development within the floodplains.

We encourage the legislature to take a close look at these new rules and consider how to best fill this important gap. As the COGCC “Lesson Learned” Report notes “many areas affected by the September 2013 flood, the peak flow of flood water did not approach the magnitude of historical maximum flows experienced in previous floods. Equipment that fared well in the September 2013 flood might not do as well in a flood of historic magnitude.” We will have more flooding in Colorado and we need to ensure that we fill these oil and gas regulatory gaps before the next big event.

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