



# Colorado Regulatory Update & Election Review

Denver Association of Division Order Analysts  
September 17, 2018

COLORADO  
OIL & GAS  
ASSOCIATION

# Colorado Regulatory Update

- CDPHE
  - Ozone
  - APCD SHER, Fee Bill, Pneumatic Controller Taskforce
  - TENORM
- COGCC
  - Bradenhead Testing & Flaring NTO
  - School Setbacks
  - Flowline Rule Implementation
- Federal Issues
  - EPA Audit Program
  - API RP 80
- Local Government
  - How COGA Engages
- COGA Initiatives
  - Employee Engagement – COGA Efforts
  - Election Concerns
    - Governor's Race
    - Attorney Generals Race
    - Key Senate Races
    - Ballot Measures

# CDPHE - Ozone

- Ozone
  - Monitors exceeding the 2008 75 ppb standard – as of September 1<sup>st</sup> there were sixteen (16) exceedances at the Rocky Flats Monitor. Based on preliminary review of data it is likely DMNFR will be serious ozone non-attainment – starting January 2020
  - Exceptional events demonstrations for wildfires
  - Section 179B of the Clean Air Act allows EPA to approve an ozone attainment plan for a nonattainment area, if the state demonstrates that it has taken appropriate local measures and international transport of pollution is a significant impediment to meeting the standard on time.

# CDPHE

- APCD SHER
  - Midstream subgroup
  - Transmission subgroup
  - LACT/Reduced Oil Tank Sites
  - Well Unloading
  - Dehydration Units
- APCD Fee Bill HB1400
  - “Mandate the APCD re-evaluate their overall process and procedures to prioritize staff hires, identify inefficiencies and mitigate them, increase transparency in the billing & Permitting process, and ensure continued improvement of permit processing times”
- Pneumatic Controller Taskforce
  - Study of Pneumatic Controllers

# COGCC – School Setbacks

- School Setbacks
  - December 2017, League of Oil and Gas Impacted Coloradan's (LOGIC) submitted a petition for rulemaking to the COGCC.
  - Petition requested setbacks (1,000 ft) from schools and child care centers be measured from the property line versus the building
  - COGA engaged with multiple school districts and the COGCC to propose an alternative to the rulemaking through the use of existing provisions in COGCC's rules for a Designated Outdoor Activity Area (DOAA)
  - July 30, 2018 – Commission approved the rulemaking and stakeholder meetings will be forthcoming.

# COGCC – Flowline Implementation

- Monthly industry calls to discuss implementation issues related to flowlines
- Monthly meetings with COGCC to raise industry concerns
- Frequently Asked Questions document
- GIS mapping guidance
- Format to bulk upload for produced water and natural gas flowlines
- PHMSA/PUC Class 1 flowline concerns over regulatory jurisdiction

# Federal Issues

- OOOOa Revisions
- Review of Endangered Species Act
- API Ballot RP 80
  - API lead on new Recommended Practice to replace RP 80.
  - Not part of any final rules being considered.
  - PHMSA will put forth a new rulemaking to incorporate the revised RP by reference.
  - COGA submitted a “no” vote on the RP with Colorado specific comments
  - API Received significant feedback and scheduled a meeting in Houston 9/20 & 9/21 to review comments

## Local Government

- COGA turns out at City Council & County Commissioner meetings with oil & gas on the agenda.
- COGA gives public comment where necessary
- COGA monitors and engages (where necessary & likely to be successful) with anti-oil and gas activists
- COGA drives turnout to public meetings as needed to support oil & gas
- COGA meets regularly with local elected officials and staff to establish relationships
- COGA takes legal action against local governments who enact rules which pre-empt state law (mainly setbacks)



# **Election 2018**

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# Today's Election Discussion

- Employee Engagement – COGA Efforts
- Election Concerns
  - Governor's Race
  - Key Senate Races
  - Proposition 112

# COGA Efforts

- Engage Industry Employees
  - Civic Engagement Toolkits
  - Primary Night Party
  - Member Presentations
  - Weekly Election 2018 Emails
  - Vendor Engagement
  - Online Voters' Guide (Coming in October)



## ELECTION 2018

### WHERE DO THEY STAND ON OIL & GAS?

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# COGA Efforts

- Engage Industry Employees
  - Speakers Bureau
  - Created Action Alert System: Text WIN2018 to 77948
  - COGA Pledge
  - Energy Summit Booth with Protect Colorado
  - 500 T-Shirts Handed Out
  - Faces of Industry: Video Testimonials
- Engage City and County Officials
  - Pass Resolutions Opposing Prop 112
  - Oil and Gas 101 for Legislative Candidates
  - PAC/527 Strategy to Support Pro-Industry Candidates

# COGA Efforts

- Communications/Media Strategy
  - Interactive Regulatory Graphic (Coming Soon)
  - Aggressive and Innovative Social Media Campaigns
    - Leverage Community Impact Report for positive messaging
    - Update and leverage Fact Sheets to show comprehensive rules

## Impacting Lives



Reached underserved populations with more than...

600,000+ meals 33,000 lbs of food



## IMPACTING LIVES

Our members volunteered more than...



42,000+ Hours



## IMPACTING LIVES

Our members made a tangible impact locally...



330 Bikes 534 Blankets  
683 Backpacks



# Governor's Race

Jared Polis, Democrat



Walker Stapleton, Republican



# Treasurer Stapleton on Oil and Gas

- Opposes Proposition 112
- Supports Responsible Oil and Natural Gas Development
- Wants to protect jobs, rural Colorado
- Has included images of rigs in campaign ads
- *"In order to keep energy affordable for all Coloradans, we need to have an all-of-the-above energy policy, that includes both renewable and traditional sources of energy. It's inconceivable to think we can transition to 100 percent renewable in the near future."*
  - At COGA's Energy Summit

# Congressman Polis on Oil and Gas in 2018

- Opposes Proposition 112
- 100 percent renewables by 2040

## Comments at Energy Summit:

- *"Initiative 97 would all but ban fracking in Colorado. A position that I never supported, no matter how much Walker Stapleton may wish I had."*
- *"Colorado's economy today is the envy of the nation. And if we want to keep it that way, we can't ignore the role that the oil and gas industry has played in our growth."*
- *"When oil and gas workers providing for their families say they're afraid that new regulations will cost them jobs, the response can't be indifference. But so too, when environmental activists say our existing laws aren't doing enough to keep Coloradans safe in all instances."*

# Congressman Polis on Oil and Gas in 2018

- Supports greater setback distances and local control
- *"I've always supported the rights of local communities to be able to have a say in siting oil and gas activities in and around their communities. Absolutely."*
- *"I'm proud to be supported by the pipefitters and many of the men and women that work in oil and gas in other areas, and you know what? We want to make sure they're first in line for good, green, renewable energy jobs."*

# Which Polis Would Colorado Get?



HOME THE BEATS ▾ COLORADO ELECTION 2018 IN DEPTH LITWIN GREENE GRIEGO KEEFE GUEST POSTS ▾ 🔍

Home > 2018 General Election > We know where Walker Stapleton stands on oil and gas. Which Jared...

2018 General Election The Beats 2018 Governor Race 2018 Polis 2018 Stapleton Environment/Energy All stories Just In

## We know where Walker Stapleton stands on oil and gas. Which Jared Polis would Colorado get?

By Alex Burness | Corey Hutchins - August 22, 2018



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# Top 5 Competitive State Senate Seats



**Beth Martinez  
Humenik (R)**  
District 24  
Adams



**Tim Neville (R)**  
District 16  
Boulder,  
Jefferson,  
Summit, Grand,  
Gilpin, and  
Clear Creek



**Cheri Jahn (D)**  
*Term Limited*  
District 20  
Jefferson



**Andy Kerr (D)**  
*Term Limited*  
District 22  
Jefferson



**Kerry Donovan (D)**  
District 5  
Western Slope

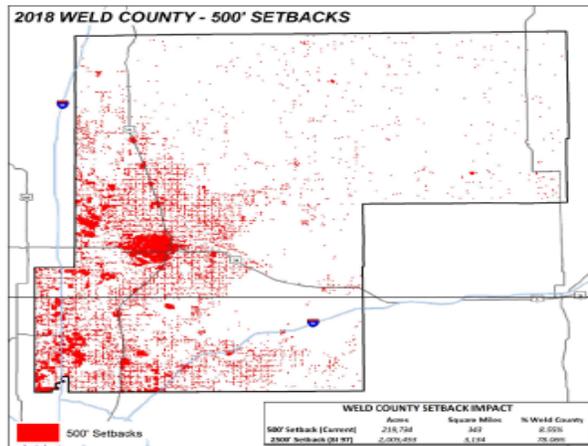
**No On 112**

# What is Proposition 112?

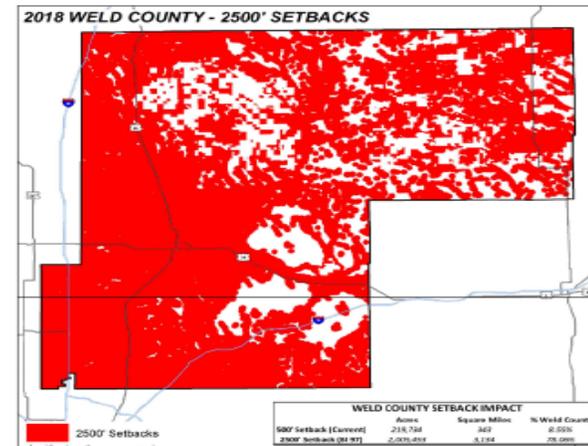
- **Formerly Initiative 97**
- **Half-mile (2,500-foot) setback from occupied structures and “vulnerable” areas**
  - A half-mile setback is 26 times larger than today’s setback
    - Impacted surface area of a 500-foot setback is about 18 acres, a 1,000-foot setback is 72 acres, and a 2,500-foot setback is about 450 acres
    - Local communities can set distances beyond 2,500 feet; “the larger buffer zone governs”
  - Vulnerable areas: playgrounds, sports fields, amphitheaters, public parks, public open space, irrigation canals, reservoirs, lakes, rivers, perennial or intermittent streams, etc.
- **Top 5 Counties: 94% of private dev off-limits**

# Don't Be Fooled...

This measure is not what it seems ...  
It's really about **BANNING**  
oil & gas in Colorado



**Now**



**After the measure**

