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# Colorado regulators propose tougher emissions controls on oil and gas industry to clear the air

Joe Amon, The Denver Post

State Department of Public Health and Environment Oil and Gas team inspector Ashley Jones giving an overview of inspection practices on enclosed combustion devices or flares to operators and interested parties at the Troudt battery along Highway 52 in Weld County on April 17, 2019.

By Judith Kohler | [jkohler@denverpost.com](mailto:jkohler@denverpost.com) | The Denver Post

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Companies could no longer drill and frack for 90 days before getting an air permit and some well sites could no longer go for more than a year without checks on emission-producing equipment under the latest round of proposals to reform Colorado's oil and gas regulations.

The state Air Quality Control Commission was set Tuesday to open three days of hearings on rules that will help implement a sweeping overhaul of Colorado's oil and gas regulations. Among the directives in Senate Bill 19-181 is the reduction of pollution from oil and gas sites to carry out the focus on putting public health, safety and the environment first when managing the fossil-fuel industry.

The air-quality hearings are starting just as the Environmental Protection Agency has declared that several counties in the Denver metro area and the northern Front Range are in “serious” violation of federal ozone levels. The change from the classification of “moderate,” announced Monday, will bring tighter restrictions on emissions that contribute to ground-level ozone pollution, including those from oil and gas sites.

Ways to cut emissions from tanks, pipelines and other equipment at well sites were already in the works after approval of SB181.

“We’re looking at ways as kind of a first step of meeting the ambitious goals in 181 to minimize emissions and to address some of the specific elements that the legislation set forth,” said Garry Kaufman, director of the state Air Pollution Control Division.

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More rule-making sessions are planned in 2020 and will look at cutting the releases of methane, a potent greenhouse gas, as the state strives to meet carbon-reduction goals in a new law dealing with climate change. The Colorado Oil and Gas Conservation Commission is making the bulk of the changes to implement the new law and has started by strengthening rules for underground flowlines, which carry oil and gas from wells.

The first round of changes up for consideration by the air commission includes one that requires oil and gas companies to get an air permit before they start drilling and fracking. Now, they have 90 days before getting a federally required permit that sets emission levels.

The 27-year-old regulation has been characterized as a loophole that allows companies to pollute for 90 days. The environmental group WildEarth Guardians has sued to overturn the regulation, claiming that companies have been illegally violating clean-air laws.

But industry and state officials have said companies still have to control emissions during that 90-day period and that the time gives operators an opportunity to see what the well’s production and emission levels will be.

“But from an air-quality perspective, it means there is a gap in our understanding of these facilities,” Kaufman said.

Dan Haley, CEO and president of the Colorado Oil and Gas Association, said the industry isn’t opposing the change.

Another proposed rule will increase the required inspections of equipment to check for leaks and make repairs. In 2017, the state tightened some of the requirements along the Front Range, the so-called “non-attainment area” where oil and gas development has increased significantly and where the ozone levels exceed the maximum level allowed under federal law.

The air pollution control division is proposing that storage tanks at well sites outside the non-attainment area be inspected at least twice a year. Some elected officials and residents in western Colorado have said the protections should apply statewide.

However, industry representatives say while they support stricter controls on emissions along the Front Range, they believe the requirements will drive up the cost for companies while producing little benefit for parts of the state where the air quality meets federal standards.

“We think the proposal goes a little too far in the rest of the state where you’ve got some smaller operators and they’re in an area that already attains the ozone standards,” said Chris Colclasure, an attorney representing the Colorado Oil and Gas Association. “So we just don’t think it’s cost-effective to make the rules as stringent as the state is proposing.”

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While industry representatives think some of the proposals overreach, environmental and community groups think some rules should be tougher.

“It’s just nibbling around the edges rather than taking the steps necessary to bring our smog levels down,” said Robert Ukeiley, an attorney with Center for Biological Diversity. “It’s just more of the same that hasn’t worked in the past. So it will probably make it less bad, but there’s no reason to think it will bring pollution levels down” to meet federal standards.

Jeremy Nichols, the climate change energy program director with WildEarth Guardians, said the state should make the proposed stricter requirements part of the plan it develops to meet federal air-quality standards to add some teeth and accountability to the regulations.