

2019-2020 AIR QUALITY CONTROL COMMISSION RULEMAKINGS

For the past decade, the Colorado Air Quality Control Commission (AQCC) has been engaged in rulemaking efforts to curtail the release of volatile organic compounds (VOCs) from the oil and gas industry that have led to increased ozone levels throughout the state. The AQCC continues to target reductions VOC emissions in its ongoing effort to comply with federal ozone standards but is now also targeting reductions in emissions of methane, NOx, and greenhouse gases as a result of Senate Bill 19-181 (requiring the commission to “minimize emissions of methane and other hydrocarbons, volatile organic compounds, and oxides of nitrogen from oil and natural gas exploration and production...”) and House Bill 19-1261 (which sets a goal of reducing greenhouse gas emissions from 2005 levels by: 26% by 2025, a 50% by 2030, and a 90% by 2050.)

Matt Sura represented conservation and community organizations in the following rulemakings.

In December of 2019, the Air Quality Control Commission adopted strong new emissions rules for the oil and gas industry. The rules require oil and gas operators, statewide, to inspect their facilities at least twice a year – depending on the size of the facility. The Commissioners also unanimously adopted a new rule proposed by three citizen groups that adds significant protections for homes, schools and other public areas within 1,000 feet of oil and gas operations. Adoption of the “proximity rule” means energy companies are required to inspect for leaks and make repairs to their wells and tanks much more frequently near communities than is required with more remote facilities.

The proximity rule was written and presented to the AQCC by attorney Matt Sura representing Grand Junction-based Western Colorado Alliance, Garfield County-based Grand Valley Citizens Alliance, and the League of Oil & Gas Impacted Coloradans (LOGIC).

The new regulations included:

- Semi-annual leak detection and repair for low-producing wells statewide;
- More frequent leak detection and repair within 1,000 feet of homes, schools and other public areas;
- Stronger tank controls for low-producing wells;
- Statewide expansion of the “find and fix” program for malfunctioning controllers and valves known as “pneumatic” devices;
- A ground-breaking performance-based standard to reduce emissions across the transmission segment of the oil and gas supply chain;

- A requirement that operators calculate and report all pollution, including methane emissions, to the state on an annual basis.

In September 2020, the Air Quality Control Commission finalized revisions to its Regulation 7 series, addressing control of emissions from natural gas-fired reciprocating internal combustion engines, oil and gas flowback tanks, and oil load out at underground injection facilities, as well as co-benefits to regional haze, ozone, and Rocky Mountain National Park nitrogen deposition.

The AQCC also passed rules to require oil and gas firms to monitor emissions of methane and other air pollutants from the start of construction of a well through the first six months of production. Colorado is the first state to require high frequency air quality monitoring in the United States. The rules also prohibit natural gas venting during the early period of well completion, closing an emissions loophole in current federal standards.

In December 2020, the AQCC passed a Statewide Implementation Plan to reduce ozone levels in the Denver Metro/North Front Range ozone nonattainment area. It also adopted a new rule that requires faster repair of leaks discovered within 1,000 feet of a home or park (“occupied areas”).

The requirement for faster repair of leaks near homes come as a follow up to the AQCC’s 2019 decision to require more frequent inspections for well pads within 1,000 feet of homes and occupied areas. In a unanimous decision, the Commission now requires oil and gas operators to fix leaks discovered within 1,000 feet of neighborhoods and other occupied areas within five working days. If the leak cannot be repaired within five working days, the operator will be required to shut-in the well.

The “Repair Proximity Rule” was proposed by three conservation and community groups: Western Colorado Alliance, League of Oil & Gas Impacted Coloradans, and Conservation Colorado who were represented by attorney Matt Sura.