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General Assembly  
State of Colorado  
Denver

August 14, 2020

Colorado Oil & Gas Conservation Commission  
1120 Lincoln St #801  
Denver, CO 80203

Via email: [DNR\\_COGCC.Rulemaking@state.co.us](mailto:DNR_COGCC.Rulemaking@state.co.us)

Nearly a decade in the making, the Colorado legislature passed Senate Bill 19-181 last year, charging the Colorado Oil and Gas Conservation Commission (COGCC) “shall regulate oil and gas operations in a manner to protect and minimize adverse impacts to public health, safety, and welfare, the environment, and wildlife resources and shall protect against adverse impacts on any air, water, soil, or biological resources resulting from oil and gas operations.” This historic bill shifted our state focus to better prioritize health and safety as we also regulate this important industry.

SB19-181 also made a significant change to the agency itself shifting the COGCC to full time members who can focus on these key issues. In the coming months, we know that your hard work will be key to implementing the legislative vision of this law. Your presence on this commission is intended to ensure fulfillment of the agency’s new mission. Truly, our constituents and local economies are relying on you, in this role, to help improve their overall wellbeing. This is no small task, which is why your expertise and willingness to join this effort makes us proud. We appreciate your support improving protections for public health, safety, and the environment.

Due to the previous mission, COGCC commissioners and staff were often drawn between competing interests, often in conflict. This led to permits granted for oil and gas facilities that were not protective of public health, safety, welfare, the environment and wildlife. The goal of SB19-181 was to better define the priorities for the commission and ensure that our state’s public health, environment and wildlife resources are adequately protected. As you look to the work ahead, we encourage you to keep a few things in mind:

- Alternative Locations: Environmental and wildlife concerns where oil and gas locations are sited matters both in populated areas and unpopulated areas. We also provided a directive that the COGCC “shall” protect “biological resources” from adverse impacts. Both provisions were included because our open spaces and wildlife are important though can be overlooked considering conflicts arising in populated areas. The goal of 181 is to ensure we’re prioritizing the health and safety of both the people of Colorado and our environmental resources.
- Local Control: SB19-181 was clear: both the COGCC and local governments have independent and coequal land use authority over oil and gas development. Prior to SB19-181, local governments were preempted by the state under most circumstances when those local governments tried to put into place stronger regulations than the COGCC provided. We wanted to make sure that did not happen again. SB19-181 allows local governments to have stronger regulations than the state, but it does not allow local governments with weaker regulations to overrule the state. The COGCC mandate to protect public health, safety, welfare and the environment applies to all parts of the state. Oil and gas development must satisfy both local and state regulations to be allowed to proceed. This type of independent and coequal land use authority between local governments and the Mined Land Reclamation Board is how hard rock mining has been regulated for decades. It will work for oil and gas development as well.

As a commission you have the opportunity and obligation to promulgate truly transformative rules that ensure protection of Coloradoans, our environment, and wildlife. The rulemaking ahead of you must consider a range of issues from reducing wastewater and produced water; protecting all public water systems; improving communication with, and providing protections for, disproportionately impacted communities; considerations of cumulative impacts; balancing the needs of multiple stakeholders; and harmonizing state laws with local laws. There is a lot to do but we believe that you are up to the task and look forward to your efforts implementing the whole of SB 19-181.

Sincerely,

Senator Jeff Bridges  
Senator Jessie Danielson  
Majority Leader Steve Fenberg  
Senator Rhonda Fields  
Senator Mike Foote  
Senate President Leroy Garcia  
Senator Joann Ginal  
Senator Julie Gonzales  
Senator Chris Hansen  
Senator Pete Lee  
Senator Dominick Moreno  
Senator Brittany Pettersen  
Senator Robert Rodriguez  
Senator Tammy Story

Senator Angela Williams  
Senator Faith Winter  
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