A BILL FOR AN ACT

101 CONCERNING INCREASED REPORTING OF OIL AND GAS INCIDENTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

Section 1 of the bill requires oil and gas operators to file written reports with the Colorado oil and gas conservation commission and other affected stakeholders for each major and minor "reportable event". Operators must also give oral notice of major reportable events.

A "major reportable event" includes an incident involving:

The unauthorized release of more than 25 barrels of oil, produced water, oilfield chemicals, or exploration and production waste; and
The unauthorized flaring, venting, or wasting of:

- More than 500,000 cubic feet of gas at any drilling or producing well site or at any injection or disposal facility; or
- More than 1,500,000 cubic feet of gas at any transportation, gathering, or processing facility;
- A fire that consumes at least these volumes of liquid or gas;
- A spill, venting, or fire, regardless of the volume involved, that occurs within 500 feet of:
  - A sensitive area, as that term is defined by rule; or
  - A park, recreation site, wildlife refuge, lake, reservoir, stream, or urban or suburban area;
- An accident that involves a fatal injury;
- A blowout or loss of control of a well; and
- An uncontrolled release of gas containing 100 or more parts per million of hydrogen sulfide.

A "minor reportable event" includes an incident involving:

- The unauthorized release of more than 5 barrels and up to 25 barrels of oil, produced water, oilfield chemicals, or exploration and production waste;
- The unauthorized flaring, venting, or wasting of more than 50,000 cubic feet and up to 500,000 cubic feet of gas at a drilling or producing well site or at an injection or disposal facility;
- The unauthorized venting or wasting of more than 50,000 cubic feet and up to 1,500,000 cubic feet of gas at a transportation, gathering, or processing facility;
- Any uncontrolled fire or explosion; and
- An accident involving serious bodily injury.

The commission will post the reports, notifications, and an annual summary on its website in a database that is searchable by operator, location, type of event, date, and other criteria established by the commission.

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1 Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, amend 34-60-130 as follows:

34-60-130. Incident reporting - definitions - rules. (1) (a) If an operator or a contractor of an operator spills one barrel or more of oil or exploration and production waste is spilled outside of berms A
BERM or other secondary containment, THE OPERATOR SHALL REPORT the spill, shall be reported within twenty-four hours after the discovery of the spill, to:

(a) (I) The commission AND THE OWNER OF THE SURFACE WHERE THE SPILL OCCURRED; and

(b) (II) The entity with jurisdiction over emergency response within the local municipality AND THE LOCAL MUNICIPALITY, if the spill occurred within a municipality, or the local county if the spill did not occur within a municipality.

(2) (b) The spill report must include any available information concerning the type of waste involved in the spill.

(2) (a) EACH OPERATOR SHALL NOTIFY THE COMMISSION AND THE ENTITIES SPECIFIED IN SUBSECTION (1)(a)(II) OF THIS SECTION AS SPECIFIED IN THIS SUBSECTION (2) OF EACH MAJOR AND MINOR REPORTABLE EVENT, REGARDLESS OF THE LOCATION OF THE EVENT.

(b) NOTIFICATION FOR A MAJOR REPORTABLE EVENT MUST INCLUDE:

(I) AN ORAL REPORT SUBMITTED TO THE COMMISSION AS SOON AS PRACTICABLE BUT WITHIN TWENTY-FOUR HOURS AFTER DISCOVERY OF THE EVENT; AND

(II) A COMPLETE, WRITTEN REPORT OF THE EVENT, AS SPECIFIED IN SUBSECTION (2)(d) OF THIS SECTION, SUBMITTED ON THE COMMISSION'S WEBSITE ON A REPORTABLE EVENT FORM SPECIFIED BY THE COMMISSION WITHIN FIVE DAYS FOLLOWING THE CONCLUSION, AS DETERMINED BY RULE, OF A MAJOR REPORTABLE EVENT.

(c) NOTIFICATION FOR A MINOR REPORTABLE EVENT MUST INCLUDE A COMPLETE, WRITTEN REPORT OF THE EVENT, AS SPECIFIED IN
SUBSECTION (2)(d) OF THIS SECTION, SUBMITTED ON THE COMMISSION’S WEBSITE ON A REPORTABLE EVENT FORM SPECIFIED BY THE COMMISSION WITHIN FIVE DAYS FOLLOWING THE CONCLUSION, AS DETERMINED BY RULE, OF A MINOR REPORTABLE EVENT.

(d) A COMPLETE WRITTEN REPORT OF A MAJOR OR MINOR REPORTABLE EVENT MUST INCLUDE, TO THE EXTENT KNOWN AT THE TIME OF THE REPORT:

(I) THE DATE AND TIME OF THE EVENT AND THE DATE AND TIME THE EVENT WAS REPORTED TO THE COMMISSION;

(II) THE LOCATION WHERE THE EVENT OCCURRED, DESCRIBED BY SECTION, TOWNSHIP, RANGE, AND COUNTY;

(III) A DETAILED TOPOGRAPHICAL MAP OR AERIAL PHOTOGRAPH, Sized at least eight and one-half inches by eleven inches, of the location of the reportable event, showing at a minimum:

(A) The survey section and the extent or location of the reportable event;

(B) Whether the location is in a sensitive area;

(C) The proximity of the closest residence; and

(D) The oil and gas facility location number, if any, associated with the event;

(IV) The specific nature and cause of the event and, to the extent practicable, a description of measures to prevent future major or minor reportable events due to similar causes and a plan for implementing the measures;

(V) A description of the resultant damage or injury;

(VI) The extent that emergency management responses were required, the specific action taken, the length of time
REQUIRED FOR CONTROL OR CONTAINMENT OF THE EVENT, AND THE
LENGTH OF TIME REQUIRED FOR SUBSEQUENT CLEANUP;

(VII) An estimate of the volumes discharged and the
volumes not recovered;

(VIII) Whether each worker involved in the incident had
the appropriate credentials based on the worker's scope of work,
and in particular whether each welder involved in the incident
had the necessary certification as specified by rule of the
commission;

(IX) If the incident involved a weld on steel pipes, whether
the pipes were tested by using nondestructive methods as
specified by rule of the commission to ensure that each weld was
performed properly and free of defects;

(X) The cause of death or injury, if any; and

(XI) Other information as required by the commission's
reportable event form.

(e) The commission shall make the following publicly
available on its website in a database that is searchable by
operator, location, type of event, date, and other criteria
established by the commission:

(I) All notifications and reports made or filed pursuant
to this section; and

(II) An annual summary of all notifications and reports
made or filed pursuant to this section.

(3) For purposes of this section:

(a) "Major reportable event" includes an incident
involving:
(I) The unauthorized release of more than twenty-five barrels of oil, produced water, oilfield chemicals, or exploration and production waste; and

(II) The unauthorized flaring, venting, or wasting of:

(A) More than five hundred thousand cubic feet of gas at any drilling or producing well site or at any injection or disposal facility; or

(B) More than one million five hundred thousand cubic feet of gas at any transportation, gathering, or processing facility;

(III) A fire that consumes at least the volume of liquid or gas specified in subsection (3)(a)(I) or (3)(a)(II) of this section;

(IV) A spill, venting, or fire, regardless of the volume involved, that occurs within five hundred feet of:

(A) A sensitive area, as that term is defined by rule; or

(B) A park, recreation site, wildlife refuge, lake, reservoir, stream, or urban or suburban area;

(V) An accident that involves a fatal injury;

(VI) A blowout or loss of control of a well; and

(VII) A release of gas containing one hundred or more parts per million of hydrogen sulfide that is not controlled.

(b) "Minor reportable event" includes an incident involving:

(I) The unauthorized release of more than five barrels and up to twenty-five barrels of oil, produced water, oilfield chemicals, or exploration and production waste;

(II) The unauthorized flaring, venting, or wasting of more
THAN FIFTY THOUSAND CUBIC FEET AND UP TO FIVE HUNDRED THOUSAND
CUBIC FEET OF GAS AT A DRILLING OR PRODUCING WELL SITE OR AT AN
INJECTION OR DISPOSAL FACILITY;

(III) THE UNAUTHORIZED VENTING OR WASTING OF MORE THAN
FIFTY THOUSAND CUBIC FEET AND UP TO ONE MILLION FIVE HUNDRED
THOUSAND CUBIC FEET OF GAS AT A TRANSPORTATION, GATHERING, OR
PROCESSING FACILITY;

(IV) ANY UNCONTROLLED FIRE OR EXPLOSION; AND

(V) AN ACCIDENT INVOLVING SERIOUS BODILY INJURY, AS THAT
TERM IS DEFINED IN SECTION 18-1-901 (3)(p).

(3) (4) The commission may SHALL promulgate rules to
implement this section.

SECTION 2. Applicability. This act applies to conduct or
conditions occurring on or after the effective date of this act.

SECTION 3. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, and safety.