

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0451.01 Jennifer Berman x3286

HOUSE BILL 18-1352

HOUSE SPONSORSHIP

Foote and Gray,

SENATE SPONSORSHIP

Jones and Aguilar,

House Committees

Health, Insurance, & Environment

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A CLARIFICATION OF THE MINIMUM DISTANCE FROM
102 WHICH CERTAIN OIL AND GAS FACILITIES MUST BE LOCATED
103 FROM ANY SCHOOL.

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>.)

As part of the Colorado oil and gas conservation commission's (commission) authority to regulate oil and gas operations to prevent and mitigate significant adverse environmental impacts to protect public health, safety, and welfare, the commission requires oil and gas production facilities and wells to be located at least 1,000 feet from

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

school buildings and other high occupancy buildings.

The bill clarifies that the minimum 1,000-foot distance from which newly permitted oil and gas production facilities and wells must be located from any school applies to the school property line and not the school building. The bill further clarifies that the minimum distance requirement does not apply if a school commences operations near oil and gas facilities or wells that are already actively in use or permitted; except that the minimum 1,000-foot distance applies to real property owned by a school district on which a future permanent or temporary school building is planned to be constructed within 5 years.

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

SECTION 1. In Colorado Revised Statutes, **add** 34-60-131 as follows:

34-60-131. Mandatory distance requirement from schools - legislative declaration - definitions. (1) THE GENERAL ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT, AS PART OF THE PUBLIC INTEREST IN PROTECTING PUBLIC HEALTH, SAFETY, AND WELFARE, THE MANDATORY MINIMUM DISTANCE ESTABLISHED BY RULE BY THE COLORADO OIL AND GAS CONSERVATION COMMISSION FOR PRODUCTION FACILITIES AND WELLS FROM A SCHOOL SHOULD BE CALCULATED AS THE DISTANCE FROM THE SCHOOL PROPERTY LINE AND NOT THE DISTANCE FROM A SCHOOL BUILDING.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "PRODUCTION FACILITY" MEANS ANY STORAGE, SEPARATION, TREATING, DEHYDRATION, ARTIFICIAL LIFT, POWER SUPPLY, COMPRESSION, PUMPING, METERING, MONITORING, FLOWLINE, OR OTHER EQUIPMENT DIRECTLY ASSOCIATED WITH OIL WELLS, GAS WELLS, OR INJECTION WELLS.

(b) "SCHOOL" MEANS A SCHOOL, AS DEFINED IN SECTION 22-7-703

(4), A PRIVATE SCHOOL, AS DEFINED IN SECTION 22-30.5-103 (6.5), OR A

1 CHILD CARE CENTER, AS DEFINED IN SECTION 26-6-102 (5).

2 (c) "WELL" MEANS A WELL USED IN CONNECTION WITH OIL AND
3 GAS OPERATIONS. "WELL" INCLUDES AN OIL AND GAS WELL, A HOLE
4 DRILLED FOR THE PURPOSE OF PRODUCING OIL AND GAS, A WELL INTO
5 WHICH FLUIDS ARE INJECTED, A STRATIGRAPHIC WELL, A GAS STORAGE
6 WELL, OR A WELL USED FOR THE PURPOSE OF MONITORING OR OBSERVING
7 A RESERVOIR.

8 (3) (a) NEWLY PERMITTED PRODUCTION FACILITIES AND WELLS
9 MUST BE LOCATED AT LEAST ONE THOUSAND FEET FROM ANY SCHOOL, AS
10 CALCULATED BY THE DISTANCE FROM THE SCHOOL PROPERTY LINE, NOT
11 FROM THE SCHOOL BUILDING, BY MEASURING THE DISTANCE FROM THE
12 NEAREST PROPERTY LINE OF THE LAND USED FOR SCHOOL PURPOSES TO
13 THE NEAREST PORTION OF THE PRODUCTION FACILITY OR WELL.

14 (b) EXCEPT AS PROVIDED IN SUBSECTION (4)(c) OF THIS SECTION,
15 THE REQUIRED MINIMUM DISTANCE DESCRIBED IN SUBSECTION (3)(a) OF
16 THIS SECTION DOES NOT APPLY TO ANY PRODUCTION FACILITIES OR WELLS
17 ACTIVELY IN USE OR PERMITTED AT THE TIME THAT THE SCHOOL
18 COMMENCES OPERATIONS.

19 (4) WITH RESPECT TO PROPERTY OWNED BY A SCHOOL DISTRICT,
20 THIS SECTION APPLIES ONLY TO:

21 (a) A SCHOOL BUILDING THAT IS ACTIVELY USED FOR SCHOOL
22 ACTIVITIES AND THE PARCEL OF PROPERTY ON WHICH IT IS LOCATED;

23 (b) OUTSIDE AREAS AND OTHER FACILITIES THAT ARE USED FOR
24 SCHOOL ACTIVITIES, SUCH AS PLAYGROUNDS, ATHLETIC FIELDS, MODULAR
25 CLASSROOMS, AND STUDENT LOADING AND UNLOADING AREAS; AND

26 (c) ANY PARCEL OF REAL PROPERTY ON WHICH A FUTURE
27 PERMANENT OR TEMPORARY SCHOOL BUILDING IS PLANNED TO BE

1 CONSTRUCTED WITHIN FIVE YEARS AFTER AN OWNER OR OPERATOR FILES
2 AN APPLICATION FOR A NEW PRODUCTION FACILITY LOCATION.

3 **SECTION 2. Applicability.** This act applies to production
4 facilities and wells permitted on or after the effective date of this act.

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