







**Fwd: Notifying Revisor of Statutes to Repeal Objective Criteria Provision**

**Murphy - DNR, Julie** to: revisorofstatutes.ga

01/15/2021 02:44 PM

Cc: "Robbins - DNR, Jeff", "Joel Minor", "Kyle Davenport", "Mimi Larsen - DNR"

4 attachments

-  Complete Rules - 100 to 1200 Series - as of January 15 2021.pdf
-  200-600 Mission Change SBP Final Draft 11-23-20.pdf  800-900-1200 Mission Change SBP Final Draft 11-23-20.pdf
-  20191121\_Flowline\_SBP\_Final.docx

Dear Revisor of Statutes,

The Director of the Colorado Oil and Gas Conservation Commission (“COGCC”) hereby notifies you that Section 34-60-106(1)(f)(III), C.R.S., should be repealed, effective today, January 15, 2021.

Section 34-60-106(1)(f)(III)(B), C.R.S., provides that “[t]his subsection (1)(f)(III) will be repealed if the rules specified in subsection (1)(f)(III)(A) of this section have become effective. The director shall notify the revisor of statutes in writing of the date on which all rules specified in subsection (1)(f)(III)(A) of this section have become effective by e-mailing the notice to [revisorofstatutes.ga@state.co.us](mailto:revisorofstatutes.ga@state.co.us). This subsection (1)(f)(III) is repealed, effective upon the date identified in the notice that the rules specified in subsection (1)(f)(III)(A) of this section have become effective or, if the notice does not specify that date, upon the date of the notice to the revisor of statutes.”

In turn, Section 34-60-106(1)(f)(III)(A), C.R.S., creates objective criteria that can be used to guide permitting decisions until COGCC “promulgate[s] any rules required to be adopted by subsections (2.5)(a), (11)(c), and (19) of this section, and each rule specified in this subsection (1)(f)(III)(A) has become effective[.]”

As of today, January 15, 2021, all rules that COGCC is required to adopt by Sections 34-60-106(2.5)(a), (11)(c), and (19) have been adopted and have become effective. Specifically:

- Section 34-60-106(2.5)(a) provides that “the commission shall regulate oil and gas operations in a reasonable manner to protect and minimize adverse impacts to public health, safety, and welfare, the environment, and wildlife resources and shall protect against adverse environmental impacts on any air, water, soil, or biological resource resulting from oil and gas operations.” On November 23, 2020, COGCC completed two rulemakings to implement these statutory changes to the agencies mission, in the so-called “Mission Change Rulemakings.” In the Mission Change Rulemakings, the Commission revised nearly all of its regulations. The revised regulations become effective today, January 15, 2021. The Statements of Basis and Purpose for each rulemaking are attached, along with the revised COGCC Rules.
- Section 34-60-106(11)(c) provides that “(c) The commission shall adopt rules that: (I) Adopt an alternative location analysis process and specify criteria used to identify oil and gas locations and facilities proposed to be located near populated areas that will be subject to the alternative location analysis process; and (II) In consultation with the department of public health and environment, evaluate and address the potential cumulative impacts of oil and gas development.” COGCC adopted regulations fulfilling each of these requirements in the Mission Change Rulemakings on November 23, 2020. Rule 304.b.(2) implements an alternative location analysis process and specifies criteria for which locations and facilities will be subject to that process. Numerous regulations are intended to evaluate and address cumulative impacts, but the primary regulations that do so are Rules 303.a.(5) and 904. Each of these regulations become effective today, January 15, 2021.
- Section 34-60-106(19) provides “The commission shall review and amend its flowline and inactive, temporarily abandoned, and shut-in well rules to the extent necessary to ensure that the rules protect and minimize adverse impacts to public health, safety, and welfare and the environment, including by: (a) Allowing public disclosure of flowline information and evaluating and determining when a deactivated flowline must be inspected before being reactivated; and (b) Evaluating and determining when inactive, temporarily abandoned, and shut-in wells must be inspected before being put into production or used for injection.” On November 21, 2019, COGCC completed its 2019 Flowline Rulemaking to implement this statutory provisions. The Rules are codified in the 1100 Series. The Rules became effective on January 14, 2020. The Statement of Basis and Purpose for the 2019 Flowline Rulemaking is attached.

Because all regulations listed in § 34-60-106(1)(f)(III)(A), C.R.S., have now been adopted and become effective, Section 34-60-106(1)(f)(III) should now be repealed.

Please let me know if you have any questions,

**Julie M. Murphy**  
Director



**COLORADO**  
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