

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 17-0460.01 Jennifer Berman x3286

HOUSE BILL 17-1256

HOUSE SPONSORSHIP

Foote,

SENATE SPONSORSHIP

Aguilar and Jones,

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 indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
March 28, 2017

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 it does not apply if a school commences operations near oil and gas facilities or wells that are already actively in use or permitted.

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

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

4 **34-60-131. Mandatory distance requirement from schools -**
5 **legislative declaration - definitions.** (1) THE GENERAL ASSEMBLY
6 HEREBY FINDS, DETERMINES, AND DECLARES THAT, AS PART OF THE PUBLIC
7 INTEREST IN PROTECTING PUBLIC HEALTH, SAFETY, AND WELFARE, THE
8 MANDATORY MINIMUM DISTANCE ESTABLISHED BY RULE BY THE
9 COLORADO OIL AND GAS CONSERVATION COMMISSION FOR [REDACTED]
10 PRODUCTION FACILITIES AND WELLS FROM A SCHOOL SHOULD BE
11 CALCULATED AS THE DISTANCE FROM THE SCHOOL PROPERTY LINE AND
12 NOT THE DISTANCE FROM A SCHOOL BUILDING.

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

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

19 (b) "SCHOOL" MEANS A SCHOOL, AS DEFINED IN SECTION 22-7-703
20 (4), PRIVATE SCHOOL, AS DEFINED IN SECTION 22-30.5-103 (6.5), OR A
21 CHILD CARE CENTER, AS DEFINED IN SECTION 26-6-102 (5).

22 (c) "WELL" MEANS A WELL USED IN CONNECTION WITH OIL AND

1 GAS OPERATIONS. "WELL" INCLUDES AN OIL AND GAS WELL, A HOLE
2 DRILLED FOR THE PURPOSE OF PRODUCING OIL AND GAS, A WELL INTO
3 WHICH FLUIDS ARE INJECTED, A STRATIGRAPHIC WELL, A GAS STORAGE
4 WELL, OR A WELL USED FOR THE PURPOSE OF MONITORING OR OBSERVING
5 A RESERVOIR.

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

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

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

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

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

24 (c) ANY PARCEL OF REAL PROPERTY ON WHICH A FUTURE
25 PERMANENT OR TEMPORARY SCHOOL BUILDING IS PLANNED TO BE
26 CONSTRUCTED WITHIN FIVE YEARS AFTER AN OWNER OR OPERATOR FILES
27 AN APPLICATION FOR A NEW PRODUCTION FACILITY LOCATION.

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

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