

Oil and Gas Incident Reporting – Comparison between Proposed Legislation and Current Requirements

In Colorado, oil and gas operations are conducted under strict safety regulations at both the federal and state level. When spills or safety incidents from oil and gas operations do occur, strict and robust incident reporting is required from oil and gas operators to multiple agencies or governments.

When incidents occur, oil and gas operators in Colorado must provide reporting to either the Colorado Oil and Gas Conservation Commission (COGCC), the Colorado Department of Public Health and Environment (CDPHE), the United States Environment Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), local governments, and other authorities.

Below is a comparison between incident reporting requirements in proposed state legislation with current reporting requirements for oil and gas operations in Colorado.

Proposed Legislation Reporting Requirement	Current Reporting Requirements	Comments
The unauthorized release of more than 5 barrels of oil, produced water...or exploration and production waste	COGCC Rule 906.b.(1)B & C – This rule requires operators to report a spill/release of E&P Waste or produced fluids of 1 barrel or more if outside berm and 5 barrels or more if inside berm. This must be reported to COGCC and local government via a Form 19.	This proposed requirement is covered in current COGCC reporting requirements.
The unauthorized release of more than 5 barrels of ...oilfield chemicals....	CERCLA and EPCRA Programs – These programs require operators to report spills of chemicals that reach reportable quantities to the CDPHE, EPA, and other appropriate authorities. Reportable quantities is based on each chemical individually and in many times is actually less than the proposed 5 barrels.	This proposed requirement is fully covered through reporting requirements from other agencies.
The unauthorized flaring, venting or wasting of 50,000 thousand cubic feet of gas at a producing well site	<p>COGCC Rule 912.a -- This rule prohibits unnecessary or excessive venting or flaring.</p> <p>COGCC Rule 912.b – This rule states any venting or flaring outside of certain authorized situations must be requested and reported with a COGCC Form 4 and prior approval from COGCC obtained prior to venting or flaring.</p> <p>COGCC Rule 912.c – This rule requires operators to report how much gas was flared or vented each month using COGCC Form 7.</p> <p>COGCC Rule 912.e – This rule requires operators to notify local emergency dispatch or local governments of any natural gas flaring.</p> <p>Operators that vent or flare outside of authorized situations or obtaining prior approval from the COGCC receive an NOAV from the COGCC</p>	This proposed requirement is covered in current COGCC reporting and approval requirements.

Any uncontrolled fire or explosion	<p>Current COGCC Rule 602.b – This rule currently requires an operator to report any accident or natural event involving a fire, explosion, detonation, or release of pressure that results in (1) injury to member of the public or (2) significant damage to equipment or well site. This is reported to the COGCC and local government via a Form 22.</p> <p>Proposed New COGCC Rule 602.c – This new proposed COGCC rule will now cover this item as the new rule says “Any accidental fire, explosion, detonation, or uncontrolled release of pressure” is reportable.</p>	This proposed requirement is covered in current COGCC reporting requirements.
An accident involving serious bodily injury or death	<p>COGCC Rule 602.b – This rule requires an operator to report to the COGCC any accident that injures a member of the public via a Form 22 and to notify the local government.</p> <p>Proposed New COGCC Rule 602.c – This new proposed COGCC rule further expands reporting to the COGCC of any accident or natural event results in a fatality or life-threatening injury to any person, including workers.</p> <p>OSHA requires an operator to report to them any accident that injures a worker. In these situations, most operators also notify the COGCC.</p>	This proposed requirement is covered in current COGCC and OSHA reporting requirements.
A blowout or loss of control of a well	COGCC Rule 327 – This rule requires an operator to report all uncontrolled events or blowouts to the COGCC via a Form 23.	This proposed requirement is covered in current COGCC reporting requirements.
A spill, venting, fire, regardless of the volume involved that occurs within 500 feet of a sensitive area, park, recreation site, wildlife refuge, lake, reservoir, stream, or urban or suburban area.	<p><u>Spills</u> Rule 906.b.(1)A – This rule requires operators to report any spill that impacts or threatens to impact any waters of the state, a residence, livestock or public byway. This covers many of these areas.</p> <p><u>Venting or Fires</u> As defined above these would be reported regardless of how close they are to these cultural features.</p>	This proposed requirement is covered in current COGCC reporting requirements
A release of gas containing 100 or more parts per million of hydrogen sulfide that is not controlled	<p>COGCC Rule 607.c – This rule requires an operator to report any gas analysis indicating the presence of hydrogen sulfide to the COGCC and local government.</p> <p>COGCC Rule 607.a & b – This rule requires operators to file a hydrogen sulfide drilling operations plan prior to drilling in areas know to contain 100 ppm of hydrogen sulfide gas.</p>	This proposed requirement is covered in current COGCC reporting requirements.