

Testimony:

House Energy and Environment Committee

SB23-285: Energy And Carbon Management Regulation In Colorado

Date: April 27, 2023

Good afternoon committee members. I am Natasha Léger, Executive Director, Citizens for a Healthy Community. CHC is a grassroots impacted citizens groups located in the North Fork Valley on the Western Slope. I am here today to speak in opposition to SB-285.

CHC advocated strongly for SB19-181, which changed the mission of the COGCC from fostering oil and gas development to regulating it and prioritizing the protection of public health, safety, welfare, the environment and wildlife. We participated in all the required rulemakings, including on the Mission Change. While rules underwent an overhaul, we still have concerns over the implementation of SB181. In particular, the lack of a definition for adverse impacts and cumulative impacts, and that cumulative impacts, including local warming and climate change, are still not considered in the permitting process.

The COGCC is currently not able to meet its new mission, which requires avoidance of adverse impacts to public health, safety, welfare, the environment, and wildlife, when there is no definition of adverse impacts or cumulative impacts in its rules, and it doesn't even conduct community impact tours to understand the adverse impacts they are supposed to be avoiding and minimizing. The COGCC didn't even utilize SB181's statutory definition of minimize adverse impacts in its new rules. How can adverse impacts be avoided or minimized when there is no definition of adverse impacts?

We have asked the COGCC on multiple occasions to conduct a community impact tour to understand the offsite impacts of oil and gas operations in our watershed including geological hazards, water contamination, and local warming impacts. Those requests are consistently refused under the excuse of no time in the schedule. Instead we get a one-way listening session with the commissioners. Yet there is always time for an operator tour.

We have filed complaints regarding fugitive emissions and equipment integrity. We were impressed with the COGCC's response to the first complaint filed in 2020. An inspector was dispatched within 3 days and the faulty dump coil replaced. The latest set of complaints filed in 2022 we essentially received radio silence—no acknowledgement of the complaint and a letter regarding action taken several months later. We repeated the emissions monitoring a few months later to find the same problems on the same equipment. Filed complaints again, and no response.

If that is not enough, the Commission is still under-resourced regarding inspectors and enforcement, and the expertise needed to prioritize the protection of public health, safety, welfare environment, and wildlife.

So now, that brings me to SB285. With this bill, the COGCC seeks to expand its scope into deep geothermal operations, an area in which it has no expertise, and rebrand itself with a new name. The COGCC still has not been able to satisfy its current mission, and seeks to expand its reach. This bill is flawed. While developing a regulatory framework to address deep geothermal resources may have merit, and I'm not here to advocate for that, it certainly does not belong in an agency that still has a long way to go implementing SB19-181. Instead of expanding the scope of the COGCC, the legislature should be working on making sure the COGCC is fulfilling the intent and letter of its enabling statute. CHC therefore opposes this bill.