A BILL FOR AN ACT

CONCERNING PROTECTION OF WATER QUALITY, AND, IN CONNECTION THEREWITH, REQUIRING THE COLORADO OIL AND GAS CONSERVATION COMMISSION AND THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO REVIEW THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S STUDY REGARDING HYDRAULIC FRACTURING FLUIDS AND REQUIRING THE COLORADO OIL AND GAS CONSERVATION COMMISSION TO REPORT TO THE GENERAL ASSEMBLY REGARDING COMPLAINTS ARISING FROM OIL AND GAS OPERATIONS.

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

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.)
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://www.leg.state.co.us/billsummaries.)

The bill requires the department of public health and environment (department) and the Colorado oil and gas conservation commission (commission) to review the federal environmental protection agency's study regarding hydraulic fracturing fluids and to submit a report on the study to the general assembly. The bill also reenacts, with amendments, a law that was repealed on July 1, 2010, requiring the commission to report to the general assembly regarding complaints arising from oil and gas operations.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby declares that:
(a) A successful, efficient, and productive oil and gas industry is important for the economic viability of Colorado and the United States;
(b) Public confidence in this industry is important for its operations; and
(c) This act is necessary to evaluate the impacts on ground and surface water resulting from the use of hydraulic fracturing fluids in oil and gas operations.

SECTION 2. 34-60-104 (2) (a) (III), Colorado Revised Statutes, is RECREATED AND REENACTED, WITH AMENDMENTS, to read:

34-60-104. Oil and gas conservation commission - report - publication - repeal. (2) (a) (III) THE COMMISSION SHALL SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY CONCERNING THE NUMBER OF COMPLAINTS RECEIVED BY THE COMMISSION AND ITS STAFF, THE NUMBER OF COMPLAINTS THAT DO NOT RELATE TO WATER QUALITY, THE NUMBER OF COMPLAINTS THAT RELATE TO WATER QUALITY, AND THE NUMBER OF COMPLAINTS THAT RELATE TO WATER QUALITY THAT THE
COMMISSION:

(A) DETERMINES ARE ATTRIBUTABLE TO OIL AND GAS OPERATIONS;

(B) DETERMINES ARE NOT ATTRIBUTABLE TO OIL AND GAS OPERATIONS; AND

(C) HAS MADE NO DETERMINATION REGARDING WHETHER THE COMPLAINTS ARE ATTRIBUTABLE TO OIL AND GAS OPERATIONS.

SECTION 3. 34-60-104 (2) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

34-60-104. Oil and gas conservation commission - report - publication - repeal. (2) (a) (IV) (A) The commission, in cooperation with the Department of Public Health and Environment, shall review the Federal Environmental Protection Agency’s study that investigates the possible relationships between hydraulic fracturing and drinking water. By January 1, 2013, or six months after completion of the study, whichever is later, the commission and the department shall submit a report to the Agriculture, Livestock, and Natural Resources and Health and Environment Committees of the House of Representatives and the Agriculture and Natural Resources and Health and Human Services Committees of the Senate, or their successor committees. The report must contain an evaluation of whether sufficient evidence of risk to ground or surface water posed by the use of hydraulic fracturing fluids in oil and gas operations from either normal operations or exceptions to normal operations exists to justify expenditures for additional monitoring or corrective actions.
(B) This subparagraph (IV) is repealed, effective July 1, 2015.

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