

SB107\_L.002

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB12-107 be amended as follows:

1 Amend printed bill, page 4, strike lines 4 through 27.

2 Strike pages 5 through 7.

3 Page 8, strike lines 1 through 16 and substitute:

4           **"34-60-130. Hydraulic fracturing - rules.** (1) THIS SECTION  
5 SHALL BE KNOWN AND MAY BE CITED AS THE "FRACKING SAFETY AND  
6 WATER PROTECTION ACT".

7           (2) THE COMMISSION SHALL, WITHIN EXISTING RESOURCES, ADOPT  
8 RULES PURSUANT TO THIS SUBSECTION (2). THE RULES MUST CONTAIN  
9 DEADLINES, INCLUDING APPROPRIATE MILESTONES, FOR OPERATORS TO  
10 COMPLY WITH ANY ASPECT OF THE RULES THAT CANNOT REASONABLY BE  
11 COMPLIED WITH IMMEDIATELY. THE RULES MUST REQUIRE OPERATORS TO  
12 USE PRACTICES THAT ARE DESIGNED TO PREVENT OR REDUCE IMPACTS  
13 CAUSED BY OIL AND GAS OPERATIONS TO AIR, WATER, SOIL, OR  
14 BIOLOGICAL RESOURCES, AND TO MINIMIZE ADVERSE IMPACTS TO PUBLIC  
15 HEALTH, SAFETY AND WELFARE, INCLUDING THE ENVIRONMENT AND  
16 WILDLIFE RESOURCES, REGARDING:

17           (a) HYDRAULIC FRACTURING NEAR:

18           (I) RADIOACTIVE MATERIAL, AS DEFINED SECTION 25-11-101 (6),  
19 C.R.S.;

20           (II) EXPLOSIVES, INCLUDING MUNITIONS; AND

21           (III) SITES LISTED ON THE NATIONAL PRIORITY LIST PURSUANT TO  
22 THE FEDERAL "COMPREHENSIVE ENVIRONMENTAL RESPONSE,  
23 COMPENSATION, AND LIABILITY ACT OF 1980", 42 U.S.C. SEC. 9601 ET  
24 SEQ., AS AMENDED;

25           (b) THE SHUT-DOWN OF HYDRAULIC FRACTURING OPERATIONS  
26 WHEN PRESSURE READINGS INDICATE THAT THE HYDRAULIC FRACTURING  
27 FLUID HAS ENTERED A NONTARGETED AREA OF THE GEOLOGIC FORMATION;

28           (c) INCREASED SET BACKS COMPARED WITH THOSE IN THE  
29 COMMISSION'S RULES ON THE EFFECTIVE DATE OF THIS SECTION;

30           (d) THE USE OF OPEN PITS TO STORE OR DISPOSE OF DRILLING  
31 MUDS, HYDRAULIC FRACTURING FLUIDS, OR FLOW-BACK IN AREAS WHERE  
32 THERE IS RISK TO OCCUPIED STRUCTURES, SURFACE WATER, OR TRIBUTARY  
33 GROUNDWATER FROM SUCH USE, STORAGE, OR DISPOSAL;

34           (e) THE USE OF CLOSED-LOOP SYSTEMS FOR HYDRAULIC  
35 FRACTURING TREATMENTS;



1 (f) AFTER CONSULTATION WITH THE AIR QUALITY CONTROL  
2 COMMISSION CREATED IN SECTION 25-7-104 (1), C.R.S., THE  
3 MINIMIZATION OF AIR EMISSIONS FROM OIL AND GAS OPERATIONS;

4 (g)(I) THE COLLECTION OF WATER QUALITY SAMPLES RELATED TO  
5 POTENTIAL IMPACTS FROM HYDRAULIC FRACTURING, AS DETERMINED BY  
6 THE COMMISSION, FROM ALL ACTIVE WATER WELLS LOCATED WITHIN  
7 ONE-HALF MILE OF AN OIL AND GAS WELL THAT WILL BE HYDRAULICALLY  
8 FRACTURED. THE OPERATOR SHALL ALSO COLLECT WATER QUALITY  
9 SAMPLES RELATED TO POTENTIAL IMPACTS FROM HYDRAULIC FRACTURING  
10 AT LEAST ONCE AFTER THE COMPLETION OF THE HYDRAULIC FRACTURING,  
11 PURSUANT TO A SCHEDULE ESTABLISHED BY THE COMMISSION, FROM ALL  
12 WATER WELLS LOCATED WITHIN ONE-HALF MILE OF THE OIL AND GAS  
13 WELL. THE OPERATOR SHALL SUBMIT THE SAMPLES IN A WATER QUALITY  
14 REPORT TO THE COMMISSION, IN A FORMAT AND BY A DEADLINE  
15 ESTABLISHED BY THE COMMISSION.

16 (II) THE COMMISSION SHALL PROMPTLY POST THE WATER QUALITY  
17 REPORTS ON ITS WEB SITE. THE REPORTS MUST BE SEARCHABLE BY  
18 OPERATOR, WELL LOCATION, AND OTHER FACTORS ESTABLISHED BY THE  
19 COMMISSION.

20 (III) THE RULES MUST INCLUDE TARGETED GOALS FOR THE  
21 REDUCTION OF THE TOXICITY OF HYDRAULIC FRACTURING FLUIDS; EXCEPT  
22 THAT NOTHING IN THIS PARAGRAPH (g) PROHIBITS THE USE OR  
23 REINJECTION OF FLOW-BACK FLUID.

24 (h) THE FINANCIAL ASSURANCES OF SECTION 34-60-106 (3.5) AND  
25 (13) MUST BE SUFFICIENT TO COVER REMEDIATION OF ALL FORESEEABLE  
26 DAMAGES TO PEOPLE, PROPERTY, SOIL, FOOD, AND WATER IN THE EVENT  
27 OF A SPILL, ACCIDENT, OR CONTAMINATION CAUSED DIRECTLY FROM  
28 CHEMICALS, LEAK OF METHANE, OIL, OR OTHER RELEASE OF OTHER  
29 UNDERGROUND CONTAMINANTS DISLODGED BY THE DRILLING PROCESS.

30 (3) (a) NOTHING IN THIS SECTION REQUIRES THE COMMISSION TO  
31 HIRE ANY NEW PERSONNEL OR CONTRACT WITH ADDITIONAL  
32 CONSULTANTS.

33 (b) ALL COSTS OF IMPLEMENTATION OF THIS SECTION MUST BE  
34 PAID BY PERMIT FEES ESTABLISHED AND COLLECTED PURSUANT TO  
35 SECTION 34-60-106 (16).".

\*\* \*\* \*\* \*\* \*\*

