

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0550.02 Thomas Morris

HOUSE BILL 11-1172

HOUSE SPONSORSHIP

Wilson,

SENATE SPONSORSHIP

(None),

House Committees

Agriculture, Livestock, & Natural Resources

Senate Committees

A BILL FOR AN ACT

101 CONCERNING PROTECTION OF WATER QUALITY, AND, IN CONNECTION
102 THEREWITH, REQUIRING THE COLORADO OIL AND GAS
103 CONSERVATION COMMISSION AND THE DEPARTMENT OF PUBLIC
104 HEALTH AND ENVIRONMENT TO REVIEW THE FEDERAL
105 ENVIRONMENTAL PROTECTION AGENCY'S STUDY REGARDING
106 HYDRAULIC FRACTURING FLUIDS AND REQUIRING THE
107 COLORADO OIL AND GAS CONSERVATION COMMISSION TO
108 REPORT TO THE GENERAL ASSEMBLY REGARDING COMPLAINTS
109 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 The bill also reenacts, with amendments, a law that was repealed on July 1, 2010, requiring the commission to report to the general assembly regarding complaints arising from oil and gas operations.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby declares that:

4 (a) A successful, efficient, and productive oil and gas industry is
5 important for the economic viability of Colorado and the United States;

6 (b) Public confidence in this industry is important for its
7 operations; and

8 (c) This act is necessary to evaluate the impacts on ground and
9 surface water resulting from the use of hydraulic fracturing fluids in oil
10 and gas operations.

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

13 **34-60-104. Oil and gas conservation commission - report -**
14 **publication - repeal.** (2) (a) (III) THE COMMISSION SHALL SUBMIT AN
15 ANNUAL REPORT TO THE GENERAL ASSEMBLY CONCERNING THE NUMBER
16 OF COMPLAINTS RECEIVED BY THE COMMISSION AND ITS STAFF, THE
17 NUMBER OF COMPLAINTS THAT DO NOT RELATE TO WATER QUALITY, THE
18 NUMBER OF COMPLAINTS THAT RELATE TO WATER QUALITY, AND THE
19 NUMBER OF COMPLAINTS THAT RELATE TO WATER QUALITY THAT THE

1 COMMISSION:

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

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

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

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

10 **34-60-104. Oil and gas conservation commission - report -**
11 **publication - repeal.** (2) (a) (IV) (A) THE COMMISSION, IN
12 COOPERATION WITH THE DEPARTMENT OF PUBLIC HEALTH AND
13 ENVIRONMENT, SHALL REVIEW THE FEDERAL ENVIRONMENTAL
14 PROTECTION AGENCY'S STUDY THAT INVESTIGATES THE POSSIBLE
15 RELATIONSHIPS BETWEEN HYDRAULIC FRACTURING AND DRINKING WATER.
16 BY JANUARY 1, 2013, OR SIX MONTHS AFTER COMPLETION OF THE STUDY,
17 WHICHEVER IS LATER, THE COMMISSION AND THE DEPARTMENT SHALL
18 SUBMIT A REPORT TO THE AGRICULTURE, LIVESTOCK, AND NATURAL
19 RESOURCES AND HEALTH AND ENVIRONMENT COMMITTEES OF THE HOUSE
20 OF REPRESENTATIVES AND THE AGRICULTURE AND NATURAL RESOURCES
21 AND HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE, OR
22 THEIR SUCCESSOR COMMITTEES. THE REPORT MUST CONTAIN AN
23 EVALUATION OF WHETHER SUFFICIENT EVIDENCE OF RISK TO GROUND OR
24 SURFACE WATER POSED BY THE USE OF HYDRAULIC FRACTURING FLUIDS
25 IN OIL AND GAS OPERATIONS FROM EITHER NORMAL OPERATIONS OR
26 EXCEPTIONS TO NORMAL OPERATIONS EXISTS TO JUSTIFY EXPENDITURES
27 FOR ADDITIONAL MONITORING OR CORRECTIVE ACTIONS.

1 (B) THIS SUBPARAGRAPH (IV) IS REPEALED, EFFECTIVE JULY 1,
2 2015.

3 **SECTION 4. 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.