



SIERRA
CLUB
FOUNDED 1892

ROCKY MOUNTAIN CHAPTER

1536 Wynkoop Street, 4B-1, Denver, CO 80202 | 303.454.3362 | www.rmc.sierraclub.org

Matthew Lepore
Colorado Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, Colorado 80203

September 13, 2012

Dear Mr. Lepore,

The Sierra Club Rocky Mountain Chapter requests that the State begin a rulemaking process for increasing minimum setbacks for oil and gas drilling to 2,000 feet plus an additional 100 feet per additional onsite wellbore near residences, schools, playgrounds/sports fields/parks, hospitals, nursing homes, and other similar facilities, due to the concentration of on-site emissions from aggregated wellbores. Current state regulations mandate a minimum setback distance of just 350 feet in all urban settings.

The Sierra Club believes that the protection of human life, public welfare, and the environment are essential factors to be considered by all levels of government when making siting decisions. We believe that land use planning should include in the siting decisions the protection of air and water quality, and public welfare. Such facilities should be excluded from certain categories of land zoning, and should proceed only after a need for them has been demonstrated. [<http://sierraclub.org/policy/conservation/energyfac.aspx>]

This request for a rulemaking addresses probable adverse impacts to the environment and human health from oil and natural gas development that uses hydraulic fracturing ("fracking"). The COGCC setbacks are not based on health impact studies, and no apparent scientific data support the COGCC's claim that the current setbacks prevent or mitigate adverse impacts.

Setback Loophole

In addition, there is a "Setback Loophole" in the COGCC 600 Series Rules. Rule 603(a) lays out setbacks from various types of development; for example, wells must be sited at least 150 feet from property lines in rural areas, and 350 feet from high density structures. However, Rule 602(d) states: "Existing 'completed' wells are exempt from the provisions of these regulations as they relate to the location of the well."

This Setback Loophole allows any 'completed' well to be re-entered and re-drilled regardless of proximity to a structure. There are approximately 4,000 active oil and gas wells that are closer to residential structures than the COGCC setback mandate of 350'. There are also approximately 82,000 abandoned wells in Colorado, and early statistics show that approximately 55% of abandoned wells are being re-entered and re-drilled, meaning there could eventually be tens of thousands of wells closer to residential structures than the current setback mandates. The Setback Loophole denies the COGCC the power to prevent and mitigate adverse environmental and human health impacts.

It is urgent that the COGCC fully address and update the current inadequate setbacks, for oil and gas development near high density residential areas, including, but not limited to: hospitals, public schools, buildings and grounds, parks, playgrounds, and other areas of special concern. We request that the Setback Loophole allowing for oil & gas activities be closed, and that the COGCC abide by its mission to prevent and mitigate adverse environmental impacts, which also impact human health and welfare.

Protecting Water Quality

Northern Colorado is in the midst of an unprecedented increase in oil and gas drilling, including fracking, taking place near densely-populated residential areas. A recent analysis by Sierra Club and Clean Water Action found that 44% of all operator spills have caused and are continuing to cause groundwater contamination. 3.1% have caused surface water contamination and 57% of protective berms failed to prevent secondary fluid migrations. [http://www.cleanwateraction.org/files/publications/co/SC-CWA-to-COGA-2-27-2012.pdf]

Since the 2008 COGCC Rule change, ground water contaminations have risen by 3.5% and berm failures increased by 3% to 60% of all berms having failed to prevent secondary fluid migration.

The Sierra Club has identified fracking and its associated impacts as the issue of utmost concern in Colorado, and that 2) EPA studies are needed to identify a wide range of potential adverse impacts on human health, and until such studies are completed, we should proceed with utmost caution in exposing our communities to unknown and possibly dangerous impacts.

Protecting Air Quality

Both science and experience in Colorado establish that the COGCC should adhere to its statutory mandate of protecting human health in the conduct of oil and gas operations by 1) minimizing fugitive emissions and other toxic chemicals, and 2) maximizing the distance of natural gas facilities from residences and other public places based on the good science of sound health impact assessments. These two principles should guide state policy on oil and gas activities in populated areas.

We are respectfully requesting that the state of Colorado recognize the continuing weaknesses in "the strongest regulations in the Country," as is often quoted in the media, and continue to lead the country with improvements that show Coloradans that the COGCC is addressing their concerns swiftly and comprehensively. This is an industry that appears to know no boundaries when it comes to the average citizen looking out of their home windows. We need the COGCC to be responsive and pro-active with regard to protecting the environment Coloradans depend upon for our lifestyle, quality of living, health, and welfare.

Studies linking oil and gas development to water contamination can be found at the following links:

<http://fractivist.blogspot.com/p/current-colorado-research.html>

<http://www.cleanwateraction.org/files/publications/co/SC-CWA-to-COGA-2-27-2012.pdf>

For a complete listing of Sierra Club policies as they relate to this industry, see:

<http://goo.gl/A5nCA>

Sincerely,



Shane Davis
Oil & Gas Team Research & Information Manager
Sierra Club Rocky Mountain Chapter



Joshua Ruschhaupt
Director
Sierra Club Rocky Mountain Chapter
1536 Wynkoop St., 4B-1
Denver, CO 80202
303.454.3362
joshua.ruschhaupt@sierraclub.org
www.rmc.sierraclub.org

Dr. Gary Wockner
Colorado Program Advisor
Clean Water Action
1536 Wynkoop Street, Suite B-400
Denver, CO 80202
303.405.6755
<http://www.cleanwateraction.org/co>

Shane Davis
Director
Fractivist.com
PO BOX 576
Longmont, CO 80502
509.570.4422
<http://www.fractivist.com>

Jennifer Palazzolo
Co-Founder
Erie Rising
2770 Arapahoe Suite 222
Lafayette, CO 80026
720.839.9097
<http://www.erierising.com>

Claudette Konola
Western Colorado Congress Mesa County
Mesa County WCC
PO Box 1931

Grand Junction, CO 81502

<http://wccmesa.org/>

Christine Canaly

Director

San Luis Valley Ecosystem Council

P.O. Box 223

Alamosa, CO 81101

(719) 589-1518 (office)

(719) 256-4758 (hm office)

slvwater@fairpoint.net

slvec.org

Jodee Brekee

Commerce City Unite NOW

Adams County Unite NOW

106th Ave

Commerce City

303.591.5721

Eleanor J. Jefferson

Lakewood Fracktivists

640 S, Vance St,

Lakewood, CO 80226

720-261-6615

Rico Moore

Fort Collins Citizens for Health and the Environment

The Cache la Poudre River Foundation

721 West Myrtle Street

Fort Collins, CO 80521

Kim Orr

Co-Founder

Loveland Rising

march.hare.house@gmail.com

Sloan Shoemaker

Executive Director

Wilderness Workshop

PO Box 1442

Carbondale, CO 81623

970-963-3977

sloan@wildernessworkshop.org

www.wildernessworkshop.org

Jim Ramey, Director

Citizens for a Healthy Community

chc.director@gmail.com

P.O. Box 291

Hotchkiss, Colorado 81419

970. 527.7779

www.citizensforahealthycommunity.org

Roz McClellan
Rocky Mountain Recreation Initiative
1567 Twin Sisters Rd.
Nederland, CO 80466
303.447.9409, 720.635.7799

cc: Governor John Hickenlooper
Mike King, Executive Director, CDNR
Bob Randall, Deputy Director, CDNR
Christopher E. Urbina, Executive Director, CDPHE
Martha Rudolph, Environmental Programs Director, CDPHE
Kent Kuster, Oil and Gas Liaison, CDPHE