Monday, Jan. 7, the Colorado Oil and Gas Conservation approved pioneering new groundwater protection rules considered among the strongest in the country. The new regulations mark another innovative step in Colorado's pacesetting regulation of this important industry.

The new groundwater protection rules require that operators sample nearby water wells both before and after drilling activities as a way to provide assurance that water supplies are not affected by energy development and identify potential problems in the very rare instances of impact.

Only two other states have mandatory groundwater programs in place and no other state in the country requires operators to take post-drilling water samples.

"This new set of groundwater monitoring rules once again puts Colorado in the forefront of thoughtful and progressive regulatory oversight of energy development," said Matt Lepore, director of the Commission. "We worked earnestly with many stakeholders to develop a groundwater rule that provides strong protections and that we believe strikes the right balance among many interested parties."

Approval of the rule follows months of stakeholder discussions designed to craft a rule that protects well owners and the industry. These rules will generate the necessary data to help regulators determine whether oil and gas activities have impacted drinking water or whether other factors could be affecting groundwater. The new rules follow a successful year-long voluntary sampling program designed by operators and regulators.

"Our Commission has worked hard to arrive at an effective and reasoned place in developing this groundbreaking new rule," said Commission chairman Tom Compton. "We have listened carefully and considered the views of many parties, including many citizens, and we believe this rule gets us to a result that rigorously protects the environment while addressing and incorporating the varied concerns of numerous interests."

"This rule represents a strong, proactive step to monitor and protect our groundwater and is right for Colorado," said commissioner Andy Spielman. "We have once again set the bar high in

our assertive and judicious regulatory approach to oil and gas development.”

Colorado’s rules will require sampling up to four water wells within one-half mile of a new oil and gas well prior to drilling and two more samples of each well between six and 12 months and again between five and six years, a requirement unprecedented among other states.

In the Greater Wattenberg Area of northeastern Colorado, operators will be required to sample one water well per quarter section, pre- and post-drilling. The rule is adjusted in the GWA due to the combination of energy development, agriculture and other industrial and residential use unique to the area.

In addition, the state program will exist side-by-side with a well-developed Weld County-led program that provides water well testing to any well owner requesting it.

The Commission has long amassed considerable data on water wells adjacent to oil and gas wells, and the agency’s database already contains well over 6,000 such samples—a data set that will grow substantially with the new rule.

In the fall, the Commission took another important step by moving its water quality database online so that the public can review the same sampling data accessed by Commission regulators.

The Commission’s three-day hearing, which began Monday, was scheduled to continue through Wednesday at the Downtown Denver Sheraton Hotel, 1550 Court Place. Commissioners were to spend the remainder of the hearing taking further testimony and deliberating in consideration of new rules designed to limit the impact of drilling near occupied buildings.

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