

Consideration of Federal Exemptions to Oil and Gas Conservation in Colorado

The legislature should consider each of the exemptions given to Oil and Gas Operations by the Federal Government which may affect the health and safety of workers, residents and the general public that are given that increase the risk to:

- 1) public health, 2) safety, 3) welfare, 4) protection of the environment and 5) Protection of wildlife resources.

Implementation of the Martinez decision requires realignment of priorities and make the regulation of these aspects, not oil and gas production, the primary objectives of the legislation that is needed. Review of the Federal guidance¹, reveals the exemption was given because operations produced a high-volume waste, not because it is non-hazardous. Exempt waste "might still be harmful if not properly managed," "might still be subject to State hazardous and non-hazardous waste regulations" and the exemption, "does not indicate the hazard potential of the exempt waste.

Title 34-60-103 (4.5) C.R.S. defines E&P wastes, which correspond with the exempt waste. Further definition of the materials is confusing:

- "Gas" includes all natural gasses and hydrocarbons not defined as oil
- "Oil" is crude petroleum oil and hydrocarbons in liquid form not condensed from gas.
- "Waste Gas" includes escaping of gas into open air for gas wells and an "unreasonable" amount escaping from oil wells.

Unreasonable is not a quantitative measure. Where do the drill cuttings containing solid carbonaceous shales fit in?

"Physical waste" is what is as the term is generally understood in the oil and gas industry. This is not a useful definition for the stakeholders, which need to know the quantitation and risks of hazardous constituents in this material. Physical waste, air, water and solids, need to be regulated based on hazardous properties, including protection of public health and the climate, not exempted from regulation.

In addition to exemption from normal waste characterization and regulation, OSHA safety regulations are also exempted for oil and gas regulation: "hearing conservation program", "monitoring", "employee notification", "audiometric testing program", and related standards. Oil and gas well drilling and servicing is also exempt from OSHA lockout/tag-out standard, and management of highly hazardous chemicals Oil and gas not listed to submit injury and illness summary and data on all accidents to OSHA four times a year.

Please remove these exemptions for oil and gas to protect human health and the environment.

¹ Exemption of Oil and Gas Exploration and Production Wastes From Federal Hazardous Waste Regulations USEPA.