



A Pragmatic Statewide Groundwater Testing Program

The Colorado Oil and Gas Conservation Commission (COGCC) is conducting a rulemaking to evaluate the need for a statewide baseline groundwater testing program. Over the last decade, Colorado has implemented a number of successful basin-specific water testing programs that have built public confidence in industry's ability to protect groundwater in conjunction with oil and gas drilling operations. Additionally, there is a statewide voluntary groundwater monitoring program that began in January of 2012 in which operators who drill over 93% of the wells drilled in Colorado participate.

Any rulemaking should build off of these successes without unnecessarily hampering energy development with excessive requirements. **Colorado's statewide voluntary program is the most comprehensive testing program in the United States. If converted to a mandatory program, it would significantly exceed all other water sampling requirements in the country in both scientific rigor and transparency.** For example, the current Colorado voluntary program is the only program in the country with post-drilling sampling requirements.

Colorado residents can have confidence that Colorado's oil and gas rules are protective of groundwater. The COGCC water quality database is the most comprehensive water quality database in the country, and this data is growing significantly with the implementation of the voluntary program. Additionally, as part of existing basin-specific water sampling rules, Colorado has more than ten years of water quality data from the San Juan basin; this data is publicly available and has been analyzed by third parties, demonstrating that extensive oil and gas drilling has been done in harmony with groundwater protection.

We support a statewide groundwater sampling program that continues Colorado's leadership as a state balancing responsible energy development with environmental stewardship. New rules must be reasonable, cost-effective, fair and responsive to stakeholder interests. Some important considerations for the adoption of a rule balancing leadership and pragmatism are discussed below.

Landowner Right to Privacy

- Landowners may not be interested in testing of their well or public divulgence of their water test results. Pre-existing water quality conditions vary as a result of well quality, natural water conditions, or regional activities, all of which may have nothing to do with oil and gas development or landowner practices.
- It's critically important that landowners retain the right to refuse participation in water testing.

Baseline Sampling Does Not Replace Other Water Quality Programs

- A baseline groundwater sampling program is not designed to address water quality complaints, surface spills, site cleanups, or facilities covered under other regulatory programs. Each of these is covered under existing state or federal rules.
- A reasonable and responsive baseline program must be limited to testing associated with new drilling activity and not be redundant with existing programs.

A Statewide Program Will Address Baseline Water Testing Needs

One reason that we support a statewide baseline testing program is that it will create regulatory certainty. It's important to ongoing business investment in Colorado that Colorado operate under one set of oil and gas regulations, and we feel that groundwater testing requirements should be led by the COGCC.

Reasonable Costs Matter

There will always be groups that say that there should be no limit to the costs imposed upon Colorado's oil and gas industry. As a compilation of business-focused groups and regions, we seek a cost-effective solution that addresses the interests of the public in additional groundwater monitoring data. Colorado's oil and gas industry is a major economic driver, has a demonstrated track record of groundwater protection, and has voluntarily created a similar program.

The COGCC's final program must strike a balance between regulatory certainty, cost-effectiveness, scientific rigor, and transparency to the public.