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## Implementation of COGCC's Amended Rules

While the amendments to COGCC's rules could go into effect as early as February 1, 2009 under the Colorado Administrative Procedure Act, the COGCC determined that a later effective date would ensure an orderly transition.

### Effective Date of Amendments

Unless otherwise specified, the amended rules will therefore go into effect on May 1, 2009 on federal land in Colorado and on April 1, 2009 on all other land in the state.

Some amendments do not go into effect until later in 2009, such as requirements to maintain a chemical inventory by June 1, 2009, to obtain increased bonds for existing facilities by July 1, 2009, or to paint tanks visible from public highways by September 1, 2010. In some cases, certain amendments will not apply until significantly later. For instance, where an operator has initiated consultation prior to the amendments' effective date on a proposed site within a wildlife "restricted surface occupancy area," then the requirement to avoid such an area will not apply until January 1, 2010.

### Operators' drill-permit portfolios into 2010

Under the existing rules, drilling permits are valid for a period of 12 months -- a provision that will not change under the amendments. In 2008, the COGCC will have issued more than 7,600 drilling permits under the old rules, and this pace is expected to continue in the months before the amendments become effective. Companies will therefore have a significant portfolio of drilling permits that will allow them to drill under the old rules until well into 2010.

### Retroactive Effect of Amendments

In general, the rule amendments will not apply to existing facilities. Pit lining requirements, for example, specifically apply only to pits constructed after May 1, 2009 on federal land or after May 1, 2009 on other land.

In only a few instances will the amendments apply to existing facilities. For example, pre-existing production facilities visible from public highways must be painted by September 1, 2010, and pre-existing tanks must be labeled with certain information by September 1, 2009. Certain production equipment that is located within 1/4 mile of homes, schools, hospitals, and other occupied buildings must be equipped with odor-control devices by October 1, 2009.

### Interim Policy for APDs Processed before Rules go into effect

Notwithstanding the delayed effective date, the Commission desired to gather certain information on drilling permits filed after January 5, 2009 and before the dates that the amendments become effective later in the year. The COGCC, therefore, has issued an Interim Policy requiring operators to review maps maintained on the COGCC website and to indicate whether a proposed facility is in a drinking water protection area, in an area designated as sensitive wildlife habitat, a restricted surface occupancy area, or a riparian area within 300' of a perennial stream or lake west of Interstate 25. The COGCC will confer with state wildlife and health officials to determine whether protective conditions are needed on permit approvals, which operators will have the opportunity to review.

**For more information, please contact:** David Neslin, Acting COGCC Director, at 303-894-2100, ext. 122 or Heidi Van Huysen, DNR Legislative Program Manager, at 303-866-3311, ext. 8664.