

Why the Analysis of the COGCC by Christopher M. Bailey is Important to You and Relevant to Elbert County's Regulations

It is no secret to those who have been following the development of Elbert County Oil and Gas regulatory guidelines that the topic is one that causes great consternation amongst the residents who are divided upon just how much regulation is necessary. While there is a whole spectrum of diverse opinions on the topic, there are a few facts on which everyone can agree. The first is that in Colorado, the Colorado Oil and Gas Conservation Commission (COGCC), is the agency that is providing the state with current guidelines. Another thing on which we can agree is that from the Governor's Office, to the Division of Natural Resources, to the Elbert County Commissioners, all stated the notion that the State of Colorado has the strongest set of oil and gas regulations in the entire nation. That said, this analysis challenges that oft repeated statement.

Mr. Bailey, an Elbert County resident with a background in biochemistry and electrical engineering, has undertaken an exhausting and thorough analysis of the actual guidelines on which the state relies to safely regulate the rapidly expanding oil and gas industry. His focus is based almost entirely on the inconsistencies and inadequacies within the verbiage of the regulations that the COGCC has published and which the state has adopted. When you actually look at the regulations explained in layman's terms as presented by Mr. Bailey, it does not take the reader very long to see that the oil and gas industry has actually been given so many loopholes and exceptions in terms of regulatory requirements, *that there is little protection left for the average citizen. The environment, the rights of land owners, and the wildlife for which Colorado is so famous are all given a backseat to the well-being of the profit-driven motives of Big Oil and Gas.*

There will be some who will look at these findings and pronounce them as yet another attempt by environmentalists to stand in the way of a necessary and safe expansion of oil and gas development in our state. If that is your position after reading this analysis then you are missing the point of this work altogether. Mr. Bailey is only pointing out the obvious facts of the matter. The COGCC has made it clear that these are their regulatory safeguards they are recommending for the safe operation of a potentially dangerous exploration of natural resources. **If the words that the COGCC have chosen to explain safeguards can be shown to have obvious flaws that contradict their designated purpose then we have a huge problem.** Even the most ardent of oil and gas promoters cannot deny that there are hazards that are inherent in this industry. If that is not true then they need to stop touting the strength of Colorado's regulatory demands.

Mr. Bailey begins his analysis with the following two paragraphs:

"The Colorado Oil and Gas Conservation Commission (COGCC) is the agency tasked with regulating oil and gas development within the State of Colorado. The COGCC mandate is "to conserve oil and gas in the State of Colorado while protecting public health, safety, and welfare, including the environment and wildlife resources". To that end, the COGCC has crafted a set of rules and regulations. After an extensive analysis of that rule-set, I am left questioning whether the COGCC is "protecting public health, safety, and welfare" or simply promoting minimally-regulated oil and gas development.

We've all heard that the State of Colorado is the most heavily regulated state in the nation. We've all been told not to worry, that state regulations are protecting us. We've been told that local counties have little or no authority, protective or otherwise, concerning oil and gas development; the state's economic interest takes precedence. The key findings listed below are examples of ways in which the COGCC rule-set does not adequately regulate the oil and gas industry and is not protecting us. Following that list is an outline of ways in which a county might mitigate some of the risks found in the COGCC rule-set. Bear in mind that, while real change needs to occur at the state level, counties are not powerless; they do not have to sit idly by while waiting for change to occur."

Pro oil or fervent environmentalist opposed to the exploration for oil and gas, this analysis deserves the attention of everyone who might be impacted by the regulations of the COGCC. I predict that this report will gain much attention here and across the state. It will be well worth your time and energy to read it.