

Enviros push Colo. to tighten regs on oil and gas industry

Scott Streater, E&E reporter

Published: Tuesday, October 8, 2013

An environmental group says Colorado's ground-level ozone pollution problem is growing worse and the time is ripe for the state to take "bold" steps to address the issue, such as adopting tighter regulations on the oil and natural gas industry.

WildEarth Guardians laid out its concerns in a six-page letter addressed to Will Allison, director of the Colorado Air Pollution Control Division, and sent to Gov. John Hickenlooper (D). The group wrote that over the course of the past year, "ozone violations across the Front Range have become more severe and widespread," and that the "consequences of this year's elevated ozone are staggering: greater public health and environmental risks, sanctions from [U.S. EPA], more stringent federal regulation and oversight, the stigma of being a polluted area, and a decline in our quality of life."

But an industry representative fired back at WildEarth Guardians, saying the group's letter and comments are counterproductive at a time when the state and various stakeholders are working on solutions to address the ozone pollution problem and the industry's contributions to it.

Still, the issue is increasingly troublesome for the state. Ozone monitors in the Denver metropolitan area have recorded violations of the federal ozone standard, and EPA has given the state until the end of 2015 to meet the standard or face increased regulations.

However, meeting that deadline appears unlikely as more ozone monitors record pollution levels that exceed the federal standard of 75 parts per billion, including the first-ever measurement of elevated wintertime ozone levels in northwest Colorado.

WildEarth Guardians lays a great deal of the blame for that on increased oil and gas development along the Front Range, thanks to the booming Niobrara Shale formation.

Natural gas wells, compressor stations and other equipment are known to be a major source of emissions of volatile organic compounds (VOCs), which along with emissions of nitrogen oxides from automobile tailpipes and industrial smokestacks are the chief ingredients in the formation of ozone pollution.

A report earlier this year from the Colorado Department of Public Health and Environment found that nearly half of all emissions of VOCs in the state could be attributed to the industry.

A state stakeholders group overseen by the Air Pollution Control Division is exploring stronger air-quality rules for the oil and gas industry and had aimed for a formal rulemaking hearing in November

before Colorado's Air Quality Control Commission for it to consider and possibly vote to approve new regulations at that time.

But the Air Pollution Control Division decided in August to extend the process and to target February for a formal rulemaking hearing before the commission, a move that was heavily criticized by WildEarth Guardians and others (EnergyWire, Aug. 16).

"We acknowledge that the [division] has already signaled its intent to strengthen emission controls for the oil and gas sector along the Front Range and possibly the rest of the State. This is a sensible step forward," the WildEarth Guardians' letter said.

"Unfortunately, these efforts have been delayed and it appears unlikely that such rules would even take effect in time to affect ozone levels in 2014," they wrote. "The APCD has cited the need to work with stakeholders as reason for delay, yet we cannot imagine that talk would take priority over the need to curtail ozone and avoid the environmental, health, and economic consequences of a failure to attain. Ultimately, the delay in addressing oil and gas industry emissions would only enhance the burden faced by other industries, as well as motorists."

A spokesman for the Air Pollution Control Division did not respond to requests to comment for this story before publication.

But Stan Dempsey Jr., president of the Colorado Petroleum Association in Denver, who is participating in the stakeholder group process, defended the industry and the state's efforts to address the issue.

"Our members are working diligently, and WildEarth Guardians, which has had no participation in the process, is just shooting out emails and press releases," Dempsey said. "We're working hard, and they're trying to sandbag us."

Dempsey said groups like the Environmental Defense Fund are working closely with industry representatives on the issue. "We're not close to an agreement, but we're having a productive dialogue," he said.

Regardless, the time for dialogue is over, and the state needs to take quick action to address the issue, said Jeremy Nichols, climate and energy program director for WildEarth Guardians in Denver.

"Our health and our economy are at risk because of the state's refusal to effectively combat smog along Colorado's Front Range," Nichols said. "It's time for Governor Hickenlooper to start getting serious about clean air; more delay means more pain for everyone."