

## Comments Pertaining to Ordinance # 2235 (Ordinance Draft)

In recent months, Commerce City's Staff (Staff) members met with various citizens and advocacy groups to discuss oil and gas issues. Discussions included the above referenced Ordinance Draft. Below are comments to address my concerns.

1. In a meeting, Staff explained that Colorado Oil & Gas Conservation Commission (COGCC) would be the ceiling for regulations that govern Commerce City (City). My understanding is that the City has no plans to invoke any rules, regulations, or standards that exceed those brought forth by COGCC. SB19-181 gives local governments' explicit authority to exceed COGCC regulations. Citizens and advocacy groups have repeatedly expressed to the City that this is a unique opportunity to protect the health, safety and welfare of citizens. The City seems to be indicating to citizens, that there is no political will or genuine desire to act accordingly.
2. Further, the City allowed the initial permits for approximately 150 wells to be *deemed complete* even before the new Ordinance Draft is enacted, and therefore, the very weak or minimal standards currently in effect are all that apply. The understanding is that the reason the Ordinance Draft is being written is to enhance and create more substantial regulations to benefit the health, safety and welfare of everyone. This begs the question: Did the City do any type of feasibility/environmental study to determine what potential damage/liability they might be assuming with the approximately 150 wells that are *deemed complete*? This in and of itself demonstrates to the community and State that the City is putting the industry above the health, safety and welfare of the citizens. This is the City's opportunity to protect the citizens and what they are choosing to do is reckless.
3. The setbacks formulated and set forth in the Ordinance Draft of 1,000 feet, is a deplorable health hazard. The Colorado Department of Public Health and Environment (CDPHE) study found adverse impacts on people living/working at least 2,000 feet from a drilling site. Many studies have also documented the adverse impacts on expectant mothers and newborns. Furthermore, studies have substantiated things like congenital heart defects, headaches, allergies, asthma and bloody noses. The reverse setback of 500 feet is simply egregious, and creates an environment where citizens are vulnerable to potential health risks. During a meeting, Staff confirmed they were aware of the health studies and the impacts. Therefore, it appears the City is simply going to ignore this information and "be friendly" to oil and gas. The City would not allow a McDonald's or a Taco Bell within 500 feet of a residence, so the idea of ignoring this information shows your total disregard for the people in your community. The City should explain to the citizens how they arrived at the arbitrary number of 1,000 feet. What study did the City use to demonstrate the adequacy of 1,000 feet?
4. There is no mechanism in the Ordinance Draft to vet or determine the financial solvency of the oil and gas companies that are submitting applications for permits to operate. Here again, this is complete negligence on the part of the City.

Before a problem occurs, the City should demonstrate to the citizens all the mechanisms in place to make the community and individual citizens whole. Oil and gas companies must have the resources in place and demonstrate they are accountable to the community. The new Ordinance Draft is silent on this subject. The City is choosing to partner with companies that have no requirement to demonstrate their solvency. This again is reckless and shows no regard for the health, safety and welfare of citizens. A single incident could destroy a citizen's property and their personal financial well-being, as well as their health.

5. The Colorado Sun newspaper reported on January 29, 2020 that COGCC failed to account for and collect monies owed from the oil and gas industry. An audit found that of the 420 oil and gas operators in Colorado, 316 were out of compliance with their monthly reporting requirements from 2016 to 2018, which left millions of dollars of potential revenues on the table. During a citizen's group discussion with Staff, a recommendation put forth to the City that they should hire a third party to determine or verify what the wells produce. Staff pushed back on the suggestion. Again, if the purpose of allowing heavy industry into the community is to collect large sums of tax revenue, the City should make some attempt to verify the amount of oil and gas being extracted. The City appears to be willing to leave their potential revenues unchecked.
6. An oil and gas company is allowed under the provisions of the Ordinance Draft to sell their permitting rights to another company, without a substantial review by the City. The Ordinance Draft is almost silent on the topic of permit transfers. The Ordinance Draft should have a stringent review process, with clear rules about how the permit is to be passed from one operator to another. There are no additional or new vetting processes and procedures, the next company can just pick up where the old one left off. There is no benefit to the City or citizens to just allow this to happen.

The City says they are concerned with the health, safety and welfare of their citizens, yet they have left such gaping holes in their new proposed Ordinance Draft, and are allowing approximately 150 wells to be permitted under the current requirements with the least possible regulations and requirements and minimal vetting.

As a citizen of Colorado, I am extremely concerned about the cumulative impact Commerce City's oil and gas industry has on our State and environment. As an example, the refinery now operated by Suncor (a Canadian oil company), has been in existence since the 1920s. On December 13, 2019, the Colorado Department of Public Health & Environment issued a Compliance Advisory to Suncor for alleged violations of the Colorado Air Pollution Prevention and Control Act regulations. Suncor agreed to a \$9 million settlement. This is the biggest penalty Colorado Department of Public Health & Environment has ever leveled against a single facility to resolve air pollution violations. The City has never made any attempt to set standards or regulate Suncor's refinery or operations. The City has repeatedly turned a blind eye to the air pollution and hazards emitted from the heavy industry that sits at the core of the City. Commerce City has never independently identified any of the problems brought by Suncor that impact the health, safety and welfare of Commerce City and the State of Colorado.

Rather, the City has completely ignored all the problems and actually encouraged this company to operate in our community. To my knowledge, no attempts were ever made to invoke any type of carbon or eco-tax on Suncor, what a lost opportunity for revenue.

Furthermore, the City should ask, if oil and gas is such a huge revenue boost for Commerce City, annual reports should reflect a more prosperous community. Currently, the school district ranks 178 out of 178 and has moved to a 4-day week, property taxes in the North are so high and continue to rise, and lastly, the Water District has reported highly toxic perfluorinates (also known as PFC) in the water.

The City is at a crossroads, and it is my greatest hope the City will make every effort to prioritize the protection of the health, safety and welfare of the citizens of the City and the State. In closing, I hope the City will choose to, 1). Exceed the COGCC regulations and protect citizens, 2). Conduct feasibility/environmental studies with each proposed well site, 3). Explain the justification for the setback distances, while considering extending them to even greater distances, 4). Prove the financial solvency of each company you permit, 5). Hire a third party to calculate well production, 6). and strengthen the requirements for permit transfers. I hope the lessons learned over the last years with Suncor will serve to guide the City to making better choices about oil and gas hazards in the future.