

Local Government Authority to Protect Air Quality Through Regulations and Operator Agreements

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Overview

- ▶ Local governments have considerable authority to protect air quality
- ▶ Local governments have a number of tools in their tool box:
 - ▶ Promulgate local emission control regulations that can be more protective than Air Quality Control Commission rules
 - ▶ Negotiate Operator Agreements and permit conditions that include air quality requirements that are more protective than those required by state or federal regulators

C.R.S. § 25-7-128

- ▶ “Home rule cities, cities, towns, counties, and cities and counties are hereby authorized to enact local air pollution resolutions or ordinances... which are at least the same as, or may be more restrictive than, the emission control regulations adopted pursuant to this article”

Requirements

- ▶ Must “contain provisions to ensure adequate reimbursement of state compliance and administrative expenses”
- ▶ Encouraged to be submitted as SIP revision
- ▶ If not included in SIP, caps civil penalty at \$300 a day for violation
- ▶ Local government must coordinate with AQCC at least semi-annually

Exception

- ▶ Cannot be “more stringent than a corresponding state provision with respect to hazardous air pollutants; except that this paragraph (c) shall not limit local zoning powers and ordinances enacted pursuant to other authorities under state law”

Broomfield Agreement with Extraction

- ▶ Use of electric drilling equipment and electrification during production
- ▶ Use pipelines to transport fluids to and from sites
- ▶ Tankless facilities & no glycol dehydrators
- ▶ BMPs for liquids unloading
- ▶ Reduction or elimination of emissions from maintenance activities such as pigging or blowdowns and notice re: maintenance activities
- ▶ Baseline and subsequent ambient air quality monitoring paid for by operator
- ▶ \$25,000 annual payment to City for air monitoring
- ▶ Quarterly LDAR for 1st 5 years & continuous pressure monitoring & 2 day repair timeframe
- ▶ BMPs during high ozone days
- ▶ Flowlines/pipelines
 - ▶ 2x yearly gas leak detection

Broomfield Draft Regulations-Air Provisions

- ▶ Air quality modeling plan
- ▶ Air quality monitoring plan to be paid for by Operator
- ▶ Air quality mitigation plan that eliminates, captures or minimizes potentially harmful emissions and dust and demonstrates how gas leaks and air emission releases will be prevented and mitigated
- ▶ Emission control regulations that go beyond AQCC:
 - ▶ LDAR
 - ▶ Immediate reporting of discovered leaks
 - ▶ Electrification of permanent equipment
 - ▶ Limits on venting and flaring
 - ▶ Telemetry to monitor for pressure changes
 - ▶ Install pipelines pre-production

Questions?

