

SB19-181

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR Fenberg

1 Amend printed bill, page 7, line 6, strike "(1)(i) and (2)" and substitute
2 "(1)(i), (2), and (3)".

3 Page 9, before line 6 insert:

4 "(3) (a) TO PROVIDE A LOCAL GOVERNMENT WITH TECHNICAL
5 EXPERTISE REGARDING WHETHER A PRELIMINARY OR FINAL
6 DETERMINATION OF THE LOCATION OF AN OIL AND GAS FACILITY OR OIL
7 AND GAS LOCATION COULD AFFECT OIL AND GAS RESOURCE RECOVERY:

8 (I) ONCE AN OPERATOR, AS DEFINED IN SECTION 34-60-103 (6.8),
9 FILES AN APPLICATION FOR THE LOCATION AND SITING OF AN OIL AND GAS
10 FACILITY OR OIL AND GAS LOCATION AND THE LOCAL GOVERNMENT HAS
11 MADE EITHER A PRELIMINARY OR FINAL DETERMINATION REGARDING THE
12 APPLICATION, THE LOCAL GOVERNMENT MAY ASK THE DIRECTOR OF THE
13 OIL AND GAS CONSERVATION COMMISSION PURSUANT TO SECTION
14 34-60-104.5 (3) TO APPOINT A TECHNICAL REVIEW BOARD TO CONDUCT A
15 TECHNICAL REVIEW OF THE PRELIMINARY OR FINAL DETERMINATION AND
16 ISSUE A REPORT THAT CONTAINS THE BOARD'S CONCLUSIONS.

17 (II) ONCE A LOCAL GOVERNMENT HAS MADE A FINAL
18 DETERMINATION REGARDING AN APPLICATION SPECIFIED IN SUBSECTION
19 (3)(a)(I) OF THIS SECTION OR IF THE LOCAL GOVERNMENT HAS NOT MADE
20 A FINAL DETERMINATION ON AN APPLICATION WITHIN TWO HUNDRED TEN
21 DAYS AFTER FILING BY THE OPERATOR, THE OPERATOR MAY ASK THE
22 DIRECTOR OF THE OIL AND GAS CONSERVATION COMMISSION PURSUANT TO
23 SECTION 34-60-104.5 (3) TO APPOINT A TECHNICAL REVIEW BOARD TO
24 CONDUCT A TECHNICAL REVIEW OF THE FINAL DETERMINATION AND ISSUE
25 A REPORT THAT CONTAINS THE BOARD'S CONCLUSIONS.

26 (b) A LOCAL GOVERNMENT MAY FINALIZE ITS PRELIMINARY
27 DETERMINATION WITHOUT ANY CHANGES BASED ON THE TECHNICAL
28 REVIEW REPORT, FINALIZE ITS PRELIMINARY DETERMINATION WITH
29 CHANGES BASED ON THE REPORT, OR RECONSIDER OR DO NOTHING WITH
30 REGARD TO ITS ALREADY FINALIZED DETERMINATION.

31 (c) IF AN APPLICANT OR LOCAL GOVERNMENT REQUESTS A
32 TECHNICAL REVIEW PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION,
33 THE PERIOD TO APPEAL A LOCAL GOVERNMENT'S DETERMINATION
34 PURSUANT TO RULE 106 (a)(4) OF THE COLORADO RULES OF CIVIL
35 PROCEDURE IS TOLLED UNTIL THE REPORT SPECIFIED IN SUBSECTION (3)(a)
36 OF THIS SECTION HAS BEEN ISSUED, AND THE APPLICANT IS AFFORDED THE
37 FULL PERIOD TO APPEAL THEREAFTER."

38 Page 15, line 5, strike "(2)(d)" and substitute "(2)(d); and **add** (3)".

1 Page 15, after line 12 insert:

2 "(3) (a) UPON RECEIPT OF REQUEST FOR TECHNICAL REVIEW FILED
3 PURSUANT TO SECTION 29-20-104 (3)(a), THE DIRECTOR OF THE
4 COMMISSION SHALL APPOINT TECHNICAL REVIEW BOARD MEMBERS. THE
5 MEMBERSHIP OF THE TECHNICAL REVIEW BOARD MUST INCLUDE SUBJECT
6 MATTER EXPERTS IN LOCAL LAND USE PLANNING AND OIL AND GAS
7 EXPLORATION AND PRODUCTION AND MAY INCLUDE SUBJECT MATTER
8 EXPERTS IN ENVIRONMENTAL SCIENCES, PUBLIC HEALTH SCIENCES, OR
9 OTHER DISCIPLINES RELEVANT TO THE DISPUTED ISSUES, AS DETERMINED
10 BY THE DIRECTOR. THE TECHNICAL REVIEW BOARD SHALL CONDUCT A
11 TECHNICAL REVIEW OF THE PRELIMINARY OR FINAL SITING
12 DETERMINATION PURSUANT TO THE CRITERIA SPECIFIED IN SUBSECTION
13 (3)(b) OF THIS SECTION AND, AT ITS DISCRETION, MAY MEET TO CONFER
14 INFORMALLY WITH THE PARTIES. THE TECHNICAL REVIEW MUST BE
15 COMPLETED BY ISSUANCE OF A REPORT WITHIN SIXTY DAYS AFTER THE
16 DIRECTOR APPOINTS THE EXPERTS.

17 (b) A TECHNICAL REVIEW:

18 (I) MUST ADDRESS THE ISSUES IN DISPUTE AS IDENTIFIED BY THE
19 OPERATOR AND THE LOCAL GOVERNMENT, WHICH MAY INCLUDE IMPACTS
20 TO THE RECOVERY OF THE RESOURCE BY THE PRELIMINARY OR FINAL
21 SITING DETERMINATION OF THE LOCAL GOVERNMENT; WHETHER THE
22 LOCAL GOVERNMENT'S DETERMINATION WOULD REQUIRE TECHNOLOGIES
23 THAT ARE NOT AVAILABLE OR ARE IMPRACTICABLE GIVEN THE CONTEXT
24 OF THE PERMIT APPLICATION; AND WHETHER THE OPERATOR IS PROPOSING
25 TO USE BEST MANAGEMENT PRACTICES; AND

26 (II) MUST RESULT IN THE ISSUANCE OF A REPORT."

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