

### 337. COGCC Form 19. SPILL/RELEASE REPORT

Spills and releases of E&P Waste shall be reported to the Director on a Spill/Release Report, Form 19, pursuant to the reporting requirements in Rule 906.

**Comment [LB1]:** Though says "waste", would this also cover fracking fluids spilled prior to injection (so not yet "waste")?

### 906. SPILLS AND RELEASES

a. **General.** All spills/releases of E&P Waste shall be controlled and contained immediately upon discovery to protect the environment, public health, safety, and welfare, and wildlife resources. Impacts resulting from spills/releases shall be investigated and cleaned up as soon as practicable. The Director may require additional activities to prevent or mitigate threatened or actual significant adverse environmental impacts on any air, water, soil or biological resource, or to the extent necessary to ensure compliance with the concentration levels in Table 910-1, with consideration to WQCC ground water standards and classifications or with WQCC surface water standards and classifications (WQCC regulations 31 – 39).

**Comment [LB2]:** How is this defined? If not well defined, how enforce? Common sense definition implied?

**Comment [LB3]:** Are there additional chemicals of concern typically/often included in fracking fluids that you may want to consider adding to GW sections of Table 910-1?

#### b. Reporting E&P Waste spills/releases.

(1) Operators shall report E&P Waste spills/releases that meet any of the following criteria to the Director in writing using COGCC Spill/Release Report, Form 19, and verbally to both the entity with jurisdiction over emergency response within the local municipality if the spill occurred within a municipality or the local county if the spill did not occur within a municipality, and the affected surface owner or the surface owner's appointed tenant as soon as practicable, but not more than twenty-four (24) hours after discovery or immediately if drinking or stock water is imminently threatened:

A. A spill/release of any size that impacts or threatens to impact any Waters of the State, a residence or occupied structure, livestock, or a public byway;

B. A spill/release in which one (1) barrel or more of E&P Waste is spilled or released outside of berms or other secondary containment;

C. A spill/release of greater than five (5) barrels regardless of whether the spill/release is completely contained within berms or secondary containment.

The initial written report to the Director shall include, at a minimum, the location of the spill/release and any information available to the Operator about the type and volume of waste involved and known resources of concern in close proximity to spill if release outside of berm or secondary containment.

In addition to the initial report to the Director, the Operator shall make a supplemental report on Form 19 not more than 10 calendar days after the spill/release is discovered that includes an 8 1/2 x 11 inch topographic map showing the governmental section and location of the spill; all pertinent information about the spill/release known to the Operator that has not been reported previously; and information relating to the initial mitigation, site investigation, and remediation measures conducted by the Operator. The Director may require further supplemental reports or additional information.

**Comment [LB4]:** Not super familiar with all COGCC regs. Is a follow-up report including monitoring data required to verify spill was properly cleaned up?

(2) In addition to the reports required under subsection (1) above, a spill/release of any size that impacts or threatens to impact any Surface Water Supply area shall also be reported to the Environmental Release/Incident Report Hotline (1-877-518-5608) and spills/releases that impact or threaten to impact a Surface Water Intake shall be verbally reported to the emergency contact for that facility immediately after discovery.

**Comment [LB5]:** Is there a timing requirement for this?

(3) Chemical spills and releases shall be reported in accordance with applicable state and federal laws, including the Emergency Planning and Community Right-to-Know Act, the Comprehensive Environmental Response, Compensation, and Liability Act, the Oil Pollution Act, and the Clean Water Act, as applicable.

**c. Surface owner consultation.** The operator shall make good faith efforts to notify and consult with the affected surface owner, or the surface owner's appointed tenant, prior to commencing operations to remediate E&P waste from a spill/release in an area not being utilized for oil and gas operations.

**Comment [LB6]:** Would/could this slow down clean-up? If no resources of concern immediately threatened, provide for X hrs to contact. If resources immediately threatened or impacted, will attempt to contact but resource protection/mitigation will take priority.

**d. Remediation of spills/releases.** When threatened or actual significant adverse environmental impacts on any air, water, soil or other environmental resource from a spill/release exists or when necessary to ensure compliance with the concentration levels in Table 910-1, with consideration to WQCC ground water standards and classifications, the Director may require operators to submit a Site Investigation and Remediation Workplan, Form 27. Such spills/releases shall be remediated in accordance with Rules 909. and 910.

**e. Spill/release prevention.**

(1) Secondary containment. Secondary containment that was constructed before May 1, 2009 on federal land, or before April 1, 2009 on other land, shall comply with the rules in effect at the time of construction. Secondary containment constructed on or after May 1, 2009 on federal land, or on or after April 1, 2009 on other land shall be constructed or installed around all tanks containing oil, condensate, or produced water with greater than 3,500 milligrams per liter (mg/l) total dissolved solids (TDS) and shall be sufficient to contain the contents of the largest single tank and sufficient freeboard to contain precipitation. Secondary containment structures shall

**Comment [LB7]:** Is there a standard methodology for calculating necessary freeboard to ensure is sufficient for high precip events?

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be sufficiently impervious to contain discharged material. Operators are also subject to tank and containment requirements under Rules 603. and 604. This requirement shall not apply to water tanks with a capacity of fifty (50) barrels or less.

- (2) Spill/release evaluation. Operators shall determine the cause of a spill/release and, to the extent practicable, implement measures to prevent spills/releases due to similar causes in the future.

**Comment [LB8]:** Need to document any measures taken?