



COGCC GUIDANCE

SB 19-181: FORM 2 PERMIT APPLICATIONS IN WELD COUNTY

Document Control:

Created Date:	September 17, 2019
Last Updated Date:	September 17, 2019
Last Updated By:	Jeff Robbins
Document Owner:	Jeff Robbins

Background:

On April 16, 2019, the Governor signed SB 19-181 into law. SB 19-181 amends the Oil and Gas Conservation Act (“Act”) and addresses the authority of local governments to regulate oil and gas operations. SB 19-181 ensures that the Colorado Oil and Gas Conservation Commission (“Commission” or “COGCC”) regulates oil and gas development and operations in Colorado in a manner that protects public health, safety, welfare, the environment, and wildlife resources. Additionally, SB 19-181 amended § 29-20-104(1), C.R.S., to vest local governments with greater regulatory authority over the surface impacts of oil and gas operations.

Pursuant to Section 104(1), several local governments have embarked on proposing siting regulations for oil and gas development. One of these local governments, Weld County, designated areas within the County as a “Mineral Resource Area” of State Interest effective August 5, 2019. § 24-65.1-104(11), C.R.S. Upon a local government’s designation of an area within its jurisdiction as an area of state interest, state agencies responsible for issuing permits for development within that designated area must comply with § 24-65.1-108, C.R.S. Section 108(1) provides in part, that state agencies

shall establish a reasonable time period, which shall not exceed sixty days following receipt of [a] permit application, within which such agency or commission must respond in writing to the applicant, granting or denying said permit or specifying all reasonable additional information necessary for the agency or commission to respond.

FORM 2 PERMIT APPLICATIONS IN WELD COUNTY

The COGCC and Weld County entered into a Memorandum of Understanding effective September 4, 2019, that addresses the processing of Form 2s and Form 2As submitted on or after August 5, 2019 (the “MOU”).

This Guidance addresses how staff processes Applications for Permit to Drill (Form 2) in light of Weld County’s designation of a Mineral Resource Area of State Interest.

Form 2

Application for Permit to Drill (Form 2)

For any Form 2 in Weld County’s “Mineral Resource Area” of State Interest¹ submitted on or after August 5, 2019, the Section 108(1) 60-day review period applies to that Form 2. Completeness on a Form 2 will not be determined until there is an approved Form 2A, a drilling and spacing unit order for the lands in which the well(s) are proposed to be permitted (if applicable), and an approved WOGLA.

Operators may submit a Form 2 at the same time it submits a Form 2A. However, staff will not review the Form 2 for completeness until there is an approved Form 2A, an approved drilling and spacing unit order for the lands in which the well(s) are proposed to be permitted (if applicable), and an approved WOGLA. The applicant will provide on the Form 2 the Form 2A Facility ID number, the order number for the drilling and spacing unit (if applicable), and the WOGLA approval date.

For any Form 2 that passed completeness after August 5, 2019, the effective date of Weld County’s regulations and prior to September 17, 2019, Staff will place those Forms 2s on hold until the Form 2 can satisfy the approved Form 2A, approved drilling and spacing unit, and approved WOGLA completeness requirements.

Staff will continue to consult an operator’s priority list when processing Form 2As and Form 2s.

Document Change Log

Change Date	Description of Changes
September 17, 2019	Initial Release

¹ § 24-65.1-104(11), C.R.S.