



April 12, 2019

Via Email

The Denver Post
Ms. Lee Ann Colacioppo
P.O. Box 13015
Denver, CO 80201

Dear Ms. Colacioppo:

We represent a coalition of state business leaders focused on energy policy and the support the energy sector provides to the Colorado economy as a whole. We are writing this letter to strongly object to recent coverage in the Denver Post which falsely reported that newly developed oil and gas wells are polluting the state's air in a completely uncontrolled manner for months after those wells start production.¹ The article in question, by environmental reporter Bruce Finley, totally misrepresented air quality regulations in Colorado and the industry practices used to comply with those regulations. This story misled and needlessly alarmed the public. It should be retracted.

We do not make such a request lightly. But the entire premise of this story is completely false.

The headline for Mr. Finley's story alleges "Colorado lets oil and gas companies pollute for 90 days without federally required permits that limit emissions." In the body of the story, Mr. Finley further claims that officials with the Colorado Department of Public Health and Environment (CDPHE) "give oil and gas companies 90 days to pollute" before they are required to control emissions from new oil and gas production sites.

This is simply wrong. Five years ago, CDPHE imposed a statewide requirement that emissions must be controlled from new oil and gas wells by putting them into a pipeline or installing equipment on storage tanks that capture 95% or more of emissions. The requirement, contained in Section XVII.C.1.c.(i) of Colorado Regulation 7, says oil and gas firms "must collect and control emissions by routing emissions to operating air pollution control equipment during the first ninety (90) calendar days after the date of first production" and the equipment "must achieve an average hydrocarbon control efficiency of 95%."²

¹ Denver Post, Colorado lets oil and gas companies pollute for 90 days without federally required permits that limit emissions, April 7, 2019

² 5 CCR 1001-9, Regulation Number 7: Control of Ozone Via Ozone Precursors and Control of Hydrocarbons Via Oil and Gas Emissions, Section XVII.C.1.c.(i)

Lee Ann Colacioppo
April 12, 2019

As explained by the Environmental Defense Fund (EDF) when these amendments to Colorado Regulation 7 were proposed by the CDPHE's Air Pollution Control Division:

"The Division has proposed to require all storage tanks with actual uncontrolled emissions of six tons per year to control hydrocarbon emissions by 95% ...

The proposed rule contains other provisions that are also practical and appropriate requirements to reduce oil and gas emissions. These include the requirements to capture and route to gas a control device if the gas cannot be routed to a sales line or otherwise used, to capture gas from a new tank during the first 90 days of operation outside of the non-attainment area (as this rule already applies in the non-attainment area), to install auto igniters on flares, among other things. ...

The requirements of the amendments are readily implementable, cost effective and will greatly reduce current and future emissions in the state, helping to address ozone pollution, climate change and other air quality issues. EDF applauds the Division, industry leaders who support the proposed rule, and Governor for their leadership on these issues..."³

As acknowledged in EDF's comments, the same emissions control requirements had already been in place along Colorado's Front Range for several years in order to comply with Clean Air Act mandates concerning ground level ozone. Starting in 2009, "newly drilled, recompleted or stimulated wells" were ordered by state regulators "to employ air pollution control equipment during the first 90 days of production," according to CDPHE.⁴ Several years later, the 2014 amendments to Regulation 7 expanded this requirement to the entire state.

More recently, Colorado state regulators have clearly explained how the 90-day emissions control mandate transitions over to the state's source-by-source system of air quality permits. The following plain English summary was provided by the CDPHE to the State Review of Oil and Natural Gas Environmental Regulations in 2017:

"Operators have 90 days to evaluate their sites and develop accurate production information for permit applications. However, emissions are still required to be controlled during the first 90 days of operation."⁵

The facts could not be any clearer: There is an emissions control mandate that applies to new oil and gas wells in Colorado during their first 90 days of production. The mandate is then replaced by case-by-case

³ Environmental Defense Fund, Prehearing Statement to Colorado Air Quality Control Commission, Jan. 6, 2014: <https://www.edf.org/sites/default/files/content/edf-phs.pdf>

⁴ 5 CCR 1001-9, Regulation Number 7 - Control of Ozone Via Ozone Precursors (Emissions of Volatile Organic Compounds And Nitrogen Oxides), Adopted Rules, Jan. 30, 2009

⁵ State Review of Oil and Natural Gas Environmental Regulations, Colorado Department of Public Health and Environment 2017 Air Quality State Review Report: <https://www.strongerinc.org/wp-content/uploads/2018/01/2017-CDPHE-Air-Quality-State-Review-Report.pdf>

Lee Ann Colacioppo
April 12, 2019

permitting decisions based on data collected during those first 90 days. State regulators simply do not “give oil and gas companies 90 days to pollute” as Mr. Finley asserted.

Additionally, we find it hard to believe that Mr. Finley did not know the significance of the emissions control mandates that apply to the first 90 days of production from new oil and gas wells in Colorado. As the long-time environmental reporter for the Denver Post, he must have reviewed the 2009 and 2014 amendments when they were originally proposed or at least read them while researching his recent story. There is an even an oblique reference to these emission control mandates tucked away in Mr. Finley’s story, noting that “oil and gas companies are required to install controls to minimize emissions during the 90-day window.” But there is no mention of the mandate requiring a 95% reduction in emissions.

This is a clear evasion. A mandate to reduce emissions by at least 95% does not simply minimize emissions – it eliminates those emissions almost completely. If readers were made aware of that fact, the rest of Mr. Finley’s story would simply fall apart. Because the facts show that the regulation of emissions from a new oil and gas well is just as strong – if not considerably stronger – during the first 90 days of production than the rest of the facility’s operational life.

For this reason, we do not believe a correction or editor’s note to this story is warranted – a retraction is the only appropriate response. According to the Society of Professional Journalists Code of Ethics, reporters must be “accurate and fair” and must not “misrepresent or oversimplify in promoting, previewing or summarizing a story” or “deliberately distort facts or context.” The SPJ Code of Ethics also implores journalists to “[e]xpose unethical conduct in journalism, including within their organizations.”⁶

Mr. Finley has misrepresented the way oil and natural gas development is regulated in Colorado, distorting both the facts and the context of this issue to present the most frightening picture to readers that he can. We hope this will not be condoned by the editors and publishers of the state’s newspaper of record. At this moment, the public needs more confidence in critical institutions like the press, not less.

Sincerely,
Peter Moore, Chairman & CEO
Bob Golden, Treasurer
Cheri Jahn, Board Director
Kittie Hook, Board Director
Kevin Hougen, Board Director
Mike Kopp, Board Director
Neil Ray, Board Director
Michelle Smith, Board Director
Chad Vorthmann, Board Director
Jeff Wasden, Board Director

⁶ SPJ Code of Ethics, as revised by SPJ National Convention, Sept. 6, 2014