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JAN 24 2020

10:04 A.M.
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Colorado Secretary of State

2019-2020 #177 Final

Be it Enacted by the People of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, add **34-60-132** as follows:

34-60-132. Mitigation of adverse oil and gas impacts to health and safety – buffer zones – legislative declaration – definitions - waiver. (1) THE PEOPLE OF THE STATE OF COLORADO FIND AND DECLARE THAT:

(a) PROXIMITY TO OIL AND GAS DEVELOPMENT, INCLUDING THE USE OF HYDRAULIC FRACTURING, HAS DETRIMENTAL IMPACTS ON PUBLIC HEALTH, SAFETY, WELFARE, AIR, AND WATER;

(b) SUCH IMPACTS ARE REDUCED BY LOCATING HEAVY INDUSTRIAL OIL AND GAS OPERATIONS FURTHER AWAY FROM OCCUPIED STRUCTURES AND VULNERABLE AREAS; AND

(c) TO PROTECT PUBLIC HEALTH, SAFETY, WELFARE, AND COLORADO'S AIR QUALITY AND WATER RESOURCES, THE PEOPLE DESIRE TO ESTABLISH A BUFFER ZONE REQUIRING ALL NEW OIL AND GAS DEVELOPMENT IN THE STATE OF COLORADO TO BE LOCATED AN INCREASED DISTANCE AWAY FROM OCCUPIED STRUCTURES, INCLUDING HOMES, SCHOOLS, HOSPITALS, AND VULNERABLE AREAS.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "OCCUPIED STRUCTURE" MEANS ANY BUILDING OR STRUCTURE THAT REQUIRES A CERTIFICATE OF OCCUPANCY OR BUILDING OR STRUCTURE INTENDED FOR HUMAN OCCUPANCY, INCLUDING HOMES, SCHOOLS, AND HOSPITALS.

(b) "OIL AND GAS DEVELOPMENT" MEANS EXPLORATION FOR, AND DRILLING, PRODUCTION, AND PROCESSING OF, OIL, GAS, OR OTHER GASEOUS AND LIQUID HYDROCARBONS, AND FLOWLINES AND THE TREATMENT OF WASTE ASSOCIATED WITH SUCH EXPLORATION, DRILLING, PRODUCTION AND PROCESSING. "OIL AND GAS DEVELOPMENT" INCLUDES HYDRAULIC FRACTURING.

(c) "VULNERABLE AREAS" MEANS PLAYGROUNDS, PERMANENT SPORTS FIELDS, AMPHITHEATERS, PUBLIC PARKS, PUBLIC OPEN SPACE, PUBLIC AND COMMUNITY DRINKING WATER SOURCES, IRRIGATION CANALS, RESERVOIRS, LAKES, RIVERS, CREEKS, SUPERFUND SITES AS DESIGNATED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, AND SOIL THAT IS KNOWN TO BE CONTAMINATED WITH TOXIC POLLUTANTS, HAZARDOUS WASTE, OR RADIOACTIVE MATERIAL.

(d) "LOCAL GOVERNMENT" MEANS ANY STATUTORY OR HOME RULE COUNTY, CITY AND COUNTY, CITY, OR TOWN LOCATED IN THE STATE OF COLORADO.

(3) THE PEOPLE OF THE STATE OF COLORADO HEREBY ESTABLISH THAT ALL NEW OIL AND GAS DEVELOPMENT NOT ON FEDERAL LAND MUST BE LOCATED AT LEAST TWO THOUSAND FEET FROM AN OCCUPIED STRUCTURE OR VULNERABLE AREA. HOMEOWNERS MAY WAIVE THIS REQUIREMENT FOR THEIR PRINCIPAL RESIDENCE ONLY IF IT IS A SINGLE-FAMILY DWELLING. FOR PURPOSES OF THIS SECTION, THE REENTRY OF AN OIL OR GAS WELL PREVIOUSLY PLUGGED OR ABANDONED IS CONSIDERED NEW OIL AND GAS DEVELOPMENT.

(4) THE STATE OR A LOCAL GOVERNMENT MAY REQUIRE THAT NEW OIL AND GAS DEVELOPMENT BE LOCATED A LARGER DISTANCE AWAY FROM OCCUPIED STRUCTURES OR VULNERABLE AREAS THAN REQUIRED BY SUBSECTION (3) OF THIS SECTION. IN THE EVENT THAT TWO OR MORE LOCAL GOVERNMENTS WITH JURISDICTION OVER THE SAME GEOGRAPHIC AREA ESTABLISH DIFFERENT BUFFER ZONE DISTANCES, THE LARGER BUFFER ZONE DISTANCE GOVERNS.

(5) THIS SECTION APPLIES TO OIL AND GAS DEVELOPMENT PERMITTED ON OR AFTER THE EFFECTIVE DATE.

SECTION 2. Effective date. This section takes effect upon official declaration of the governor and is self-executing.
