

**University of Colorado Law School**  
**Colorado Law Scholarly Commons**

---

Water and Air Quality Issues in Oil and Gas  
Development: The Evolving Framework of  
Regulation and Management (Martz Summer  
Conference, June 5-6)

Getches-Wilkinson Center Conferences,  
Workshops, and Hot Topics

---

6-6-2014

## SLIDES: The STRONGER State Review Process: Draft Air Quality Guideline

Bruce Baizel

Follow this and additional works at: <http://scholar.law.colorado.edu/water-and-air-quality-issues-in-oil-and-gas-development>

 Part of the [Energy and Utilities Law Commons](#), [Environmental Health and Protection Commons](#), [Environmental Law Commons](#), [Environmental Public Health Commons](#), [Hydraulic Engineering Commons](#), [Natural Resource Economics Commons](#), [Natural Resources Law Commons](#), [Oil, Gas, and Energy Commons](#), [Oil, Gas, and Mineral Law Commons](#), [Science and Technology Law Commons](#), and the [Water Law Commons](#)

---

### Citation Information

Baizel, Bruce, "SLIDES: The STRONGER State Review Process: Draft Air Quality Guideline" (2014). *Water and Air Quality Issues in Oil and Gas Development: The Evolving Framework of Regulation and Management (Martz Summer Conference, June 5-6)*.  
<http://scholar.law.colorado.edu/water-and-air-quality-issues-in-oil-and-gas-development/23>

Reproduced with permission of the Getches-Wilkinson Center for Natural Resources, Energy, and the Environment (formerly the Natural Resources Law Center) at the University of Colorado Law School.

# The STRONGER State Review Process

## -Draft Air Quality Guideline

---

- Martz Summer Conference  
June 6, 2014

Bruce Baizel  
Chair, STRONGER Board  
[bruce@earthworksaction.org](mailto:bruce@earthworksaction.org)  
970-259-3353

# STRONGER

---

- STRONGER - State Review of Oil and Natural Gas Environmental Regulations, Inc.
- A multi-stakeholder collaborative effort formed in 1999 to:
  - Benchmark state regulatory programs
  - Develop recommended state program guidelines
  - Evaluate state regulatory programs against those guidelines

# Guidelines

---

- Performance-based environmental objectives rather than specific numerical criteria
- Recognize differences in geology, topography, climate, hydrology, economics, methods of operation, laws and regulatory history

# IOGCC State Review Concept

---

- Established by IOGCC with support from EPA
- Stakeholder involvement
- Voluntary reviews
- Initial review to benchmark of state program
- A written report including findings and recommendations was developed
- 12 states reviewed against Guidelines

# Guidelines Revision

---

- Updated and revised the 1990 Guidelines
- Expanded to include naturally occurring radioactive material and abandoned wells
- Included EPA clarification of exemption for certain associated wastes
- Completed in 1994
- Follow-up state reviews begun
- Five state programs received initial review and three states had follow-up reviews under 1994 guidelines – all states showed program improvements above benchmark levels



# STRONGER

---

- Formed June 1999 to administer the program
- Functions:
  - Manage state review process
  - Sponsor new/revised guidelines
  - Develop procedures for reviews, training
  - Assemble review teams
  - Contract administrative/clerical support
  - Settle disputes

# STRONGER

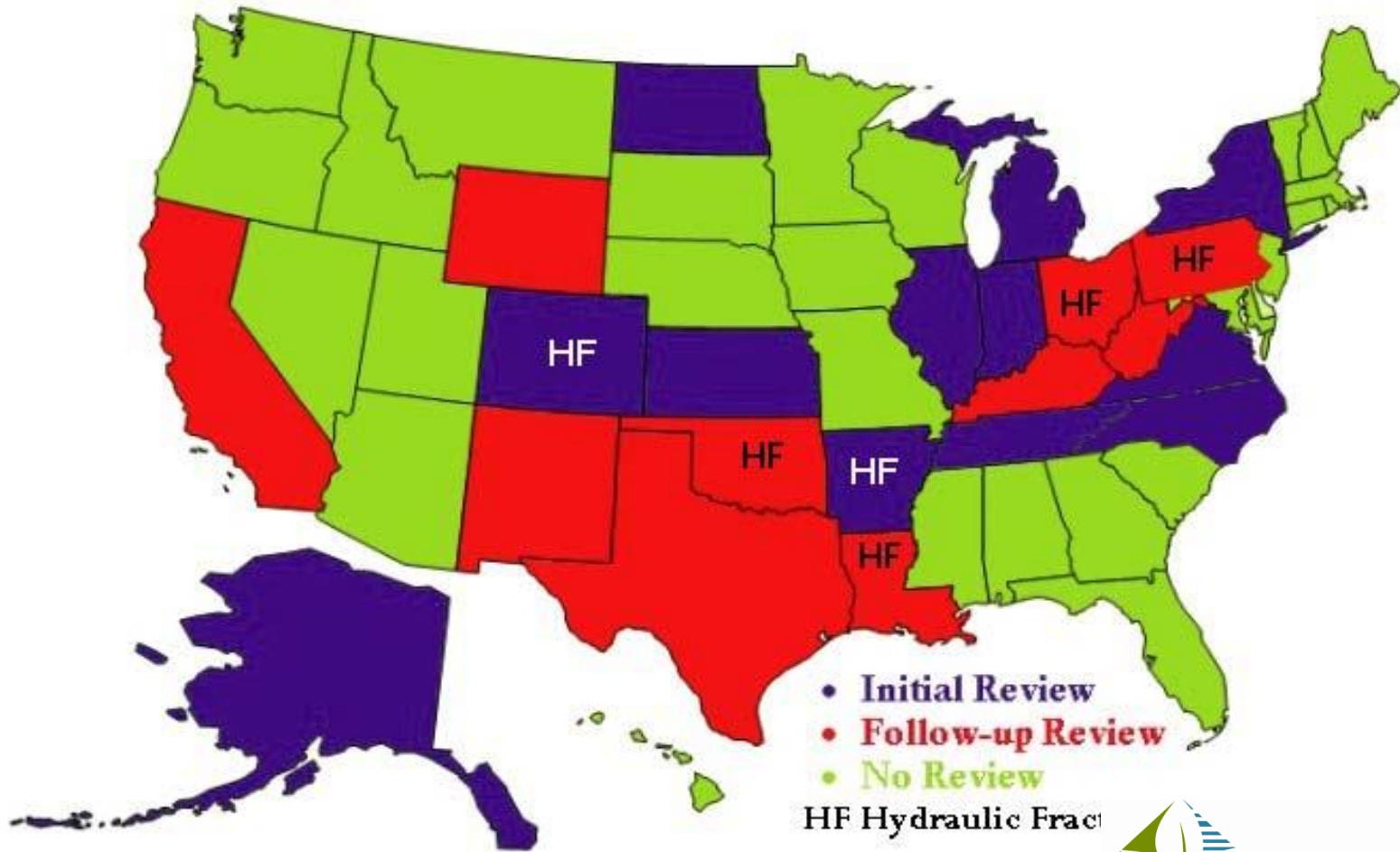
---

- Non-profit educational corporation
- Balanced stakeholder Board of Directors
  - 3 State regulators
  - 3 Industry representatives
  - 3 Environmental representatives
- Funding (EPA, DOE & API)
- Administrative services





# State Reviews



# Strengths of Review Process

---

- Work performed by stakeholder teams
- Guidelines recognize regional differences
- Review documents program strengths and opportunities for improvement
- Follow-up reviews evaluate implementation of recommendations and review program against more recently developed guidelines
- Process is transparent and timely
- Consensus is achieved

# Results to Date

---

- 22 states reviewed – 94% onshore production
- 10 states with follow-up reviews – 76% of recommendations satisfied
- 2009 survey – all states implemented some recommendations
  - 33% fully implemented
  - 27% partially implemented
  - 26% outstanding
  - 14% unknown

# Guidelines Updates

---

- 2005:
  - Spill Prevention & Performance Measures added to Administrative Criteria
  - Stormwater Management section added
- 2010:
  - Hydraulic Fracturing section added
- 2013:
  - Hydraulic Fracturing section revised

# Guidelines Sections

---

- I. Introduction
- II. Scope of the Criteria
- III. General Criteria
- IV. Administrative Criteria
- V. Technical Criteria
- VI. Abandoned Well Sites
- VII. NORM
- VIII. Stormwater Management
- IX. Hydraulic Fracturing
- X. Air Quality (under development)

# Section X - Air Quality (under development)

---

- Background
- Administrative Criteria
  - Scope of Authority
  - Jurisdiction and Cooperation Between Agencies
  - Permits, Authorizations and Exemptions
  - Compliance Monitoring, Demonstrations and Assurance

# Air Quality (under development)(Cont.)

---

- Administrative Criteria (Cont.)
  - Enforcement
    - Enforcement Tools
    - Penalties
    - Right of Appeal
  - Staffing and Training
  - Data Management
  - Public Involvement
  - Outreach
  - Strategic Program and Resource Planning

# Air Quality (under development)(Cont.)

---

- Air Program-Specific Elements
  - Delineation of Sources
  - Source-Specific Requirements
  - Air Quality Monitoring Networks
  - Reporting, Emissions Inventories & Recordkeeping
  - Corrective Actions & Emergency Response
  - Long-Term Planning, Prioritization & Evaluation



# Current Status

- Stakeholder Work Group developed draft guideline in 2013
- Draft guideline put out for review in 1/2014
- Work Group is reviewing comments this month
- Joint meeting with the STRONGER board at the end of this month to finalize the guideline
- Adoption and use by STRONGER

# For More Information

---

**STRONGER website - [www.strongerinc.org](http://www.strongerinc.org)**

James E. Erb, P.E., Administrator

STRONGER

Phone: 717-576-2877

[jeerb@comcast.net](mailto:jeerb@comcast.net)

