

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)

2014

6-6-2014

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

Bruce Baizel

Follow this and additional works at: <https://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)*.
<https://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
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

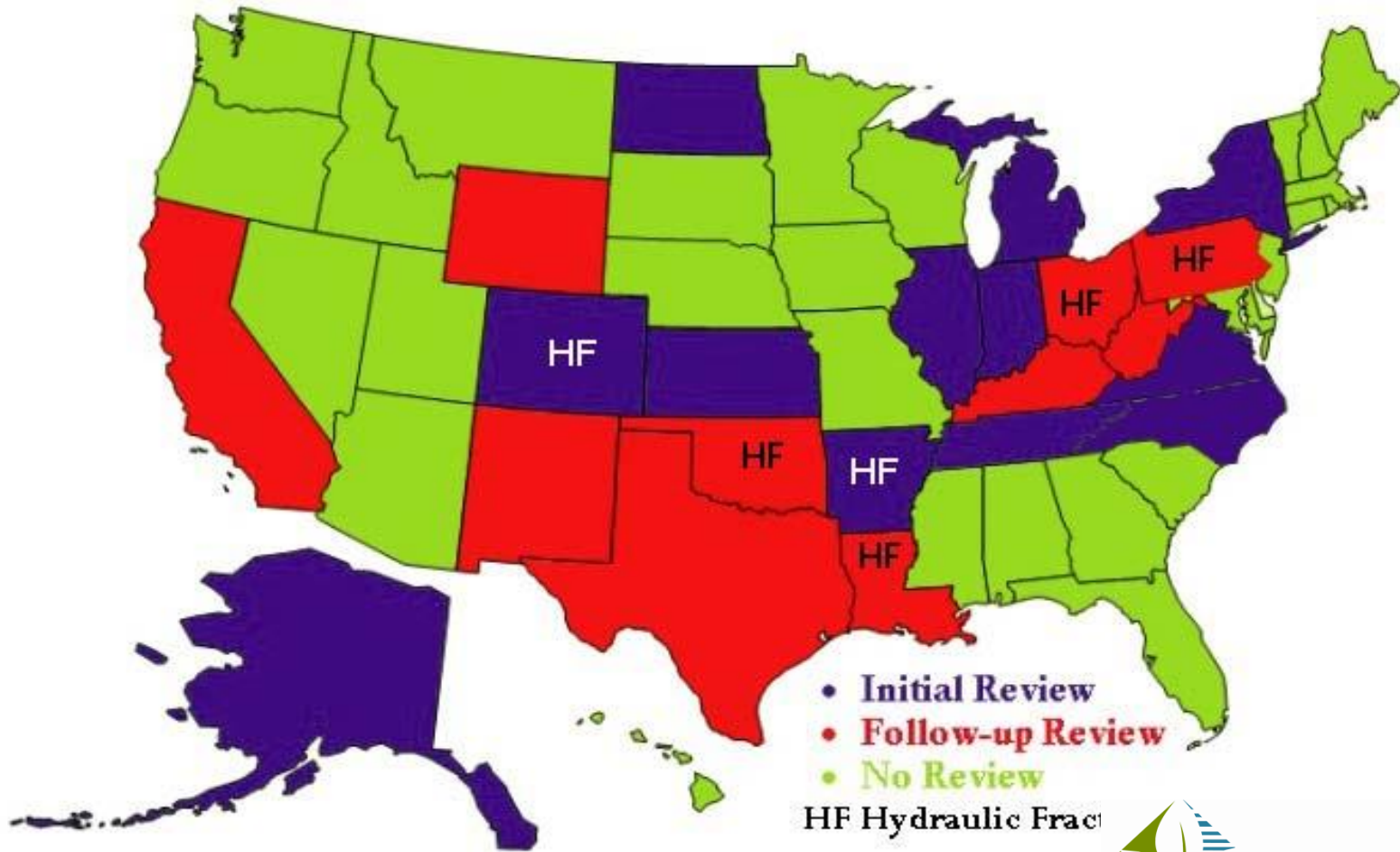
- Formed June 1999 to administer the program
- Functions:
 - Manage state review process
 - Sponsor new/revised guidelines
 - Develop procedures for reviews, training
 - Assemble review teams
 - Contract administrative/clerical support
 - Settle disputes

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



• Initial Review
• Follow-up Review
• No Review
HF Hydraulic Fracturing

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

James E. Erb, P.E., Administrator

STRONGER

Phone: 717-576-2877

jeerb@comcast.net