



EARTHWORKS

November 10, 2021
Air Quality Control Commission
Colorado Department of Public Health and Environment 4300 Cherry Creek Drive South
Denver, CO 80246
Comments submitted via email to cdphe.aqcc-comments@state.co.us

Dear AQCC Commissioners,

Thank you for this opportunity to offer public comments. My name is Andrew Klooster, and I am the Colorado Field Advocate for Earthworks. Earthworks is a national nonprofit organization committed to working with communities to address the impacts of mining and energy development on public health and the environment. Earthworks field advocates are certified optical gas imaging (OGI) thermographers who employ OGI cameras to document pollution at oil and gas facilities throughout the US. When we find evidence of significant emissions or a possible violation of regulations we submit our findings to the relevant state regulatory agencies.

Earthworks has been conducting OGI fieldwork in Colorado for years and tracking the progress of an evolving oil and gas regulatory framework as new rules are adopted and implemented. Following the 2020 adoption of new rules and regulations by the Colorado Oil and Gas Conservation Commission and Air Quality Control Commission, I write to share findings from our fieldwork from 2021, so far:

- Earthworks has conducted 242 investigations of oil and gas facilities and has filed 39 complaints with the Air Pollution Control Division.
- We will file 10 additional complaints in the coming weeks.
- The total of 49 complaints in 2021 document a range of pollution events including
 - 18 instances of malfunctioning flares and combustors (as seen in this video from the [Front Range](#) and this video from the [Western Slope](#)),
 - 24 instances of tank emissions due to allowable venting, operator malpractice or negligence, and leaks and/or malfunctions (as seen in this video from the [Front Range](#) and this video from the [Western Slope](#)), and
 - Multiple instances of intense pollution from wells in a pre-production state (as seen in this [video](#)).

The frequency with which we continue to document pollution from both combustors and tanks is alarming, despite the fact that Colorado now prohibits routine flaring and venting. Even more concerning is that these pollution events are not isolated incidents but ongoing issues documented repeatedly on separate days at the same facilities

Case in point, Prospect Energy Krause MSSU Tank Battery located just North of Fort Collins:

Earthworks was first alerted to possible pollution issues at a tank battery at this site by a local resident who lives 1200 ft from the facility. The resident had complained to Earthworks that they had been smelling odors. We first filmed the site on [January 27, 2021](#) and detected emissions from produced water tanks on the site.

We filed a complaint and Air Pollution Control Division (APCD) staff investigated on March 3, 2021 and confirmed a leak from the produced water tanks as well as emissions

Dedicated to protecting communities and the environment from the adverse impacts of mineral and energy development while promoting sustainable solutions.

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from the thief hatches on a pair of crude oil tanks on site. We filmed the site again the very next day on [March 4, 2021](#) while Prospect Energy was patching the produced water tanks. We did not see any emissions from the produced water tanks but did identify the same emissions that APCD noticed on the crude oil tank thief hatches. We filmed the site again a few weeks later on March 31st to confirm that repairs had been completed and documented continued emission from the crude oil tank thief hatches. This prompted our second complaint to APCD, a second investigation by APCD staff, and additional repairs.

In August, residents reached out to us once more about odors from the site and we returned to film the site on [September 2, 2021](#), finding emissions from the produced water tanks that had been patched in March. We filed our third complaint, and APCD staff conducted yet another investigation alongside Larimer County staff. Prospect reportedly made repairs on September 17th. Yet when we returned to film the site on [September 30th](#), we continued to document emissions from the same produced water tanks. We returned to the site on November 6th and filmed emissions once again. This time from the produced water tanks and a thief hatch on one of the crude oil tanks. We plan to submit our fourth complaint to APCD shortly.

This example demonstrates the persistence of pollution at individual facilities despite the involvement of APCD staff, and similar issues arise frequently in our investigations. It is exceptionally important to keep in mind that this persistent pollution has major implications for residents who may live nearby.

At the Prospect Energy Krause MSSU site, there are a handful of homes within 1200 feet of the facility, including a home that shares a fence line with the site. Every time a new issue occurs at the tanks on this site, nearby residents are directly exposed to harmful pollutants until Earthworks alerts the APCD and Prospect Energy makes a repair. For these residents, and many more like them across the state of Colorado, our regulatory system is not working to protect them from harm.

I urge you to keep this in mind as you consider additional regulations on oil and gas. We need stronger regulations to further curb oil and gas emissions and, more importantly, we need to ensure that these regulations are actually being enforced. It is the responsibility of this government to protect residents from being continually exposed to chronic pollution. A failure to do so--to do anything less--would be a violation of the promise made by this government to protect the health, safety and wellbeing of the residents of Colorado.

Sincerely,



Andrew Klooster
Colorado Field Advocate