



1800 GLENARM PLACE

SUITE 1100

DENVER, CO 80202

Phone 303.861.0362

WWW.COGA.ORG

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CONTACT

Scott Prestidge,
scott.prestidge@coga.org

Colorado School Districts, Environmental Organizations, and Oil and Natural Gas Industry Come Together on School Setbacks

DENVER — A group of key stakeholders representing diverse interests have reached agreement regarding the Colorado Oil and Gas Conservation Commission (COGCC) rulemaking on changes to the state's school setback rules.

"The oil and natural gas industry participated in countless meetings and conversations over the past year with schools and school districts, and participating environmental organizations, and we are proud of what has been accomplished. If we take the time to work on important and complex issues together, we can find constructive solutions. That is the Colorado way, and we are grateful for all who negotiated in good faith, enabling us to reach a successful outcome that will serve this state for years to come," said Dan Haley, President & CEO, Colorado Oil & Gas Association.

Definitions:

While the current setback distance of 1,000 feet does not change, the rulemaking redefines what a school facility is, broadening the boundary, along with a few other clarifying changes:

- **SCHOOL FACILITY** means any discrete facility or area, whether indoor or outdoor, associated with a school, that students use commonly as part of their curriculum or extracurricular activities. A school facility is either adjacent to or owned by the school or school governing body, and the school or school governing body has the legal right to use the school facility at its discretion. The definition includes Future School Facility.
- **FUTURE SCHOOL FACILITY** means a school facility that is not yet built, but that the school or school governing body plans to build and use for students and staff within three years of the date the school or school governing body receives a pre-application notice pursuant to Rule 305.a.(4). In order to be considered a future school facility, the following requirements must be satisfied:
 - For public, non-charter schools, the school governing body must affirm the nature, timing, and location of the future school facility in writing;
 - For charter schools, the school must have been approved by the appropriate school district or the State Charter School Institute, § 22-30.5-505, C.R.S., at the time it receives a preapplication notice pursuant to Rule 305.a.(4), and the school governing body must affirm the nature, timing, and location of the future school facility in writing;
 - For private schools, the school governing body must be registered with the Office of the Colorado Secretary of State at the time it receives a pre-application notice pursuant to Rule 305.a.(4), and must provide documentation proving its registration with the Office of

the Colorado Secretary of State, its tax exempt status, and its submitted plans to the relevant local government building and planning office.

- CHILD CARE CENTERS as defined in § 26-6-102(5), C.R.S. that is in operation at the time of the pre-application notice pursuant to Rule 305.a(4). A child care center will include any associated outdoor play area adjacent to or directly accessible from the center and is fenced or has natural barriers, such as hedges or stationary walls, at least four (4) feet high demarcating its boundary
- WAIVER REQUIREMENT describes how the relevant governing body agrees in writing to the location of the proposed well or production facility within the setback, in which circumstances the Director may approve the Form 2, Application for Permit to Drill, or Form 2A, Oil and Gas Location Assessment.

About COGA

Founded in 1984, the Colorado Oil & Gas Association's (COGA) mission is to foster and promote the beneficial, efficient, responsible and environmentally sound development, production and use of Colorado oil and natural gas. COGA is a nationally recognized trade association that aggressively promotes the expansion of Rocky Mountain natural gas markets, supply, and transportation infrastructure through its growing and diverse membership.