

COGCC Suggested Geothermal Legislation

COGCC is directed to recommend statutory provisions by which COGCC will obtain regulatory authority over deep geothermal operations. The recommendations below are intended to account for the COGCC and DWR's respective areas of expertise. For example, COGCC has expertise in: (1) regulating drilling processes and technologies likely to be utilized; (2) siting such projects in a manner which protects public health, safety, welfare, and the environment, including wildlife resources; and (3) enforcing safety and well-bore integrity standards after the well is drilled. DWR has expertise in protecting those property rights associated with deep geothermal resources, specifically, associated water rights.

Recommendations:

- Grant authority to COGCC to regulate deep geothermal operations that are not found in association with tributary water as described in 37-90.5-104 (1), C.R.S.
 - As to all other geothermal resources (including those found in association with tributary water), they will remain under DWR's jurisdiction.
 - Nontributary water rights that may interact with deep geothermal resource operations remain under DWR's jurisdiction.
- Definitions
 - Deep Geothermal Operator - Any person or entity who exercises the right to control the conduct of Deep Geothermal Operations in the state of Colorado.
 - Deep Geothermal Resources - Any Geothermal Resource that is not associated with tributary water as described in 37-90.5-104 (1), C.R.S.
 - Deep Geothermal Operations - Any exploration for Deep Geothermal Resources including, but not limited to, conducting seismic operations and the drilling of test bores; siting, drilling, deepening, recompleting, reworking, repurposing, or abandoning a well and/or monitoring; all operations related to any such well, including installing flowlines or disposing of geothermal wastes, and any constructing, site preparing, or reclaiming activities associated with such operations.
- Direct COGCC to promulgate rules addressing deep geothermal resource operations in a manner which protects public health, safety, welfare, and the environment, including wildlife resources.
- Direct COGCC and DWR to determine appropriate strategies and division of roles to facilitate deep geothermal development.
- The COGCC will notify DWR of applications for any such projects and will ensure that all necessary DWR requirements are met.
- Grant the right to reasonable use of the pore space for the development of geothermal resources.
- COGCC should fund an evaluation of potential applications of emerging geothermal technologies via a technical study of the state's geothermal resources, including a resource evaluation, technology assessment, an evaluation of potential impacts, an economic analysis, and evaluating the potential to repurpose existing infrastructure.