

DISTRICT COURT, BOULDER COUNTY, COLORADO Address: 1777 Sixth St. Boulder, CO 80302 Phone: (303) 441-3750	DATE FILED: February 13, 2014 9:10 AM FILING ID: 4FECA29E71CC0 CASE NUMBER: 2013CV31385 ▲ COURT USE ONLY ▲
PLAINTIFF: COLORADO OIL & GAS ASSOCIATION v. DEFENDANT: CITY OF LONGMONT, COLORADO	Case Number: 2012CV960 Div.: 4
AFFIDAVIT OF BRUCE BAIZEL IN SUPPORT OF MOTION TO INTERVENE AS A DEFENDANT	

1. My name is Bruce Baizel. I am of legal age and competent to give this affidavit. The facts and opinions set forth in this declaration are based on my personal knowledge, education and experience. If called as a witness in these proceedings, I could and would testify competently to these facts and opinions.

2. I am the Director of the Oil and Gas Accountability Project (OGAP), a program of Earthworks, a nonprofit organization. From 2003 through 2012, I was the staff attorney for OGAP. Based in Durango, Colorado, OGAP's mission is to work with tribal, urban, and rural communities to protect their homes and the environment from the devastating impacts of oil and gas development. OGAP has approximately 1,300 members in Colorado and 51 members in Fort Collins.

3. OGAP and its members have a number of interests that are protected by Ballot Measure 2A, the Fort Collins Public Health, Safety and Wellness Act (hereinafter “Fracking Moratorium”). Those interests would be harmed if the Colorado Oil and Gas Association was successful in invalidating the Fracking Moratorium. As oil and gas development has exploded across Colorado, and specifically on the Front Range, many of OGAP’s members have oil and gas wells and facilities on or close to their property. Also, other members face having wells placed on their property. When oil and gas development in Colorado is under-regulated by the state, the health and safety of these members are put at risk. Likely harms include: drinking water contamination; hydrocarbon and chemical spills on their property; contaminated soil; toxic emissions; and noxious odors. Already, oil and gas development has contaminated some of our members’ drinking water and exposed them to dangerous chemicals. The Fracking Moratorium will help protect our members from these harms and can help protect our members from chemical spills, contamination of their soil, exposure to toxic emissions, and the odors coming off drilling rigs.

4. I supervised the preparation of a report by OGAP in 2012 that analyzed the inspection capacity of the Colorado Oil and Gas Conservation Commission. Based upon Commission data, the report found that more than 60% of all oil and gas wells in Colorado go uninspected each year. Also, each state inspector is responsible, on average, for inspecting nearly 3,000 wells annually; yet in 2010, each inspector averaged only slightly more than 1,000 inspections. Additionally, the report found that the number of spills reported significantly increased between 2004 and 2011, with 26% of the reported spills in 2011 contaminating ground or surface water.

5. Our members also have economic interests in the Fracking Moratorium. Under the old system of under-regulation and inadequate enforcement, our members spent large sums of money conducting baseline water testing, cleaning up chemical contamination on their property, and purchasing alternative sources of drinking water. Our members, who are homeowners, have lost property value when a gas or oil well was put on their property. Our members have incurred medical expenses when emissions from drilling and fracking a new well have drifted beyond the permitted drilling site and exposed the members and their families to the noxious and often toxic constituents of those emissions.

6. Since 1998, OGAP and its members have been working for greater community control over oil and gas development. In 2007, we submitted comments to the Oil and Gas Conservation Commission for consideration when it was preparing draft rules. I drove up to Denver and participated in at least seven stakeholder meetings, particularly around the pit construction/lining, chemical disclosure, and interim reclamation rules. In 2008, OGAP was a party to the Commission’s formal rulemaking hearing, submitting written statements and presenting lay and expert witnesses. In 2011, I personally was involved in negotiations, facilitated by the director of the Commission, over the provisions of the chemical disclosure rule that were adopted by the Commission.

B. C. Baizel

Bruce Baizel

2/11/2014

Date

SUBSCRIBED AND SWORN before me on this 11 day of Feb, 2014,

by Ann M. D. Duft.

Ann M. D. Duft

Notary Public

My Commission Expires: 17/Jan/2018

