



Arapahoe County

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Board Summary Report

File #: 25-636

Agenda Date: 11/24/2025

Agenda #:

To: Board of County Commissioners

Through: Bryan Weimer, Director, Public Works & Development

Prepared By:

Jason Reynolds, Planning Division Manager; Martin Lohmann, Energy Program Manager, PWD

Presenter: Jason Reynolds, Planning Division Manager; Martin Lohmann, Energy Program Manager, PWD

Subject:

1:00 PM *Intergovernmental Agreement for Inspections with Colorado Energy and Carbon Management Commission

Purpose and Request:

The Board is requested to consider approving an IGA with the Colorado Energy and Carbon Management Commission (ECMC) and authorizing the Director of Public Works and Development Department to sign the IGA if approved. Active oil and gas development in Arapahoe County, Colorado requires a robust regulatory landscape that is protective of public health, safety, and welfare, including protection of the environment and wildlife resources. The Parties also endeavor to provide a predictable and consistent regulatory framework for oil and gas operators. This Agreement represents a partial, non-exclusive assignment of the Commission's oil and gas operations inspection function to Arapahoe County.

Alignment with Strategic Plan: Good Governance - Understand and respond to community needs, interests, and values.

Background and Discussion: The Phase 2B oil and gas regulations adopted in December 2024 authorized a local inspection program, which would supplement the Energy and Carbon Management Commission's (ECMC) inspection program within unincorporated Arapahoe County. The oil and gas inspection program in Arapahoe County was implemented on August 6, 2025. The Oil and Gas inspection program has resulted in the inspection of 149 out of 214 wells or approximately 70% of the non-plugged/abandoned wells. To date, issues have been minor and most are repaired the day of the inspection.

On July 22, 2024, the Board discussed the Phase 2B regulations and was presented two options: a fully independent Arapahoe County inspections program or an inspections program including an Intergovernmental Agreement with the ECMC. The addition of the AC inspector removes some of the local inspections burden from the State's inspector and supplements the State's ability to inspect sites in unincorporated Arapahoe County. An IGA with the ECMC benefits the County in several ways: improved coordination with ECMC, ECMC-sponsored trainings, access to the state's database, and opportunities to seek advice from the state's field supervisor on technical matters.

Alternatives: Without a local inspections program, all inspections would default to the ECMC. This would reduce local oversight and create higher public health and environmental risk. Because program is fee based, the County is able to fund a full-time inspector. If the IGA is not approved, Arapahoe County would continue to perform local inspections and inform the state about problems. With an IGA, we would have access to additional resources and coordination with the state's field supervisor.

Fiscal Impact: Participating in the ECMC inspection program may require periodic local inspector training to maintain certifications. Costs for those trainings would be covered by revenue from the oil and gas inspection program and like other divisions in Public Works, the oil and gas budget plans for staff training.

Alignment with Strategic Implementation Strategies: The attached framework helps Arapahoe County institutionalize values-based, transparent decision-making, documenting how we make decisions and carry out actions to achieve the county's strategic plan.

Staff Recommendation: Staff recommends entering into an intergovernmental agreement with the State of Colorado regarding oil and gas inspections because it would improve coordination with ECMC, provide access to ECMC-sponsored trainings, access to the State's database, and opportunities to seek technical advice from the state's field supervisor. The IGA includes a provision allowing either party to terminate the agreement upon 30 days of written notice; this clause provides flexibility for both parties and should the IGA prove burdensome for the county, staff would return to the Board to recommend ending the agreement.

Concurrence: PWD and the County Attorney's office have reviewed the proposed IGA.