



August 12, 2024

Subject: Shallow Geothermal Operations Rulemaking

On May 22, 2023, Governor Polis signed Senate Bill 23-285 into law which, among other things, amended the Colorado Geothermal Resources Act granting the Colorado Energy and Carbon Management Commission (ECMC) authority to regulate “deep geothermal operations” and the State Engineer (DWR) authority to regulate shallow geothermal operations in Colorado. Section 37-90.5-106(1)(a)(I), C.R.S. authorizes DWR to adopt rules that regulate shallow geothermal operations.

The Rules and Regulations for Permitting the Development and Appropriation of Geothermal Resources Through the Use of Wells ([Geothermal Rules, 2 CCR 402-10](#)) have remained in effect since September 30, 2004. The Geothermal Rules were created under a statutory structure where DWR permitted both shallow and deep geothermal wells, thus the rules will need to be amended to accommodate the updated regulatory structure.

DWR Staff are developing proposed changes and would like to hear from the drillers, contractors, suppliers, scientists, and engineers in the industry. Please note that this will be a significant change to the current Geothermal Rules because of the changes to the “Geothermal Resources” statutes (Title 37, Article 90.5) in 2023. Your interest and participation will help craft rules that are right for Colorado.

1. Sign up for the Rulemaking email listserv to receive notifications on proposed changes and the Rulemaking process.
 - a. Visit the [Notification Lists](#) Webpage.
 - b. New Users, click [Register for DWR Notifications](#) (opens in new window) to register for an account.
 - c. Existing Users, click [Login/Manage DWR Notifications](#) (opens in new window) to subscribe to the “Shallow Geothermal Rulemaking” notification list.
2. Submit comments to DWR Staff using the following Google Form [2024-2025 Shallow Geothermal Rulemaking Comment Form](#) (opens in new window)
3. For more information and documents associated with this rulemaking, please visit <https://dwr.colorado.gov/services/well-permitting#well-permitting-rulemaking>.
4. Questions can be submitted to Ask DWR by using the following link, [Geothermal Wells & Geoexchange Systems](#)

