

HELP MAINTAIN A QUIET COLORADO: Ask the Colorado Oil and Gas Conservation (COGCC) Commissioners to uphold their December, 2005 decision to reduce noise levels in rural/agricultural/residential areas.

- At the December, 2005 hearing, after hours of testimony and presentations, COGCC hearing the Commission passed a suite of changes to its noise rule. These changes included a provision to lower the allowable night-time noise level in rural/agricultural/residential areas to 45 decibel (dBA), measured at 350 feet from the noise source.
- At the February, 2006, COGCC hearing, the Colorado Oil and Gas Association (COGA) challenged the 45 dBA provision. Due to an administrative error, the COGCC was forced to re-open the noise rule, and re-hear the 45 dBA provision.
- On September 18th or 19th, 2006, the COGCC Commissioners will be reconsidering the provision that lowered the allowable noise level to 45 dBA in rural/agricultural/residential areas. At this hearing, COGCC staff will be presenting data on noise measurements taken over the spring and summer of 2006; and they will present some cost-benefit information related to the potential implementation of the 45 dBA provision. COGA is likely to present information claiming that it will be too expensive to meet a 45 dBA provision. Given the industry's profits, and our research on actual costs of noise abatement, we do not believe that their argument is sound.

YOUR COMMENTS ARE NEEDED!

Public input was very important in the first round of noise rule revisions, and it remains important to ensure that COGCC Commissioners not be swayed by industry pressure, and that they stand firm on their December decision to reduce the allowable night-time noise level to 45 dBA.

The public voice is an important counterpoint to industry's arguments. Most likely, industry is going to argue that it is too expensive to mitigate noise to this level. It is important to have affected people speaking out about how noise has affected their lives and how important it is that the state does something to bring peace and normalcy back to their lives by reducing noise from oil and gas operations.

The Colorado Oil & Gas Conservation Commission (COGCC) will be hearing the noise rule issue on September 18 or 19th, 2006, in Denver.

On the following pages you will find:

- (1) a list of suggested talking points;
- (2) a sample letter for you to look at, use or revise;
- (3) a sample resolution for local governments;
- (4) details on how to submit information to the COGCC; and
- (5) background info on the rule and the stakeholder process that led to changes in the rule.

Please review this information and submit written comments to the COGCC, or come to Denver, Colorado and give an oral statement.

Feel free contact Lisa Sumi with questions (lisa@ogap.org; 970-259-3353); or check out the OGAP web site: <http://www.earthworksaction.org/ogapnoise.cfm> for noise-related information.

SUGGESTED ISSUES TO INCLUDE IN A WRITTEN OR ORAL STATEMENT

- Thank the COGCC Commissioners for their December, 2005 decision to lower allowable night-time levels to 45 dBA. You may want to thank them, as well, for the other changes that were implemented at the December, 2005 hearing. (See the Background Information, below).
- Ask that they not back down on their new rule. During the prior hearings, the Colorado Oil and Gas Association argued that it would be too expensive to meet the 45 dBA standard, information was presented that countered industry's claims, and the Commissioners ruled against industry. The Commission gave industry a year to comply with the 45 dBA, which is an extremely fair and reasonable approach.
- Noise is one of the main sources of conflict between landowners and the industry. The Commissioners know this, and acknowledged that the increase in oil and gas development is going to increase the amount of conflict between landowners and industry. This new noise rule will help alleviate one of the main sources of conflict.
- Oil and gas noise affects your life, for example:
 - Affects your health or wellbeing (e.g., can't sleep at night; feel agitated, tense, stressed out; get headaches; etc.).
 - Point out how quiet it used to be before oil and gas moved into the area, especially if you live in a rural (or very quiet residential) area
 - Point out that even if your area has some noise during the day or sporadically through the night (e.g., an occasional car), noise from oil and gas compressors or pumpjacks or drilling is different in that the noise tends to be continuous - 24 hours/7 days a week.
- Lowering of the night-time oil and gas noise level will benefit your life, for example:
 - Improve your relationship with the oil and gas operator (which is important, because they are a long-term neighbor)
 - Improve your ability to sleep, lower your stress level, increase your quality of life
 - Help maintain the property value of your home (who would want to purchase it if the noise from oil and gas operations is unbearable)
- These benefits are difficult to put in monetary terms, but they are important. And they should be weighed in any "Cost/Benefit" analysis of the 45 dBA provision.
- Technologies exist to reduce oil and gas industry noise levels, and the industry is required to do so in other jurisdictions. For example, in Alberta, Canada, some operators are required to lower noise levels to 40 dB in areas that are sparsely populated and have little traffic noise; or in Farmington, New Mexico, the industry is only allowed to be 1 dB over ambient noise levels. In both cases, industry is meeting those standards. (For more info, read OGAP submissions to COGCC - <http://earthworksaction.org/publications.cfm?pubID=138>; <http://www.earthworksaction.org/publications.cfm?pubID=140>)
- Provide examples where industry is doing it right. For example, companies that have quiet operations, (e.g., they have installed electric motors; or noise abatement panels/buildings); or companies that have signed Surface Use Agreements that meet or beat 45 dBA, etc. These types of examples show that IT CAN BE DONE, and IT IS CURRENTLY BEING DONE. And that industry can obviously afford to do it right.

SAMPLE LETTER

August 22, 2006

Dear Colorado Oil and Gas Conservation Commissioners,

Colorado is experiencing a sharp growth in oil and natural gas development. Most citizens would agree that oil and gas industry is an important economic force in this state. Both the state and individual counties benefit from tax revenues contributed by the industry.

There is also no question, however, that oil and gas development can adversely affect the lives of those living in close proximity to the industry's facilities. Oil and gas rigs, traffic, well pads, compressors, waste pits, gas plants, and pipelines change the environment in the areas where they are located. Not only can air, water and soil be affected, but the soundscape can also be dramatically changed when these industrial operations appear.

Most people living close to oil and gas facilities would prefer that the equipment be invisible, odorless, and silent. If required by law, it is likely that the oil and gas industry could completely eliminate noise from its equipment. From an economic standpoint, that may be an unrealistic expectation.

It is not unreasonable, however, to ask that the industry reduce noise from its facilities to 45 decibels (measured on the A scale "dBA"). For almost two decades, oil and gas companies in Alberta, Canada have met noise standards as low as 40 dBA. Clearly, the technology to meet 40 dBA exists; and since companies continue to operate in Alberta despite the stringent noise standard, it must be economically feasible for companies to meet it.

Over the coming decades, there is likely to be an increasing overlap between oil and gas development and residential areas in Colorado. Enacting a strong noise rule now will help to reduce the impact that oil and gas operations have on the lives of nearby residents, and thereby, reduce conflict between the industry and residents.

In December 2005, having weighed extensive, very credible evidence that supported the lowering of the allowable night time residential/rural/agricultural noise level to 45 dBA, the Commission took appropriate action to lower that level. I strongly encourage the Commission to uphold that decision, as it was made in the best interests of the people of the state of Colorado.

Sincerely,

HOW TO SUBMIT COMMENTS

WRITTEN COMMENTS

1) Remember: submit you comments on the official COGCC statement form.

You can download this form from the internet at:

<http://oil-gas.state.co.us/Hearings/Written%20Statements%20Under%20Rule%20510.doc>

2) Send 9 Copies and the original (MUST BE RECEIVED BY SEPTEMBER 13 to make it into the Commissioners' information packets) to:

Tricia Beaver, Hearings Manager
Colorado Oil & Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, CO 80203

You may want to include a statement at the top of your letter requesting that it be included in the Commissioner's packets for the September 18-19 hearing on the noise rule.

IF YOU CANNOT GET WRITTEN COMMENTS SUBMITTED BY SEPTEMBER 13:

- You may still send in the comments up until the day of the hearing. But there is no guarantee that the Commissioners will have time to read them thoroughly, since they will not be included in their information packets.

If possible, please Email/Mail/Fax an additional copy to Lisa Sumi at OGAP. We'd like to have a record of your comments:

Oil & Gas Accountability Project
P.O. Box 1102
Durango, CO 81302
(970)259-3353 phone
(970) 259-7514 fax
lisa@ogap.org

ORAL COMMENTS

Attending the actual hearing would be invaluable and if you can make it to Denver please do. You don't need to sign up in advance, just sign up when you get to the hearing room.

The hearing will be held: **September 18 or 19 *, 2006**
COGCC hearing room, 1120 Lincoln Street, Suite 801
For directions, call COGCC: 888-235-1101

* As we get closer to the date, we will receive an agenda and know exactly which day and at approximately what time the noise rule will be heard. Please stay in touch with us and contact Lisa Sumi or COGCC the week before for more information.

SAMPLE RESOLUTION FOR LOCAL GOVERNMENTS

RESOLUTION NO. 2006-___ -- Supporting a state rule to reduce noise from oil and gas operations in rural, agricultural and residential areas.

RESOLUTION NO. 2006-___

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO, SUPPORTING A STATE RULE TO REDUCE NOISE FROM OIL AND GAS OPERATIONS IN RURAL, AGRICULTURAL AND RESIDENTIAL AREAS.

WHEREAS, Sec. 90-17 of the La Plata County Code demonstrates the county's belief that oil and gas can be developed in a way that will "protect and promote the health, safety, morals, convenience, order, prosperity or general welfare of the present and future residents of the county";

WHEREAS, noise from oil and gas operations can result in a degradation in the quality of life for La Plata county citizens living in close proximity to the operations;

WHEREAS, noise is the number one oil- and gas-related complaint received by the county;

WHEREAS, noise complaints from La Plata County residents prompted the Colorado Oil and Gas Conservation Commission's re-examination of the noise rule and formation of the noise stakeholder committee in 2004;

WHEREAS, technologies exist to effectively reduce the noise from oil and gas facilities so that they meet a 45-decibel level measured at 350 feet from the source;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO, AS FOLLOWS:

1. La Plata County Commissioners request that the Colorado Oil and Gas Conservation Commission uphold its December, 2005 decision to lower the allowable night-time noise level in rural, agricultural and residential areas of the state to 45 decibels on the "A" scale (dBA), at a location measured 350 feet from the noise source.

DONE AND ADOPTED IN DURANGO, LA PLATA COUNTY, COLORADO, this ___th day of September, 2006.

BACKGROUND INFORMATION

The new (December, 2005) Colorado oil and gas noise rule:

In December, 2005, the COGCC passed a new noise rule. The Commission adopted a suite of changes (http://www.oil-gas.state.co.us/RR_Docs/Policies/Noise_Rules1220.pdf), including:

- 1) New residential noise standard of 45 dBA. The new rule requires new operations to meet an allowable residential noise level of 45 decibels (dBA) at night, measured 350 feet from the oil and gas noise source. Previously, companies had to meet a 50 dBA night-time level. This part of the rule will come into effect in January, 2007, and will only apply to operations constructed after that date. Existing oil and gas operations will be able to continue to meet the 50 dBA noise level. This is the provision that is going to be reconsidered at the September, 2006 COGCC hearing.
- 2) Expansion of the residential standard to rural and agricultural areas. The residential standard now applies to those living in rural or agricultural areas. The previous rule allowed oil and gas operators to emit noise in rural and agricultural areas at light industrial levels (65 dBA at night, 70 dBA during the day). The new rule will improve the quality of life of citizens living in rural/agricultural areas by lowering the allowable noise by 15 dBA.
- 3) Low frequency noise provision included. The rumble from compressors, which people often say they can feel as a vibration in their bodies, is the result of low frequency noise (LFN). In the previous rule, there was no acknowledgement of the problem of low frequency noise from oil and gas operations. Now, if citizens believe there is a low frequency noise problem related to a nearby oil and gas facility, they may file a complaint with the COGCC. If low frequency noise is present, the new noise rule requires oil and gas operators to conduct a study and determine ways to mitigate LFN. Because LFN and its mitigation is a fairly new issue to the COGCC, the Commissioners decided not to require the successful mitigation of LFN, but the Commissioners have the ability to require companies to attempt LFN mitigation if it is technically and economically feasible. If low frequency noise turns out to be a widespread problem in Colorado, it is likely that the COGCC will consider strengthening the LFN provision at some point in the future.
- 4) Quiet design muffler requirement expanded. The previous rule required the use of quiet design mufflers on oil and gas engines located within 400 feet of occupied buildings in high density areas. This provision was changed so that quiet design mufflers are required in all situations where engines are operating within 400 feet of occupied buildings (i.e., even if there is only one person living within the 400-foot radius of the engine).

Note: these changes do not address noise from drilling operations.

History leading up to the rule change:

Prior to the noise rulemaking, a noise stakeholder group met for approximately 5 months of monthly meetings. The group that was formed specifically to address changes to the noise rule. Membership in the stakeholder group was determined by COGCC staff, and included: 3 county

representatives, 2 agricultural representatives, 2 citizen group representatives, 3 industry representatives and 2 COGCC staff.

The Oil and Gas Accountability Project (OGAP) and San Juan Citizens Alliance (SJCA) represented citizens. As representatives, we held calls with affected citizens and other citizens' organizations to help us formulate our positions on various aspects of the rule.

We invested considerable time into researching different jurisdictions' laws and regulations related to noise pollution, ranging from New Mexico to Germany. We also researched technologies to mitigate noise, did field visits with noise measuring equipment and analyzed noise studies and scientific papers on this subject. As a result, the changes that OGAP suggested be made to Rule 802 were based entirely on existing and available technologies, practicality of implementation and the existence of equal or stronger laws or rules already in place in other jurisdictions.

One of our main recommendations was to lower the allowable noise level to 45 dBA in rural/agricultural/residential areas. This recommendation was based on the fact that many, many landowners across the state have experienced a serious degradation in their quality of life due to noise from oil and gas facilities.

To support this recommendation, we provided the stakeholders group and the Commissioners with information to demonstrate that 45 dBA (measured at 350 feet from the source) is achievable using available technologies; that the use of these technologies represents a fraction of the overall cost of the well (or compressor facility); and that the industry is meeting this standard in other jurisdictions (e.g., Farmington, New Mexico; Alberta, Canada).

For more information, you can download the various OGAP/SJCA comments and presentations made during the stakeholder process and the noise rule hearings:

- Submission to the COGCC multistakeholder noise committee (Jan. 2005) - information presented to the noise stakeholder committee.
<http://www.earthworksaction.org/publications.cfm?pubID=14>
- Noise and Oil and Gas Development in Colorado - a presentation at the September, 2005
<http://www.earthworksaction.org/publications.cfm?pubID=139>
- Recommended changes to the Colorado noise rule (August, 2005) - a submission to the COGCC for consideration at the September, 2005 noise hearing.
<http://earthworksaction.org/publications.cfm?pubID=138>
- Information on noise abatement costs provided at the December, 2005 COGCC noise hearing. <http://www.earthworksaction.org/publications.cfm?pubID=140>