

BCC Battlement Concerned Citizens

Battlement Mesa, Colorado 81635

[Delivered via Email]

April 27, 2011

The Battlement Mesa HIA
c/o Roxana Witter
Colorado School of Public Health
13001 East 17th Place, B119
Aurora, CO 80045

Dear Dr. Witter:

On behalf of the 400+ residents of Battlement Mesa who signed a petition to the Garfield County Board of County Commissioners (BOCC) requesting they conduct a health study prior to approving a Special Use Permit for natural gas drilling within our PUD, we would like to take this opportunity to thank the Commissioners for contracting with the Colorado School of Public Health (CSPH) on a Health Impact Assessment (HIA) and Health Study for the Battlement Mesa PUD. Additionally, we would like to commend the authors of the HIA for developing an inclusive, transparent and extensive process. You approached this project with a high level of professionalism and integrity, as reflected in the HIA.

We have retained the services of Sustainable Solutions, LLC and Ms. Trési Houpt for the purpose of commenting on the second draft of the HIA. Ms. Houpt has assisted us in the development of this response and will participate on our behalf during future discussions. We feel that her experience with both the BOCC and the COGCC provides a uniquely well qualified perspective.

Although we would rather see no drilling within the Battlement Mesa PUD, we believe that because of the risks that come with resource extraction, the HIA will be an important tool for determining appropriate conditions of approval for the Special Use Permit (SUP) Antero will be submitting to the county for purposes of drilling within the PUD. As residents of Garfield County we believe that it is the responsibility of our county commissioners to include health, safety and welfare as part of the discussion around land use, natural resource development and other industrial uses.

The HIA process has allowed all of the stakeholders the opportunity to comment on health concerns in relation to the impending energy development in Battlement Mesa. Because we reside in a densely populated residential development, we greatly appreciate the opportunity to participate in this process. If the HIA recommendations are used as conditions of approval for Antero's SUP, this Assessment will be a successful first step. We understand from the HIA conclusions, recommended conditions and

comments from health experts that when the more comprehensive Health Study is conducted the final opinion and recommendation will be more data driven and scientifically conclusive.

We believe that all of the recommendations contained in the February 2011 HIA Draft document are critical, not only to mitigate the potential health impacts of having heavy industrial traffic and operations in our neighborhood, but also to allow for the opportunity to collect baseline, real-time and long-term data from monitoring systems. Such comprehensive monitoring systems will educate Antero, as well as local, state and federal regulators, on how best to protect the health, safety and welfare of people residing and working in Battlement Mesa, including industry employees.

There are a few recommendations and issues that we would like to comment on and request that you include in the HIA:

1. Community Advisory Board – We agree that developing a formal line of communication with Antero is imperative. However, we believe that all of the interested parties should participate in determining the make-up and dynamics of the Community Advisory Board. The BCC have felt left out of any discussion with Antero on their Comprehensive Drilling Plan or SUP application. When public meetings occur, Antero does not ask for property owner input, but simply reports on what they intend to do within the PUD. We would like to have representation on the Community Advisory Board and be viewed as a contributing member.
2. A reference was made to variances and exceptions that may already be in place; it is our understanding that variances and exceptions will not be in place until the Comprehensive Development Plan (CDP) has been adopted.
3. We did not see any mention of ‘jake brakes’ on trucks. It is very common for communities to either require the use of adequate mufflers or ban the use of ‘jake brakes’ because of the loud noise they create. We would like to see “all commercial vehicles with a brake retarder system to have fully functional mufflers” as a recommendation.
4. It was recommended in the HIA that idling be allowed for no longer than 10 minute intervals. We would also request that the hours when idling is allowed be defined. The county has adjusted time for idling in commercial and gravel pit settings when they are sited near a residence. We would recommend 8 a.m. to 6 p.m.
5. Battlement Mesa Parkway connects Battlement Mesa to Parachute and is narrow with curves at the base of the hill. This is the primary route for emergency vehicles accessing Battlement Mesa. We are concerned that using this route as a haul route will be dangerous and create congestion that exceeds the carrying capacity of the road. We request that all heavy industrial vehicles serving Antero’s project be excluded from using Battlement Mesa Parkway from the water-fall located on the parkway to the Colorado River bridge. There are other designated haul routes that can be used by the industry to access Battlement Mesa.
6. We recognize that the COGCC setback for high density residential and public buildings is 350 feet. We believe that this is not a sufficient set-back and the current rule needs to be updated by the State as promised in the COGCC 2008 rulemaking hearings. Because of the number of people living within our community and the high density of our neighborhoods, we believe that a set-back distance from homes and buildings established through a “health-based” study

should be recognized as the minimum set-back within the Battlement Mesa PUD. If no such study has been conducted prior to the time Antero begins drilling, then a 1000 foot set-back should be the default distance and a study should be conducted to guide further development within high density residential communities, including Battlement Mesa.

7. Pipeline systems transporting natural gas, including gathering lines, should be completed prior to any drilling within the PUD in order to decrease flaring. All pipeline sections within the PUD shall be inspected during installation and monitored for the life of the project.
8. Bore-hole cementing should be established for the full depth of the well. There has not been a hydro-geological study conducted in Battlement Mesa, thus the locations of natural fractures are unknown. We are concerned about the potential for contamination of our secondary water resource that serves the entire PUD. Additionally, various companies are following this practice as a routine BMP, we believe Antero should do the same.
9. We believe the HIA should support the use of the highest rated blow-out preventer identified for extraction in the Piceance Basin.
10. All references to Battlement Mesa Concerned Citizens (BMCC) should be changed to Battlement Concerned Citizens (BCC).

High priority recommendations:

Although we believe that each of your recommendations are critical to ensure the best known mitigation efforts for protecting the health, safety and welfare of Battlement Mesa residents are used, there are specific recommendations that are extremely important to us.

1. Full disclosure of chemicals used and stored on site, including chemical amounts under 500 lbs. This data should be posted regularly on the Garfield County website, with annual updates, or when product use changes. The MSDS forms do not include every chemical contained in solutions used for development and we believe that it is imperative that residents of Battlement Mesa, emergency responders and medical professionals have access to this information.
2. Noise and vibration – We strongly support your conclusion that Antero’s noise mitigation plan should bring the db(A) level to below the State’s residential noise level for all phases of extraction.
3. We agree that Antero should make every effort to use the electric power available within the PUD or within ¼ mile from the site for drilling and other operations. When electricity is available, many companies have moved to electric motors rather than diesel because it is a cleaner and quieter process. We would request that Antero use the electric power source available in the Battlement Mesa area for their operations throughout the PUD.
4. Real-time monitoring of air and water for the life of the project.

The report released on April 17, 2011, by the Congressional Energy and Commerce Committee detailing hydraulic fracturing products, is an additional illustration of the importance of ensuring that proper health mitigation requirements are in place for the life of production within the Battlement Mesa PUD,

including the recommendation contained in the HIA for chemical disclosure. The report revealed extraordinarily high levels of carcinogens being injected into the ground on fracking projects all across the country, with Colorado having some of the highest levels in the nation. This information was received by the Congressional committee, from the oil and gas industry.

We believe that the county has the authority and the responsibility to adopt the HIA recommendations as conditions of approval for Antero's SUP application. COGCC rule 201 substantiates this position, stating: "Nothing in these rules shall establish, alter, impair or negate the authority of local and county governments to regulate land use related to oil and gas operations, so long as such local regulation is not in operational conflict with the Act or regulations promulgated there under."

Thank you very much. We appreciate the opportunity to comment on the HIA and your thoughtful consideration of our concerns.

Should you have any questions please contact BCC Co-Chairs Dave Devanney (970)285-2263 or Paul Light (970)285-7791.

Sincerely,

(signed) *Leslie Robinson*

Grand Valley Citizens Alliance

(signed) *Dave Devanney and Paul Light*

BCC Co-Chairs