

AESTHETIC AND NOISE CONTROL REGULATIONS

801. INTRODUCTION

The rules and regulations in this section are promulgated to control aesthetics and noise impacts during the drilling, completion and operation of oil and gas wells and production facilities. Any Colorado county, home rule or statutory city, town, territorial charter city or city and county may, by application to the Commission, seek a determination that the rules and regulations in this section, or any individual rule or regulation, shall not apply to oil and gas activities occurring within the boundaries, or any part thereof, of any Colorado county, home rule or statutory city, town, territorial charter city or city and county, such determination to be based upon a showing by any Colorado county, home rule or statutory city, town, territorial charter city or city and county that, because of conditions existing therein, the enforcement of these rules and regulations is not necessary within the boundaries of any Colorado county, home rule or statutory city, town, territorial charter city or city and county for the protection of public health, safety and welfare.

802. NOISE ABATEMENT

- a. The goal of this rule is to identify noise sources related to oil and gas operations that impact surrounding landowners and to implement cost-effective and technically-feasible mitigation measures to bring oil and gas facilities into compliance with the allowable noise levels identified in subsection c. Operators should be aware that noise control is most effectively addressed at the siting and design phase, especially with respect to centralized compression and other downstream "gas facilities" (see definition in the 100 Series of these rules).
- b. Oil and gas operations at any well site, production facility, or gas facility shall comply with the following maximum permissible noise levels. Operations involving pipeline or gas facility installation or maintenance, the use of a drilling rig, completion rig, workover rig, or stimulation is subject to the maximum permissible noise levels for industrial zones. The type of land use of the surrounding area shall be determined by the Commission in consultation with the local governmental designee taking into consideration any applicable zoning or other local land use designation.
- c. In the hours between 7:00 a.m. and the next 7:00 p.m. the noise levels permitted below may be increased ten (10) db(A) for a period not to exceed fifteen (15) minutes in any one (1) hour period. The allowable noise level for periodic, impulsive or shrill noises is reduced by five (5) db(A) from the levels shown.

ZONE	7:00 am to next 7:00 pm	7:00 pm to next 7:00 am
Residential/Agricultural/Rural	55 db(A)	50 db(A)
Commercial	60 db(A)	55 db(A)
Light industrial	70 db(A)	65 db(A)
Industrial	80 db(A)	75 db(A)

In remote locations, where there is no reasonably proximate occupied structure or designated outside activity area, the light industrial standard may be applicable.

Pursuant to Commission inspection or upon receiving a complaint from a nearby property owner or local governmental designee regarding noise related to oil and gas operations,

the Commission shall conduct an onsite investigation and take sound measurements as prescribed herein.

The following provide guidance for the measurement of sound levels and assignment of points of compliance for oil and gas operations:

- (1) Sound levels shall be measured at a distance of three hundred and fifty (350) feet from the noise source. At the request of the complainant, the sound level shall also be measured at a point beyond three hundred fifty (350) feet that the complainant believes is more representative of the noise impact. If an oil and gas well site, production facility, or gas facility is installed closer than three hundred fifty (350) feet from an existing occupied structure, sound levels shall be measured at a point twenty-five (25) feet from the structure towards the noise source. Noise levels from oil and gas facilities located on surface property owned, leased, or otherwise controlled by the operator shall be measured at three hundred and fifty (350) feet or at the property line, whichever is greater.

In situations where measurement of noise levels at three hundred and fifty (350) feet is impractical or unrepresentative due to topography, the measurement may be taken at a lesser distance and extrapolated to a 350-foot equivalent using the following formula:

$$db(A)_{DISTANCE\ 2} = db(A)_{DISTANCE\ 1} - 20 \times \log_{10} (distance\ 2/distance\ 1)$$

- (2) Sound level meters shall be equipped with wind screens, and readings shall be taken when the wind velocity at the time and place of measurement is not more than five (5) miles per hour.
 - (3) Sound level measurements shall be taken four (4) feet above ground level.
 - (4) Sound levels shall be determined by averaging minute-by-minute measurements made over a minimum fifteen (15) minute sample duration if practicable. The sample shall be taken under conditions that are representative of the noise experienced by the complainant (e.g., at night, morning, evening, or during special weather conditions).
 - (5) In all sound level measurements, the existing ambient noise level from all other sources in the encompassing environment at the time and place of such sound level measurement shall be considered to determine the contribution to the sound level by the oil and gas operation(s).
- d. In situations where the complaint or Commission onsite inspection indicates that low frequency noise is a component of the problem, the Commission shall obtain a sound level measurement twenty-five (25) feet from the exterior wall of the residence or occupied structure nearest to the noise source, using a noise meter calibrated to the db(C) scale. If this reading exceeds 65 db(C), the Commission shall require the operator to obtain a low frequency noise impact analysis by a qualified sound expert, including identification of any reasonable control measures available to mitigate such low frequency noise impact. Such study shall be provided to the Commission for consideration and possible action.
- e. Exhaust from all engines, motors, coolers and other mechanized equipment shall be vented in a direction away from all building units.

- f. All facilities within four hundred (400) feet of building units with engines or motors which are not electrically operated shall be equipped with quiet design mufflers or equivalent. All mufflers shall be properly installed and maintained in proper working order.

803. LIGHTING

To the extent practicable, site lighting shall be directed downward and internally so as to avoid glare on public roads and building units within seven (700) hundred feet.

804. VISUAL IMPACT MITIGATION

Production facilities, regardless of construction date, which are observable from any public highway shall be painted with uniform, non-contrasting, non-reflective color tones (similar to the Munsell Soil Color Coding System), and with colors matched to but slightly darker than the surrounding landscape by September 1, 2010.

805. ODORS AND DUST

- a. **General.** Oil and gas facilities and equipment shall be operated in such a manner that odors and dust do not constitute a nuisance or hazard to public welfare.

- b. **Odors.**

- (1) **Compliance.**

- A. Oil and gas operations shall be in compliance with the Department of Public Health and Environment, Air Quality Control Commission, Regulation No. 2 Odor Emission, 5 C.C.R. 1001-4.
 - B. No violation of Rule 805.b.(1) shall be cited by the Commission, provided that the practices identified in Rule 805.b.(2) are used.

- (2) **Production Equipment and Operations.**

- A. **Condensate Tanks.** All condensate tanks with a potential to emit volatile organic compounds (VOC) of five (5) tons per year (tpy) or greater, located in Garfield, Mesa, or Rio Blanco County and within 1/4 mile of a building unit, educational facility, assembly building, hospital, nursing home, board and care facility, jail, or designated outside activity area shall utilize a control device capable of achieving 95% control efficiency of VOC and shall hold a valid permit from the Colorado Department of Public Health and Environment, Air Pollution Control Division, for the tank and control device. Condensate tanks meeting the above criteria and existing on May 1, 2009 on federal lands and on April 1, 2009 on all other lands shall be in compliance with this subsection by October 1, 2009.
 - B. **Crude Oil and Produced Water Tanks.** All crude oil and produced water tanks with a potential to emit VOC of five (5) tpy or greater, located in Garfield, Mesa, or Rio Blanco County and within 1/4 mile of a building unit, educational facility, assembly building, hospital, nursing home, board and care facility, jail, or designated outside activity area shall utilize a control device capable of achieving 95% control efficiency of VOC and shall hold a valid permit from the Colorado Department of Public Health and Environment, Air Pollution Control Division, for the

tank and control device. Crude oil and produced water tanks meeting the above criteria and existing on May 1, 2009 on federal lands and on April 1, 2009 on all other lands shall be in compliance with this subsection by October 1, 2009.

- C. **Glycol Dehydrators.** All glycol dehydrators with a potential to emit VOC of five (5) tpy or greater, located in Garfield, Mesa, or Rio Blanco County and within 1/4 mile of a building unit, educational facility, assembly building, hospital, nursing home, board and care facility, jail, or designated outside activity area shall utilize a control device capable of achieving 90% control efficiency of VOC and shall hold a valid permit from the Colorado Department of Public Health and Environment, Air Pollution Control Division, for the glycol dehydrator and control device. Glycol dehydrators meeting the above criteria and existing on May 1, 2009 on federal lands and on April 1, 2009 on all other lands shall be in compliance with this subsection by October 1, 2009.
- D. **Pits.** Pits constructed after May 1, 2009 on federal land or after April 1, 2009 on all other land with a potential to emit VOC of five (5) tpy or greater and located in Garfield, Mesa, or Rio Blanco County shall not be located within 1/4 mile of a building unit, educational facility, assembly building, hospital, nursing home, board and care facility, jail, or designated outside activity area. For the purposes of this section, compliance with Rule 902.c shall be considered a required practice. Operators may provide site-specific data and analyses to COGCC staff establishing that pits potentially subject to this subsection do not have a potential to emit VOC of five (5) tpy or greater.
- E. **Pneumatic Devices.** In instances when new, replaced, or repaired pneumatic devices are installed, low or no bleed valves must be used, where technically feasible.

(3) **Well completions.**

- A. Green completion practices are required on oil and gas wells where reservoir pressure, formation productivity, and wellbore conditions are likely to enable the well to be capable of naturally flowing hydrocarbon gas in flammable or greater concentrations at a stabilized rate in excess of five hundred (500) MCFD to the surface against an induced surface backpressure of five hundred (500) psig or sales line pressure, whichever is greater. Green completion practices are not required for exploratory wells, where the wells are not sufficiently proximate to sales lines, or where green completion practices are otherwise not technically and economically feasible.
- B. Green completion practices shall include, but not be limited to, the following emission reduction measures:
 - i. The operator shall employ sand traps, surge vessels, separators, and tanks as soon as practicable during flowback and cleanout operations to safely maximize resource recovery and minimize releases to the environment.
 - ii. Well effluent during flowback and cleanout operations prior to encountering hydrocarbon gas of salable quality or significant volumes of condensate may be directed to tanks or pits (where

permitted) such that oil or condensate volumes shall not be allowed to accumulate in excess of twenty (20) barrels and must be removed within twenty-four (24) hours. The gaseous phase of non-flammable effluent may be directed to a flare pit or vented from tanks for safety purposes until flammable gas is encountered.

- iii. Well effluent containing more than ten (10) barrels per day of condensate or within two (2) hours after first encountering hydrocarbon gas of salable quality shall be directed to a combination of sand traps, separators, surge vessels, and tanks or other equipment as needed to ensure safe separation of sand, hydrocarbon liquids, water, and gas and to ensure salable products are efficiently recovered for sale or conserved and that non-salable products are disposed of in a safe and environmentally responsible manner.
 - iv. If it is safe and technically feasible, closed-top tanks shall utilize backpressure systems that exert a minimum of four (4) ounces of backpressure and a maximum that does not exceed the pressure rating of the tank to facilitate gathering and combustion of tank vapors. Vent/backpressure values, the combustor, lines to the combustor, and knock-outs shall be sized and maintained so as to safely accommodate any surges the system may encounter.
 - v. All salable quality gas shall be directed to the sales line as soon as practicable or shut in and conserved. Temporary flaring or venting shall be permitted as a safety measure during upset conditions and in accordance with all other applicable laws, rules, and regulations.
- C. An operator may request a variance from the Director if it believes that employing green completion practices is not feasible because of well or field conditions or that following them in a specific instance would endanger the safety of well site personnel or the public.
- D. In instances where green completion practices are not technically feasible or are not required, operators shall employ Best Management Practices to reduce emissions. Such BMPs may include measures or actions, considering safety, to minimize the time period during which gases are emitted directly to the atmosphere, or monitoring and recording the volume and time period of such emissions. Such examples could include the flaring or venting of gas.

c. Fugitive dust.

Operators shall employ practices for control of fugitive dust caused by their operations. Such practices shall include but are not limited to the use of speed restrictions, regular road maintenance, and restriction of construction activity during high-wind days. Additional management practices such as road surfacing, wind breaks and barriers, or automation of wells to reduce truck traffic may also be required if technologically feasible and economically reasonable to minimize fugitive dust emissions.