

## Alford, Patrick

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**From:** John Allen [jearlingallen@gmail.com]  
**Sent:** Tuesday, November 08, 2011 11:17 AM  
**To:** Alford, Patrick  
**Cc:** Kiff, Dave; Steven Rosansky; michael@jkd4insurance.com; michael.wellborn@rdmd.ocgov.com; jane.dick@ocgov.com; kenniejo@hotmail.com; Sinacori, Mike; district2@ocgov.com  
**Subject:** Noise Regulations for the Banning Ranch Development - Let's Not Repeat the Oil Drilling Noise Problem!!

Pat,

My wife, Leslee Allen, wrote to you last week about some issues with the Banning Ranch Development. I would like to add more information about one of those concerns - the concern about drilling and oil field operation noise.

During a meeting on the Banning Ranch held at Newport Shores last week, we were told that the City of Newport Beach would annex the Banning Ranch property, although it was stated that there was some uncertainty whether the "oil islands" that would remain on the property would also be incorporated. I WOULD STRONGLY RECOMMEND THAT THESE OIL ISLANDS BE INCORPORATED INTO NEWPORT BEACH, AND THAT WE MAKE SURE THAT THE NEWPORT BEACH NOISE REGULATIONS LIMIT DRILLING OPERATIONS TO DAY TIME ONLY. Here are my reasons:

As some of you may remember, from July through September of 2006, a new oil well was drilled in the oil operations just off Pacific Coast Highway, in the oil island just across what we call "Sleepy Lagoon" from our house. This drilling operation of this "new" oil well was a 24/7 operation. It was very different from the drilling operations that we see about every month in which a drill rig operates during the day to clean out existing wells. This 24/7 drilling operation was very disturbing to our Newport Shores neighborhood, to put it mildly. I bought a meter and recorded the sound level from my property and started writing emails. I am very grateful for the attention and efforts of Steve Rosansky, Dave Kiff, and may City Officials. After finding out that the property was not under the jurisdiction of Newport Beach, we enlisted the support of Orange County. Again, we received great support from Jane Dick in Supervisor Silva's office, as well as a lot of help from Mike Wellborn of the Orange County Enforcement Division. We noticed that through every one's collective efforts, a temporary sound wall was erected during the course of time. However, that did not stop the noise. Orange County even hired a professional noise engineering company, which set up its operations in our front yard. But, the bottom line was that the noise continued and no one was able to stop the noise until the oil well was completed and the drill left the area.

The big problem was that the Codified Ordinances of Orange County, specifically Title 7, Division 8 Article 1: "Oil Drilling and Production Regulations" have an area designated as area 'O' which allows 24/7 drilling operations. However, the OC Noise Ordinances (Section 4-6-1) say that drilling operations (or for that matter, any noise source) cannot create sounds louder than 55 dBa for any 30 minutes in an hours period between the hours of 7:00AM to 10:00PM and louder than 50 dBa from 10:00PM to 7:00AM. There are some other provisions that allow higher limits for shorter periods of time. For instance they are allowed to create noise 5dBa louder for under 15 minutes, 10 dBa louder for 5 less than 5 minutes and 15 dBa for less than 1 minute. They cannot create noise for any time period greater than 20 dBa higher than the amount allowed during the day/night time period.

We measured noise in excess of these OC Noise Ordinance limits until the end of the drilling operation.

The noise from the drilling operation modulates. There is an overall lower noise level that is constant, but there are short times of greatly increased noise each time they put in a new section of pipe (about every couple of minutes). These bursts of noises exceeded the OC regulations. However, even bursts of noises that were less than 1 minute, every couple of minutes all night long are very

disturbing (even if they don't exceed 20 dBA louder than allowed during the period). My neighbors will all attest to how disturbing it was.

I believe that, if the Banning Ranch development goes through, the City of Newport Beach should annex all of Banning Ranch, including the 'oil islands'. That Newport Beach ought to set noise regulations that prohibit drilling from 7:00PM to 7:00AM - no exceptions. Taking these actions will protect the current residents of Newport Shores as well as the new residents of the Banning Ranch development. These actions will also be fair to the oil operations, because they will understand the limitations and expectations before any new drilling. It is unfortunate that the oil operator probably over spent his budget trying to quiet his operations. If he had known up front that he could only drill during the day, he would have the opportunity to budget and plan ahead - which is much more economical than trying to change things on the fly. I think that if Newport Beach takes over jurisdiction, we have the opportunity to change the noise regulations, and enforce them in our own city.

I also suggest that the City of Newport Beach work with the County of Orange before the annexation to make sure no OC drilling permits on the Banning Range are issued before annexation. We don't want another three months of disturbed sleep for Newport Shores.

Thank you for your balanced approach and your commitment to publishing all the facts about this project.

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