

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 1078

5 By: Representative Verkamp
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For An Act To Be Entitled

9 AN ACT TO AUTHORIZE THE OIL AND GAS COMMISSION TO
10 ADOPT NOISE STANDARDS, SOUND LEVEL LIMITS, AND
11 NOISE CONTROL RULES FOR NOISE RESULTING FROM THE
12 OPERATION AND MAINTENANCE OF NATURAL GAS WELLS,
13 PIPELINE COMPRESSORS, OR ANY APPURTENANCES TO
14 THOSE WELLS, PIPELINE COMPRESSORS, OR FROM THE
15 DISTRIBUTION, TRANSPORTATION, GATHERING, OR
16 STORAGE OF NATURAL GAS; AND FOR OTHER PURPOSES.
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Subtitle

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20 TO AUTHORIZE THE OIL AND GAS COMMISSION
21 TO ADOPT NOISE STANDARDS, SOUND LEVEL
22 LIMITS, AND NOISE CONTROL RULES FOR
23 NOISE RESULTING FROM THE OPERATION AND
24 MAINTENANCE OF NATURAL GAS WELLS,
25 PIPELINE COMPRESSORS.
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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30 SECTION 1. (a) The Oil and Gas Commission shall, as necessary to
31 protect the public health, the general welfare, and property, adopt
32 environmental noise standards, sound level limits, and noise control rules
33 and regulations for noise resulting from the operation and maintenance of
34 natural gas wells, pipelines, compressors, or any appurtenances to those
35 wells, pipelines, compressors, or from the distribution, transportation,
36 gathering, processing, or storage of natural gas.



1 (b) In adopting environmental noise standards, the commission shall
 2 consider:

3 (1) Information published by the Administrator of the United
 4 States Environmental Protection Agency on the levels of environmental noise
 5 that must be attained and maintained in defined areas under various
 6 conditions to protect public health and welfare with an adequate margin of
 7 safety; and

8 (2) Scientific information about the volume, frequency,
 9 duration, and other characteristics of noise that may create a nuisance or
 10 harm public health, safety, or general welfare, including:

11 (A) Temporary or permanent hearing loss;

12 (B) Interference with sleep, speech communication, work,
 13 or other human activities;

14 (C) Adverse physiological responses;

15 (D) Psychological distress;

16 (E) Harm to animal life;

17 (F) Devaluation of or damage to property; and

18 (G) Unreasonable interference with the enjoyment of life
 19 or property.

20 (c) In adopting sound level limits and noise control rules and
 21 regulations, the department shall consider, among other things:

22 (1) The residential, commercial, or industrial nature of the
 23 area affected;

24 (2) Zoning;

25 (3) The nature and source of various kinds of noise;

26 (4) The degree of noise reduction that may be attained and
 27 maintained using the best available technology;

28 (5) Accepted scientific and professional methods for measurement
 29 of sound levels; and

30 (6) The cost of compliance with the sound level limits.

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 32 SECTION 2. (a) The Oil and Gas Commission shall enforce the
 33 environmental noise standards, sound level limits, and noise control rules
 34 and regulations adopted under this act.

35 (b) To the maximum extent possible, the commission shall use the
 36 facilities and services of appropriate agencies of political subdivisions in

1 its enforcement under this section.

2 (c) The commission may assist the noise control efforts of any
 3 appropriate agency of any political subdivision by giving that agency
 4 technical assistance in the form of personnel or equipment.

5 (d) Each sound level limit shall be applied at the boundary of:

6 (1) A property; or

7 (2) A land use category, as determined by the commission.

8
 9 SECTION 3. If the Oil and Gas Commission determines that there is a
 10 violation of any environmental noise standard, sound level limit, or noise
 11 control rule or regulation adopted under this act, the commission, after
 12 notice to the alleged violator, may issue a corrective order.

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 14 SECTION 4. (a) The Oil and Gas Commission may bring an action to
 15 enjoin any conduct that is a willful violation of any provision of this act
 16 or any rule, regulation, or order adopted or issued under this act.

17 (b) An action may not be brought under this section unless the person
 18 against whom it is brought has been given a reasonable time to comply with
 19 the provision that is the basis of the action.

20
 21 SECTION 5. (a)(1) A person who willfully violates any provision of
 22 this act or any rule, regulation, or order adopted or issued under this act
 23 is liable for a civil penalty not exceeding twenty thousand dollars
 24 (\$20,000).

25 (2) The Oil and Gas Commission may collect the civil penalty
 26 through the circuit court of the county in which the violation occurred or
 27 the circuit court of Pulaski County.

28 (3) Each day a violation continues is a separate violation under
 29 this act.

30 (b) If the Attorney General concurs, the Director of the Oil and Gas
 31 Commission may compromise and settle any claim for a civil penalty under this
 32 section.

33 (c) If, within three (3) months after a civil penalty is compromised
 34 and settled under subsection (b) of this section, the person against whom the
 35 penalty is imposed satisfies the director that the violation has been
 36 eliminated or the order has been satisfied, the director, with the

1 concurrence of the Attorney General, may return to the person not more than
2 seventy-five percent (75%) of the penalty paid.

3 (d) An action under this section is in addition to and not in lieu of
4 an action for injunctive relief.

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