

ECMC COMPLAINT PROCESS

Filing a Complaint with the ECMC

Guidance for the Public

I - Overview

Any person in Colorado has the right to file a complaint with the Energy and Carbon Management Commission (ECMC) related to oil and gas operations within the state. The ECMC considers this to be an important public action that helps identify and resolve issues.

The ECMC is committed to supporting this process by providing the following:

- A transparent mechanism for Colorado residents to file a complaint.
- Initial communication with the complainant within two business days of receiving the complaint to discuss the issues and next steps.
- Accurate documentation of the issues in a dedicated complaint system.
- Informal communication with the complainant during the investigation of the issues as necessary.
- Formal communication with the complainant when the complaint has been closed indicating actions taken, findings, relevant ECMC document numbers, next steps, and rights of the complainant.
- A simple and straight forward way to search for all complaints filed with the ECMC.

This document provides guidance for Colorado residents to file a complaint, to help ensure all relevant data for the complaint is documented, and to search for complaints filed with the ECMC.

The ECMC recommends reviewing the “Questions and Answers” section on the “Complaints” webpage prior to filing a complaint. The information presented there might address the concern without filing a complaint or might direct the complainant to a more appropriate process other than filing the complaint.

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II - Filing a Complaint

Methods for Filing a Complaint

To help ensure thorough documentation, accuracy of the issues, and timely resolution of complaints, the ECMC will require a complaint to be in some form of written format in order for internal ECMC staff to work and investigate a complaint. ECMC Staff will be made available to assist residents as required. The ECMC recommends using the online complaint tool located on the ECMC “Complaints” webpage. Filing a complaint using this tool will help ensure the complaint is received successfully, the relevant data is gathered accurately, and the complaint is routed to the appropriate technical expert without delay.

However, residents can start the complaint process through any of the below methods:

1. The online complaint tool located on the “Complaints” webpage located at <http://ECMC.state.co.us/>.
2. An e-mail to the central complaint e-mail at dnr_ecmc_complaints@state.co.us (This is considered a written format).
3. A phone call to the central complaint phone line at 1-888-235-1101.
 - o However, the issues identified during a phone call would need to be documented in a written format by the complainant. ECMC Staff will be made available to assist residents as required.

Complaint Information Requirements

To ensure the complaint can be reviewed and routed to the correct ECMC technical expert for further investigation, three pieces of critical information is required as listed below:

1. Identify and describe the issue, or issues, you are experiencing, providing very specific details. For example:
 - o If filing a noise complaint: Do you hear or feel the noise? Is the noise high-pitched, or a low-frequency rumble?
 - o If filing a dust complaint: Which road is the dust coming from?
 - o If filing any operational complaint: What time, or times, of the day are you experiencing the issue?
 - o If filing a spill complaint: What is the size of the area (i.e. 1 foot by 1 foot) the spill has impacted?

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2. The location of the oil and gas activity your complaint pertains to, providing the most precise information possible. The below are examples of options:
 - The names of the cross streets or cross roads or the street address.
 - Your physical address.
 - The name of the location or the well, including the name of the operator.
 - Legal description including township, range, and section if known.
 - GPS coordinates.
3. The best method for the ECMC to contact you to ask clarifying questions. This contact information can be held confidential if requested.

Note: It is critical to provide the ECMC with enough information to respond to your complaint as listed above. Of particular importance is a detailed description of the issue and specific information regarding the location where the issue exists or existed. Without enough detail, the ECMC will not be able to process or investigate the complaint and, therefore, the ECMC will have no choice but to discard the complaint.

The more details a complainant can provide to the ECMC the more likely a quick and accurate resolution can occur. To best accomplish this, the ECMC recommends filing complaints using the online tool located on the “Complaints” webpage and to complete the optional questions at the end of the tool. This tool has been developed to ask key questions that will gather critical data ensuring accurate routing and timely resolution.

Any complaint can be filed with the ECMC as an anonymous complaint and names or other identifying information will not be published with that complaint. When talking with ECMC staff about the issues, a complainant should simply indicate they want the complaint to be kept anonymous and ECMC staff will ensure that happens. However, providing a method for ECMC Staff to contact the resident back for clarifying questions is critical.

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III - Rights of the Complainant

The following are some of the rights afforded to a complainant within the ECMC's complaint process.

- After investigation is complete, if the ECMC determines there were no violations, the complainant has the right to protest those findings to the full ECMC Commission.
- After investigation is complete, if the ECMC determines a violation occurred, the complainant has the right to engage in any draft settlement or penalty discussion, including the right to object to any proposed settlement. The Complainant will have 28 days from the date receiving the finalized settlement to formally object.
- The complainant has the right to make a public statement at any ECMC Commission hearing on any issues related to the complaint or the investigation.

V - Searching for Complaints and Supporting Documents

The "Complaints" webpage links to the ECMC database where all documents related to complaints are stored. These links provide the ability to search for complaints in multiple ways, including searching for a single complaint and searching for multiple complaints at one same time. The following are some of the more common or helpful ways to search for a complaint or complaints:

- An individual complaint using the ECMC document number provided to the complainant during the complaint process.
- All complaints filed by a specific person.
- All complaints within a township/range.