Memorandum

CITY OF DALLAS

DATE November 15, 2013

TO Honorable Mayor and Members of the City Council

SUBJECT **Proposed Revisions to Gas Drilling Regulations**

On Wednesday, November 20, 2013, you will be briefed on proposed amendments to the gas drilling and productions regulations of the Dallas Development Code. The Gas Drilling Task Force appointed by City Council considered amendments to the gas drilling ordinance at 22 meetings between July of 2011 and February of 2012. The City Plan Commission considered the amendments at 8 meetings and held 3 public hearings to accept comments. The City Plan Commission recommended approval of the proposed amendments on September 26, 2013. Attached are the briefing materials for your review.

Please feel free to contact me if you need additional information.

Theresa O'Donnell
Interim Assistant City Manager

c: A.C. Gonzalez, Interim City Manager
Warren M.S. Ernst, City Attorney
Rosa Rios, City Secretary
Craig Kinton, City Auditor
Judge Daniel Solis, Administrative Judge
Ryan S. Evans, Interim First Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Forest E. Turner, Assistant City Manager
Joey Zapata, Assistant City Manager
Charles M. Cato, Interim Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Frank Librio, Public Information Officer
David Cossum, Interim Director Sustainable Development and Construction
Rick Galceran, Director, Public Works
Elsa Cantu, Assistant to the City Manager – Council Office

Proposed Revisions to Gas Drilling Regulations

City Council Briefing
November 20, 2013

Background

- Original gas drilling ordinance adopted September 12, 2007
  - Zoning Ordinance Advisory Committee (ZOAC) considered the proposed ordinance at 6 meetings
  - ZOAC had two additional meetings as part of the City Plan Commission (CPC) Environmental Committee
  - ZOAC and CPC bus tour to visit gas drilling and production sites
  - CPC briefing
  - CPC public hearing and recommendation of approval
  - CC public hearing and adoption on September 12, 2007

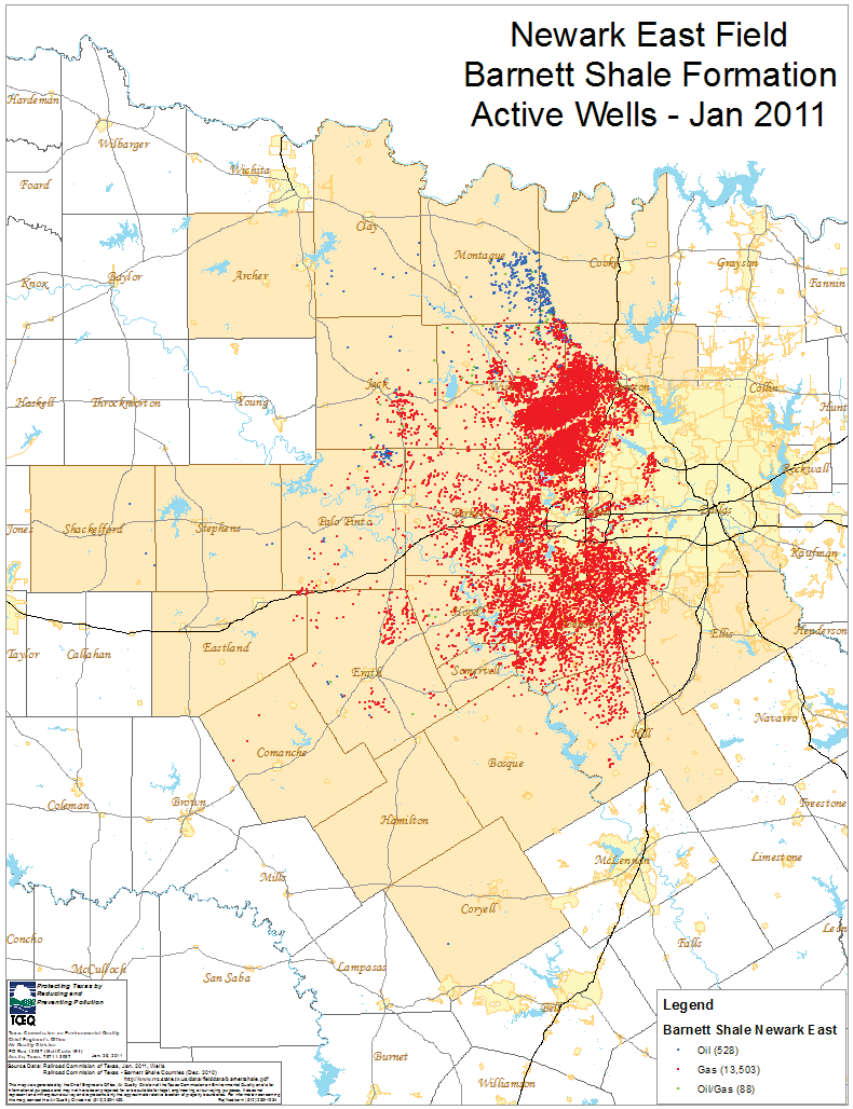
Background

- In June 2011, the Dallas City Council created the Dallas Gas Drilling Task Force
  - Chair
    - Lois Finkelman
  - Park Board Representative
    - Joan Walne
  - Three (3) Industry/Business Representatives
    - David Biegler – Chairman and CEO of Southcross Energy
    - Bruce Bullock – Director of SMU's Maguire Energy Institute
    - Patrick Shaw – Attorney, Woodward & Shaw
  - Three (3) Subject Matter Experts
    - Dr. David Sterling – Professor and Chair, UNT Health Science Center, Department of Environmental and Occupational Health
    - Terry Welch – Attorney, Brown & Hofmeister
    - Margaret Keliher – Executive Director of Texas Business for Clean Air
  - Three (3) Citizens and/or Environmental Group Representatives
    - Dr. Ramon Alvarez – Environmental Defense Fund
    - Cherelle Blazer – Director, You Can't Live in the Woods
    - John McCall Jr. – Law Office of John McCall Jr.

Background

- Task force met 22 times between July of 2011 and February of 2012
  - 9 topic meetings (see appendix)
  - 1 field trip to tour drilling and production sites in Arlington
  - 2 public hearings to accept comments
  - 10 meetings developing recommendations
- City Council briefed on Task Force recommendation by Task Force chair on May 11, 2012
- City Plan Commission met 8 times between May and September of this year to consider Task Force recommendations
  - 8 topic workshops (see appendix)
  - 3 Public hearings to accept comments
  - CPC recommended approval of proposed revisions on September 26, 2013

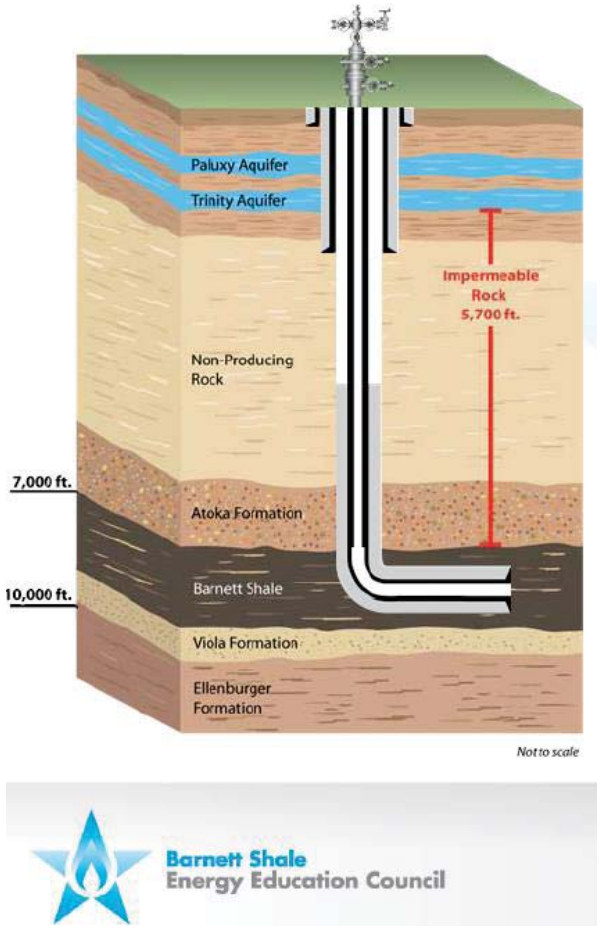
Barnett Shale



Number of Gas Wells

- In Barnett Shale – 13,500
- In Tarrant County – 6,650
- In Ft Worth – 1,856
- In Dallas County – 154
- In Grand Prairie – 119

Geology of the Barnett Shale

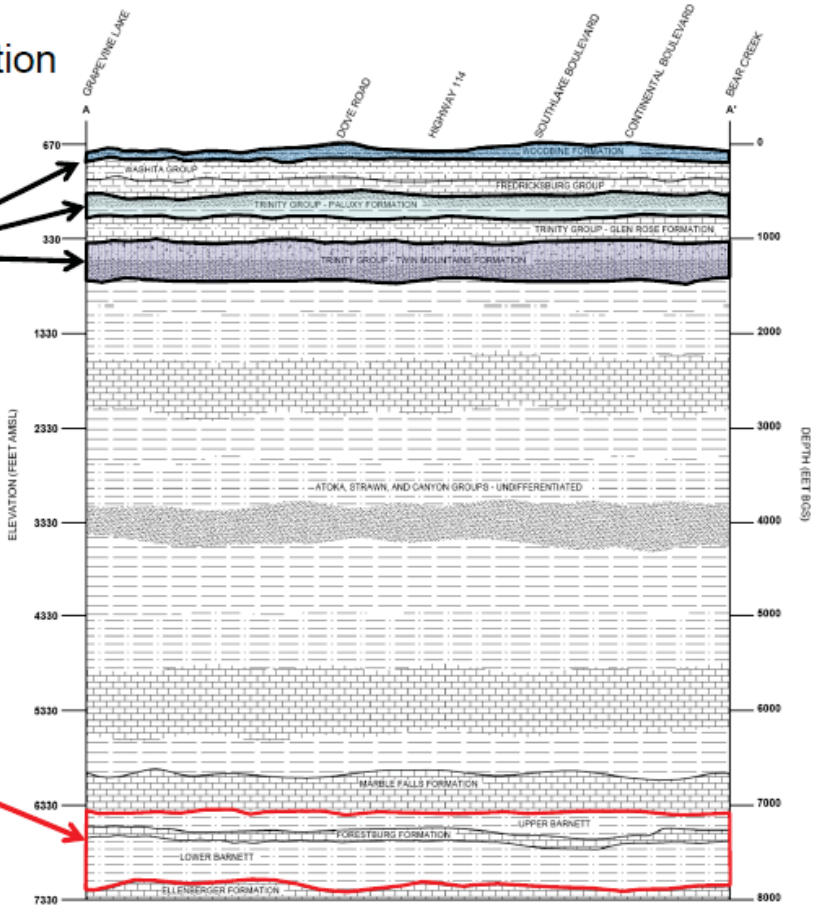


Geologic Cross Section

Aquifers

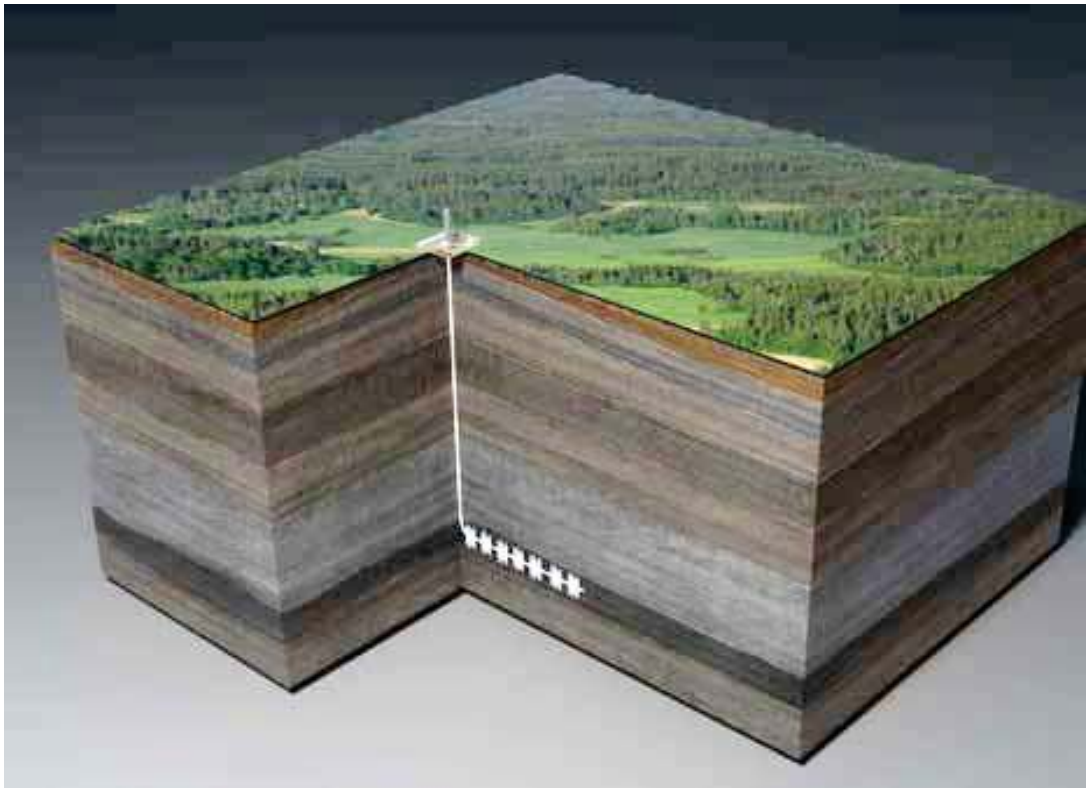
Woodbine
Paluxy (Trinity)
Twin Mountain (Trinity)

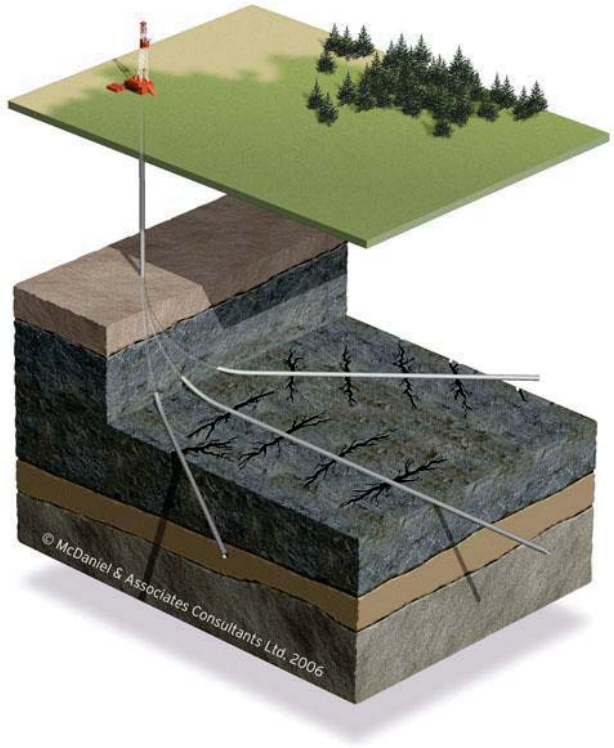
Barnett Shale



MODERN GEOSCIENCES

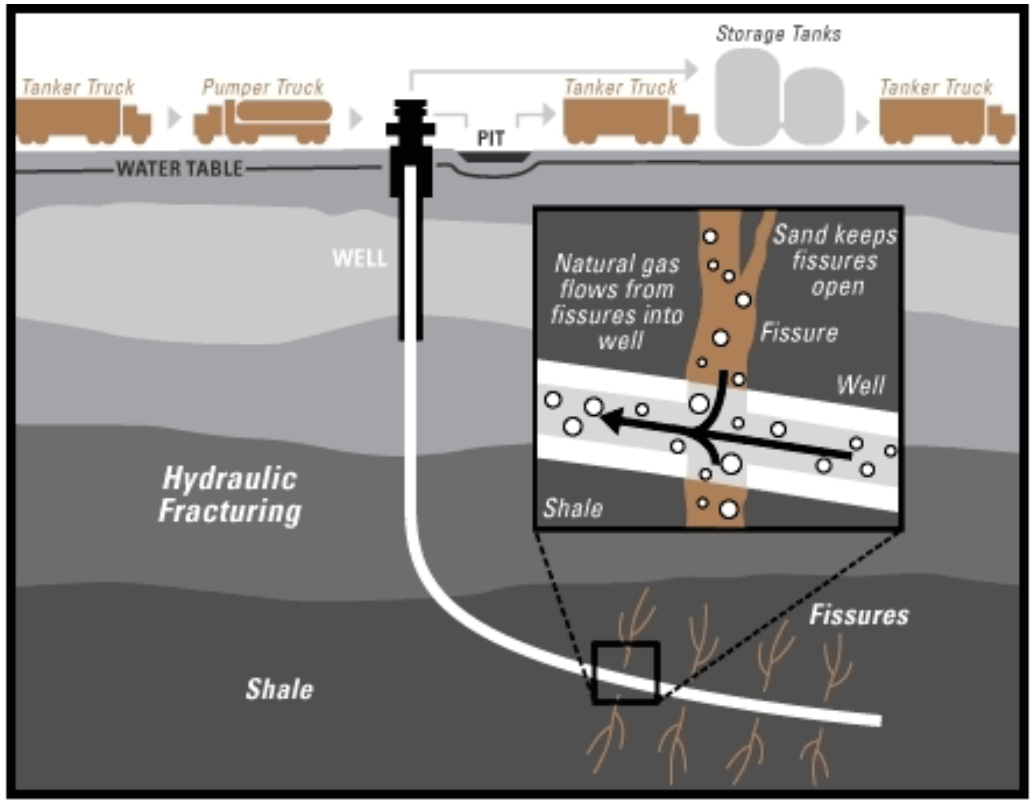
Horizontal Drilling





Hydraulic Fracturing

Hydraulic fractures are created when a mixture of water, sand, and chemicals is pumped down production wells at high pressure for short periods of time (hours).



Typical Gas Well Site Phases

- Site preparation
- Drilling operations
- Fracturing
- Production
- Reworking / Refracturing
- Site reclamation

Sample Sites Drilling Phase

Sample Sites
Fracturing Phase

Sample Sites
Production Phase

Recommendation Summary (Zoning)

- Require Specific Use Permit (SUP) in all zoning districts (existing, no change)
  - Site specific conditions can be established
  - Public notice and at least two public hearings
  - City Council approval of each location

Recommendation Summary (Zoning)

- Additional SUP factors to be considered
  - Proximity of location to an environmentally significant area
  - Potential impact the use may have on the environmentally significant area
- Drilling and production in parks
  - SUP application must be preceded by a City Council Chapter 26 determination
  - Requires a favorable vote of ¾ of City Council to approve an SUP on park property

Recommendation Summary (Zoning) Protected Uses Comparison

Existing	Task Force	CPC
Residential	Residential	Residential
Institutional	Institutional except: Cemetery or mausoleum	Institutional except: Cemetery or mausoleum
	Office 10,000 s.f. plus	Office All
	Personal Service and Retail except: auto service center, commercial motor vehicle parking, commercial parking lot or garage, dry cleaning or laundry store and motor vehicle fueling.	Personal Service and Retail except: auto service center, commercial motor vehicle parking, commercial parking lot or garage

Recommendation Summary (Zoning) Protected Uses Comparison

Existing	Task Force	CPC
Recreation except: When the operation site is in a public park	Recreation except: Can be allowed by a ¾ vote if the operation site is in a public park	Recreation except: Can be allowed by a ¾ vote if the operation site is in a public park and is preceded by a Chapter 26 hearing and determination by City Council

Recommendation Summary (Zoning) Distance Comparison

Existing	Task Force	CPC
Minimum 300 ft	Minimum 1,000 ft	Minimum 1,500 ft
SUP can require greater distance	SUP can require greater distance	SUP can require greater distance
	SUP can lessen the distance down to 500 ft by ¾ vote of City Council	SUP can lessen the distance down to 1,000 ft by ¾ vote of City Council

Recommendation Summary (Zoning)

- Other distance provisions
  - If the drilling use is located on the same property as the protected use, the minimum spacing requirements for that protected use on that property may be waived by a ¾ vote of City Council
  - Distance required from a gas drilling and production use to a habitable structure is 300 ft to the habitable structure.
    - "Habitable structure" means any use/structure that is not a protected use and that has a means of ingress/egress, light, and ventilation. Habitable structure excludes accessory structures, such as a garage or shed.

Recommendation Summary (Zoning)

- Neighborhood meeting requirement
  - Must have meeting within 60 days of application
    - Notice given to property owners and mailing addresses within 2,000 feet of the request site
    - Provide information on all operations and phases of operations
    - Provide information on how to subscribe to electronic notification on when specific operations will occur
- Establish gas pipe line compressor station use
  - By SUP only in Industrial Manufacturing (IM) zoning district
  - Same distance requirements as gas drilling and production use

Recommendation Summary (Operations)

- Baseline sampling and testing
  - Air quality
  - Soil sampling
  - Ambient noise levels (part of noise mitigation plan)
  - Water – Operator must offer base line testing of
    - Water wells within 2,000 feet of a well bore
    - Surface water within 750 feet of the well bore
  - Initial gas analysis of raw produced gas

Recommendation Summary (Operations)

- Noise
  - Drilling, re-drilling, or any other equipment may not exceed the ambient noise level by more than 10 dB(a) during fracturing operations; and more than 5 dB(a) during daytime hours or 3 dB(a) during nighttime hours for activities other than fracturing
  - If within 2,000 feet of a protected use, install noise reduction blankets on the drill site with a minimum height of 30 ft.
  - Additional noise monitoring for drilling, reworking, or sites operating lift or line compressors if the well is within 1,500 feet of a protected use

Recommendation Summary (Operations)

- Limitations on hours of operation
  - Open whole formation or drill stem testing limited to daytime hours
  - Fracturing operations limited to daytime hours (except for flow back operations)
  - Activities involving construction of pad site or access roads is limited to day time hours
  - Truck deliveries related to site work are limited to daytime hours
  - Daytime means 7:00 a.m. to 7:00 p.m. Monday thru Friday and 8:00 a.m. to 6:00 p.m. Saturday, Sundays and City of Dallas holidays are not considered daytime hours

Recommendation Summary (Operations)

- Materials management
  - All Material Safety Data Sheets (MSDS) for materials stored on site must be kept on site and be submitted to the gas inspector
  - Inventory statement must be provided to the city listing all hazardous materials and chemicals that will be stored used on the operation site including quantities, volumes and concentrations used for drilling, completing and production

Recommendation Summary (Operations)

- Spill prevention and tracking
  - Containment for storage tanks required per fire code
  - Drip pans and other containment devices required for any structures or equipment that could potentially leak, discharge or spill liquids, semi liquids or solid waste materials
  - Spill prevention plan must include containment and mitigation strategies for any failures of temporary or permanent pipes, tanks, secondary containment systems and water recycling systems
  - A tagging additive must be added to fracturing fluid that provides a unique identifier for the site.
  - Incident reports required immediately and written summary of incident by 5:00 p.m. of the following business day

Recommendation Summary (Operations)

- Site maintenance
  - All drilling mud, liquid hydrocarbons, produced water or other field waste must be discharged into an above ground storage tank and disposed of in accordance with RRC rules and other applicable local, state or federal agency rules at least once every 30 days
  - Drilling rig and rig associated equipment must be removed within 30 days of completion
  - Temporary flowback tanks must be removed within 90 days
  - Top of any tanks may not exceed required fence height
- Motors and engines
  - Electric motors must be used during drilling unless the operator submits a plan as to why electric motors cannot be used
  - Electric motors must be used during production

Recommendation Summary (Operations)

- Emissions
  - All internal combustion engines must be equipped with mufflers to suppress noise and disruptive vibrations and prevent the escape of gases and fumes
  - Operators must employ appropriate equipment and processes to minimize natural gas and associate vapor releases
  - All wells with a sales line must employ reduced emission completion techniques
  - All salable gas must be directed to the sales line as soon as possible or shut in
  - If a site receives two or more notices concerning air quality violations during any 12 month period, the operator must submit an emissions compliance plan that includes
    - 24 hour monitoring techniques
    - Practices and equipment deployed to correct violation
    - Quarterly reporting to the gas inspector

Recommendation Summary (Operations)

- Seismic survey regulations
  - Hour limitations
  - Notice requirement
  - Contact information
  - Permit requirement
- Regulated pipeline permit
  - Alignment map
  - Technical requirements
  - Public education
  - Annual reporting requirement
  - Emergency response plans and incident reporting
  - Insurance requirements

Other Issues

- Water use policy
  - CPC recommended that City Council direct Dallas Water Utilities to establish restrictions in its drought contingency plan on the use of city water for hydraulic fracturing either by barring use of city water while water-use restrictions are in effect or substantially raising usage fees to reflect the real cost to the City of Dallas of the permanent loss of such water and encourage reuse or recycling.
- Air pollution off-sets
  - CPC recommended that City Council explore the establishment of a city air pollution off-sets program with the Environmental Protection Agency and the Texas Commission on Environmental Quality that would encompass large sources of air pollution currently excluded from federal Clean Air Act off-set requirements in non-attainment areas for ozone pollution, including natural gas drilling and production facilities.
- Letter of credit for uninsurable intentional acts
  - CPC recommended that City Council explore requiring a letter of credit as protection against uninsurable intentional acts or harm associated with the gas drilling and production use

Other Issues

- Gas drilling and production in the floodplain
  - Prohibited under current ordinance. Article V of the Development Code would have to be amended to specifically allow the use in the floodplain. The city has received an application from Trinity East requesting an amendment to Article V to permit gas drilling and production in the flood plain.
  - Application to amend the flood plain ordinance to allow gas drilling and production will be scheduled for a briefing before being forwarded to Council for consideration

Next Steps

Scheduled for public hearing and Council consideration on December 11, 2013

Appendix

Task Force Meetings

1. July 12, 2011
   - Gas Drilling Overview 101 – City of Fort Worth
   - Review Dallas' Gas Drilling and Production Ordinances (Zoning and Permitting) and Status of SUPs – City of Dallas
2. July 19, 2011
   - Field Trip to Gas Drilling Sites in Arlington
3. July 26, 2011
   - Regulatory Reviews
     a. Environmental Protection Agency (EPA)
     b. Texas Railroad Commission
     c. Texas Commission on Environmental Quality (TCEQ)

Task Force Meetings (cont.)

4. August 2, 2011
   - Public Hearing to Receive Citizen Input
5. August 23, 2011
   - Briefings from Industry Representatives
     a. Masterplan
     b. Barnett Shale Energy Education Council
     c. Encana Oil & Gas (USA)
     d. Chesapeake Energy
6. August 30, 2011
   - Briefings from Neighborhood and/or Environmental Group Representatives

Task Force Meetings (cont.)

7. September 6, 2011
   - Real Estate Value Impacts from Drilling
   - Noise/Sound and Mitigation
   - Geology of the Shale
8. September 13, 2011
   - Briefings on Air Quality Issues
     a. North Texas Clean Air Steering Committee and Ozone State Implementation Plan (SIP) Impacts
     b. Fort Worth Air Quality Study Results
     c. Long Term Site Monitoring Options for Air Quality
9. September 20, 2011
   - Briefings on Water-related Issues
     a. Environmental Protection Agency
     b. Dallas Water Utilities

Task Force Meetings (cont.)

10. October 4, 2011
    - Perspectives on Fort Worth Experience
    - Preemption and the City's Environmental Regulatory Role
11. October 11, 2011
    - City of Dallas Zoning and Permitting
    - Review Ordinances of Other Texas Cities and Identify "Best Practices"
        a. Grand Prairie
        b. Fort Worth
        c. Hurst
        d. Southlake

Task Force Meetings (cont.)

12. October 27, 2011
    - Public Hearing to Receive Citizen Input

13. - 22. November 8, 15, 29; December 6, 13, 2011; January 10, 17, 24, 2012; February 21, 28, 2012
    - Develop Recommendations

City Plan Commission Workshops

May 2, 2013 – workshop
May 16 - workshop
June 20 - workshop
July 25 - workshop
August 8 – workshop
August 22 – workshop and public hearing
Sept. 12 – workshop and public hearing
Sept. 26 – workshop and public hearing and consideration of amendments

Other Requirements

- Plans required with gas drilling permit
  - Air quality management and monitoring plan
  - Communication plan
  - Dust mitigation plan
  - Electricity usage plan
  - Emergency response plan
  - Erosion control plan
  - Hazardous materials management plan
  - Hazardous material inventory statement
  - Noise management plan
  - Pipeline map

Other Requirements

- Plans required with gas drilling permit
  - Screening and landscape/irrigation plan
  - Security plan
  - Signage plan
  - Spill prevention plan
  - Surface reclamation plan
  - Site lighting plan
  - Transportation plan
  - Vector control plan
  - Waste management plan
  - Water management plan

Other Requirements

- Insurance Requirements
  - Employers liability insurance
  - Business vehicle liability insurance
  - Commercial general liability insurance
  - Environmental impairment or pollution legal liability insurance covering testing, remediation, removal and storage
  - Umbrella liability insurance
  - Control of well insurance
  - Performance bond or irrevocable letter of credit
  - Road repair security instrument
  - Well plugging bond

11-15-13

ORDINANCE NO. _____

An ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Section 51A-1.105(u), fees for gas drilling and production, Section 51A-4.123, industrial manufacturing (IM) district, Section 51A-4.203(3.2), gas drilling and production use, and Article XII, gas drilling and production regulations; creating Section 51A-4.203(3.3), gas pipeline compressor station use and establishing regulations; providing a penalty not to exceed $2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Subsection (u), "Fees for Gas Drilling and Production," of Section 51A-1.105, "Fees," of Article I, "General Provisions," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(u) Fees for gas drilling and production.

(1) The city may use a qualified third party to conduct any inspections required by Article XII. The operator shall pay the city for any fees charged by third party inspectors within 30 days of receipt of an invoice from the city.

(2) Any permit that lapses for nonpayment of the annual permit fee will be reinstated upon payment of an additional fee of $50.00 for each thirty-day period during the lapse.

(3) Fee schedule.

Type of Application	**Application Fee**
Seismic survey permit	$150.00
New gas well permit	$3,000.00 for the first well on an operation site and $1,000 for each additional well on that same operation site
Amended permit	$600.00
Reworking fee	$800.00
Operator transfer	$600.00
Annual fee (per well)	$1,000.00
Regulated pipeline permit	$1,500.00"

SECTION 2. That Paragraph (C), "Industrial Uses," of Subsection (d), "Industrial Manufacturing (IM) District," of Section 51A-4.123, "Commercial Service and Industrial Districts," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(C) Industrial uses.

-- Alcoholic beverage manufacturing. *[RAR]*
-- Gas drilling and production. *[SUP]*
-- Gas pipeline compressor station. *[SUP]*
-- Industrial (inside). *[SUP may be required. See Section 51A-4.203(a); otherwise RAR.]*
-- Industrial (inside) for light manufacturing.
-- Industrial (outside). *[SUP may be required. See Section 51A-4.203(a); otherwise RAR.]*
-- Medical/infectious waste incinerator. *[SUP]*
-- Metal salvage facility. *[SUP]*
-- Mining. *[SUP]*
-- Municipal waste incinerator. *[SUP]*

-- Organic compost recycling facility. *[RAR]*
-- Outside salvage or reclamation. *[SUP]*
-- Pathological waste incinerator. *[SUP]*
-- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*"

SECTION 3. That Paragraph (3.2), "Gas Drilling and Production," Subsection (b), "Specific Uses," of Section 51A-4.203, "Industrial Uses," of Division 51A-4.200, "Use Regulations" of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(3.2) Gas drilling and production.

(A) Definitions:

(i) BOUNDARY means the perimeter of the operation site. OPERATION SITE means the area identified in the specific use permit to be used for drilling, production, and all associated operational activities after gas drilling is complete.

(ii) ENVIRONMENTALLY SIGNIFICANT AREA means an area:

(aa) with slopes greater than three to one;

(bb) containing endangered species of either flora or fauna;

(cc) that is geologically similar to the Escarpment Zone, as defined in Division 51A-5.200, "Escarpment Regulations," of Article V, "Flood Plain and Escarpment Zone Regulations;"

(dd) identified as wetlands or wildlife habitat;

(ee) determined to be an archeological or historical site; or

(ff) containing more than 1,000 inches of trunk diameter of protected trees, in the aggregate, within a 10,000 square foot land area. Trunk diameter is measured at a point 12 inches above grade. To be included in the aggregate calculations of trunk diameter, a protected tree must have a trunk diameter of six inches or more. For purposes of this Provision (ff), a protected tree is defined in Section 5A-10.101 of this chapter.

(iii) GAS DRILLING AND PRODUCTION [~~Gas drilling and production~~] means the activities related to the extraction of any fluid, either combustible or noncombustible, that is produced in a natural state from the earth and that maintains a gaseous or rarefied state at standard temperature and pressure conditions, or the extraction of any gaseous vapors derived from petroleum or natural gas.

(iv) HABITABLE STRUCTURE means any use or structure that is not a protected use but has a means of ingress or egress, light, and ventilation. Habitable structure does not include an accessory structure, such as a garage or shed.

CPC recommendation

(v) PROTECTED USE means institutional and community service uses, except cemetery or mausoleum; lodging uses; office uses; recreation uses, except when the operation site is on a public park, playground, or golf course; residential uses; and retail and personal service uses, except commercial motor vehicle parking or commercial parking lot or garage. Parking areas and areas used exclusively for drainage detention are not part of a protected use.

Task Force recommendation

(v) PROTECTED USE means institutional and community service uses, except cemeteries and mausoleum; lodging uses; office uses with a floor area greater than 10,000 square feet; recreational uses, except when an operation site is on a public park, playground, or golf course use, and a country club with private membership use; residential uses; and retail and personal service uses, except auto service center, commercial motor vehicle parking, commercial parking lot or garage, dry cleaning or laundry store, motor vehicle fueling station, and taxidermist.

(vi[~~ii~~]) See Article XII for additional definitions that apply to gas drilling and production.

(B) Districts permitted: By SUP only in all [~~residential and nonresidential~~] districts.

(C) Required off-street parking: None. [~~No handicapped parking is required.~~]

(D) Required off-street loading:

SQUARE FEET OF FLOOR AREA IN STRUCTURE	**TOTAL REQUIRED SPACES OR BERTHS**
0 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1 additional

(E) Additional provisions:

(i) See Article XII for additional regulations relating to gas drilling and production. No provision found in Articles IV or XII may be waived through the adoption of or amendment to a planned development district.

(ii) Before an SUP for a gas drilling and production use within a public park, playground, or golf course may be processed, city council must hold a public hearing and make a determination in accordance with Texas Parks and Wildlife Code Chapter 26, "Protection of Public Parks and Recreational Lands." [~~City council may require that an operator use a closed-loop system.~~]

(iii) A favorable vote of three-fourths of all members of the city council is required to approve a gas drilling and production use on a public park, playground, or golf course. [~~Trailers or mobile homes that are temporarily placed on the operation site and used by gas drilling workers as a residence is a permitted accessory use.~~]

(iv) In addition to the findings required in Section 51A-4.219(a)(3) for the granting of an SUP, city plan commission and city council must consider the:

(A) proximity of a proposed gas drilling and production use to an environmentally significant area; and

(B) potential impact the proposed gas drilling and production use may have on the environmentally significant area.

[~~Gas wells must be spaced at least:~~

~~(aa) 300 feet from any institutional and community service use, recreation use (except when the operation site is in a public park), or residential use (except trailers or mobile homes placed on the operation site as temporary residences for workers);~~

~~(bb) 200 feet from any fresh-water well;~~

~~(cc) 25 feet from any property line;~~

~~(dd) 25 feet from any storage tank or source of ignition;~~

~~(ee) 75 feet from any right-of-way; and~~

~~(ff) 100 feet from any structure that is not used for the everyday operation of the well.~~]

(v) Compliance with federal and state laws and regulations and with city ordinances, rules, and regulations is required, and may include platting, a fill or alteration permit, building permits, and gas well permits. Compliance with these additional regulations may be required before, concurrently with, after, or independently of the SUP process. [~~All structures and equipment, including tanks and tank batteries, must be spaced at least 100 feet from any institutional and community service use, recreation use (except when the operation site is in a public park), or residential use (except trailers or mobile homes placed on the operation site as temporary residences for workers).~~]

(vi) Trailers or mobile homes that are temporarily placed on the operation site and used by gas drilling workers as a residence are a permitted accessory use. [~~Tanks and tank batteries must be spaced at least 100 feet from any combustible structure and spaced at least 25 feet from all right-of-ways and property lines. The Dallas Fire Code may require additional spacing depending on the size of the tank.~~]

(vii) ~~Spacing is measured from the center of the well bore at the surface of the ground or from the closest point of the structure or equipment, in a straight line, without regard to intervening structures or objects, to the closest point of the use, structure, or feature creating the spacing requirement. Spacing requirements may not be waived or decreased through the adoption of a planned development district.~~

~~(viii)~~] Once any gas drilling related activity begins on the operation site, the applicant shall limit access to the operation site by erecting an eight-foot-tall temporary chain-link fence [~~or by providing a guard to supervise the operation site 24 hours per day~~]. Within 30 days after any well completion activity ceases, [~~the wells on the operation site are completed,~~] an eight-foot-tall permanent fence must be erected and maintained around the perimeter of the operation site. This provision controls over the fence height regulations of the zoning district. The SUP may require a different form of screening, but may not reduce the fence height requirements of this provision.

(viii[~~ix~~]) [~~Gates must be installed on all fences and must remain locked unless gas drilling personnel are present.~~] Access to the operation site must comply with [~~Chapter 5 of~~] the Dallas Fire Code. The operation site plan must be reviewed and approved by the fire marshal before an SUP can be granted.

(ix[~~x~~]) The operation site may not have a slope greater than 10 degrees unless the director determines that all equipment is located and activities occur on a portion of the operation site that does not have a slope greater than 10 degrees, there is adequate erosion control, and the slope of the operation site will not be a threat to the public safety or welfare.

(x) The operator shall provide the director with a statement of intent to enter into a road repair agreement before an SUP may be scheduled for a public hearing.

(xi) The director shall revise the zoning district maps upon the granting of an SUP for a gas drilling and production use, to provide a 1,000 foot gas drilling and production use notice overlay around the boundary of the operation site.

(F) Spacing:

(i) Habitable structure.

(aa) A gas drilling and production use must be spaced at least 300 feet from a habitable structure.

(bb) Spacing is measured from the boundary of the operation site in a straight line, without regard for intervening structures or objects, to the closest point of the habitable structure.

(cc) If a gas drilling and production use is located on the same property as a habitable structure, the minimum spacing requirements for that habitable structure may be waived with a favorable vote of three-fourths of all members of the city council.

(ii) Protected use.

CPC recommendation

(aa) Except as provided in this provision (ii), a gas drilling and production use must be spaced at least 1,500 feet from a protected use (except trailers or mobile homes placed on the operation site as temporary residences for workers).

Task force recommendation

(aa) Except as provided in this Provision (ii), a gas drilling and production use must be spaced at least 1,000 feet from a protected use (except trailers or mobile homes placed on the operation site as temporary residences for workers).

CPC recommendation

(bb) City council may reduce the minimum 1,500 foot spacing requirement from a protected use by not more than 500 feet with a favorable vote of three-fourths of all members of the city council if council finds that the reduction will not harm the public health, safety, or welfare.

Task force recommendation

(bb) City council may reduce the minimum 1,000 foot spacing requirement from a protected use by not more than 500 feet with a favorable vote of three-fourths of all members of the city council if council finds that the reduction will not harm the public health, safety, or welfare.

(cc) Spacing is measured as follows:

(AA) For institutional and community service uses, except cemetery or mausoleum, and residential uses, from the boundary of the operation site in a straight line, without regard to intervening structures or objects, to the property line of the institutional and community service use, except cemetery or mausoleum, and the residential use; and

(BB) For recreation uses, except when the operation site is on a public park, playground, or golf course, lodging, office, and retail and personal service uses, except commercial motor vehicle parking or commercial parking lot or garage, from the boundary of the operation site in a straight line, without regard to intervening structures or objects, to the closest point of the protected use or area of the protected use activity. If the protected use is conducted exclusively inside, from the boundary of the operation site in a straight line, without regard to intervening structures or objects, to the closest point of the structure housing the protected use. If the use or an activity related to the use, is conducted outside, from the boundary of the operation site in a straight line, without regard to intervening structures or objects, to a physical barrier or demarcation that establishes a boundary of the use. Examples of physical barriers or demarcations include:

(1) fencing around activity areas, such as play fields, courts or pools; or

(2) edges, borders, or boundaries of maintained areas adjacent to trails, golf courses, or active recreation areas.

(dd) If a gas drilling and production use is located on the same property as a protected use, the minimum spacing requirements for that protected use may be waived with a favorable vote of three-fourths of all members of the city council.

(ee) If a gas drilling and production use is located on a public park, playground, or golf course, no minimum spacing is required from protected uses located on the public park, playground, or golf course. The minimum spacing requirements for protected uses off the public park, playground, or golf course still apply.

(G) Neighborhood meeting:

(i) Within 60 days after filing an SUP application, the applicant or operator shall, at the applicant or operator's expense, provide notice of a neighborhood meeting regarding the pending SUP application.

(ii) The applicant and operator shall attend and conduct the neighborhood meeting not less than seven or greater than 21 days after providing notice of the neighborhood meeting. The neighborhood meeting must be held at a facility open to the public near the proposed gas drilling and production use.

(iii) The notice of the neighborhood meeting must include:

(aa) the date, time, and location of the neighborhood meeting;

(bb) the identity of the applicant and the operator;

(cc) the location of the pending SUP application;

(dd) information about the proposed gas drilling and production use;

(ee) the purpose of the neighborhood meeting; and

(ff) information about subscribing to the operator's electronic notification list to receive updates about when specific operations will occur, including site preparation, drilling, casing, fracturing, pipeline construction, production, transportation, and maintenance of the operation site.

(iv) The applicant or operator shall mail notice of the neighborhood meeting by depositing the notice properly addressed and postage paid in the United States mail. The notice must be written in English and Spanish. The applicant or operator shall mail notice of the neighborhood meeting to all real property owners as indicated by the most recent appraisal district records and all mailing addresses within 2,000 feet of the boundary of the proposed gas drilling and production use operation site.

(v) Within five days after mailing the notice of the neighborhood meeting, the applicant shall file an affidavit with the director swearing and affirming that all real property owners and mailing addresses within 2,000 feet of the boundary of the proposed gas drilling and production use operation site were mailed notice of the neighborhood meeting in accordance with the provisions of this Subparagraph (G). The affidavit must include a list of the real property owners and mailing addresses to which notice was sent.

(vi) The purpose of the neighborhood meeting is for the applicant or operator to:

(aa) inform the community about the proposed gas drilling and production use;

(bb) explain the operations associated with gas drilling and production, including site preparation, site development and construction, drilling, casing, fracturing, pipeline construction, production, transportation, and maintenance of the operation site; and

(cc) explain and provide information about subscribing to the operator's electronic notification list to receive updates about when specific operations will occur, including site preparation, drilling, casing, fracturing, pipeline construction, production, transportation, and maintenance of the operation site."

SECTION 4. That Subsection (b), "Specific Uses," of Section 51A-4.203, "Industrial Uses," of Division 51A-4.200, "Use Regulations" of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding Paragraph (3.3), "Gas Pipeline Compressor Station," to read as follows:

(3.3) Gas pipeline compressor station.

(A) Definition:

(i) BOUNDARY means the perimeter of the compressor station site.

(ii) GAS PIPELINE COMPRESSOR STATION means a facility for devices that raise the pressure of a compressible fluid (gas) in order for the gas to be transported through a transmission pipeline. This use does not include compressors that are part of a gas drilling and production use that only provide compression for gas to circulate into a gathering system.

(iii) GAS PIPELINE COMPRESSOR STATION SITE means the area identified in the specific use permit to be used for the gas pipeline compressor station.

(iv) PROTECTED USE means institutional and community service uses, except cemetery or mausoleum; lodging uses; office uses; recreation uses, except when the operation site is on a public park, playground, or golf course; residential uses; and retail and personal service uses, except commercial motor vehicle parking or commercial parking lot or garage. Parking areas and areas used exclusively for drainage detention are not part of a protected use.

(B) Districts permitted: By SUP only in industrial manufacturing districts.

(C) Required off-street parking: Five spaces. No handicapped parking is required.

(D) Required off-street loading: None

(E) Additional provisions:

(i) a gas pipeline compressor station must be spaced at least 1,500 feet from a protected use, measured from the boundary of the gas pipeline compressor station site in a straight line, without regard to intervening structures or objects, to the closest point of the protected use or areas of the protected use activity.

(ii) To reduce noise, all compressors must be fully enclosed in a building.

(iii) Except as otherwise provided in this subparagraph, the perimeter of the gas pipeline compressor station site must be screened from public view. The screening must be at least six feet in height and must be constructed of:

(aa) earthen berm planted with turf grass or ground cover that does not have a slope that exceeds one foot of height for each two feet of width;

(bb) brick, stone, metal, or masonry wall that significantly screens equipment and structures from view; or

(cc) landscaping materials recommended for local area use by the chief arborist. The landscaping must be located in a bed that is at least three feet wide with a minimum soil depth of 24 inches. The initial plantings must be capable of obtaining a solid appearance within 18 months; or

(dd) any combination of the above.

(iv) The SUP may require a different form of screening but may not reduce the height requirements of this provision.

(v) Unless a specific color is required by federal or state law, all equipment and structures must be painted with a neutral color to match the nearby surroundings as nearly as possible.

(vi) To reduce noise and emissions, electric motors must be used on the gas pipeline compressor station unless the operator submits a plan to the gas inspector documenting why electric motors cannot be used.

(vii) Internal combustion engines and compressors, stationary or mounted on wheels, must be equipped with an exhaust muffler or a comparable device that suppresses noise and disruptive vibrations and prevents the escape of gases, fumes, ignited carbon, or soot.

(viii) Exhaust from any internal combustion engine or compressor may not be discharged into the open air unless it is equipped with an exhaust muffler or mufflers or an exhaust muffler box constructed of non-combustible materials sufficient to suppress noise and disruptive vibrations and prevent the escape of noxious gases, fumes or ignited carbon or soot.

(ix) Compressors must comply with the low and high frequency noise requirements in Section 51A-12.204(1), "Noise."

SECTION 5. That Article XII, "Gas Drilling and Production," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"**ARTICLE XII.**

GAS DRILLING AND PRODUCTION.

Division 51A-12.100. In general.

SEC. 51A-12.101. PURPOSE.

These regulations are intended to protect the public health, safety, and welfare; minimize the impact of gas drilling and production on surrounding property owners and mineral-rights owners; protect the environment; and encourage the safe and orderly production of mineral resources.

SEC. 51A-12.102. DEFINITIONS.

(a) In this article, technical terms that are not defined have the meaning customarily attributed to them in the gas drilling and production industry by prudent and reasonable operators.

(b) In this article:

(1) ABANDONMENT means the discontinuation of a well or an operation site as approved by the Texas Railroad Commission and in compliance with this article.

(2) AMBIENT NOISE LEVEL means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location, constituting the normal or existing level of environmental noise at a given location.

(3) BASE FLOOD means the flood having a one percent chance of being equalled or exceeded in any given year. See Article V.

(4[~~3~~]) BLOWOUT PREVENTER means a mechanical, hydraulic, pneumatic, or other device or combination of devices secured to the top of a well casing, including valves,

fittings, and control mechanisms, that can be used to completely close the top of the casing and prevent the uncontrolled flow of gas or other fluids from the well.

(5[~~4~~]) COMPLETION means the date that drilling or reworking of the well has ended and gas is flowing to a sales or distribution point.

(6[~~5~~]) CLOSED-LOOP SYSTEM means a system that uses sealed tanks, instead of reserve pits, to collect the drilling waste.

(7) DAYTIME HOURS means 7:00 am to 7:00 pm, Monday through Friday, and 8:00 am to 6:00 pm, Saturdays. Sundays and city holidays are not considered daytime hours.

(8[~~6~~]) DRILLING means digging or boring a new well to explore for or produce gas.

(9[~~7~~]) EQUIPMENT means any apparatus, machinery, or parts thereof used, erected, or maintained in connection with gas drilling or production.

(10[~~8~~]) FRACTURING means the injecting of water into a well to cause pressure that will open up fractures already present in the formation.

(11) FLOWBACK means the process of flowing a fractured or completed well to recover water and residual sand from the gas stream before sending gas down a sales line.

(12[~~9~~]) GAS means (1) any fluid, either combustible or noncombustible, that is produced in a natural state from the earth and that maintains a gaseous or rarefied state at standard temperature and pressure conditions or (2) any gaseous vapors derived from petroleum or natural gas.

(13[~~10~~])GAS INSPECTOR means the person designated by the city to enforce the provisions of this article, or the gas inspector's representative.

(14) LANDFARMING means the depositing, spreading, or mixing of drill cuttings, drilling fluids, drilling mud, salt or produced water, or other waste generated by the gas drilling and production process onto the ground.

(15[~~11~~])OPERATION SITE means the area identified in the specific use permit to be used for drilling, production, and all associated operational activities after gas drilling is complete.

(16[~~12~~])OPERATOR means the person listed on the Texas Railroad Commission drilling permit application (currently called Form W-1 or Form P-4).

(17) PIPELINE CONSTRUCTION means the initiation of any excavation or other disturbance of property to install, construct, maintain, repair, replace, modify, or remove a pipeline.

(18) PIPELINE EMERGENCY means an incident in which any of the following has or is occurring:

(A) Fire or explosion not intentionally initiated by the pipeline operator as part of its normal and customary operations and in accordance with accepted safety practices.

(B) Release of a gas, hazardous liquid, or chemical that could adversely impact the environment or health of individuals, livestock, domestic animals, or wildlife in the city.

(C) Death of any person or individual directly attributable to the operations of the regulated pipeline.

(D) Bodily harm to any person that results in loss of consciousness, the need to assist a person from the scene of the incident, or the necessity of medical treatment in excess of first aid.

(E) Damage to private or public property not owned by the pipeline operator in excess of $5,000 in combined values, as determined by the gas inspector.

(F) The rerouting of traffic or the evacuation of buildings.

(19) PIPELINE OPERATOR means any person owning, operating, or responsible for operating a pipeline.

(20[~~13~~])PRODUCTION means the period between completion and abandonment of a well.

(21) REGULATED PIPELINE means all parts of those physical facilities for the transportation of gas, oil, or hydrocarbons, including pipe, valves, and other appurtenances attached to pipe, whether laid in public or private easements or public rights-of-way or private streets within the city, including gathering lines, production lines, and transmission lines. Pipelines associated with franchised utilities are not regulated pipelines.

(22[~~14~~])REWORKING means the re-entry of an existing well after completion to access the existing bore hold, conduct deepening or sidetrack operations, or replace well liners or casings. Reworking is also known in the gas drilling and production industry as a work-over.

(23[~~15~~])TANK means a container used for holding or storing fluids from gas drilling and production.

(24[~~16~~])WELL means a hole or bore to any horizon, formation, or strata for the intended or actual production of gas.

SEC. 51A-12.103. ADMINISTRATION.

(a) Gas inspector.

(1) The gas inspector is responsible for enforcing this article, other city codes applicable to gas drilling and production, and any SUP for gas drilling and production.

(2) The gas inspector shall:

(A) review and approve or deny all seismic survey, gas well, and regulated pipeline permit applications;

(B) conduct inspections of all wells and operation sites at least yearly for compliance with this article, the gas well permit, and the SUP for gas drilling and production;

(C) request, receive, review, and inspect any records, including records the operator sends to the Texas Railroad Commission, logs, and reports relating to the status or condition of any permitted well;

(D) issue orders or citations to obtain compliance with this article, a seismic survey, [~~the~~] gas well, or regulated pipeline permit, and the SUP for gas drilling and production; and

(E[~~D~~]) revoke or suspend gas well permits for violations of this article, a seismic survey, [~~the~~] gas well, or regulated pipeline permit, or the SUP for gas drilling and production.

(3) The gas inspector, at each inspection, shall call the emergency contact numbers listed on the operator's informational signs to verify that the phone numbers are current and the emergency contact persons can be reached.

(4) The gas inspector shall contact the appropriate city department to inspect the operation site if the gas inspector believes the operator is violating a city code provision not addressed in this article. The gas inspector shall determine whether the other city department completed the inspection and shall document what actions, if any, were taken against the operator.

(5) The gas inspector shall contact the appropriate state agency to inspect the operation site if the gas inspector believes the operator is violating state law. The gas inspector shall determine whether the state agency completed the inspection and shall document what actions, if any, were taken against the operator.

(b) Technical or legal advisors. The city may hire technical or legal advisors to advise the city on gas drilling and production matters. If the city hires advisors to address an operator's unique circumstances, the city shall notify the operator of the estimated cost of services. The city

shall invoice the operator, who shall pay the city within 30 days of receipt of an invoice from the city.

SEC. 51A-12.104. SUP REQUIREMENT AND USE REGULATIONS.

See Sections 51-4.213(19) or 51A-4.203(b)(3.2).

Division II. Gas drilling.

SEC. 51A-12.201. SEISMIC SURVEY PERMIT.

(a) In general.

(1) Seismic surveys may only be conducted with low-impact vibrator systems designed for urban operations. Explosive charges, including dynamite, may not be used in preparing for or conducting a seismic survey.

(2) Seismic surveying is limited to the hours of 8:00 am to 5:00 pm, Monday through Friday, excluding city holidays.

(3) Seismic survey activities must be conducted in accordance with all applicable federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(4) Seismic survey activities within public rights-of-way must be conducted in in accordance with a traffic control plan approved by the director of the department of transportation.

(b) Notice. At least 72 hours before commencing geophysical operations (laying out of geophones), the operator or applicant shall provide written notice via United States mail, or other methods of delivery to each tenant, property owner, and resident within the area to be seismically surveyed. The written notice must include:

(1) general information about the seismic operations to be conducted,

(2) an overview of the seismographic survey process, and

(3) a hotline number to call with questions or complaints related to the seismic survey activities. The hotline number must be adequately staffed with trained personnel during normal working hours.

(c) Seismic survey permit.

(1) No person shall participate in site preparation or any other seismic survey activities without first obtaining a seismic survey permit issued by the city in accordance with this division.

(2) A seismic survey permit is required for all seismic survey activities.

(3) A seismic survey permit must be in writing, signed by the operator or applicant, and submitted to the gas inspector at least 10 days before any seismic surveying activities begin.

(3) The operator or applicant shall provide the following information on a form furnished by the city of Dallas:

(4) the date the operator or applicant submitted the application;

(5) the operator or applicant's name, address, telephone number, and email address;

(6) the location of the seismic survey;

(7) the date and time the seismic survey will be conducted;

(8) a detailed explanation of the seismic survey methods to be used;

(9) a detailed map of the area being surveyed and the location of all vibration and geophone points;

(10) the date and time the seismic survey will be completed;

(11) for city of Dallas property and public rights-of-ways;

(12) an executed access agreement for the use of the specific public rights-of-way or property; and

(13) a current certificate of insurance for the coverage specified in the access agreement.

(d) Review of permit applications.

(1) The gas inspector shall return incomplete applications to the applicant with a written explanation of the deficiencies.

(2) The gas inspector shall determine whether the seismic survey permit should be issued, issued with conditions, or denied within 45 days after receiving a complete seismic survey permit application. If the gas inspector fails to make this determination within this specified time, the seismic survey permit is deemed denied.

(3) The gas inspector shall issue a seismic survey permit if the application meets the requirements of this division. If the application does not meet the requirements of this division, the gas inspector shall either deny the application or issue the seismic survey permit subject to written conditions if compliance with the conditions eliminates the reasons for denial. If the gas inspector denies a seismic survey permit, the gas inspector shall provide the applicant with a written explanation of the reasons for denial within 30 days.

(e) Appeal.

(1) If the gas inspector denies a seismic survey permit, the gas inspector shall send the applicant, by certified mail, return receipt requested, written notice of the decision and the right to appeal.

(2) The applicant has the right to appeal to the permit and license appeal board in accordance with Article IX of Chapter 2 of the Dallas City Code. An appeal to the permit and license appeal board stays all enforcement proceedings involving the action appealed from unless the gas inspector determines that a stay would cause imminent destruction of property or injury to persons.

SEC. 51A-12.202[~~105~~]. GAS WELL PERMIT.

(a) In general.

(1) No person shall participate in site preparation, drilling, reworking, fracturing, operation, production, or any other related activity without first obtaining a gas well permit issued by the city in accordance with this article. Each well on an operation site must obtain a separate gas well permit.

(2) [~~Wells operating under an SUP passed by city council before September 12, 2007, may engage in gas drilling and production without a gas well permit. The operation of these wells, however, must comply with Section 51A-12.107. If there is a conflict between the SUP conditions and Section 51A-12.107, the provision that is more strict controls unless the SUP condition relates to noise regulations and references Article XII.~~

~~(3)~~] A gas well permit is required, in addition to any permit, license, or agreement required under this article, other city ordinances, or state, or federal law.

(3[~~4~~]) A gas well permit application may not be approved until an SUP is approved. Denial of an SUP is grounds for automatic denial of all related gas well permit applications.

(4[~~5~~]) A gas well permit automatically terminates if the operator does not begin drilling within 180 days after the gas inspector issues the gas well permit. The gas inspector may extend the time for an additional 180 day period upon request by the operator and proof that the

conditions on the operation site have not substantially changed and the extension would not conflict with Section [~~5~~] 51A-12.105(a)(6). Only one extension is permitted.

[~~(6) If the operation site is located within 600 feet of a residential use, the operator shall begin drilling all of the wells approved by the SUP within one year after receiving the gas well permit for the first well located on the operation site. This is intended to limit the time that drilling will take place on the operation site to minimize the impact on the surround area.~~]

(5[~~7~~]) An existing gas well permit does not authorize reworking of an abandoned well. A new gas well permit is required to rework an abandoned well.

(6[~~8~~]) A gas well permit automatically terminates after the well authorized by the gas well permit is abandoned pursuant to this article.

(7) The operator shall complete all drilling activities on the operation site within five years from the date the first gas well permit was issued.

(A) The operator may apply for a one-time, two-year extension from the gas inspector. The request for an extension must be made to the gas inspector in writing at least six months before the fifth year from the date the first gas well permit was issued.

(B) The gas inspector must approve or deny the extension within 45 days after receiving the extension request. The gas inspector must approve the extension if the drilling activities will not adversely impact the neighboring properties or if additional measures required eliminate the reasons for denial.

(C) If the gas inspector denies the request for a one-time two-year extension, he must provide the operator with a written explanation of the reasons for denial within 30 days.

(D) As a condition of the approval of the extension, the gas inspector may require additional measures, as necessary, to minimize the impact of the additional drilling activities upon neighboring properties.

(E) The operator has the right to appeal to the permit and license appeal board in accordance with Article IX of Chapter 2 of the Dallas City Code. An appeal to the permit and license appeal board stays all enforcement proceedings involving the action appealed unless the gas inspector determines that a stay would cause imminent destruction of property or injury to persons.

(b) Permit applications. A gas well permit application must be in writing, signed by the operator and filed with the gas inspector. The operator shall provide the following information on a form furnished by the city:

(1) the date the operator submitted the application;

(2) the proposed number of wells on the operation site;

(3) the field name as used by the Texas Railroad Commission;

(4) the proposed well name;

(5) the operator's name and address;

(6) all surface owners' names and addresses;

(7) all mineral rights owners' names and addresses;

(8) the name of a representative with supervisory authority over all gas drilling and production operations and a phone number where they can be reached 24 hours a day;

(9) the name, address, and phone number of a person who is a resident of the State of Texas and is designated to receive notices from the city;

(10) the names of two designated emergency contact persons, their addresses, and phone numbers where they may be reached 24 hours a day;

(11) the names and addresses of tenants, property owners, and residents within 1,500 [~~600~~] feet of the boundary of the operation site in accordance with the plans required as part of the gas well permit application;

(12) the address and legal description of the operation site;

(13) [~~a map showing truck routes;~~

~~(14) a videotape of the truck routes, showing in adequate detail the physical conditions of the rights-of-way;~~]

(14[~~15~~]) the location and a description of all structures and improvements within 1,500 [~~600~~] feet of the boundary of operation site [~~well~~];

(15[~~16~~]) a description of all fuel sources and [~~the~~] public utilities required during drilling and production operations;

[~~(17) a description of the water source to be used during drilling and production operations;~~]

(16[~~18~~]) a site plan of the operation site that matches the site plan attached to the SUP, was prepared by a licensed surveyor or registered engineer, is drawn to scale, complies with the site requirements in this article, and provides the following information:

(A) the date, scale, north point, name of owner, and name of person preparing the site plan;

(B) the location of existing boundary lines and dimensions of the operation site;

(C) the location of all improvements and equipment, including proposed wells, tanks, pipelines, compressors, separators, and storage sheds;

(D) the zoning of the operation site;

(E) the location of flood plains, and the existing and base flood elevations at the location of any proposed improvement including the well head;

(F) the existing watercourses and drainage features;

(G) off-street parking and loading areas and the surface material used;

(H) ingress and egress points;

(I) existing and proposed streets and alleys;

(J) location, height, and materials of existing and proposed fences;

(K) existing and proposed landscaping;

(L) location and description of signs, lighting, and outdoor speakers;

(M) location and description of all easements, along with the volume and page number where the easement is recorded;

(N) a map of the surrounding area, showing the zoning on all property within 1,500 [~~600~~] feet of the boundary of the operation site, and the distance from wells, structures, or equipment to any use, structures, or features that have spacing requirements under Sections 51-4.213(19) or 51A-4.203(b)(3.2);

(O) a tree survey that complies with Article X;

(P) [~~an electricity usage plan showing the equipment powered by electricity, the amount of electricity needed, the sources of the electric power (whether generated on site or purchased from a retail electric provider), as well as the approximate location of lines,~~

~~poles, generators, generator fuel tanks transformers, fuse boxes, and other apparatus necessary to use electric power;~~

~~(Q)~~] a copy of the SUP ordinance;

(Q[~~R~~]) a copy of the Texas Railroad Commission drilling permit and its attached documents, as well as any other permits, disclosures, or reports required by the Texas Railroad Commission;

(R[~~S~~]) a copy of the storm water pollution prevention plan and the notice of intent required by the Environmental Protection Agency;

(S[~~T~~]) a copy the Texas Commission on Environmental Quality's determination of the depth of useable-quality ground water;

[~~(U) an emergency action response plan approved by the fire marshal that:~~

~~(i) establishes written procedures to minimize any hazard resulting from drilling, completion, production, or abandonment of wells;~~

~~(ii) complies with the existing guidelines established by the Texas Railroad Commission, the Texas Commission on Environmental Quality, the Department of Transportation, and the Environmental Protection Agency; and~~

~~(iii) includes maps from public rights-of-way to the operation site as well as turn-arounds and staging areas for emergency equipment.~~

~~(V) a hazardous materials management plan and a hazardous materials inventory statement as required by the Dallas Fire Code that has been filed with the fire department;~~]

(17) [~~(W)~~] documentation of the insurance and security instruments required by this article;

(18) [~~(X)~~] an indemnification agreement, approved as to form by the city attorney, stating that the operator agrees to defend the city and its officers and employees against all claims of injury or damage to persons or property arising out of the drilling and production operation;

(19) [~~(Y)~~] a notarized statement signed by the operator that the information submitted with the application is true and correct, to the best of the operator's knowledge and belief;

[~~(Z) any other information the gas inspector deems necessary.~~]

(20) an air quality management and monitoring plan that includes:

(A) measures and equipment the operator will use to ensure that all site activities and equipment on the operation site complies with applicable emissions limits, applicable laws relating to emissions, and best management practices of the Environmental Protection Agency and the Texas Commission on Environmental Quality regarding air quality;

(B) monitoring techniques the operator will use to measure for and ensure compliance with applicable emissions limits and all applicable laws relating to emissions; and

(C) a categorization of Environmental Protection Agency Tier (Tier 0 to 4) of all diesel equipment that will be used on the operation site during each phase of the drilling and production use;

(21) a communications plan for tenants, property owners, and residents of protected uses within 2,000 feet of the boundary of the operation site, that:

(A) documents how the operator will notify, solicit feedback, and respond to concerns about the gas drilling and production use;

(B) identifies how the operator will employ early and continuous engagement with tenants, property owners, and residents, including posted notice in public locations;

(C) establishes how the operator will develop and use advance or near-real-time notice of all significant activities occurring during the well's life, including drilling, fracturing, flowback, redrilling and refracturing, completion, abandonment, as well as non-routine occurrences including flaring, spills, or emissions events;

(22) a dust mitigation plan detailing measures the operator will implement to mitigate and suppress dust generated at the operation site, including a mud shaker for vehicles exiting the site;

(23) an electricity usage plan showing:

(A) the equipment powered by electricity,

(B) the amount of electricity needed,

(C) the sources of the electric power,

(D) whether generated on site or purchased from a retail electric provider, and

(E) the approximate location of lines, poles, generators, generator fuel tanks, transformers, fuse boxes, and other apparatus necessary to use electric power;

(24) an emergency action response plan approved by the fire marshal that:

(A) establishes written procedures to minimize any hazard resulting from drilling, completion, production, or abandonment of wells, including prompt and effective response to emergencies regarding:

(i) leaks or releases that may impact public health, safety, welfare;

(ii) fire, explosions, loss of well control, or blowout at or near the well; and

(iii) natural disasters.

(B) complies with the existing guidelines established by the Texas Railroad Commission, the Texas Commission on Environmental Quality, the Department of Transportation, and the Environmental Protection Agency;

(C) includes maps showing the public rights-of-way to the operation site, and turn-arounds and staging areas for emergency equipment;

(D) includes an effective means of notifying and communicating with local fire, police, and public officials during an emergency, including a detailed plan of how the operator will notify and communicate with city officials responsible for notification and evacuation of residents within a half a mile of the operation site, measured from the boundary of the operation site;

(E) includes the availability of personnel, equipment, tools, and materials at the operation site as necessary in case of an emergency;

(F) outline measures to be taken to reduce public exposure to injury and the probability of accidental death or dismemberment;

(G) documents emergency shut-down of an oil or gas well and related site;

(H) establishes a plan for the safe restoration of service and operations following an emergency or incident; and

(I) establishes a follow-up procedure for incident investigation to determine the cause of the incident and the implementation of corrective measures;

(25) an erosion control plan that complies with all city regulations;

(26) a fracture pond design plan that includes an engineering design and a landscape and fencing design that includes:

(A) a detail grading plan prepared by a civil engineer licensed by the state of Texas;

(B) measures that will be taken, such as shallow safety ledges, to prevent drowning;

(C) the fracture pond size and how it is designed to minimize its footprint based on water supply;

(D) an open-design black or dark green chain link fence, a minimum of six feet in height that encloses the fracture pond; and

(E) restorative vegetation that complies with Article X.

(27) a hazardous materials management plan that:

(A) complies with the Dallas Fire Code, as amended;

(B) includes the formula identifying the non-radioactive tracing or tagging additives that the operator will use in all fracturing fluids on the operation site; and

(C) has been filed with the fire department;

(28) a hazardous materials inventory statement that:

(A) complies with the Dallas Fire Code, as amended;

(B) includes material safety data sheets or an equivalent detailing all hazardous materials that are or will be located, stored, transported, or temporarily used on the operation site, including site preparation, boring, fracturing, completing, reworking, redrilling, refracturing, and production. The material safety data sheets must indicate all types, quantities, volumes, and concentration of all hazardous chemicals and additives used in these processes; and

(C) has been filed with the fire department;

(29) A landscape irrigation plan designed by a State of Texas licensed irrigator that includes:

(A) the appropriate type of irrigation for the operation site; and

(B) measures to be taken to adequately irrigate all landscaping, including indicating the water source for irrigation;

(30) a noise management plan detailing how the equipment used in the drilling, completion, transportation, or production of a well complies with the maximum permissible noise levels in Section 51A-6.102 and this article. The noise management plan must:

(A) identify the noise impacts of gas drilling and production; and

(B) provide documentation establishing the ambient noise level in accordance with this article;

(C) detail how the gas drilling and production noise impacts will be mitigated. In determining noise mitigation, the operation site characteristics must be considered, including:

(i) nature and proximity of adjacent development, location, and type;

(ii) seasonal and prevailing weather patterns, including wind directions;

(iii) vegetative cover on and adjacent to the operation site; and

(iv) topography on and adjacent to the operation site;

(31) a pipeline map indicating the location of the nearest gathering station, the alignment of the pipelines connecting the operation site to the gathering station, and a description of how the operator intends to get the gas to the market;

(32) a screening and landscape plan that complies with all city screening and landscape requirements and includes:

(A) a schedule detailing the timing of all landscaping and screening installation or, if a specific use permit has already been approved with a screening and landscape plan, a copy of the approved screening and landscape plan;

(B) the proposed efforts to replace dead or dying screening vegetation; and

(C) a fully executed third-party landscape maintenance agreement detailing the frequency and scope of the services to be provided;

(33) a security plan that includes details about how the security alarm system requirements in this article will be complied with and provides the location of all security cameras provided on the operation site;

(34) a signage plan that complies with the Texas Railroad Commission regulations, this article, and all other city ordinances, rules and regulations for the operation site and pipelines;

(35) a spill prevention plan that complies with state and federal regulations, this article, and all other city ordinances, rules, and regulations and includes a plan for effective containment of all materials on site, including containment and mitigation strategies for any failures of temporary or permanent pipes, tanks, secondary containment systems, and water recycling systems;

(36) a surface reclamation plan that includes how the operator, using industry best practices, will:

(A) restore the operation site to allow its use under the city's comprehensive plan;

(B) control surface water drainage and water accumulation and measures that will be taken during the reclamation process to protect the quantity and quality of surface and groundwater systems;

(C) clean up any polluted surface or ground water;

(D) backfill, grade, and re-vegetate the operation site;

(E) reconstruct, replace, and stabilize the soil;

(F) reshape the topography; and

(G) employ other methods or practices necessary to ensure that all disturbed areas will be reclaimed;

(37) a site lighting plan that complies with the city's lighting ordinance and is designed to promote the safety of all gas drilling and production operations. The plan must include a photometric plan, indicating the type and color of lights to be used and demonstrate how it complies with all Federal Aviation Administration requirements;

(38) a transportation plan that includes a:

(A) traffic impact analysis, including the proposed truck routes, types and weights of trucks and vehicles accessing the operation site; hours of the day that truck and vehicle traffic will be entering and leaving the operation site; days of the week that truck and vehicle traffic will be entering and leaving the operation site; turning movements associated with truck and vehicle traffic; proposed access points; and proposed traffic control devices;

(B) map showing the truck routes approved by the gas inspector and identifying all public and private roads and routes intended for use within the city and that are consistent with any SUP requirements;

(C) videotape of the truck routes, showing in adequate detail the physical conditions of the rights-of-way; and

(D) road repair agreement approved as to form by the city attorney and signed by the operator.

(39) a vector control plan detailing all measures

(A) that will be taken to ensure that a fracture pond will not become a site for mosquito harbourage; and

(B) for mosquito abatement activities, including any biological or chemical control applications or water level control measures;

(40) a waste management plan that includes recycling, treatment, and disposal methods for all drilling muds and cuttings, flowback water, fracturing fluids, salt or produced water, solid waste, and any other materials generated from pad site operations. If the waste management plan includes an injection method, a copy of the Texas Railroad Commission underground injection control permit is required. If the waste management plan includes disposal at a landfill, the location of the landfill and a copy of the permit is required;

(41) a water management plan that includes a description of the water source to be used, the volumes, and the recycling, reuse, or disposal methods that will be used during drilling and production operations; and

(42) any other information the gas inspector deems necessary.

(c) Review of permit applications.

(1) The gas inspector shall return incomplete applications to the operator with a written explanation of the deficiencies.

(2) The gas inspector shall determine whether the gas well permit should be issued, issued with conditions, or denied within 45 days after receiving a complete gas well permit application. If the gas inspector fails to make this determination within this specified time, the gas well permit is deemed denied.

(3) The gas inspector shall issue a gas well permit if the application meets the requirements of this article and the conditions of the SUP. If the application does not meet the requirements of this article or the conditions of the SUP, the gas inspector shall either deny the application or issue the gas well permit subject to written conditions if compliance with the conditions eliminates the reasons for denial. If the gas inspector denies a gas well permit, the gas

inspector [~~he~~] shall provide the operator with a written explanation of the reasons for denial within 30 days.

(d) Content of gas well permit. A gas well permit must:

(1) identify the name of the well and its operator;

(2) identify the name, address, and telephone number of the person designated to receive notices from the city;

(3) identify the names, addresses, and phone numbers of the two emergency contact persons;

(4) state the date the permit is issued;

(5) state that the gas well permit will automatically terminate if the operator does not begin drilling within 180 days after the date of issuance unless the gas inspector grants an extension;

(6) state that all drilling activities must cease within five years from the issuance of the first gas well permit issued on the operation site unless a one-time two-year extension is approved; [~~if the operation site is located within 600 feet of a residential use, the operator shall begin drilling all of the wells approved by the SUP within one year after receiving the gas well permit for the first well located on the operation site;~~]

(7) state that the gas well permit shall automatically terminate after the well is abandoned;

(8) state that the operator shall apply for a new gas well permit before reworking an abandoned well;

(9) incorporate the full text of the indemnity provision from the operator's submitted indemnity agreement;

(10) incorporate, by reference:

(A) the insurance and security requirements of this article;

(B) the conditions of the applicable specific use permit;

(C) the information contained in the permit application;

(D) the rules and regulations of the Texas Railroad Commission, including the field rules;

(E) all other required permits and fees; and

(F) the requirement for annual inspections, periodic reports, emergency reporting, and notice before reworking a well; and

(11) state that the operator shall comply with the most recently submitted and approved site plan, tree survey, hazardous materials management plan, and emergency action response plan. The SUP and the full-sized site plan must be attached to the gas well permit.

(e) Acceptance of permit. By accepting a gas well permit, the operator expressly stipulates and agrees to be bound by and comply with the provisions of this article. The terms of this article shall be deemed to be incorporated in any gas well permit as if they were set forth verbatim in the gas well permit.

(f) Amendment of permit. If the operator wants to change the original site plan attached to the gas well permit and the SUP, the operator shall first seek a zoning amendment or minor amendment and then apply in writing for a gas well permit amendment. If the operator pays the fee to amend their gas well permit, and the new site plan complies with the requirements of the SUP and this article, the gas inspector shall issue an amended gas well permit.

(g) Transfer of permit.

(1) The gas inspector shall transfer a gas well permit to a new operator if:

(A) the transfer is in writing, approved as to form by the city attorney, signed by both operators, and the new operator agrees to be bound by the terms and conditions of the transferred gas well permit, the SUP, and this article;

(B) all information previously provided to the city as part of the application for the original gas well permit is updated to reflect the new operator;

(C) the new operator provides proof of the insurance and security required by this article; and

(D) the operator-transfer fee is paid in full.

(2) The gas inspector shall release the insurance and security provided by the old operator if the requirements of this Subsection (g) are met. The transfer does not relieve the old operator from any liability arising out of events occurring before the transfer.

(h) Revocation or suspension of permit.

(1) If the operator violates this article, the gas well permit, or the SUP, the gas inspector shall give written notice to the operator describing the violation and giving the operator a reasonable time to cure. The time to cure must take into account the nature and extent of the violation, the efforts required to cure, and the potential impact on public health, safety, and welfare. The time to cure must not be less than 30 days unless the:

(A) [~~the~~] violation could cause imminent destruction of property or injury to persons; or

(B) [~~the~~] violation involves the operator's failure to take a required immediate action as required by this article.

(2) If the operator fails to correct the violation within the specified time, the gas inspector shall suspend or revoke the gas well permit. The gas inspector shall also report any violations to the Texas Railroad Commission and request that the Texas Railroad Commission take appropriate action.

(3) If a gas well permit is suspended, no person may engage in any activities that were permitted under that gas well permit except for those activities necessary to remedy the violation. If the violation is remedied, the gas inspector shall reinstate the gas well permit, and the operator may resume gas drilling and production.

(4) If a gas well permit is revoked, the operator shall obtain a new gas well permit before resuming gas drilling or production.

(i) Appeal.

(1) If the gas inspector denies, suspends, or revokes a gas well permit, the gas inspector shall send the operator, by certified mail, return receipt requested, written notice of the decision and the right to appeal.

(2) The operator has the right to appeal to the permit and license appeal board in accordance with Article IX of Chapter 2 of the Dallas City Code. An appeal to the permit and license appeal board stays all enforcement proceedings involving the action appealed from unless the gas inspector determines that a stay would cause imminent destruction of property or injury to persons.

SEC. 51A-12.203[~~106~~]. INSURANCE AND SECURITY INSTRUMENTS.

(a) In general.

(1) The operator shall provide the insurance required in this section at its own expense.

(2) The operator shall keep the insurance in effect until the gas inspector approves the abandonment and restoration of the operation site.

(3) Companies approved by the State of Texas with an AM Best Rating of A or better and acceptable to the city must issue the insurance.

(4) The operator shall provide the gas inspector with a copy of the certificates of insurance.

(5) Upon the gas inspector's request, the operator shall provide copies of the insurance policies and all endorsements at no cost to the city.

(6) Failure of the city to request required insurance documentation does not constitute a waiver of the insurance requirement.

(7) Depleting, wasting, or defense within limits provisions are not permitted in any of the insurance required in this section.

(b) Modification of insurance.

(1) The office of risk management may modify the insurance requirements of this section when necessary based upon economic conditions, recommendation of professional insurance advisors, changes in law, court decisions, or other relevant factors.

(2) The operator shall modify the insurance as requested and shall pay the cost of any modifications.

(c) Subcontractor insurance.

(1) The operator shall require each subcontractor performing work on the operation site to obtain insurance that is appropriate for the services the subcontractor is performing.

(2) The subcontractor shall provide the subcontractor's insurance at its own expense to the operator and gas inspector.

(3) The subcontractor's insurance must name the operator as an additional insured.

(4) The subcontractor shall keep the subcontractor's insurance in effect until the gas inspector approves the abandonment and restoration of the operation site.

(5) Companies approved by the State of Texas with an AM Best Rating of A or better and acceptable to the city must issue the subcontractor's insurance.

(6) The operator shall provide the gas inspector with a copy of the certificates of insurance for each subcontractor at least 30 days before the subcontractor begins work.

(7) Upon request, the operator shall provide the gas inspector with copies of the subcontractor's insurance policies and all endorsements at no cost to the city.

(d) Required provisions. All insurance contracts and certificates of insurance must have an endorsement:

(1) stating that the city is an additional insured to all applicable policies;

(2) stating that coverage may not be cancelled, non-renewed, or materially changed in policy terms or coverage without 30-days advance written notice by mail to the:

(A) [~~the~~] gas inspector; and

(B) [~~the~~] City of Dallas, Director, [~~director of the~~] Office of Risk Management, 1500 Marilla, 6A-South, Dallas, TX 75201 [~~the~~];

(3) waiving subrogation against the city, its officers, [~~and~~] employees, and elected representatives for bodily injury (including death), property damage, or any other loss to all applicable coverages;

(4) stating that the operator's insurance is the primary insurance;

(5) stating that liability, duty, standard of care obligations, and the indemnification provision are underwritten by contractual liability coverage that includes these obligations;

(6) identifying the operation site by address;

(7) identifying the gas inspector as the certificate holder; and

[~~(8) striking the wording "endeavour to" and "failure to mail" under the cancellation provision on the certificate of insurance.~~]

(e) Required coverage. Subject to the operator's right to maintain reasonable deductibles, and subject to a maximum deductible or self-insured retention of $250,000, the operator shall obtain insurance coverage in the following types and amounts:

(1) Workers' compensation insurance with statutory limits.

(2) Employer's liability insurance with the following minimum limits for bodily injury by:

(A) [~~by~~] accident, $1,000,000 [~~$500,000~~] per each accident; and
[~~by~~] disease, $1,000,000 [~~$500,000~~] per employee; and

(B) with a per-policy aggregate of $1,000,000 [~~$500,000~~].

(3) Business automobile liability insurance covering owned, hired, and non-owned vehicles, with a minimum combined bodily injury (including death) and property damage

limit of $2,000,000 [~~$1,000,000~~] per occurrence. If the operator is subject to the Motor Carrier Act, endorsement form MCS 90 is required and a copy must be attached to the certificate of insurance.

(4) Commercial general liability insurance covering explosion, collapse, underground blowout, cratering, premises/operations, personal and advertising injury, products/completed operations, independent contractors, and contractual liability with the following minimum combined bodily injury (including death) and property damage limits of:

(A) $2,000,000 [~~$1,000,000~~] per occurrence;

(B) $2,000,000 products/completed operations aggregate; and

(C) $2,000,000 general aggregate.

(5) Environmental impairment or pollution legal liability insurance covering handling, removal, seepage, storage, testing, transportation, and disposal of materials.

(A) Coverage must include loss of use of property; cleanup cost; and defense, including costs and expenses incurred in the investigation, defense, or settlement of claims in connection with any loss arising from the operation site.

(B) Coverage must apply to sudden and accidental pollution resulting from the escape or release of smoke; vapors; fumes; acids; alkalis; toxic chemicals; liquids or gases; waste material; or other irritants, contaminants, or pollutants.

(C) Coverage must include gradual pollution or pollution legal liability with time element pollution for a minimum combined bodily injury (including death) and property damage limit of $10,000,000 per occurrence.

(D) Coverage must be maintained with a minimum combined bodily injury (including death) and property damage limit of $10,000,000 per occurrence.

[~~(D) As an alternative to providing environmental impairment or pollution legal liability insurance, the operator may purchase an umbrella policy that meets the requirements of Section 51A-12.106(e)(6)(C), or the operator may provide evidence of self-insurance. The operator shall remain sufficiently self-insured until the operation site is abandoned and restored. The operator shall provide the gas inspector with evidence of sufficient self- insurance every six months. This provision does not limit the operator's full responsibility in the event of a loss. An operator is sufficiently self-insured and the environmental impairment and pollution legal liability insurance shall be waived if the operator provides one of the following as evidence of self-insurance:~~

~~(i) restricted cash fund equal to the required environmental impairment or pollution legal liability insurance; or~~

~~(ii) surety bond, in a form acceptable to the city, equal to the required environmental impairment or pollution legal liability insurance.~~]

(6) Umbrella liability insurance following the form of the primary liability coverage described in Paragraphs (1) through (4) [~~(5)~~] and providing coverage with minimum combined bodily injury (including death) and property damage limit of $25,000,000 per occurrence and $25,000,000 annual aggregate. Increased primary liability limits equivalent to the umbrella liability insurance limits specified will satisfy the umbrella liability insurance requirements.

(A) A copy of the declaration page of the policy must be attached to the certificate of insurance.

(B) Coverage must include explosion, collapse, underground blowout, cratering, sudden and accidental pollution, handling, removal, seepage, storage, testing, transportation, and disposal of materials. A copy of the endorsements providing this coverage must be attached to the certificate of insurance.

[~~(C) If the operator does not purchase environmental impairment, pollution legal liability insurance, or is not sufficiently self-insured, then umbrella liability insurance with minimum limits of $35,000,000 per occurrence and $35,000,000 annual aggregate is required.~~]

(7) Control-of-well insurance to provide coverage for the cost of regaining control of an out-of-control (wild) well including the cost of re-drilling and clean up of an incident with minimum limit of $10,000,000. Coverage must include seepage, pollution, stuck drill stem, evacuation expense of residents, loss of equipment, experts, and damage to property that the operator has in the operator's care, custody, or control.

(8) If the insurance required in Section 51A-12.106(e)(4)-(6) is written on a claims-made form, coverage must be continuous (by renewal or extended reporting period) for at least 60 months after the gas inspector approves the abandonment and restoration of the operation site. Coverage, including renewals, must contain the same retroactive date as the original policy.

(f) Miscellaneous provisions.

(1) The city's approval, disapproval, or failure to act regarding any insurance supplied by the operator or a subcontractor does not relieve the operator or subcontractor of full responsibility or liability for damages and accidents. Bankruptcy, insolvency, or the insurance company's denial of liability does not exonerate the operator or the subcontractor from liability.

(2) If an insurance policy is cancelled or non-renewed, the gas inspector shall suspend the gas well permit on the date of cancellation or non-renewal and the operator shall immediately cease operations until the operator provides the gas inspector proof of replacement insurance coverage.

(g) Performance bond or irrevocable letter of credit. Before issuance of a gas well permit, the operator shall give the gas inspector a performance bond or an irrevocable letter of credit approved as to form by the city attorney.

(1) A bonding or insurance company authorized to do business in Texas and acceptable to the city must issue the performance bond. A bank authorized to do business in Texas and acceptable to the city must issue the irrevocable letter of credit.

(2) The performance bond or irrevocable letter of credit must list the operator as principal and be payable to the city.

(3) The performance bond or irrevocable letter of credit must remain in effect for at least six months after the gas inspector approves the abandonment of the well.

(4) Except as otherwise provided, the amount of the performance bond or irrevocable letter of credit must be at least $50,000 per well.

(A) After a well is completed, the operator may request that the gas inspector reduce the existing performance bond or irrevocable letter of credit to $10,000 per well for the remainder of the time the well produces without reworking. The gas inspector shall reduce the existing performance bond or irrevocable letter of credit if the operator has fully complied with the provisions of this article and the conditions of the SUP, and the gas inspector determines that a $10,000 performance bond or irrevocable letter of credit is sufficient.

(B) If the gas inspector determines the operator's performance bond or irrevocable letter of credit is insufficient, the gas inspector may require the operator to increase the amount of the performance bond or irrevocable letter of credit to a maximum of $250,000 per well.

(5) Cancellation of the performance bond or irrevocable letter of credit does not release the operator from the obligation to meet all requirements of this article, the gas well permit, and the SUP. If the performance bond or irrevocable letter of credit is cancelled, the gas well permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the gas inspector with a replacement performance bond or irrevocable letter of credit that meets the requirements of this article.

(6) The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this article, the SUP, or the gas well permit. The performance bond or irrevocable letter of credit may also be used to mitigate public losses (i.e. damage to infrastructure, loss of sales tax, etc.) related to the loss of control of a well.

(h) Road repair security instrument. Before issuance of a gas well permit, the operator shall give the gas inspector a road repair performance bond or an irrevocable letter of credit

approved as to form by the city attorney. The road repair security instrument is in addition to the performance bond or irrevocable letter of credit required by Section 51A-12.106(g).

(1) A bonding or insurance company authorized to do business in Texas and acceptable to the city must issue the performance bond. A bank authorized to do business in Texas and acceptable to the city must issue the irrevocable letter of credit.

(2) The performance bond or irrevocable letter of credit must list the operator as principal and be payable to the city.

(3) The performance bond or irrevocable letter of credit must remain in effect for at least six months after the department of public works completes the final inspection of the right-of-way.

(4) The department of public works shall determine the amount of the performance bond or irrevocable letter of credit based upon, among other factors, the estimated cost to the city of restoring the right-of-way.

(5) Cancellation of the performance bond or irrevocable letter of credit does not release the operator from the obligation to meet all requirements of this article, the gas well permit, and the SUP. If the performance bond or irrevocable letter of credit is cancelled, the gas well permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the gas inspector with a replacement performance bond or irrevocable letter of credit that meets the requirements of this article.

(6) The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties related to the damage of the right-of-way covered by Section 51A-12.107(f).

(i) Well plugging bond. Before issuance of a gas well permit, the operator shall give the gas inspector a well plugging bond.

(1) A bonding or insurance company authorized to do business in Texas and acceptable to the city must issue the well plugging bond.

(2) The well plugging bond must list the operator as principal and be payable to the city.

(3) The well plugging bond must remain in effect for at least six months after the gas inspector approves the abandonment of the well.

(4) Except as otherwise provided, the amount of the well plugging bond must be at least $50,000 per well.

(5) Cancellation of the well plugging bond does not release the operator from the obligation to meet all requirements of this article, the gas well permit, and the SUP. If the

well plugging bond is cancelled, the gas well permit shall be suspended on the date of cancellation and the operator shall immediately cease operations until the operator provides the gas inspector with a replacement well plugging bond that meets the requirements of this article.

(6) The city may draw against the well plugging bond or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this article, the SUP, or the gas well permit. The well plugging bond may also be used to mitigate public losses (i.e. damage to infrastructure, loss of sales tax, etc.) related to the loss of control of a well.

(j) Right-of-way bonds. Rights-of-way bonds on private property between the private landowner and the operator shall have a minimum limit of $10,000.

SEC. 51A-12.204[~~107~~]. OPERATIONS.

(a) In general.

(1) Operations must be conducted in accordance with the practices of a reasonable and prudent gas drilling operation in the State of Texas.

(2) The layout of an operation site must comply with the site plan attached to the gas well permit and the SUP.

(3) No refining, except for gas dehydrating and physical phase separation, may occur on the operation site.

(4) Only freshwater-based mud systems are permitted.

(5) No person may add any type of metal additive into drilling fluids.

(6) Salt or produced-water disposal wells, also known as injection wells, are prohibited.

(7) Unless otherwise directed by the Texas Railroad Commission, the operator shall remove waste materials from the operation site and transport them to an off-site disposal or recycling facility at least once every 30 days.

(8) No air, gas, or pneumatic drilling is permitted.

(9) Salt or produced water or other wastewater collection or transportation pipelines must be approved by city council as part of a required SUP for a gas drilling and production use.

(10) Landfarming is prohibited.

(11) Lift and line compressors are permitted as part of the gas drilling and production use.

(12) The operation site must be kept clear of dilapidated structures, debris, pools of water or other liquids, contaminated soil, brush, high grass, weeds, and trash or other waste material. [~~not become dilapidated, unsightly, or unsafe. For example, the site must be kept clear of high grass, brush, weeds, debris, pools of liquids, contaminated soil, trash, and other waste materials.~~]

(13) Except as otherwise provided in this article, other city ordinances, or the SUP, if the conditions on or the operations of the gas drilling and product use change or any other updates or changes are made that are not reflected on a required plan, the operator shall provide an update to each affected plan to the gas inspector within 30 days of the change.

(14) See Sections 51-4.213(19)(E) or 51A-4.203(b)(3.2)(E) for additional spacing, fencing, and slope requirements.

(b) Dust, vibrations, and odors.

(1) To prevent injury or nuisances to persons living and working in the area surrounding the operation site, the operator shall conduct all drilling and production in a manner that minimizes dust, vibrations, or odors, and in accordance with industry best practices for drilling and production of oil, gas, and other hydrocarbons.

(2) The operator shall adopt proven technological improvements in industry standards for drilling and production if capable of reducing factors of dust, vibration, and odor.

(3) If the gas inspector determines that the dust, vibrations, or odors related to the gas drilling and production present a risk of injury or have become a nuisance to persons living and working in the area, the gas inspector shall require the operator to adopt reasonable methods for reducing the dust, vibrations, and odors.

(4) Brine water, sulphur water, or water in mixture with any type of hydrocarbon may not be used for dust suppression.

(c) Electric lines. Electric lines to the operation site must be located in a manner compatible with those already installed in the surrounding area.

(d) Equipment, structures, and operations.

(1) In general.

(A) American Petroleum Institute. All equipment and permanent structures must conform to the standards of the American Petroleum Institute unless other specifications are approved by the fire marshal.

(B) Maintenance. All equipment and structures must be maintained in good repair and with a neat appearance.

(C) Painting. Unless a specific color is required by federal or state regulations, all equipment and structures must be painted with a neutral color approved by the gas inspector.

(D) Removal of rig and equipment. The drilling rig and associated drilling equipment must be removed from the operation site within 30 days after completion.

(2) Drip pans and other containment devices. Drip pans or other containment devices must be placed underneath all tanks, containers, pumps, lubricating oil systems, engines, fuel and chemical storage tanks, system valves, and connections, and any other area or structures that could potentially leak, discharge, or spill hazardous liquids, semi-liquids, or solid waste materials.

(3) Engines.

(A) Electric motors must be used during drilling unless the operator submits a plan to the gas inspector documenting why electric motors cannot be used.

(B) Only electric motors may be used during production.

(C) Electric power may be generated on the operation site but may not be sold for offsite use. All electrical installations and equipment must comply with city, state, and federal rules and regulations.

(4) Fire prevention equipment.

(A) The operator, at the operator's expense, shall provide fire fighting apparatus and supplies as approved by the fire department and required by federal, state, or local law on the operation site at all times during drilling and production. The operator shall be responsible for the maintenance and upkeep of the fire fighting apparatus and supplies.

(B) If the chief of the fire department makes a written request to the operator, the operator shall provide training and instruction to the fire department and other emergency responders about well safety, emergency management protocol, and all information specific to the well operations or emergency management activities at the operation site. The training must occur within 30 days after the written request is made.

(5) Mud pits.

(A) Only closed-loop drilling fluid systems are permitted.

(B) Low toxicity glycols, synthetic hydrocarbons, polymers, and esters must be substituted for conventional oil-based drilling fluids.

(6) Tanks.

(A) Gas well operations must use tanks for storing liquid hydrocarbons. Tanks must be portable, closed, and made of steel or fiberglass. If the gas inspector discovers the presence of condensate or liquid hydrocarbons, he may require that tanks have a remote foam line.

(B) All tanks must have a vent line, flame and lightning arrestor, pressure-relief valve, and level-control device. The level-control device must automatically activate a valve to close the well to prevent the tank from overflowing.

(C) Tanks must have a secondary containment system that is lined with an impervious material. The secondary containment system must be high enough to contain one and one-half times the contents of the largest tank in accordance with the Dallas Fire Code.

(D) Drilling mud, cuttings, liquid hydrocarbons, and other waste materials must be discharged into tanks in accordance with the rules of the Texas Railroad Commission and other appropriate local, state, or federal agencies.

(E) Temporary flowback tanks must be removed from the operation site within 90 days after completion of the gas well unless the gas inspector extends the time period for no more than 30 additional days or other wells on the operation site are in the drilling phase.

(F) The top of any tank may not exceed the required fence height.

(7) Wells.

(A) Each well must have an automated valve that closes the well if an abnormal change in operating pressure occurs. All wellheads must also have an emergency shut off valve to the well distribution line.

(B) Surface casing must be run and set in full compliance with the Texas Railroad Commission and the Texas Commission on Environmental Quality.

(C) A blowout preventer must be used when wells are being drilled, reworked, or at anytime when tubing is being changed.

(e) Emergencies.

(1) In general.

(A) The emergency action response plan that complies with the Dallas Fire Code, as amended, must be kept current.

(B) A copy of the current emergency response plan must be kept on the operation site at all times.

(C) Updates to the emergency action response plan must be submitted to the gas inspector, the fire chief, and the fire marshal within two business days after any additions, modifications, or amendments are made.

(D) The operator shall conduct an annual review and update of the emergency action response plan that must be approved by the fire marshal.

(2) Compliance with emergency action response plan. In emergencies, the operator shall comply with the current emergency action response plan submitted to the gas inspector.

(3) Loss of control.

(A) If the operator loses control of a well, the operator shall immediately take all necessary steps to regain control regardless of other provisions of this article.

(B) If the gas inspector believes that the loss of control creates a danger to persons and property and the operator is not taking the necessary steps to regain control, the gas inspector is authorized to:

(i) take the necessary steps to regain control; and

(ii) incur expenses for labor and materials necessary to regain control of a well.

(C) The operator shall reimburse the city for any expenses incurred in regaining control.

(f) Environmental requirements.

(1) In general.

(A) All federal, state, and local rules regarding protection of natural resources must be strictly followed.

(B) The operator shall ensure that ground and fresh water wells are not contaminated by gas drilling and production operations or any related activities.

(C) The operator shall comply with all federal, state, and local storm water quality regulations.

(D) The operator shall use industry best practices in recycling and reusing hydraulic fracturing fluids and flowback water.

(2) Air quality.

(A) Gasses vented or burned.

(i) Except as permitted by the Texas Railroad Commission and the fire marshal, the operator shall not vent gases into the atmosphere or burn gases by open flame.

(ii) At no time may a well flow or vent directly into the atmosphere without first directing the flow through separation equipment or into a portable tank.

(iii) If venting or burning of gases is permitted, the vent or open flame must be located at least 300 feet from any structure that is necessary to the everyday operation of wells.

(B) Reduced emissions.

(i) Internal combustion engines and compressors, stationary or mounted on wheels, must be equipped with an exhaust muffler or comparable device that suppresses noise and disruptive vibrations and prevents the escape of gases, fumes, ignited carbon, or soot.

(ii) After fracturing or re-fracturing is completed, the operator must employ appropriate equipment and processes as soon as practicable to minimize natural gas and associated vapor releases into the environment.

(iii) All salable gas must be directed to a sales line as soon as practicable or shut in and conserved.

(iv) All wells that have a sales line must employ reduced emission completion techniques and methods unless the gas inspector determines that reduced emission completion techniques or methods are not feasible or would endanger the safety of personnel or the public.

(v) Vapor recovery equipment is required in accordance with state and federal laws.

(C) Emissions compliance.

(i) If an operation site receives two or more notices of violation for emissions or air quality violations during any 12 month period, as determined by the Texas Commission on Environmental Quality or the Environmental Protection Agency, within 30 days of receiving the second notice, the operator shall submit to the gas inspector an emissions compliance plan.

(ii) The emissions compliance plan must include:

(aa) 24 hour monitoring techniques the operator will use to demonstrate that the operation site complies with applicable emissions limits and all applicable laws relating to emissions.

(bb) activities and equipment the operator will immediately employ to ensure that the operation site complies with applicable emissions limits and all applicable laws related to emissions.

(cc) quarterly reporting to the gas inspector for a period of 12 months of documented compliance.

(3) Baseline assessments.

(A) Air.

(i) Before gas drilling activities begin on an operation site, the operator shall perform a baseline test of air quality on the operation site.

(ii) The baseline air quality test must be collected and analyzed by a qualified third party using proper sampling and laboratory protocol from an Environmental Protection Agency or a Texas Commission on Environmental Quality approved laboratory.

(iii) The minimum baseline air quality results must include benzene, toluene, ethylbenzene, xylenes, ozone, hydrocarbons (e.g. methanes, ethanes, propanes), nitrogen oxides, volatile organic compounds, sulfer dioxides, naphthalenes, acroleins, and formaldehyde.

(iv) The baseline air quality test results must be provided to the gas inspector within 30 days after the baseline testing is conducted.

(v) The operator is responsible for the cost and fees associated with baseline testing of air quality.

(B) Natural gas.

(i) Within 30 days after the first well enters production, the operator must provide to the gas inspector a written extended natural gas analysis.

(ii) The extended natural gas analysis must be performed by a qualified third party laboratory and must include findings for benzene and hydrocarbons.

(iii) The operator is responsible for the cost and fees associated with an extended natural gas analysis.

(C) Water.

(i) Except as otherwise provided in this paragraph, before gas drilling activities begin, the operator shall perform a baseline test of all water wells within 2,000 feet of a well bore and all surface water within 750 of a well bore.

(ii) Water samples must be collected by a third party consultant and analyzed using proper sampling and laboratory protocol from an Environmental Protection Agency or Texas Commission on Environmental Quality approved laboratory.

(iii) The minimum baseline water test results must include TDS, Chlorides, volatile organic compounds and TPH, dissolved gases (methane, ethane), THPH fractioned, SVOC's, and HAP.

(iv) The baseline water test results must be provided to the gas inspector within 30 days after the baseline testing is conducted.

(v) If the operator documents to the satisfaction of the gas inspector that permission to access private property to conduct the required baseline testing is not granted, water baseline testing is not required for that water well or ground water.

(vi) The operator is responsible for the cost and fees associated with baseline testing of all water wells and surface water.

(4) Chemical and hazardous materials storage.

(A) The purpose of this paragraph, the hazardous materials management plan, and the hazardous materials inventory statement, including the materials safety data sheets, is to minimize the:

(i) risk of unwanted releases, fires, or explosions involving hazardous materials; and

(ii) consequences of an unsafe condition involving hazardous materials during normal operations or in the event of an abnormal condition.

(B) The operator shall comply at all times with the hazardous materials management plan, the hazardous materials inventory statement, and the material safety data sheets.

(C) The hazardous materials management plan, the hazardous materials inventory statement, and all material safety data sheets must be kept current.

(D) A copy of the hazardous materials management plan, the hazardous materials inventory statement, and all material safety data sheets must be kept on the operation site at all times.

(E) Updates to the hazardous materials management plan and the hazardous materials inventory statement must be submitted to the gas inspector, the fire chief, and the fire marshal within two business days after any additions, modifications, or amendments are made.

(F) If a hazardous material that is not identified on a material safety data sheet filed with the fire department is being introduced to the operation site, a new or updated material safety data sheet must be provided to the fire department and the gas inspector at least seven days in advance of the hazardous materials being introduced onto the operation site.

(G) If hazardous materials are removed from the operation site or quantities have changed from a previously submitted material safety data sheet, updated copies of the material safety data sheets must be provided to the fire department and gas inspector within two business days.

(H) All chemicals and hazardous materials must be stored in accordance with the hazardous materials management plan and in such a manner as to prevent release, contain, and facilitate rapid remediation and cleanup of any accidental spill, leak, or discharge of a hazardous material.

(I) Containers must be properly labelled in accordance with federal, state, and local regulations.

(J) Operator shall take all appropriate pollution prevention actions, including raising above grade chemicals and other materials (for example, placing chemicals and other materials on wood pallets); installing and maintaining secondary containment systems; and providing adequate protection from storm water and other weather events.

(5) Clean up after spills, leaks, and malfunctions.

(A) After any spill, leak, or malfunction, the operator shall remove, to the satisfaction of the fire marshal, the gas inspector, and the office of environmental quality all waste materials from any public or private property affected by the spill, leak, or malfunction. Clean up operations must begin immediately.

(B) If the operator fails to begin cleanup operations immediately, the city may contact the Texas Railroad Commission to facilitate the removal of all waste materials from the property affected by the spill, leak, or malfunction; or the gas inspector may employ any cleanup experts, other contractors, suppliers of special services, or may incur any other expenses for labor and material that the gas inspector deems necessary to clean up such spill, leak, or malfunction.

(6) Depositing materials. The operator shall not deposit any substance (i.e. oil, naphtha, petroleum, asphalt, brine, refuse, wastewater, etc.) into or upon a right-of-way, storm drain, ditch, sewer, sanitary drain, body of water, private property, or public property.

(7) Erosion control practices. Berms that are at least one foot high and two feet wide, or equivalent erosion devices, must be installed to prevent lot-to-lot drainage. Any damages to adjacent properties from sedimentation or erosion must be repaired immediately.

(8) Flood plain. All gas drilling and production operations must comply with the flood plain regulations in Article V.

(9) Water.

(A) The operator shall set surface casing in accordance with state and local rules and regulations to ensure groundwater protection.

(B) The operator shall:

(i) give the gas inspector 72-hours' notice before setting the well casing; and

(ii) allow access to the operation site during surface casing installation;

(iii) allow access to all relevant reports associated with the setting of the surface casing.

(g) Fresh water fracture ponds.

(1) In general.

(A) Fresh water fracture ponds are permitted on an operation site.

(B) Except as otherwise provided in this subparagraph, additives, oil and gas waste by-products, and salt water are not permitted in a fresh water fracture pond. Vector control additives are permitted in a fresh water fracturing pond.

(C) The fresh water fracture pond must permanently hold sufficient water to prevent a nuisance or vector control problem.

(D) The fresh water fracture pond must comply with the Drainage Design Manual of the Department of Public Works and all other city, state and federal rules and regulations.

(E) Artificial liners are not permitted.

(F) Fresh water fracture ponds must be maintained in a manner using best management practices to ensure the integrity of the fresh water fracture pond. For purposes of this subparagraph, "Best Management Practices" means structural, nonstructural, and managerial techniques that are recognized to be the most effective and practical means to control water storage in open pits in an urban or suburban setting.

(2) Removal and restoration.

(A) Removal.

(i) The operator shall remove the fresh water fracture pond from the operation site within five years from the date the first gas well permit is issued. The operator may apply for a one-time, two-year extension from the gas inspector.

(ii) The request for an extension must be made to the gas inspector in writing at least six months before the fifth year from the date the first gas well permit was issued.

(iii) The gas inspector must approve or deny the extension within 45 days after receiving the extension request.

(iv) As a condition of the approval of the extension, the gas inspector may require additional measures, as necessary, to minimize the impact of the additional drilling activities upon neighboring properties.

(v) The gas inspector must approve the extension if the fresh water fracturing pond will not adversely impact the neighboring properties or if additional measures required eliminate the reasons for denial.

(vi) If the gas inspector denies the request for a one-time two-year extension, he must provide the operator with a written explanation of the reasons for denial within 30 days.

(vii) The operator has the right to appeal to the permit and license appeal board in accordance with Article IX of Chapter 2 of the Dallas City Code. An appeal to the permit and license appeal board stays all enforcement proceedings involving the action appealed unless the gas inspector determines that a stay would cause imminent destruction of property or injury to persons.

(B) Restoration. The operator is responsible for:

(i) removing the fresh water fracture pond;

(ii) grading, leveling, and restoring the area to the same surface condition, as nearly as practicable, that existed before the fracture pond was constructed; and

(iii) restoring the vegetation in accordance with the landscape design provided in the fracture pond design plan.

(h) Fracturing.

(1) Notice.

(A) If the operation site is located within 1,500 feet of a protected use, measured from the boundary of the operation site in a straight line without regard to intervening structures or objects to the nearest protected use, the operator shall post a sign adjacent to the main gate of the operation site informing the public when fracturing will begin and the estimated duration of fracturing. This sign must be posted at least 10 days before fracturing begins.

(B) The operator, at his own expense, shall provide written notification of the date that fracturing will begin and the estimated duration of fracturing to each property owner and registered neighborhood association within 1,500 feet of the boundary of the operation site, measured from the boundary of the operation site in a straight line without regard to intervening structures or objects to the nearest protected use, as shown by the current tax roll. The written notification must be sent by United States mail at least 10 days before fracturing begins.

(C) The operator shall send written notice to the gas inspector of their intent to begin fracturing. The notice must identify the well and estimate the duration of fracturing. The written notice to the gas inspector must be provided at least 15 days before fracturing begins,

(2) Tracing or tagging additives.

(A) Operator shall add non-radioactive tracing or tagging additives into all fracturing fluids used on an operation site.

(B) Operator shall provide the formula identifying the non-radioactive tracing or tagging additives in writing as part of the hazardous materials management plan.

(C) The fracturing fluid non-radioactive tracing or tagging additives must be unique for each operation site.

(D) If the operator changes or amends the non-radioactive tracing or tagging additives, the hazardous materials management plan must be amended and submitted to the fire marshal and the gas inspector at least seven days before introducing the changed additives onto the operation site.

(h) Glare. The operator shall comply with the glare regulations in Section 51A-6.104.

(i) Hours of operation.

(1) Construction activities. Except as otherwise provided in this paragraph, construction activities involving excavation of or alteration to the operation site or repair work on any access road may only occur during daytime hours. City council may expand the hours of operations for these construction activities as part of the required SUP for a gas drilling and production use.

(2) Drill stem testing. All open hole formation or drill stem testing may only occur during daytime hours. Drill stem tests may be conducted only if the well effluent produced during the test is produced through an adequate gas separator to storage tanks and the effluent remaining in the drill pipe at the time the tool is closed is flushed to the surface by circulating drilling fluid down the annulus and up the drill pipe.

(3) Fracturing.

(A) Except as otherwise provided in this subparagraph, fracturing activities may only occur during daytime hours. In an emergency situation, the gas inspector may expand the hours of operation for fracturing activities until the emergency is resolved.

(B) Flowback operations may occur 24 hours per day.

(4) Loudspeakers. Unless required by state or federal laws or regulations, loudspeakers are permitted during daytime hours only.

(5) Reworking. Except as otherwise provided in this paragraph, reworking or work-over operations may only occur during daytime hours. In an emergency situation, the gas inspector may expand the hours of operation for the reworking or work-over operations until the emergency is resolved.

(6) Truck traffic. Except as otherwise provided in this paragraph, truck deliveries and removal of equipment and materials associated with drilling, fracturing, or production, well servicing, site preparation, or other related work conducted on the operation site may only occur during daytime hours. In cases of fires, blowouts, explosions, other emergencies, or where the delivery of equipment is necessary to prevent the cessation of drilling or production, truck deliveries and removal of equipment may occur 24 hours a day.

(j) Hydrogen sulfide. If a gas or oil field is identified as a Hydrogen Sulfide (H_2S) field in accordance with the Texas Railroad Commission, Texas Commission on Environmental Quality, or the Environmental Protection Agency, or if a well is producing H_2S gas in excess of applicable Railroad Commission, Texas Commission on Environmental Quality, or the Environmental Protection Agency, the operator shall stabilize and immediately cease operation of that well or facility.

(k) Incident reports.

(1) Reporting. The operator shall immediately notify the gas inspector and fire marshal of incidents occurring on the operation site, including blowouts, fires, spills, leaks,

explosions; incidents resulting in injury, death, or property damage; or incidents resulting in product loss from a storage tank or pipeline.

(2) Written summary of incident. The operator shall give a written summary of the incident to the gas inspector and fire marshal by 5:00 p.m. on the first business day after the incident.

(3) Follow-up report. The operator shall give a follow-up report to the gas inspector and fire marshal within 30 days after the incident. The follow-up report must be signed and dated by the operator's representative and must include:

(A) the operator's name and location of the operation site;

(B) the phone number, address, and e-mail address of the person with supervisory authority over the operation site;

(C) a description of the incident, including the time, date, location, and cause of the event;

(D) the duration of the incident (an incident ends when it no longer poses a danger to persons or property);

(E) an explanation regarding how the incident was brought under control and remedied; and

(F) a full description of any internal or external investigations or inquiries related to the incident, the findings of those investigations or inquiries, and the actions taken as a result of those findings.

(l) Noise.

(1) Conflicts. Except as otherwise provided in this subsection, the noise regulations in Section 51A-6.102 apply.

(2) Pre-drilling noise levels.

(A) Before the gas well permit may be issued, the operator shall establish and report to the gas inspector the continuous 72-hour pre-drilling ambient noise levels.

(B) The 72 hour time span must include at least one, 24-hour reading during either a Saturday or Sunday. The timeframe for this noise study must be designed to avoid the influence of wind interference on the noise study.

(C) The operator shall submit a proposed ambient noise level study plan to the gas inspector for approval before conducting the study. The proposed noise level

study plan must contain a proposed testing schedule and other details as required by the gas inspector.

(D) The gas inspector shall determine if subsequent noise studies are needed to reevaluate ambient noise conditions.

(E) The operator is responsible for all costs and fees associated with establishing and reporting the continuous 72-hour pre-drilling ambient noise levels.

(3) Noise levels. An operator may not drill, re-drill, or operate any equipment in such a manner so as to create any noise that causes the exterior noise level, when measured at the nearest property line of the tract upon which the nearest protected use or habitable structure is located, or at a point that is 100 feet from the nearest protected use or habitable structure, whichever is closer to the well, to:

(A) exceed the ambient noise level by more than:

(i) 10 decibels during fracturing operations;

(ii) five decibels during daytime hours; and

(iii) three decibels during all other hours.

(B) create pure tones where one-third octave band sound-pressure level in the land with the tone exceeds the arithmetic average of the sound-pressure levels of two contiguous one-third octave bands by:

(i) five dB for center frequencies of 500 hertz and above;

(ii) eight dB for center frequencies between 160 and 400 hertz; and

(iii) 15 dB for center frequencies less than or equal to 125 hertz.

(C) create low-frequency outdoor noise levels that exceed the following decibel levels:

(i) 16 hertz octave band: 65 dB

(ii) 32 hertz octave band: 65 dB

(iii) 64 hertz octave band: 65 dB

(4) Adjustments.

(A) Adjustments to the noise regulations in this subsection are permitted as follows:

dBA	Minutes (cumulative during any 1 hour period)
5	15
10	5
15	1
20	Less than 1

(B) The time period of monitoring will be continuous and will use the A-weighting network reported in decibel units. Data must be recorded and reported as Leq, which means an average measure of continuous noise that has the equivalent acoustic energy of the fluctuating signal over the same period.

(5) Continuous monitoring.

(A) If a proposed gas well is within 1,500 feet of a protected use, measured from the gas well in a straight line, without regard for intervening structures or objects, to the closest protected use, the operator shall comply with the following additional noise abatement measures:

(i) Exterior noise levels, including pure tone and low frequency data, must be continuously monitored to ensure compliance. The continuous noise level monitoring data must also include an audio recording to help identify the source of sound level "spikes" throughout the logging period.

(ii) The continuous noise monitoring equipment must be capable of wireless transmission of real-time noise and audio data. Access to this real-time data must be made available to the gas inspector.

(iii) The noise readings must also be submitted to the gas inspector on a weekly basis in an electronic format or other format specified by the gas inspector. The weekly report must contain all noise data, including pure tone and low frequency readings. The report must state whether the operation site is in compliance with the noise requirements in this subsection and Section 51A-6.101.

(B) If the report indicates that the operation site is not in compliance with the noise regulations in this subsection or Section 51A-6.101, the report must state the measures that are being taken to bring the operation site into compliance and the timeframe for implementing these remedial measures.

(C) The operator is responsible for all costs and fees associated with all continuous noise monitoring.

(D) Continuous monitoring must occur at:

(i) the protected use property line;

(ii) or 100 feet from the nearest protected use, whichever is closer to the noise source; or

(iii) a location approved by the gas inspector.

(6) Blankets and other noise reduction methods.

(A) When required. If a gas well is within 2,000 feet of a protected use, measured from the gas well in a straight line to the protected use, the operator shall provide noise reduction blankets along the perimeter of the operation site that face any protected uses.

(B) Height. Minimum height for a noise reduction blanket is 30 feet, except that the SUP may reduce the minimum noise reduction blanket height if the city council determines that the proposed noise mitigation at the boundary of the operation site is adequate.

(C) Materials.

(i) Noise reduction blankets must be constructed of a fire-retardant material approved by the fire marshal.

(ii) The gas inspector may require the operator to use noise reduction blankets that meet a standard of sound transmission class (STC) 30 or greater when necessary.

(D) Timeframe.

(i) Except as otherwise provided in this paragraph, if drilling, fracturing, or well completion operations cease for a period greater than 90 days, the operator shall immediately remove all boundary noise blankets and all supporting structures. The gas inspector may grant a one-time, 30-day extension per well.

(ii) The gas inspector may waive the 90-day removal requirement for an operation site that has sufficient natural, vegetative, or topographical screening that prevents the view of the boundary noise reduction blankets from city streets or protected uses.

(iii) To ensure compliance with the noise reduction blanket removal requirements, operator shall provide written notice to the gas inspector within 48 hours of ceasing drilling, fracturing, or well completion operations.

(E) Other noise reduction methods.

(i) Acoustic blankets, sound walls, mufflers, or other methods of noise mitigation may be used to ensure compliance with this subsection and Section 51A-6.101.

(ii) Additional methods of noise mitigation must be approved by the gas inspector.

(iii) All soundproofing must comply with accepted industry standards and is subject to approval by the fire marshal.

(m) Periodic reports.

(1) The operator shall notify the gas inspector in writing of any changes to the following information within one week after the change occurs:

(A) the name, address, or phone number of the operator;

(B) the name, address, or phone number of the person designated to receive notices from the city; or

(C) the operator's emergency action response plan.

(2) The operator shall notify the gas inspector in writing within one business day after any changes to the name, address, or 24-hour phone number of the person with supervisory authority over the gas drilling or production operation site.

(3) The operator shall notify the gas inspector in writing that a well has been completed within 72 hours after completion.

(4) The operator shall submit a yearly written report to the gas inspector identifying any changes to the information provided in the gas well permit application not previously reported to the city.

(5) The operator shall give the gas inspector a copy of any complaint submitted to the Texas Railroad Commission within 30 days after the operator receives notice of the complaint.

(6) On a monthly basis, the operator shall give the gas inspector a copy of any new or amended permits, disclosures, and reports required by the Texas Railroad Commission and Texas Commission on Environmental Quality.

(n) Reworking.

(1) At least 10 days before reworking begins, the operator shall send written notice to the gas inspector of the operator's intent to rework a well. The notice must identify the well, describe the activities involved in the reworking, and estimate the duration of the activities.

(2) The operator shall pay the reworking fee before they begin reworking the well.

(3) If a well is already abandoned, a new gas well permit is required to rework.

(o) Rights-of-way. For purposes of this subsection, right-of-way means those rights-of-way located along the truck routes shown on the operator's approved transportation plan and incorporated by reference into the gas well permit.

(1) Periodic inspections. The operator shall periodically inspect the right-of-way to determine if damage has occurred.

(2) City notifying operator. If the department of public works determines that the right-of-way has been damaged, the gas inspector shall notify the operator of the damage.

(3) Repairs. The operator shall repair the damage to the right-of-way within 10 days after discovering or receiving notice of the damage. Repairs must be made in accordance with the current standards of the department of public works. At least two days before making the repairs, the operator shall notify the department of public works of the operator's intent to begin repairs. The operator shall have all necessary permits before repairing the right-of-way.

(4) City making repairs and invoicing operator.

(A) If the operator fails to make repairs within 10 days after discovering or receiving notice of the damage, the director of public works may make the necessary repairs and invoice the operator. The operator shall pay the amount due within 30 days after the invoice date.

(B) If the director of public works determines that the damages to the rights-of-way affect the immediate health and safety of the public, the director of public works may make the repairs without first requesting that the operator make the repairs. The director of public works shall invoice and the operator shall pay the amount due within 30 days after the invoice date.

(C) If required by state law, the director of public works shall employ a competitive bidding process before making the repairs to the rights-of-way.

(5) Final inspection. After the gas inspector approves the abandonment and restoration of the operation site, the operator shall notify the director of public works and request an inspection of the right-of-way. After inspection, the director of public works shall notify the operator of any needed repairs. Repairs must be made in accordance with this article.

(p) Security.

(1) Personnel.

(A) During drilling, fracturing, or reworking of a well, at least one person designated by the operator must be on the operation site at all times to oversee the activities and monitor safety.

(B) An operator shall provide an off-duty certified peace officer to direct traffic at the entrance to the operation site when high truck traffic is accessing the site, including during the construction of the operation site and fracture pond, drilling, fracturing, flowback, and any reworking activities that requires a rig. The off-duty certified peace officer must ensure that all traffic entering and exiting the operation site is using the approved transportation route. A written record must be maintained of any violators and must be available on-site for inspection by the gas inspector.

(2) Security system. Within ten days of completion of the temporary perimeter fencing, the operator shall install a fully operational security system that meets the following requirements:

(A) Remotely monitored control access system. The operator shall install and maintain at all vehicular gates a permitted, remotely monitored control access system. The control access system must meet the following requirements:

(i) Monitoring. The control access system must be monitored by facility capable of monitoring security-related alarm systems and meeting all required state and federal guidelines. The monitoring facility must be staffed and operational at all times.

(ii) Access control. Gate access must be secured by an access control system with an unlocking and re-locking mechanism that requires a card, numeric code, or other identification device for gate operation. The system must record the identity of the entering party and the date and time of such entry.

(iii) Intrusion detection system. The control access system must include a gate closure contact sensor that activates when the gate closure sensor is violated by non-identified access. The control access system must be equipped to signal a control panel that activates an on-site audible signal and registers at the monitoring facility when an access breach is detected.

(iv) Open gate detection. The control access system must include an open gate detection alarm that notifies the monitoring facility if the gate closure sensors, once accessed, are not closed and thereby reactivated within five minutes of being opened.

(v) Exit sensor. The operator shall equip all gates with a motion sensor, weight sensor, or other device to unarm the gate for vehicles exiting the site.

(B) Exit gate.

(i) Gates must be installed on all fences and must remain locked unless gas drilling personnel are present.

(ii) An exit-only gate must be installed for personnel near the vehicular gate entrance.

(C) Response to alarms. The operator shall obtain an alarm permit for the alarm system from the police department in accordance with the city's alarm ordinance. The monitoring facility must notify the operator and the police department in case of security breach at the operation site. The operator shall respond on-site with an authorized representative within 45 minutes of notification of an alarm. The gas inspector may suspend the gas well permit of any operator responsible for more than 20 false alarms in any calendar year.

(D) Automated audible alarm system. The operator shall install and maintain an audible alarm system at each operation site to provide warnings in case of a substantial drop in pressure, or the release of any gas, oil, or fire.

(6) Security cameras.

(A) The operator shall at all times after the temporary perimeter fence is installed have:

(i) an adequate number of 24-hour operating security cameras to ensure coverage of the operation site, inside the perimeter fence; and

(ii) post on the fencing of the site signs indicating that any activity on the site may be recorded by video surveillance.

(B) Cameras must be maintained in proper operating condition and must:

(i) capture clear video images of all traffic entering and exiting the gates;

(ii) capture clear video images of all production equipment located on the operation site;

(iii) be equipped with motion detection technology;

(iv) be equipped with panning technology to pan immediately to any motion detected on the operation site; and

(v) show the date and time of all activity on the video footage; and

(vi) be capable of being viewed at a monitoring facility.

(C) The operator shall maintain continuous video data for a period of at least 672 hours. Upon request, the operator shall provide to the gas inspector any recorded views of the fenced area.

(D) Data from videos may only be requested by the gas inspector or law enforcement officials.

(q) Signs. All signs must be printed on durable, reflective, waterproof material. Signs must remain legible until the operation site is abandoned and restored pursuant to this Article.

(1) Informational sign. The operator shall prominently display a sign on the fence adjacent to the main gate that lists the following:

(A) well names and numbers;

(B) name of the operator;

(C) the address of the operation site;

(D) the emergency 911 number;

(E) the telephone numbers of the two people who may be contacted 24 hours a day in case of an emergency; and

(F) the contact number for the office of the gas inspector.

(2) No smoking signs. The operator shall prominently display signs reading, "Danger, No Smoking Allowed," in both English and Spanish adjacent to all gates and any other locations required by the fire marshal. Sign lettering must be a minimum of four inches in height and be red on a white background or white on a red background.

(r) Spacing.

(1) Gas wells. Gas wells must be spaced at least:

CPC recommendation

(A) 1,500 feet from any existing fresh-water well;

Task Force recommendation

(A) 200 feet from any existing fresh-water well;

(B) 25 feet from any property line;

(C) 25 feet from any storage tank or source of ignition;

(D) 75 feet from any right-of-way; and

(E) 100 feet from any structure that is not used for the everyday operation of the well.

(F) Spacing is measured from the center of the well bore at the surface of the ground in a straight line without regard to intervening structures or objects, to the closest point of the use, structure, or feature creating the spacing requirement.

(2) Tanks and tank batteries.

(A) Tanks and tank batteries must be spaced at least:

(i) 100 feet from any combustible structure;

(ii) 25 feet from all right-of-ways and property lines.

(B) The Dallas Fire Code may require additional spacing depending on the size of the tank.

(C) Spacing is measured from the closest point of the structure or equipment, in a straight line, without regard to intervening structures or objects, to the closest point of the use, structure, or feature creating the spacing requirement.

(s) Soil.

(1) In general.

(A) It is unlawful to contaminate any soil above regulatory thresholds, and fail to expeditiously remediate the contaminated soil.

(B) A licensed third party contractor retained by the city will collect and analyze all pre-drilling and post-drilling soil samples.

(C) The operator is responsible for the cost and fees assessed by the third party contractor.

(2) Baseline.

(A) Except as otherwise provided in this paragraph, before any drilling activities may occur on an operation site, soil sampling must be conducted by a representative of the city to establish a baseline study of soil conditions on the operation site and property within 2,000 feet of the boundary of the operation site.

(B) Soil samples will be collected and analyzed using proper sampling and laboratory protocol set forth by the Environmental Protection Agency or the Texas Commission on Environmental Quality. The results of the analyses will be addressed to the city and a copy of the report provided to the operator and other property owners whose soil was sampled.

(C) A minimum of five soil samples will be collected at locations across the operation site with at least two samples at or adjacent to any proposed equipment to be used on the operation site and analyzed in accordance with this subsection.

(D) A minimum of five soil samples will be collected at locations across each property located within 2,000 feet of the boundary of the operation site and analyzed in accordance with this subsection. If permission to access private property to conduct the baseline testing is not granted, baseline testing is not required for that property.

(E) The soil sample baseline study analyses will include:

(i) a description of the point samples and GPS coordinates of each location;

(ii) planned equipment above the sampled area, if applicable;

(iii) methodology of sample collection;

(iv) description of field condition;

(v) summary of laboratory data results compared to the minimum acceptable soil sampling criteria;

(vi) copies of all laboratory data sheets;

(vii) drawings of sample points; and

(viii) analysis of the following: TPH, VOCs, SVOCs, Chloride, Barium, Chromium, and Ethylene Glycol.

(3) Post-drilling.

(A) After the drilling of each well, soil samples will be collected across the operation site and analyzed in accordance with this subsection.

(B) Additionally, periodic soil sampling may be conducted as determined by the city during inspection events to document soil quality at the operation site.

(4) Abandonment. When the operation site is abandoned in accordance with the Texas Railroad Commission requirements and Section 51A-12.205 and after the equipment for that well is removed from the operation site, the operator shall collect soil samples of the abandoned operation site to document that the final conditions are within regulatory requirements.

(5) Remediation. If prohibited amounts of a hazardous substance are found at the operation site, the operator shall remediate the location within 30 days. After the operator remediates the operation site, soil sampling must be collected and analyzed at such locations on the operation site as are necessary to determine compliance.

(t) Storage and vehicle parking. The only items that may be stored and vehicles that may be parked on the operation site are those that are necessary to the everyday operation of the well and do not constitute a fire hazard. The fire department determines what constitutes a fire hazard.

(u) Vector control. The operator must comply with the vector control plan approved as part of the gas well permit and all city ordinances, rules, and regulations regarding mosquito larvae within a fresh water fracturing pond or elsewhere on the operation site.

~~[Operation site.~~

~~(1) The layout of an operation site must comply with the site plan attached to the gas well permit and the SUP.~~

~~(2) The operation site must not become dilapidated, unsightly, or unsafe. For example, the site must be kept clear of high grass, brush, weeds, debris, pools of liquids, contaminated soil, trash, and other waste materials.~~

~~(3) See Sections 51-4.213(19)(E) or 51A-4.203(b)(3.2)(E) for spacing, fencing, and slope requirements.~~

~~(c) Storage and vehicle parking. The only items that may be stored and vehicles that may be parked on the operation site are those that are necessary to the everyday operation of the well and do not constitute a fire hazard. The fire department determines what constitutes a fire hazard.~~

~~(d) Signs. All signs must be printed on durable, reflective, waterproof material. Signs must remain legible until the operation site is abandoned and restored pursuant to this Article.~~

~~(1) Informational sign. The operator shall prominently display a sign on the fence adjacent to the main gate that lists the following:~~

~~(A) well names and numbers;~~

~~(B) name of the operator;~~

(C) the address of the operation site;

(D) the emergency 911 number; and

(E) the telephone numbers of the two people who may be contacted 24 hours a day in case of an emergency.

(2) No smoking signs. The operator shall prominently display signs reading, "Danger, No Smoking Allowed," in both English and Spanish adjacent to all gates and any other locations required by the fire marshal. Sign lettering must be a minimum of four inches in height and be red on a white background or white on a red background.

(e) Environmental safety requirements.

(1) Protection of natural resources. All federal, state, and city rules regarding protection of natural resources must be strictly followed. The operator shall ensure that the ground water is not contaminated by the gas drilling and production operation and any related activities.

(2) Depositing materials. The operator shall not deposit any substance (i.e. oil, naphtha, petroleum, asphalt, brine, refuse, wastewater, etc.) into or upon a right-of-way, storm drain, ditch, sewer, sanitary drain, body of water, private property, or public property.

(3) Clean-up after spills, leaks, and malfunctions. After any spill, leak, or malfunction, the operator shall remove, to the satisfaction of the fire marshal, the gas inspector, and the office of environmental quality all waste materials from any public or private property affected by the spill, leak, or malfunction. Clean-up operations must begin immediately. If the operator fails to begin cleanup operations, the city may contact the Texas Railroad Commission in order to facilitate the removal of all waste materials from the property affected by the spill, leak, or malfunction.

(4) Gasses vented or burned by open flame. The operator shall not vent gases into the atmosphere or burn gases by open flame except as permitted by the Texas Railroad Commission and the fire marshal. If venting or burning of gases is permitted, the vent or open flame must be located at least 300 feet from any structure necessary to the everyday operation of wells.

(5) Erosion control practices. Berms that are at least one foot high and two feet wide, or equivalent erosion devices, must be installed to prevent lot-to-lot drainage. Any damages to adjacent properties from sedimentation or erosion must be repaired immediately.

(6) Chemical and hazardous materials storage. All chemicals and hazardous materials must be stored in such a manner as to prevent, contain, and facilitate rapid remediation and cleanup of any accidental spill, leak, or discharge of a hazardous material. Operator shall keep all material safety data sheets for hazardous materials on the operation site. Containers must be properly labelled in accordance with federal, state, and local regulations.

(7) Flood plain. All gas drilling and production operations must comply with the flood plain regulations in Article V.

(f) Right-of-way. For purposes of this paragraph, right- of-way means those rights-of-way located along the truck routes as shown in the operator's gas well permit application and incorporated by reference in the gas well permit.

(1) Periodic inspections. Operator shall periodically inspect the right-of-way to determine if damage has occurred.

(2) City notifying operator. If the department of public works determines that the right-of-way has been damaged, the gas inspector shall notify the operator of the damage.

(3) Repairs. The operator shall repair the damage to the right-of-way within 10 days after discovering or receiving notice of the damage. Repairs must be in accordance with the current standards of the department of public works. At least two days before making the repairs, the operator shall notify the department of public works of the operator's intent to begin repairs. The operator shall have all necessary permits before repairing the right-of-way.

(4) City making repairs and invoicing operator.

(A) If the operator fails to make repairs within 10 days after discovering or receiving notice of the damage, the director of public works may make the necessary repairs and invoice the operator. The operator shall pay the amount due within 30 days after the invoice date.

(B) If the director of public works determines that the damages to the rights-of-way affect the immediate health and safety of the public, the director of public works may make the repairs without first requesting that the operator make the repairs. The director of public works shall invoice and the operator shall pay the amount due within 30 days after the invoice date.

(C) If required by state law, the director of public works shall employ a competitive bidding process before making the repairs to the rights-of-way.

(5) Final inspection. After the gas inspector approves the abandonment and restoration of the operation site, the operator shall notify the director of public works and request an inspection of the right-of-way. After inspection, the director of public works shall notify the operator of any needed repairs. Repairs must be made in accordance with this article.

(g) Equipment, structures, and operations.

(1) American petroleum institute. All equipment and permanent structures must conform to the standards of the American Petroleum Institute unless other specifications are approved by the fire marshal.

~~(2) Painting. Unless a specific color is required by federal or state regulations, all equipment and structures must be painted with a neutral color approved by the gas inspector.~~

~~(3) Maintenance. All equipment and structures must be maintained in good repair and with a neat appearance.~~

~~(4) Removal of rig and equipment. The drilling rig and associated drilling equipment must be removed from the operation site within 30 days after completion.~~

~~(5) Tanks.~~

~~(A) Gas well operations must use tanks for storing liquid hydrocarbons. Tanks must be portable, closed, and made of steel or fiberglass. If the gas inspector discovers the presence of condensate or liquid hydrocarbons, he may require that tanks have a remote foam line.~~

~~(B) All tanks must have a vent line, flame and lightning arrestor, pressure relief valve, and level control device. The level control device must automatically activate a valve to close the well to prevent the tank from overflowing.~~

~~(C) Tanks must have a secondary containment system that is lined with an impervious material. The secondary containment system must be high enough to contain 1 1/2 times the contents of the largest tank in accordance with the Dallas Fire Code.~~

~~(D) If a closed-loop system is used, drilling mud, cuttings, liquid hydrocarbons, and other waste materials must be discharged into tanks in accordance with the rules of the Texas Railroad Commission and other appropriate local, state, or federal agencies.~~

~~(6) Mud pits. If the operator uses an open-looped system, the operator shall comply with the following restrictions on mud pits:~~

~~(A) Drilling mud, cuttings, liquid hydrocarbons, and other waste materials must be discharged into mud pits in accordance with the rules of the Texas Railroad Commission and other appropriate local, state, or federal agencies.~~

~~(B) Mud pits must have an impervious lining.~~

~~(C) The contents of any mud pit must be maintained at least two feet below the top of the mud pit.~~

~~(7) Wells.~~

~~(A) Each well must have an automated valve that closes the well if there is an abnormal change in operating pressure. All wellheads must also have an emergency shut off valve to the well distribution line.~~

(B) Surface casing must be run and set in full compliance with both the Texas Railroad Commission and the Texas Commission on Environmental Quality.

(C) A blowout preventer must be used when wells are being drilled, reworked, or at anytime when tubing is being changed.

(8) Flow lines and gathering lines.

(A) Flow lines and gathering lines may not exceed the maximum allowable operating pressure of the installed pipes.

(B) Flow lines and gathering lines must be installed with the minimum cover or backfill specified by the American National Safety Institute Code, as amended.

(C) The operator shall place an identifying sign at each point where a flow line or gathering line crosses a public street.

(D) No person may build a structure over a flow line or gathering line.

(9) Engines.

(A) Electric motors or internal combustion engines may be used during drilling.

(B) Only electric motors may be used during production.

(C) Internal combustion engines must be equipped with an exhaust muffler or comparable device that suppresses noise and prevents the escape of gases, fumes, ignited carbon, or soot.

(10) Drip pans and other containment devices. Drip pans or other containment devices must be placed underneath all tanks, containers, pumps, lubricating oil systems, engines, fuel and chemical storage tanks, system valves, and connections, and any other area or structures that could potentially leak, discharge, or spill hazardous liquids, semi-liquids, or solid waste materials.

(11) Fire prevention equipment. The operator, at the operator's expense, shall provide fire fighting apparatus and supplies as approved by the fire department and required by federal, state, or local law on the operation site at all times during drilling and production. The operator shall be responsible for the maintenance and upkeep of the fire fighting apparatus and supplies.

(h) Electric lines. Electric lines to the operation site must be located in a manner compatible to those already installed in the surrounding area.

~~(i) Noise.~~

~~(1) Conflicts with other regulations. Except as provided in this paragraph, the noise regulations in Section 51A-6.102 apply.~~

~~(2) Drilling. Drilling may not produce a sound level greater than 78 dB(a).~~

~~(3) Fracturing. Fracturing may not produce a sound level greater than 85 dB(a) or five dB(a) above background noise, which ever is greater.~~

~~(4) Measurement. The sound level shall be measured by using the sound-level meter readings measured four feet above grade and at a distance of 300 feet from the well.~~

~~(j) Glare. The operator shall comply with the glare regulations in Section 51A-6.104.~~

~~(k) Dust, vibrations, and odors. To prevent injury or nuisances to persons living and working in the area surrounding the operation site, the operator shall conduct all drilling and production in a manner to minimize dust, vibrations, or odors consistent with the best practices of the industry. The operator shall adopt proven technological improvements in industry standards of drilling and production if capable of reducing dust, vibrations, and odors. If the gas inspector determines that the dust, vibrations, or odors related to the gas drilling and production present a risk of injury or have become a nuisance to persons living and working in the area, the gas inspector shall require the operator to adopt any reasonable methods for reducing the dust, vibrations, and odors.~~

~~(l) Explosives. No explosives may be used when conducting a seismic survey.~~

~~(m) Fracturing.~~

~~(1) Limited hours for fracturing. Fracturing activity may only occur during daylight hours, except that flowback operations may occur 24 hours per day.~~

~~(2) Personnel. During fracturing, at least one person designated by the operator shall be on the operation site at all times to oversee fracturing activity and monitor safety.~~

~~(3) Notice.~~

~~(A) If the operation site is located within 600 feet of an occupied residential use, the operator shall post a sign adjacent to the main gate of the operation site advising the public when fracturing will begin and the estimated duration of fracturing. This sign must be posted at least 10 days before fracturing begins.~~

~~(B) The operator, at his own expense, shall provide written notification of the date that fracturing will begin and the estimated duration of fracturing to each property owner and registered neighborhood association within 600 feet of the operation site, as shown by~~

~~the current tax roll. The written notification must be sent by United States mail at least 10 days before fracturing begins.~~

~~(C) At least 15 days before fracturing begins, the operator shall send written notice to the gas inspector of their intent to begin fracturing. The notice must identify the well and estimate the duration of fracturing.~~

~~(n) Reworking.~~

~~(1) At least 10 days before reworking begins, the operator shall send written notice to the gas inspector of the operator's intent to rework a well. The notice must identify the well, describe the activities involved in the reworking, and estimate the duration of the activities.~~

~~(2) The operator shall pay the reworking fee before they begin reworking the well.~~

~~(3) If a well is already abandoned, a new gas well permit is required to rework.~~

~~(o) Emergencies.~~

~~(1) Compliance with emergency action response plan. In emergencies, the operator shall comply with the most recent emergency action response plan submitted to the gas inspector.~~

~~(2) Loss of control. If the operator loses control of a well, the operator shall immediately take all necessary steps to regain control regardless of other provisions of this article. If the gas inspector believes that the loss of control creates a danger to persons and property and that the operator is not taking the necessary steps to regain control, the gas inspector may incur expenses for labor and material necessary to regain control. The operator shall reimburse the city for any expenses incurred to regain control.~~

~~(p) Incident reports.~~

~~(1) Immediate report of incident. The operator shall immediately notify the gas inspector and fire marshal of any incident, including blowouts; fires; spills; leaks; explosions; incidents resulting in injury, death, or property damage; or incidents resulting in product loss from a storage tank or pipeline.~~

~~(2) Written summary of incident. The operator shall give a written summary of the incident to the gas inspector and fire marshal by 5:00 p.m. on the first business day after the incident.~~

~~(3) Follow-up report. The operator shall give a follow-up report to the gas inspector and fire marshal within 30 days after the incident. The follow-up report must be signed and dated by the operator's representative and must include:~~

~~(A) the operator's name and location of the operation site;~~

~~(B) the phone number, address, and e-mail address of the person with supervisory authority over the operation site;~~

~~(C) a description of the incident, including the time, date, location, and cause of the event;~~

~~(D) the duration of the incident (an incident ends when it no longer poses a danger to persons or property);~~

~~(E) an explanation regarding how the incident was brought under control and remedied; and~~

~~(F) a full description of any internal or external investigations or inquiries related to the incident, the findings of those investigations or inquiries, and the actions taken as a result of those findings.~~

~~(q)~~ ~~Periodic reports.~~

~~(1) The operator shall notify the gas inspector of any changes to the following information within one week after the change occurs:~~

~~(A) the name, address, or phone number of the operator;~~

~~(B) the name, address, or phone number of the person designated to receive notices from the city; or~~

~~(C) the operator's emergency action response plan.~~

~~(2) The operator shall notify the gas inspector within one business day after any changes to the name, address, or 24-hour phone number of the person with supervisory authority over gas drilling or production.~~

~~(3) The operator shall notify the gas inspector that a well has been completed within 72 hours after completion.~~

~~(4) The operator shall submit a yearly written report to the gas inspector identifying any changes to the information provided in the gas well permit application not previously reported to the city.~~

~~(5) The operator shall give the gas inspector a copy of any complaint submitted to the Texas Railroad Commission within 30 days after the operator receives notice of the complaint.~~]

SEC. 51A-12-205[~~108~~]. ABANDONMENT AND RESTORATION.

(a) Abandonment of a well. The operator shall abandon each well after production has ceased on that well. A well is considered abandoned if the Texas Railroad Commission approves the abandonment, and the operator provides the gas inspector with a copy of the Texas Railroad Commission's approval.

(b) Abandonment and restoration of the operation site. The operator shall abandon and restore the operation site within 60 days after production has ceased on all wells located on the operation site. An operation site is not considered abandoned until the gas inspector inspects the operation site and approves the abandonment and restoration. The gas inspector shall approve the abandonment and restoration of the operation site if:

(1) the operation site is restored to its original condition, as nearly as practicable, in accordance with the surface reclamation plan;

(2) all wells located on the operation site are plugged and all well casings are cut and removed to a depth of at least three feet below surface;

(3) all equipment is removed from the operation site;

(4) the operator provides the gas inspector with a copy of the Texas Railroad Commission's approval of the abandonment for each well located on the operation site; and

(5) the abandonment complies with the Dallas Fire Code.

(6) soil sampling has been conducted in accordance with this division and all required remediation is completed in accordance with state and federal regulations, this article, and all other city ordinances.

(c) Development after abandonment.

(1) No building permit may be issued for any construction on or redevelopment of the operation site until the gas inspector approves the abandonment and restoration of the operation site.

(2) No structure may be built over a vertical shaft of an abandoned well.

Division III. Regulated pipelines.

SEC. 51A-12.301. PIPELINE PERMIT.

(a) In general.

(1) No person may participate or assist in site preparation, installing, constructing, reconstructing, reworking, modifying, or replacing a regulated pipeline or any section of a regulated pipeline, without first obtaining a regulated pipeline permit issued by the city in accordance with this division.

(2) A regulated pipeline permit is required in addition to any permit, license, or agreement required under this article, other city ordinances, or state or federal laws.

(3) All technical industry words or phrases used in this section not specifically defined have meanings customarily attributed by prudent operators in the oil and gas regulated pipeline industry.

(b) Permit application. A regulated pipeline permit application must be in writing, signed by the pipeline operator, and filed with the gas inspector. The pipeline operator shall provide the following information on a form furnished by the city:

(1) the name, business addresses, and telephone numbers of the pipeline operator;

(2) the names, titles, and telephone numbers of the person:

(A) signing the application on behalf of the pipeline operator; and

(B) designated as the principal contact for the submittal;

(3) the person designated as the 24-hour emergency contact;

(4) the names, mailing addresses, and telephone numbers of at least two primary persons, officers, or contacts available on a 24-hour basis and at least two alternative persons, officers, or contacts to be reached if the primary contacts are unavailable who:

(A) can initiate appropriate actions to respond to an emergency;

(B) have access to information on the location of the closest shutoff valve to any specific point in the city; and

(C) can furnish the common name of the material being carried by the regulated pipeline.

(5) the origin point and the destination of the proposed pipeline;

(6) a description of the general location of the proposed regulated pipeline;

(7) the substance to be transported through the proposed regulated pipeline;

(8) a copy of the material safety data sheet;

(9) an emergency response plan with procedures that provide for prompt and effective response to emergencies, including:

(A) leaks or releases that can impact public health, safety, or welfare;

(B) fire or explosions at or in the vicinity of a regulated pipeline or pipeline easement;

(C) natural disasters;

(D) effective means to notify and communicate required and pertinent information to local fire, police, and public officials during an emergency;

(E) the availability of personnel, equipment, tools, and materials as necessary at the scene of an emergency;

(F) measures to be taken to reduce public exposure to injury and probability of accidental death or dismemberment;

(G) emergency shut down and pressure reduction of a regulated pipeline;

(H) the safe restoration of service following an emergency or incident; and

(I) a follow-up incident investigation to determine the cause of the incident and require the implementation of corrective measures.

(10) engineering plans, drawings, and maps with summarized specifications showing the horizontal location, covering depths, and location of shutoff valves for the proposed subject regulated pipeline. (The location of shutoff valves must be known in order for emergency responders to clear area for access valves.) To the extent the information can be obtained, drawings showing the location of other regulated pipelines and utilities that will be crossed or paralleled within 15 feet of the proposed regulated pipeline;

(11) a description of the public safety considerations and avoidance, as far as practicable, of existing protected uses, habitable structures, and congregated areas;

(12) detailed cross section drawings for all public street rights-of-way and easement crossings;

(13) methods to be used to prevent both internal and external corrosion;

(14) a binder or certificates of all bonds and insurance as required under this division;

(15) a tree survey measured from the outer edge of any improvements, construction areas, development, equipment, materials, temporary roads, access easements, and built structures, extending 25 feet, without regard to intervening structures or objects;

(16) a proposed alignment strip map showing name and address of all affected property owners;

(17) a site plan showing the location of the regulated pipeline that complies with the city's site plan requirements; and

(18) plans showing the:

(A) dimensions and locations of the regulated pipeline and related items or facilities within the subject right-of-way or easement;

(B) all proposed lift stations, pumps, or other service structures related to the regulated pipeline; and

(C) location, type, and size of all existing utilities, drainage, rights-of-way, and roadway improvements; and

(D) elevation and location of all known public utilities within 15 feet of the centerline of the proposed regulated pipeline.

(c) Review of permit applications.

(1) The gas inspector shall return incomplete applications to the pipeline operator with a written explanation of the deficiencies.

(2) The gas inspector shall determine whether the regulated pipeline permit should be issued, issued with conditions, or denied within 45 days after receiving a complete regulated pipeline permit application. If the gas inspector fails to make this determination within this specified time, the regulated pipeline permit application is deemed denied.

(3) The gas inspector must issue a regulated pipeline permit if the application meets the requirement of this division and all other applicable city ordinances, rules, and regulations and state and federal law.

(4) If the application does not meet the requirements of this division or other city rules or regulations, the gas inspector shall either deny the application or issue the regulated pipeline application subject to written conditions if compliance with the conditions eliminates the reasons for denial. If the gas inspector denies a regulated pipeline permit application, the gas

inspector shall provide the pipeline operator with a written explanation of the reasons for denial with 30 days.

(d) Expiration. A regulated pipeline permit shall expire if the regulated pipeline has not been completed and the surface restored within two years. The gas inspector may grant one extension of time not to exceed one year if the gas inspector determines that weather or other unexpected physical conditions justify such an extension. If the regulated pipeline permit expires, and construction of the regulated pipeline is not completed, the pipeline operator shall immediately cease construction and complete any site remediation required by this division or other applicable law, regulation or ordinance.

(e) Revocation or suspension.

(1) If the pipeline operator violates this division or the regulated pipeline permit, the gas inspector shall give written notice to the pipeline operator describing the violation and giving the operator a reasonable time to cure. The time to cure must take into account the nature and extent of the violation, the efforts required to cure, and the potential impact on public health, safety, and welfare. The time to cure may not be less than 30 days unless the violation:

(A) could cause imminent destruction of property or injury to persons; or

(B) involves the operator's failure to take a required immediate action required by this division.

(2) If the operator fails to correct the violation within the specified time, the gas inspector shall suspend or revoke the gas well permit. The gas inspector shall also report any violations to the United States Department of Transportation and Texas Railroad Commission and request that these agencies take appropriate action.

(3) If a regulated pipeline permit is suspended, no person may engage in any activities permitted under that regulated pipeline permit except for those necessary to remedy the violation. If the violation is remedied, the gas inspector shall reinstate the regulated pipeline permit, and the pipeline operator may resume operations.

(4) If a regulated pipeline permit is revoked, the operator shall obtain a new regulated pipeline permit before resuming operations.

(5) If the gas inspector denies, suspends, or revokes a regulated pipeline permit, the gas inspector shall send the pipeline operator, by certified mail, return receipt requested, written notice of the decision and the right to appeal.

(6) The operator has the right to appeal to the permit and license appeal board in accordance with Article IX of Chapter 2 of the Dallas City Code. An appeal to the permit and license appeal board stays all enforcement proceedings involving the action appealed from unless

the gas inspector determines that a stay would cause imminent destruction of property or injury to persons.

SEC. 51A-12.302. INSURANCE.

(a) Each person must carry public liability insurance with a carrier rated "A" or better by A.M. Best in a minimum amount of $1,000,000.00 for one person and $5,000,000.00 for one accident and property damage insurance in the amount of $10,000,000.00 for one accident, which shall remain in full force and effect and be carried so long as such pipeline is operated.

(b) Each pipeline operator shall provide and maintain in full force and effect during the term of its regulated pipeline permit insurance with the following minimum limits:

(1) Worker's compensation at statutory limits; and

(2) Employer's liability insurance with the following minimum limits for bodily injury by:

(i) accident, $1,000,000 per each accident;

(ii) disease, $1,000,000 per employee; and

(iii) with a per-policy aggregate of $1,000,000.

(3) Commercial general liability coverage, including blanket contractual liability, products and completed operations, personal injury, bodily injury, broad form property damage, operations hazard, pollution, explosion, collapse and underground hazards for $2,000,000 per occurrence and aggregate policy limit of $2,000,000; and

(4) Automobile liability insurance (for automobiles used by the pipeline operator in the course of its performance under the pipeline permit, including employer's non-ownership and hired auto coverage) for $2,000,000.00 combined single limit per occurrence.

(5) Umbrella liability insurance following the form of the primary liability coverage described in Paragraphs (a) through (d) and providing coverage with minimum combined bodily injury (including death) and property damage limit of $25,000,000 per occurrence and $25,000,000 annual aggregate. Increased primary liability limits equivalent to the umbrella liability insurance limits specified will satisfy the umbrella liability insurance requirements.

(c) Performance bond or irrevocable letter of credit.

(A) Before issuance of a regulated pipeline permit, the pipeline operator shall submit to the gas inspector a performance bond or irrevocable letter of credit approved as to form by the city attorney in the amount of $100,000.00.

(B) The performance bond is effective upon the issuance of the regulated pipeline permit and must remain in full force and effect until all work under the terms of the regulated pipeline permit has been completed.

(C) The performance bond may be amended to include other permitted regulated pipelines.

SEC. 51A-12-303. GENERAL PROVISIONS.

(a) A pipeline operator shall design, construct, repair, and maintain all regulated pipelines in accordance with this division, other city ordinances, rules and regulations, and state and federal laws.

(b) All new and relocated regulated pipelines must be located as near as practicable to existing regulated pipelines or other utilities unless the pipeline operator can demonstrate to the gas inspector that the alignment is infeasible.

(c) Nothing in this section grants permission to use of any street or other public rights-of-way, utility easements, or city-owned property. To install, construct, maintain, repair, replace, modify, remove, or operate a regulated pipeline on, over, under, along, or across any affected city streets, sidewalks, alleys, or other city property, the pipeline operator shall first obtain an easement or license.

(d) A pipeline operator must:

(1) not interfere with or damage existing utilities, including water, sewer, gas, storm drains, electric lines, or the facilities of public utilities located on, under, or across street or other public rights-of-way;

(2) construct regulated pipeline out of new pipe;

(3) within 30 days after completion of the regulated pipeline, grade, level, and restore the affected property to the same surface condition, as nearly as practicable, as existed before construction activities were first commenced; and

(4) backfill all trenches and compact such trenches to 95 percent standard density proctor in eight-inch lifts and construct the regulated pipeline so as to maintain a minimum depth of eight feet below the finished grade except in public rights-of-way, where minimum cover to the top of the pipe shall be at least eight feet below the bottom of any adjacent roadside ditch. No public roads may be crossed by open cut. During the backfill of any regulated pipeline excavations, the pipeline operator shall bury "Buried Pipeline" warning tape one foot above any such regulated pipeline to warn future excavators of the presence of a buried regulated pipeline. The gas inspector may require that sections of proposed regulated pipeline be constructed at deeper depths based upon future city infrastructure needs. The gas inspector may

also require that a proposed or existing regulated pipeline be relocated if it conflict with the proposed alignment and depth of a gravity dependent utility; and

(5) equip all regulated pipelines with:

(A) an automated pressure monitoring system that detects leaks and shuts off any line or any section of line that develops a leak; or

(B) provide 24-hour pressure monitoring of the regulated pipeline system. Monitoring systems must provide immediate notice of any leak to the city's emergency response providers.

(e) When the required pipeline records are submitted to the Texas Railroad Commission, the pipeline operator shall provide the gas inspector the following information:

(1) Global positioning system (GPS_ information sufficient to locate the regulated pipelines, including the beginning and end points; sufficient points in between the regulated pipeline route; and the depth of cover information. This information must be submitted to the gas inspector in a format compatible with the city's own GIS system.

(2) As-built or record drawings of the regulated pipelines. Accuracy of the record drawings must meet a survey level of one foot to 50,000 feet. The scale of the record drawings must be a minimum of one inch to 40 feet. The drawings must be provided in a DFF digital file format with the location tied to at least one nearby GPS (global positioning system) city monument. If the new regulated pipeline length exceeds 1,000 feet within the city, the regulated pipeline must be tied to at least two GPS city monuments.

(3) The origin point and the destination of the regulated pipeline;

(4) Engineering plans, drawings, and maps with summarized specifications showing the horizontal location, covering depths, and location of shutoff valves of the subject regulated pipeline. The drawings must show the location of other regulated pipelines and utilities that are crossed or paralleled within 15 feet of the regulated pipeline right-of-way;

(5) Detailed cross-section drawings for all public rights-of-ways and easement crossings on city property as permitted by the city; and

(6) A list of the names and mailing addresses of all the residents, property owners, and tenants adjacent to the regulated pipeline construction.

(f) Changes in any of the contact information required as part of the regulated pipeline permit application must be provided to the gas inspector and the fire marshal before the contact information is changed.

SEC. 51A-12.304. EMERGENCY RESPONSE PLAN AND INCIDENT REPORTING.

(a) The pipeline operator shall maintain and update the emergency response plan to minimize hazards from an emergency.

(b) The pipeline operator shall meet annually with the gas inspector and fire marshal to review the emergency response plan.

(c) At the annual review meeting,

(1) the pipeline operator shall:

(A) provide or update a copy of the emergency response plan;

(B) review the responsibilities of each governmental organization in response to an emergency or incident;

(C) review the capabilities of the pipeline operator to respond to an emergency or incident;

(D) identify the types of emergencies or incidents that will result in or require contacting the city; and

(E) plan mutual activities that the city and the pipeline operator can engage in to minimize risks associated with pipeline operation; and

(2) the city shall provide the pipeline operator with a list of additional contacts that must be made if a pipeline emergency or incident occurs. The city will inform the pipeline operator of the emergency response groups that will be contacted through 911.

(d) Upon discovering a pipeline emergency or incident, any affected pipeline operator shall, as soon as practical, communicate to the city's 911 system the following information:

(1) a general description of the emergency or incident;

(2) the location of the emergency or incident;

(3) the name and telephone number of the person reporting the emergency or incident;

(4) the name of the pipeline operator;

(5) whether any hazardous material is involved and identification of the hazardous material so involved; and

(6) any other information as requested by the emergency dispatcher or other such official at the time of reporting the emergency or incident.

(e) Each pipeline operator shall equip and maintain a regulated pipeline containing natural gas with hydrogen sulfide in concentrations of more than 100 parts per 1,000,000,000 with an audible alarm system that will provide notice to the general public in the event of a leak. The audible alarm system must be of a type and design approved by the city.

(f) A pipeline operator shall report to the gas inspector all incidents involving well safety or integrity that are not a regulated pipeline emergency by completing an incident report on a form furnished by the city. Incident reports must be filed by the pipeline operator within 24 hours of discovering the incident.

SEC. 51A-12.305. MARKERS.

(a) The pipeline operator is responsible for maintaining markers in accordance with this section and state and federal laws.

(b) The location of all new or replacement pipe and regulated pipeline must be marked by the pipeline operator or the person installing or operating the regulated pipelines as follows:

(1) Marker signs must be placed at all locations where pipe or regulated pipelines cross property boundary lines and at each side of a public right-of-way or private street that the pipe or regulated pipeline crosses.

(2) The top of all marker signs must be a minimum of four feet above ground level; the support post must be sufficient to support the marker sign; and the markers must be painted yellow or another color approved by the director of the department of transportation.

(3) All marker signs must be a minimum of 12 inches square and must be marked as “gas pipe line."

(4) All marker signs must contain the name of the pipeline operator and a 24-hour local contact number.

(5) Regulated pipelines must be marked along their entire length with a buried metal wire and metallic flag tape.

(6) All signs must also contain an 811 designation "Call Before You Dig" statement.

(7) The pipeline operator shall annually replace signage that has been lost, damaged or removed.

SEC. 51A-12.306. ONE-CALL SYSTEM.

(a) A pipeline operator shall be a member in good standing with the one-call system or other approved excavation monitoring system as required by state law.

(b) A pipeline operator shall contract for service with the selected underground utility coordinating system for a minimum of five years unless there is an agreement between the pipeline operator and the city to change to an alternate system. The pipeline operator shall maintain the contract for services without interruption for the life of the regulated pipeline permit.

SEC. 51A-12.307. PIPELINE INFORMATION REPORTING REQUIREMENTS.

(a) The pipeline operator must file with the gas inspector an annual verified report in letter form on or before June 30 of each year to cover the reporting period of June 1 through May 31. The annual report must include the following information:

(1) A statement that the regulated pipeline has no outstanding safety violations as determined in an inspection or audit by either the Texas Railroad Commission or the United States Department of Transportation.

(2) If any safety violations, as determined by the Railroad Commission or the United States Department of Transportation, have not been corrected, the violations must be reported and an action plan to correct the safety violations must be provided. The action plan must include a timeline for corrective action and the individual or firm responsible for each action.

(3) If the pipeline operator has no reporting responsibility to the Texas Railroad Commission or the United States Department of Transportation and is otherwise exempt from the safety regulations of either agency, the following documents pertaining to the preceding reporting period of June 1 through May 31:

(A) copies of internal reports of responses to pipeline emergencies;

(B) current operations and maintenance logs; and

(C) current emergency action plan.

(4) Evidence that the pipeline operator has current liability insurance in accordance with this division.

(5) A statement that the regulated pipeline information provided is correct. If the information provided is no longer correct, updated or corrected information.

(b) A log of all the maintenance and monitoring activities conducted on all pipelines subject to this division for the reporting period must be made available upon request by the gas inspector.

(c) The pipeline operator shall file a copy of all initial or follow-up reports provided to the Texas Railroad Commission and the United States Department of Transportation on unsafe pipeline conditions, pipeline emergencies, or pipeline incidents with the gas inspector. The pipeline operator shall file with the gas inspector any initial or follow-up reports filed with state and federal regulatory agencies regarding pipeline releases concurrently with the city.

SEC. 51A-12.308. PUBLIC EDUCATION.

All pipeline operators must annually provide affected landowners, public officials, and emergency providers with appropriate public awareness information in accordance with 49 CFR 192.616 and 195.440, as amended.

SEC. 51A-12.309. REPAIRS AND MAINTENANCE.

(a) All repairs and maintenance of pipelines must be performed in accordance with the United States Department of Transportation and Texas Railroad Commission mechanical integrity requirements.

(b) A pipeline operator shall protect, maintain in a state of good repair and condition, and regularly paint all pipeline risers and appurtenances related to pipeline construction and operations that are composed of materials generally protected or painted.

(c) If non-emergency repairs require excavation of a regulated pipeline, the pipeline operator shall provide written notice to the residents, property owners, and tenants within 500 feet, measured from the centerline of the pipeline to be excavated, at least five days before beginning the repairs.

(d) If above-ground non-emergency repairs that are not routine maintenance are required, the pipeline operator shall provide written notice to the residents, property owners, and tenants within 500 feet, measured from the centerline of the pipeline section to be repaired, at least five days before beginning the repairs.

(e) Written notice must be:

(1) sent by United States mail, postage prepaid, at least five days before beginning any non-emergency repair; or

(2) hand-delivery at least three days before beginning the non-emergency repairs.

SEC. 51A-12.310. NO ASSUMPTION OF RESPONSIBILITY BY CITY.

Nothing in this division shall be construed as an assumption by the city of any responsibility of a pipeline operator of a pipeline not owned by the city, and no city officer, employee, or agent has the authority to relieve a pipeline operator of their responsibility under this division or by any other law, ordinance, rule, or regulation.

SEC. 51A-12.311. ABANDONED PIPELINES.

(a) All regulated pipelines must be maintained in an active condition unless abandoned in accordance with state and federal regulations.

(b) If a pipeline is idle or inactive, within 60 days after the pipeline becomes idle or inactive, the pipeline must be purged and plugged.

(c) The pipeline operator shall notify the gas inspector in writing within 30 days after a pipeline is abandoned. Within 60 days after abandonment, the regulated pipeline must be purged and plugged.

(d) To reactivate an abandoned pipeline, the pipeline operator shall apply for a new regulated pipeline permit in accordance with this division.

(e) A reactivated regulated pipeline must be pressure tested for integrity and compliance with the Railroad Commission or the United States Department of Transportation. A regulated gas permit application to reactivate an abandoned pipeline must include the results of the pressure testing.

Division IV. Violations.

SEC. 51A-12.401[~~109~~]. VIOLATIONS.

(a) A person is criminally responsible for a violation of this article if the person:

(1) refuses the gas inspector access to an operation site or pipeline site;

(2) fails to comply with a gas inspector's orders; [~~or~~]

(3) knowingly makes a misrepresentation of any information required to be reported in accordance with this article; or

(4) fails to comply with any provision of this article.

(b) A person who knowingly violates any provision of this article is guilty of a separate offense for each day or portion of a day during which the violation is continued. Each offense is punishable by a fine of $2,000. This fine shall be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. See Section 51A-1.103 for additional provisions on enforcement."

SECTION 6. That adjustments will be made to the section references in this ordinance for codification purposes only. A Dallas Development Code section reference containing the symbol "[A]," for example, "Section 51[A]-1.105," means that the letter "A" will appear in the Chapter 51A version only, and will not appear in the Chapter 51 version.

SECTION 7. That the director of sustainable development and construction shall revise the use charts to reflect the change in use regulations made by this ordinance, and shall provide these charts for publication in the Dallas Development Code.

SECTION 8. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed $2,000.

SECTION 9. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 10. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 11. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By_____
Assistant City Attorney

Passed_____