



City of Dallas  
Council Briefing

Approve Amendments to DFW Airport  
Construction and Fire Prevention Standards  
Airport Board Resolution 2006-03-068

Finance, Audit and Accountability Committee  
April 24, 2006



## Presentation Outline

- Purpose
- Background
- Recommendation

## Purpose

To inform the Dallas City Council of proposed changes to the Construction and Fire Prevention Standards of the Dallas/Fort Worth International Airport Board and to request approval of the changes



## Background

- The Construction and Fire Prevention Standards of the Dallas/Fort Worth International Airport Board were adopted on June 7, 1988 to protect the health, safety and welfare of the public. Modifications to the Standards are required from time to time.
- Standards for oil and gas exploration and production were not included in the original Standards.
- On March 2, 2006 the Airport Board approved Board Resolution No. 2006-03-068 to amend the Construction and Fire Prevention Standards.
- One amendment will add Part Nine to the Standards to regulate the exploration, development and production of oil and gas on Airport property.
- All other amendments are minor revisions in life / safety standards.



## Recommendation

Airport staff requests that the Finance, Audit and Accountability Committee forward to the City Council a recommendation for approval of Airport Board Resolution 2006-03-068.



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March 10, 2006

STATE OF TEXAS           §  
  
COUNTY OF DALLAS       §  
  
COUNTY OF TARRANT     §

I, Mari Teneyuque, Board Secretary of the Dallas-Fort Worth International Airport Board, do hereby certify that the attached is a true and correct copy of Resolution No. 2006-03-068 approved by the Dallas-Fort Worth International Airport Board of Directors at its Board Meeting held on March 2, 2006.

WITNESS MY HAND AND SEAL OF THE DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD, this the 10th day of March 2006.

  
\_\_\_\_\_  
Mari Teneyuque  
Board Secretary



# DALLAS FORT WORTH INTERNATIONAL AIRPORT BOARD

## OFFICIAL BOARD ACTION/RESOLUTION

<b>Date:</b> 03-02-2006	<b>Subject:</b> Amend the Resolution for Construction and Fire Prevention Standards	<b>Resolution No.:</b> 2006-03-068
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**Recommended Action:** That the Airport Board approve amendments to Board Resolution No. 88-147, Construction and Fire Prevention Standards. With this action, the Airport Board recommends to the Cities of Dallas and Fort Worth that the two Cities approve these amendments to the Construction and Fire Prevention Standards Resolution of the Dallas/Fort Worth International Airport Board.

**Description:**

- This action will approve amending the Construction and Fire Prevention Standards Resolution to add Part Nine – Oil and Gas Exploration and Production and to make minor revisions to existing Standards for clarification purposes. By approving this action, the Board also recommends to the Cities of Dallas and Fort Worth that they approve these amendments to the Construction and Fire Prevention Standards Resolution of the Dallas/Fort Worth International Airport Board.

**Justification:**

- The Construction and Fire Prevention Standards Resolution No. 88-147 was adopted by the Board on June 7, 1988, to establish standards for construction and fire prevention to protect the health, safety, and welfare of the public. Standards for oil and gas exploration and production were not included during original adoption.
- The exploration, development, and production of gas on Airport property are activities which necessitate the establishment of regulations to establish uniform limitations, safeguards, and requirements for operations related to these activities to protect the health, safety, and general welfare of the public, minimize the potential impact to property, protect the quality of the environment, and encourage the orderly production and transportation of available mineral and natural gas resources.
- Minor revisions also included in these amendments add clarity to existing Standards.
- This action is brought forward for approval and furtherance of the Strategic Imperative of creating a safe environment for the Airport's employees, tenants, and guests.

<b>Fund</b> N/A	<b>Project #</b> N/A	<b>ALP/PFC/TSA/Other Reimbursement</b> N/A	<b>Amount</b> N/A
<b>Committee:</b> <u>Operations</u>		<b>Contract No(s):</b>	<b>Action Amount:</b> \$0.00
<b>For information contact:</b> R. A. Barker – 4-3313		<b>Purchase Order No(s):</b>	<b>Revised Amount:</b>
		<b>Agreement No(s):</b>	



**BE IT RESOLVED BY THE DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD:**

That the Airport Board does hereby approve amendments to Resolution No. 88-147, Dallas/Fort Worth International Airport Construction and Fire Prevention Standards, to add Part Nine – Oil and Gas Exploration and Production, in accordance with the attached Exhibit A.

This Resolution shall take effect immediately upon its passage.

Approved as to Form:

Approved as to Funding:

Approved as to M/WBE:

General Counsel

Vice President  
Financial & Business Planning

Vice President  
Small & Emerging Business

2-22-06

2-22-06

2/22/06

Date Signed

Date Signed

Date Signed

**SIGNATURES REQUIRED FOR APPROVAL:**

Department Vice President

Chief Executive Officer

2/22/06

3/6/06

Date Signed

Date Signed



## DALLAS-FORT WORTH INTERNATIONAL AIRPORT

### PART ONE -- CONSTRUCTION AND FIRE PREVENTION STANDARDS RESOLUTION

A Board Resolution creating the Board of Appeals (BOA) of the Dallas-Fort Worth International Airport (the Airport); providing for the selection and term of office of members; providing for public hearings, meetings and procedures therefore; prescribing the authority and powers of the Board of Appeals; providing for appeal from decisions of the Building Official and Fire Chief; providing for a stay of proceedings upon appeal; providing for the adoption of the Building Code; providing for the adoption of the Fire Code; providing for the adoption of the Electrical Code; providing for the adoption of the Mechanical Code; providing for the adoption of the Plumbing Code; providing for the adoption of the Fuel Gas Code; providing for the adoption of the Energy Code; providing for the regulation of oil and gas exploration and production; making it unlawful to perform construction work or oil and gas exploration and production without a permit; making it unlawful to undertake the contracted installation of fire protection, mechanical, plumbing, irrigation or electrical equipment without a proper license to do such work; providing for the termination of the Board of Airport Building Code of Appeals; providing that this resolution shall be cumulative; providing a severability clause; providing a penal clause; providing a savings clause; providing for publication in pamphlet form; providing for publication in a newspaper; and providing an effective date.

#### SECTION 1 TITLE

This resolution shall be known as the Dallas-Fort Worth International Airport Construction and Fire Prevention Standards Resolution, and referred to herein as (this Resolution).

#### SECTION 2 PURPOSE

It is the specific intent of the Dallas-Fort Worth International Airport Board (the Airport Board) that standards for construction and fire prevention be used for the health, safety and welfare of all persons at the Airport. The Airport Board finds that construction and fire prevention standards change from time to time and that these standards should stay current with modern practices of construction and fire safety. In carrying out these purposes, it is the intent of the Airport Board that such construction and fire prevention standards be adopted as outlined herein and that a Board of Appeals (BOA) be given limited authority over matters pertaining thereto. The scope of the BOA is as set forth below.

## SECTION 20

### **PERMITS REQUIRED FOR CONSTRUCTION, FOR OIL AND GAS EXPLORATION AND PRODUCTION AND FOR ERECTION OF OR ALTERATION OF SIGNS**

~~The following activities shall not~~ be performed within the boundaries of the Dallas-Fort Worth International Airport unless a permit for such work has first been obtained from the building official.

- ~~1. Construction~~
- ~~2. Oil and Gas Exploration and Production~~
- ~~3. Erection or Alteration of Signs~~

A permit shall not be required for maintenance-related construction work for replacement in like kind under either of the following conditions:

All of the work is performed by Airport Board personnel, and the cost of the work does not exceed \$50,000.

All or part of the work is contracted by the Airport Board, and the cost of the work does not exceed \$5,000.

## SECTION 21 REQUIRED FEES

All construction projects for which construction permits are required are subject to a construction permit fee and a plan review fee except where otherwise prohibited by law. Permit and plan review fees shall not be imposed for Airport Board construction projects funded from operating and maintenance funds or seized funds.

## SECTION 22 LICENSES REQUIRED

Contractors providing the following work within the boundaries of Dallas-Fort Worth International Airport shall be licensed respectively for the category of work performed as regulated by the following:

28 TEX. ADMIN. CODE, Part 1, Subchapter E, Fire Extinguisher Rules § 34.511, Fire Extinguisher Licenses

28 TEX. ADMIN. CODE, Part 1, Subchapter F, Fire Alarm Rules § 34.611, Licenses

28 TEX. ADMIN. CODE, Part 1, Subchapter G, Fire Sprinkler Rules § 34.710, Certificates of Registration

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tabulated by floor level and occupancy group shall also be included. For all projects, a north arrow and graphic scale shall be provided for each drawing where applicable.

## SECTION 108 FEES

Following Section 108.6, add Table 1A – Construction Permit and Plan Review Fees.

### CONSTRUCTION PERMIT AND PLAN REVIEW FEES

All construction projects for which construction permits are required are subject to a construction permit fee and a plan review fee except where otherwise prohibited by law. Refer to Part One, Section 21 for exceptions. The construction permit fee is based upon the value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment. Where proposed maintenance work is limited to replacement in like kind, and in the opinion of the Building Official a construction permit fee or plan review fee is not justified, the Building Official may waive such fees. The plan review fee is an additional fee equal to 65% of the construction permit fee. The following table shall be used to determine the construction permit fee. The plan review fee shall be added thereto. These fees shall be paid prior to the issuance of a construction permit unless other arrangements have been previously made.

VALUE OF CONSTRUCTION WORK	CONSTRUCTION PERMIT FEE (Add to these amounts 65% for Plan Review Fee)
\$1.00 to \$500.00	\$23.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.75 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000.00 plus \$5.60 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.65 for each additional \$1,000.00, or fraction thereof

**Deleted:** The building official shall accept only half-size prints for plan review if original drawing size exceeds 11 inches by 17 inches.

## SECTION 202 DEFINITIONS

Following the definition of **AGRICULTURE BUILDING**, add the following definition:

**AIRPORT.** Airport is the area within the boundaries of the Dallas-Fort Worth International Airport.

Following the definition of **HIGHLY TOXIC**, add the following definition:

**HIGH-RISE BUILDINGS.** See Section 403.1.

## SECTION 403.1 APPLICABILITY FOR HIGH-RISE BUILDINGS

Amend Section 403.1 as follows: (Exceptions 1 through 5 to remain and add Exception 6.)

**403.1 Applicability.** The provisions of this section shall apply to buildings having occupied floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access.

### Exceptions:

6. Train platforms for fixed guideway transit systems in accordance with Section 412.7.

## SECTION 412.6 AIRCRAFT FUELING RAMP DRAINAGE AND AIRCRAFT LOADING WALKWAYS

New Section as follows:

**412.6 Aircraft fueling ramp drainage and aircraft loading walkways.** Except for references to airport terminal buildings, comply with NFPA 415, 1997 Edition for aircraft fueling ramp drainage and aircraft loading walkways.

### Exceptions:

1. Attached or adjacent fixed loading walkways, gate houses and similar structures accessory to airport terminal buildings may be constructed of Type II-A Construction, provided the floor area of individual structures does not exceed 500 square feet. An approved automatic sprinkler system in accordance with Section 903.3.1.1 shall be allowed to be substituted for 1-hour fire-resistance-rated construction. If the automatic sprinkler system substitution is provided, exterior walls of such structures shall not be required

**Deleted: SECTION 306.2.**  
**FACTORY INDUSTRIAL F-1 MODERATE HAZARD OCCUPANCY<sup>†</sup>**  
**AMEND THE FIRST PARAGRAPH OF SECTION 306.2 TO READ AS FOLLOWS:<sup>†</sup>**  
**<#>Factory Industrial F-1 Moderate Hazard Occupancy.** Any F-1 building with a floor area exceeding 12,000 square feet and having a clear height in excess of 15 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be a high-piled combustible storage occupancy and shall comply with the provisions of Chapter 23 of the Fire Code. When a specific product cannot be identified, the fire protection system shall be designed for Class IV commodities. Factory Industrial uses which are not classified as Factory Industrial F-2 Low Hazard shall be classified as F-1 Moderate Hazard and shall include, but not be limited to the following:<sup>†</sup>  
**<#>SECTION 311.1 - STORAGE GROUP S<sup>†</sup>**  
**<#>Amend Section 311.1 as follows:<sup>†</sup>**  
**<#><sup>†</sup>**  
**311.1 Storage Group S.** Storage Group S occupancy includes among others, the use of a building or structure, or a portion thereof, for storage that is not classed as a hazardous occupancy. Any S-1 or S-2 building with a floor area exceeding 12,000 square feet and having a clear height in excess of 15 feet, making it possible to be used for storage in excess of 12 feet, shall be considered to be a high-piled combustible storage occupancy and shall comply with the provisions of Chapter 23 of the Fire Code. When a specific product cannot be identified, the fire protection system shall be designed for Class IV commodities.

**910.3.1.2 Sprinklered buildings.** Where installed in buildings provided with an approved automatic sprinkler system, smoke and heat vents shall be automatic.

**Exception:** Areas equipped with an approved ESFR sprinkler system.

#### **SECTION 910.3.4 CURTAIN BOARDS – WHERE REQUIRED**

Amend Section 910.3.4 to read as follows:

**910.3.4 Curtain boards.** Where curtain boards are required by the Fire Code, they shall be provided in accordance with this section.

#### **SECTION 910.4 MECHANICAL SMOKE EXHAUST**

Amend Section 910.4 as follows:

**910.4 Mechanical smoke exhaust.** Where approved by the building official, engineered mechanical smoke exhaust shall be an acceptable alternate to smoke and heat vents. Operation of mechanical smoke exhaust fans shall be in accordance with the Fire Code.

#### **SECTION 1003.2.2.5 POSTING OF OCCUPANT LOAD**

Amend Section 1003.2.2.5 to read as follows:

**1003.2.2.5 Posting of occupant load.** Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent. Assembly occupancies within airport terminal buildings are not required to have the occupant load posted unless required by the Building Official.

#### **SECTION 1005.3.2.5 SMOKEPROOF ENCLOSURES**

Amend Section 1005.3.2.5 as follows:

**1005.3.2.5 Smokeproof enclosures.** In buildings required to comply with Section 403 or 405, each of the exits of a building that serves stories where the floor surface is located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access or more than 30 feet (9144 mm) below the level of exit discharge serving such

**Deleted: SECTION 1003.3.1.3.4.  
ACCESS-CONTROLLED EGRESS  
DOORS<sup>1</sup>  
AMEND SECTION 1003.3.1.3.4 BY  
ADDING THE FOLLOWING  
EXCEPTION AT THE BOTTOM OF  
THE SECTION:<sup>1</sup>**

**<sup>1</sup>Exception:** In other than Group I occupancies, egress doors may be equipped with an approved access-controlled system, controlling entrance only, provided the doors are also equipped with listed panic hardware complying with Section 1005.3.1.9 of this Code coupled with a magnetic lock. Activation of the panic hardware must cause a loss of power to the magnetic lock and release the door without time delay. In addition, fire department access must be provided by an approved means.



**SECTION 1003.2.2.5  
POSTING OF OCCUPANT LOAD**

Amend Section 1003.2.2.5 to read as follows:

**1003.2.2.5 Posting of occupant load.** Every room or space that is an assembly occupancy shall have the occupant load of the room or space posted in a conspicuous place, near the main exit or exit access doorway from the room or space. Posted signs shall be of an approved legible permanent design and shall be maintained by the owner or authorized agent. Assembly occupancies within airport terminal buildings are not required to have the occupant load posted unless required by the code official.

**SECTION 1003.2.7  
ELEVATION CHANGE**

Amend Exception 1 under Section 1003.2.7 to read as follows:

1. A single step with a maximum height of 8 inches (203 mm) is permitted for buildings with occupancies in Groups F, H, R-2 and R-3 as applicable in Section 101.2, and Groups S and U at exterior doors not required to be accessible by Chapter 11. The door sill elevation may be up to 8 inches (203 mm) above the elevation of the landing on either or both sides of the door.

**SECTION 3301  
EXPLOSIVES AND FIREWORKS – GENERAL**

Add Section 3301 - General as follows:

**3301 General.** The manufacture and sale of explosive material shall be prohibited within the airport.

**SECTION 3301.1.3  
FIREWORKS**

Delete Exceptions 2 and 4 under Section 3301.1.3 – Fireworks.

**SECTION 3301.2.4  
FINANCIAL RESPONSIBILITY**

Amend Section 3301.2.4 as follows:

**3301.2.4 Financial responsibility.** Before a permit is issued, as required by Section 3301.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount, for the purpose of the

**Deleted: SECTION 1003.3.1.3.4 - ACCESS-CONTROLLED EGRESS DOORS<sup>4</sup>**  
**AMEND SECTION 1003.3.1.3.4 BY ADDING THE FOLLOWING EXCEPTION AT THE BOTTOM OF THE SECTION:<sup>4</sup>**  
<sup>4</sup>  
Exception: In other than Group I occupancies, egress doors may be equipped with an approved access-controlled system, controlling entrance only, provided the doors are also equipped with listed panic hardware complying with Section 1003.3.1.9 of this Code coupled with a magnetic lock. Activation of the panic hardware must cause a loss of power to the magnetic lock and release the door without time delay. In addition, fire department access must be provided by an approved means.

## PART NINE – OIL AND GAS EXPLORATION AND PRODUCTION

### SECTION 1 GENERAL INFORMATION

The Exploration, development and Production of Gas on the Airport property are activities which make necessary regulations to establish uniform limitations, safeguards and requirements for operations related to the Exploration, Drilling, developing, producing, transporting and storing of Gas and other substances produced in association with Gas within the Airport to protect the health, safety and general welfare of the public, minimize the potential impact to property, protect the quality of the environment and encourage the orderly production of available mineral, and gas resources.

### SECTION 2 DEFINITIONS

The following words, terms and phrases, when used in this Part, shall have the meanings ascribed to them in this section:

*Abandonment:* means “abandonment” as defined by the Commission and includes the plugging of a Well and the restoration of the area used during the Production of a Well as required by this Part.

*All-Weather Hard Surface:* means a permanent surface that as a minimum is a base course constructed such that it meets the requirements of the Fire Code, is at least twenty two feet (22') wide, has an overhead clearance of fourteen feet (14'), drains appropriately, remains water resistant, is free of litter, debris, weeds, grass or other objectionable materials or objects and is visibly dust free.

*API:* means the American Petroleum Institute.

*Berm:* means a mound of soil, either natural or man made, used to obstruct a view. The side slope shall not exceed a three-foot (3') horizontal and a one-foot (1') vertical slope.

*Blowout Preventer:* means a mechanical, hydraulic, pneumatic or other device or combination of such devices, including valves, fittings and control mechanisms connected therewith, which can be closed around the drill pipe, or other tubular goods which completely close the top of the casing and are designed for preventing blowouts.

*Brackish Water:* means water used in the fracturing and re-fracturing process.



*Building*: means any structure used or intended for supporting or sheltering any use or occupancy, including but not limited to terminals. The term "Building" shall be construed as if followed by the words "or portions thereof."

*Building Code*: as defined in Part Two.

*Building Official*: as defined in Section 5, Part 1.

*Closed Loop System*: means a system utilized while Drilling so that reserve pits are not used and instead sealed bins are used to collect all drilling waste.

*Commission*: means the Texas Railroad Commission.

*Completion*: means the earlier of the date the work is completed for the Drilling, re-drilling or reworking of a Well and the crew involved in such activities is released or the date the rig is released.

*Derrick*: means any portable framework, tower, mast and/or structure, which is required or used in connection with Drilling or re-working a Well for the production of Gas.

*Disposal Well*: means a well drilled for the purpose of disposing of waste generated during the process of Fracturing.

*Drilling*: means digging or boring a new Well for the purpose of exploring for, developing or producing Gas or for the purpose of injecting Gas, water or any other fluid or substance into the earth.

*Drill Site*: means the immediate area used during the Drilling, re-drilling or re-working of a Well.

*Electrical Code*: as defined in Part Four.

*Emergency Response Plan*: means a plan put in place to deal with emergency situations that may occur at the Drill Site and/or the Operation Site.

*Energy Code*: as defined in Part Eight.

*Exploration*: means geologic or geophysical activities, including seismic surveys, related to the search for Gas or other subsurface hydrocarbons.

*FEMA*: means the Federal Emergency Management Agency.

*FIRM*: means the Federal Insurance Rate Map.

*Fire Chief*: as defined in Section 5, Part 1

*Fire Code:* as defined in Part Three.

*Fire Department:* means the Fire Department of the Airport.

*Frac Tank:* means a tank whether open or closed to the atmosphere used to hold water for Fracturing.

*Fracturing:* means the injecting of a substance into a Well or formation so as to cause underground channels in hydro-carbon-bearing formations to open.

*Fuel Gas Code:* as defined in Part Seven.

*Gas:* means any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions and/or the gaseous components or vapors occurring in or derived from petroleum or Gas.

*Gas Well:* means any Well drilled, to be drilled, or used for the intended or actual production of natural gas.

*Mechanical Code:* as defined in Part Five.

*Oil:* means crude petroleum oil and other hydrocarbons regardless of gravity which are produced at the wellhead in liquid form and the liquid hydrocarbons known as distillate or condensate recovered or extracted from Gas, other than gas produced in association with oil and commonly known as casinghead gas.

*Oil Well:* means any Well drilled, to be drilled, or used for the intended or actual production of Oil.

*Operation Site:* means the area used for development and production and all operational activities associated with Gas after Drilling activities are complete.

*Operator:* means, for each Well, the person listed on the Commission's Form W-1 or Form P-4 for a Gas Well or Oil Well that is, or will be actually in charge and in control of Drilling, maintaining, operating, pumping or controlling any Well, including, without limitation, a unit operator.

*Permit:* means any written license granted by the Airport authorizing the Operator to undertake activity on the Airport.

*Plumbing Code:* as defined in Part Six.

*Production:* means the period between Completion of Drilling and the Abandonment of the Well.

*Re-Drill:* means the Drilling of a new Well located in essentially the same place as an earlier Well or the re-completion of an existing Well by deepening or sidetrack operations extending more than one hundred fifty feet (150') from the existing Well bore.

*Re-working:* means re-completion or re-entry of an existing Well within the existing bore hole or by deepening or sidetrack operations which do not extend more than one hundred fifty feet (150') from the existing well bore, or replacement of well liners or casings.

*Street:* means any street, highway, sidewalk, alley, avenue, recessed parking area, easement or other right-of-way.

*SWPPP:* means stormwater pollution prevention plan.

*TCEQ:* means the Texas Commission on Environmental Quality.

*USEPA:* means the United States Environmental Protection Agency.

*Well:* means any single hole or bore to any horizon, formation, or strata, for the purpose of producing Gas and/or Oil from the Airport.

### SECTION 3 AIRPORT OVERSIGHT

The Building Official is charged with the administration and enforcement of this part. The Building Official and the Fire Chief shall have the authority to enter and inspect any Drill Site or Operation Site to determine compliance with this Resolution and all applicable laws, rules, regulations, standards or directives adopted by the Airport Board or State. Failure of any person to permit access to the Building Official or Fire Chief shall constitute a violation of this Resolution. Additionally, the Building Official or Fire Chief and other Airport officials shall have the authority to issue any orders or directives required to implement the intent and purpose of this Resolution and its provisions. The Building Official or Fire Chief shall have the authority to request and receive any records, including any records sent to the Commission, logs, reports and the like, relating to the status or condition of any Well necessary to establish and determine compliance with a Permit. Failure of any person to provide any such requested material shall be deemed a violation of this Resolution.

### SECTION 4 OPERATOR'S AGENT

Every Operator shall designate an agent, who is a resident of the State of Texas, upon whom all orders and notices provided in this Resolution may be served in person or by registered or

certified mail. Every Operator designating such agent shall within ten (10) days notify the Building Official in writing of any change in such agent or such mailing address unless operations within the Airport are discontinued. Failure to do so shall be deemed a violation of this Resolution.

## SECTION 5 SEISMIC SURVEY PERMIT REQUIREMENTS

A Permit shall be required for all geophysical tests, including but not limited to seismic surveys. All applications for a Permit to conduct geophysical tests, including but not limited to seismic surveys, shall be submitted to the Building Official for approval. No geophysical tests shall begin prior to the issuance of a Permit from the Airport Board. A Permit application shall include, but is not limited to, the following information:

- (a) Operator/applicant name, phone number, fax number, physical address, and e-mail address.
- (b) Detailed mapping of location and extent of the proposed geophysical test.
- (c) Detailed explanation of the survey or testing method to be used.
- (d) Under no circumstances may explosive charges, including, but not limited to, the use of dynamite, be used in any way related to the preparation for and/or conducting of a geophysical test.

## SECTION 6 GAS WELL AND DISPOSAL WELL PERMIT REQUIREMENTS

- (a) No person acting either for himself or acting as an agent, employee, independent contractor, or servant of any person shall drill any Well or Disposal Well, assist in any way in the site preparation, re-working, Fracturing or operation of any Well or Disposal Well or to conduct any activity related to the production of Gas without first obtaining a Permit issued by the Building Official in accordance with this Resolution. Such activities include, but are not limited to, initial site preparation, re-working, Drilling, operations, construction of rigs, Frac Tanks or tank batteries, Fracturing and pressurizing.
- (b) The Operator must apply for and obtain a Permit for the Drilling of each Well or Disposal Well. The Operator shall neither apply for nor obtain a "blanket" Permit for more than one (1) Well. A Disposal Well permit will only be issued for disposal of Brackish Water from oil and gas exploration and production within the boundaries of Dallas/Fort Worth International Airport property. Brackish Water must be tested for contaminants, and only if the water is clear of contaminants, will a Disposal Well permit be issued. Each new Well or Disposal Well established at the ground surface will be considered a new Well or Disposal Well as applicable.

- (c) An existing Permit shall not constitute authority for the re-entering and Drilling of a Well the subject of Abandonment. An Operator shall obtain a new Permit in accordance with the provisions of this Resolution if the Operator is re-entering and Drilling an abandoned Well.
- (d) When a Permit has been issued to the Operator for the Drilling, re-entering, activating or converting of a Well, such Permit shall constitute sufficient authority for Drilling, operation, production gathering or production maintenance, repair, re-working, testing, plugging and Abandonment of the Well and/or any other activity associated with mineral exploration at an Operation Site. An amended Permit shall be obtained before such Well may be modified for purposes of re-drilling, deepening or converting such Well to a depth or use other than that set forth in the then-current Permit for such Well.
- (e) Any person who intends to re-work a Well using a Drilling rig or to engage in Fracturing a Well after initial Completion shall give written notice to, and receive written approval from, the Building Official. The notice must identify where the activities will be conducted and must describe the activities in detail, including, but not limited to the duration of the activities and the time the activities will be conducted. The notice must also provide the address and twenty-four (24) hour telephone number of the person conducting the activities.
- (f) A Permit shall automatically terminate, unless extended, if Drilling is not commenced within ninety (90) days from the date of the issuance of the Permit. A Permit may be extended by the Building Official for an additional ninety (90) days upon written request by the Operator and proof that the regulatory standards of the requested Permit for such location have not changed.
- (g) Permits required by this Resolution are in addition to and are not in lieu of any permit, which may be required by any other governmental agency.
- (h) No Permit shall be issued for any Well to be drilled within the floodway identified by FEMA on the most current FIRM. Wells proposed in the floodplain outside of the floodway shall comply with the requirements of the Building Official.
- (i) No Permit shall be issued for any Well to be drilled that is not in compliance with this Resolution.
- (j) By acceptance of any Permit issued pursuant to this Resolution, the Operator expressly stipulates and agrees to be bound by and comply with the provisions of this Resolution. The terms of this Resolution shall be deemed to be incorporated in any Permit issued pursuant to this Resolution with the same force and effect as if this Resolution was set forth verbatim in such Permit.

## SECTION 7 PERMIT APPLICATION

(a) Every application for a Permit issued pursuant to this Resolution shall be on forms required by the Building Official, shall include payment of the construction permit and plan review fees and shall be signed by the Operator, or some person duly authorized to sign on his behalf, and filed with the Building Official. The application shall include the following information:

- (1) The date of the application and type of Permit requested.
- (2) Map showing proposed transportation route and road(s) for equipment, chemicals or waste products used or produced under the Permit.
- (3) Proposed Well name and Well depth.
- (4) Name, telephone number, fax number, physical address of individual designated to receive notice, and, if possible, e-mail address.
- (5) Names and addresses of representatives or Operator's agent with supervisory authority over the Drill Site or Operation Site and a twenty-four (24) hour telephone number.
- (6) Location and description of all improvements and structures within eight hundred feet (800') of the Well. Such locations and descriptions shall be prepared by a Registered Professional Land Surveyor.
- (7) A site plan of the proposed Drill Site and Operation Site showing the location of all improvements and equipment, including the location of the proposed Well and other facilities including, but not limited to, tanks, pipelines, compressors, separators and storage tanks or storage sheds. All site plans must include the following criteria:
  - a. Location of proposed Buildings and structures indicating sizes in square feet.
  - b. The location and intensity of exterior lighting fixtures.
  - c. The location of mechanical equipment.
  - d. Outside storage areas.
  - e. Curb cut locations.
  - f. Parking, loading, and maneuvering areas.
  - g. The location, materials and dimensions of screening improvements as required.

- h. Waste disposal locations.
  - i. Streets immediately adjacent to the Operation Site.
  - j. Drill Site and Operation Site plans shall be submitted on a sheet size of 24" x 36" minimum.
  - k. Airport boundaries where applicable.
  - l. Date the drawing was prepared with name, address, and phone number of preparer.
  - m. North arrow, at a maximum scale of 1:50 immediately adjacent to the Drill Site or Operation Site.
  - n. Title Block identifying the Drill Site or Operation Site location.
  - o. Vicinity location map at 1" = 2000'.
  - p. Location of 100-year flood limits where applicable.
  - q. Texas NAD83 State Plane Coordinates for all four corners.
- (8) Copy of all reports and permits required by the Commission, specifically including a copy of the approved Commission Form W-1 and/or P-4.
  - (9) A description of public utilities required during Drilling and Production.
  - (10) A description of the water source to be used during Drilling.
  - (11) A copy of the SWPPP as required by the TCEQ, the USEPA and/or the Airport Board.
  - (12) A copy of the determination by the TCEQ of the depth of useable quality ground water.
  - (13) A copy of the TCEQ permit.
  - (14) A statement, under oath, signed by the Operator or designated representative, that the information submitted with the application is, to the best knowledge and belief of the Operator or designated representative, true and correct.



- (15) Three copies of a Hazardous Material Management Plan and additionally, all material safety data sheets for all hazardous materials that will be located, stored, transported and/or temporarily used on the Drill Site shall be provided to the Building Official.
- (16) A copy of the Hazardous Materials Inventory Statement.
- (17) Operator shall submit to the Building Official, for review and approval, an Emergency Response Plan establishing written procedures to minimize any hazard resulting from Drilling, Completion or producing of a Gas Well. Said plan shall use existing guidelines established by the Commission, TCEQ, Texas Department of Transportation, the Fire Code and/or the USEPA. A copy of the Emergency Response Plan shall be kept on site.
- (18) A map showing the location of all underground transmission pipelines.

#### **SECTION 8 PERMITTING PROCEDURE**

- (a) All Well Permit applications will be filed through the Building Official.
- (b) It is the responsibility of the Building Official to review and approve or disapprove all applications for Permits based on the criteria established by this Resolution.
- (c) After the filing of a completed application, payment of permit and plan review fees and remittance of all insurance and security per the requirements of this Resolution for a Permit, the Building Official will determine whether the Permit application shall be approved or denied.
- (d) The provisions of this Resolution shall apply to any application for a Permit that is filed with the Building Official.
- (e) If all the requirements of this Resolution are met, the Building Official shall issue a Permit for the activity for which the Permit application was made.
- (f) If the Building Official denies a Permit application, the Building Official shall notify the Operator in writing of such denial stating the reasons for the denial. The Operator may cure those conditions that caused the denial and resubmit the application to the Building Official for approval and issuance of the Permit.

**SECTION 9**  
**AMENDED GAS WELL PERMITS**

- (a) An amended Permit may be issued for, but not limited to, the following changes in Drill Site or Operation Site activities:
- (1) Re-drilling;
  - (2) Deepening beyond one hundred fifty feet (150') of the permitted depth;
  - (3) Site access; and
  - (4) Locations and/or quantities of equipment as determined by the Building Official;
- (b) Applications for amended Permits shall be in writing, shall be signed by the Operator, and shall include the following:
- (1) A description of the proposed amendments;
  - (2) Any changes to the information submitted with the application for the existing Permit (if such information has not previously been provided to the Airport Board);
  - (3) Such additional information as is reasonably required by the Building Official to demonstrate compliance with the Permit;
  - (4) Such additional information as is reasonably required by the Building Official to prevent imminent destruction of property or injury to persons; and
  - (5) An amended site plan.
- (c) All applications for amended Permits shall be filed with the Building Official for review. Incomplete applications may be returned to the applicant, in which case the Building Official shall provide a written explanation of the deficiencies.
- (d) If the activities proposed by the amendment are not materially different from the activities covered by the existing Permit then the Building Official shall approve or disapprove the amendment after the application is filed.
- (e) If the activities proposed by the amendment are materially different from the activities covered by the existing Permit, and do not create a risk of destruction of property or injury to persons, then the Building Official shall approve or disapprove the amendment. If, however, the activities proposed by the amendment are materially different and, in the judgment of the Building Official might create a risk of destruction of property or injury to persons that were not associated with the activities covered by the existing Permit or

that were not otherwise taken into consideration by the existing Permit, the Building Official may require the amendment to be processed as a new Permit application.

## SECTION 10 SUSPENSION OR REVOCATION OF WELL PERMITS

- (a) If an Operator (or its officers, employees, agents, contractors, or representatives) fails to comply with any requirement of a Permit (including any requirement incorporated by reference as part of the Permit), the Airport Board shall give written notice to the Operator specifying the nature of the failure and giving the Operator a reasonable time to cure, taking into consideration the nature and extent of the failure, the extent of the efforts required to cure, and the potential impact on the health, safety, and welfare of the public. In no event, however, shall the cure period be less than ten (10) days unless the failure presents a risk of imminent danger to property or injury to persons or unless the failure involves the Operator's failure to provide periodic reports as required by this Resolution.
- (b) If the Operator fails to correct the noncompliance, the Airport Board may suspend or revoke the Permit pursuant to the provisions of this Resolution.
- (c) No person shall carry on any operations performed under the terms of a Permit issued under this Resolution during any period of any suspension or revocation of the Permit or pending a review of the decision or order of the Airport Board in suspending or revoking the Permit. Nothing contained herein shall be construed to prevent the necessary, diligent and bona fide efforts to cure and remedy the default or violation for which the suspension or revocation of the Permit was ordered for the safety of persons or as required by the Building Official or the Fire Chief.
- (d) If the Operator does not cure the noncompliance within the time specified in this Resolution, the Airport Board, upon written notice to the Operator, may notify the Commission and request that the Commission take any appropriate action.

## SECTION 11 PERIODIC REPORTS

- (a) The Operator shall notify the Building Official of any changes to the following information within ten (10) days after the change occurs:
  - (1) The name, physical address, telephone number, and fax number of the Operator;
  - (2) The name, address, and telephone number of the person designated to receive notices from the Airport Board (which person must be a resident of Texas that can be served in person or by registered or certified mail); and

- (3) The Operator's emergency action response plan (including "drive-to-maps" from rights-of-way to each Drill Site or Operation Site).
- (b) The Operator shall notify in writing the Building Official of any change to the name, address, and twenty-four (24) hour phone number of the person(s) with supervisory authority over Drilling or operations activities within one (1) business day.
- (c) The Operator shall provide a copy of any "incident reports" or written complaints submitted to the Commission and a copy to the Airport Board within thirty (30) days after the Operator has notice of the existence of such reports or complaints.
- (d) Beginning on December 31<sup>st</sup> after each Well is completed, and continuing on each December 31<sup>st</sup> thereafter until the Operator notifies the Building Official that there has been an Abandonment of the Well and the Operation Site is restored, the Operator shall submit a written report to the Building Official identifying any changes to the information that was included in the application for the applicable Permit that have not been previously reported to the Building Official.

## SECTION 12 BOND, LETTERS OF CREDIT, INDEMNITY INSURANCE

- (a) *General requirements.* The Operator shall be required to:
  - (1) Comply with the terms and conditions of this Resolution and the Permit issued hereunder.
  - (2) Promptly clear each Drill Site and Operation Site of all litter, trash, waste and other substances used, allowed, or occurring in the operations, and after Abandonment or Completion grade, level and restore such property to the same surface conditions as nearly as possible as existed before operations as determined by the Building Official.
  - (3) Promptly pay all fines, penalties and other assessments imposed due to breach of any terms of the Permit.
  - (4) Promptly restore to its former condition any property damaged by the Operator.
- (b) *Bond, irrevocable letter of credit.* Prior to the issuance of a Permit the Operator shall provide the Building Official with a security instrument in the form of a bond or an irrevocable letter of credit as follows:
  - (1) Bond. A bond shall be executed by a reliable bonding or insurance institution authorized to do business in Texas, acceptable to the Airport Board. The bond shall become effective on or before the date the Permit is issued and shall remain in force

and effect for at least a period of six (6) months after the expiration of the Permit term or until there has been an Abandonment of the Well and the Operation Site is restored, whichever occurs last. The Operator shall be listed as principal and the instrument shall run to the Airport Board, as obligee, and shall be conditioned that the Operator will comply with the terms and regulations of this Resolution and all other laws and regulations. The original bond shall be submitted to the Building Official.

- (2) Letter of Credit. A letter of credit shall be issued by a reliable bank authorized to do business in Texas and shall become effective on or before the date the Permit is issued. The letter of credit shall remain in force and effect for at least a period of six (6) months after the expiration of the Permit term or until there has been an Abandonment of the Well and the Drill Site or Operation Site is restored, whichever occurs last. The Airport Board shall be authorized to draw upon such letter of credit to recover any fines, penalties or costs to remedy assessed under this Resolution. Evidence of the execution of a letter of credit shall be submitted to the Building Official by submitting an original signed letter of credit from the banking institution.

- (3) The principal amount of any security instrument shall be fifty thousand dollars (\$50,000) for any single Well. After Completion of a Well, the Operator may submit a request to the Building Official to reduce the existing bond to ten thousand dollars (\$10,000) for the remainder of the time the Well produces without reworking. During reworking operations, the amount of the bond or letter of credit shall be maintained at fifty thousand dollars (\$50,000). If at any time after no less than a fifteen (15) day written notice to the Operator, the Airport Board shall deem any Operator's bond or letter of credit to be insufficient, it may require the Operator to increase the amount of the bond or letter of credit up to a maximum of two hundred fifty thousand dollars (\$250,000) per Well.

- (4) Whenever the Building Official finds that a default has occurred in the performance of any requirement or condition imposed by this Resolution, a written notice shall be given to the Operator. Such notice shall specify the work to be done, the estimated cost and the period of time deemed by the Building Official to be reasonably necessary for the completion of such work. After receipt of such notice, the Operator shall, within the time therein specified, either cause or require the work to be performed, or failing to do so, shall pay over to the Airport Board one hundred twenty-five percent (125%) of the estimated cost of doing the work as set forth in the notice. In no event, however, shall the cure period be less than thirty (30) days unless the failure presents a risk of imminent destruction of property or injury to persons or unless the failure involves the Operator's failure to provide periodic reports as required by this Resolution. The Airport Board shall be authorized to draw against any irrevocable letter of credit or bond to recover such amount due from the Operator. Upon receipt of such monies, the Airport Board shall proceed by such mode as deemed convenient to cause the required work to be performed and

completed, but no liability shall be incurred other than for the expenditure of said sum in hand. In the event there has not been a proper Abandonment of the Well under the regulations of the Commission, such additional money may be demanded from the Operator as is necessary to properly plug and abandon the Well and restore the Drill Site or Operation Site in conformity with the regulations of this Resolution.

- (5) In the event the Operator does not cause the work to be performed and fails or refuses to pay over to the Airport Board the estimated cost of the work to be done as set forth in the notice, or the issuer of the security instrument refuses to honor any draft by the Airport Board against the applicable irrevocable letter of credit or bond, the Airport Board may proceed to obtain compliance and abate the default by way of civil action against the Operator, or by criminal action against the Operator, or by both such methods.

- (6) When there has been a proper Abandonment of the Well or Wells covered by said irrevocable letters of credit or bond in conformity with all regulations of this Resolution, and in conformity with all regulations of the Commission and notice to that effect has been received by the Airport Board, or upon receipt of a satisfactory substitute, the irrevocable letter of credit or bond issued in compliance with these regulations shall be terminated and cancelled.

(c) *Insurance.* The Operator must at all times maintain the specific coverages listed below.

- (1) Environmental pollution liability coverage. Operator shall purchase and maintain in force for the duration of the Permit, insurance for environmental pollution liability applicable to bodily injury; property damage, including loss of use of damaged property or of property that has not been physically injured or destroyed; cleanup costs; and defense, including costs and expenses incurred in the investigation, defense or settlement of claims; all in connection with any loss arising from the insured site. Coverage shall be maintained in an amount of at least one million dollars (\$1,000,000) per loss, with an annual aggregate of at least ten million dollars (\$10,000,000).

- a. Coverage shall apply to sudden and accidental pollution conditions 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.
- b. The Operator shall maintain continuous coverage and shall purchase extended coverage period insurance when necessary. The extended coverage period insurance must provide that any retroactive date applicable to coverage under the policy precedes the effective date of the issuance of the Permit by the Building Official.

- (2) Control of Well. The policy should cover the cost of controlling a Well that is out of control, re-drilling or restoration expenses, seepage and pollution damage as first party recovery for the Operator and related expenses, including, but not limited to, loss of equipment, experts and evacuation of residents, in the amount of five million dollars (\$5,000,000) per occurrence/no aggregate, if available, otherwise an aggregate of ten million dollars (\$10,000,000). Five hundred thousand dollars (\$500,000) sub-limit endorsement may be added for damage to property for which the Operator has care, custody and control.

### SECTION 13

## SETBACK REQUIREMENTS FOR WELLS, DISPOSAL WELLS AND FRAC TANKS

- (1) It is forbidden to drill, re-drill, deepen, re-enter, activate or convert any Well or Disposal Well, the center of which, at the surface of the ground, is located:
- (a) Within six hundred feet (600') from any Building.
  - (b) Within seventy-five feet (75') of any street, highway or nearest rail.
  - (c) Within one hundred feet (100') of any existing potable water well.
  - (d) The measurement of all distances shall be calculated from the proposed Well bore or Disposal Well bore, in a straight line, without regard to intervening structures or objects, to the closest exterior point of the object listed in items a through c, above. The above calculations shall be prepared by a Registered Professional Land Surveyor.
- (2) Tank batteries, separators and compressors shall be located at least three hundred feet (300') from any Street or any Building. The distance shall be calculated from the closest tank batteries, separators or compressors, in a straight line, without regard to intervening structures or objects, to the closest part of any Street or Building.
- (3) A Frac Tank shall be located at least six hundred feet (600') from any Building and at least three hundred feet (300') from any Street.

### SECTION 14

## ON SITE AND TECHNICAL REGULATIONS

- (a) Abandoned Wells. All Wells shall be abandoned in accordance with the rules of the Commission; however, all Well casings shall be cut and removed to a depth of at least ten feet (10') below the surface unless the Airport Board agrees in writing otherwise. No Building shall be built over an abandoned Well.



- (b) Blowout prevention. In all cases, blowout prevention equipment shall be used on all wells being drilled, worked-over or in which tubing is being changed. Protection shall be provided to prevent blowout during petroleum or gas operations as required by and in conformance with the requirements of the Commission and the recommendations of the American Petroleum Institute. The Operator must equip all Drilling Wells with adequate blowout preventers, flow lines and valves commensurate with the working pressures involved as required by the Commission. The Operator must conduct daily testing of the operation and pressure, providing a copy to the Building Official weekly.
- (c) Chemical and materials storage. All chemicals and/or hazardous materials shall 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 have all material safety data sheets for all hazardous materials on site. All applicable federal and state regulatory requirements for the proper labeling of containers shall be followed. All hazardous materials and/or special hazards at the Well sites shall be protected in accordance with National Fire Protection Association standards, and the Fire Code. Appropriate pollution prevention actions shall be required and include, but are not limited to, chemical and materials raised from the ground (e.g., wooden pallets), bulk storage, installation and maintenance of secondary containment systems, and protection from stormwater and weather elements.
- (d) The following requirements shall apply to all Fracturing operations performed on a Well:
- (1) "Flowback" operations to recover fluids used during Fracturing shall be performed during daylight hours only unless the Building Official approves in writing such operations during non-daylight hours;
  - (2) A watchperson shall be required at all times during such operations; and
  - (3) At no time shall the Well be allowed to flow or vent directly to the atmosphere without first directing the flow through separation equipment or into a portable tank.
- (e) Compliance. Operator shall comply at all times with all applicable federal, state and Airport Board requirements. In the event of any conflicts between the provisions of this Resolution, and the Commission rules and regulations, the more restrictive provision shall apply. Whenever necessary to protect health, safety or welfare, the Building Official or the Fire Chief may direct any Operator to locate, relocate, remove or replace any Well surface facilities located within a particular Operation Site.
- (f) Discharge. No person shall place, deposit, discharge, or cause or permit to be placed, deposited or discharged, any oil, naphtha, petroleum, asphalt, tar, hydrocarbon substances or any refuse including wastewater or brine from any gas operation or the contents of any container used in connection with any gas operation in, into, or upon

any Streets, lots, storm drain, ditch or sewer, sanitary drain or any body of water or any property of the Airport.

- (g) Drill stem testing. All open hole formation or drill stem testing shall be done during daylight hours, with adequate advance notification thereof to the Building Official to enable him to be present during such testing. Drill stem tests may be conducted only if the Well effluent 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.
- (h) Drip pans and other containment devices. Drip pans and other containment devices shall be placed or installed underneath all tanks, containers, pumps, lubricating oil systems, engines, fuel and chemical storage tanks, system valves, connections, and any other areas or structures that could potentially leak, discharge, or spill hazardous liquids, semi-liquids, or solid waste materials.
- (i) Dust, vibration, odors. All Drilling and production operations shall be conducted in such a manner as to minimize, so far as practicable, dust, vibration, or noxious odors, and shall be in accordance with the best accepted practices incident to Drilling for the production of Gas and other hydrocarbon substances. All equipment used shall be so constructed and operated so that, vibrations, dust, odor or other harmful or annoying substances or effect will be minimized by the operations carried on at any Drilling or production site or from anything incident thereto; nor shall the site or structures thereon be permitted to become dilapidated, unsightly or unsafe. Proven technological improvements as identified by the Building Official in industry standards of Drilling and production in this area may be adopted as they become available if capable of reducing dust, vibration and odor.
- (j) Electric lines. All electric lines to production facilities shall be located in a manner compatible to those already installed in the surrounding area.
- (k) Emergency Response Plan. Prior to the commencement of any Gas or other hydrocarbons production activities, Operator shall submit to the Building Official an Emergency Response Plan establishing written procedures to minimize any hazard resulting from Drilling, Completion or producing of a Gas Well. Said plan shall use existing guidelines established by the Commission, TCEQ, Texas Department of Transportation and/or the USEPA. The Emergency Response Plan shall be kept current with any additions, modifications, and/or amendments concerning all construction-related activities, natural gas operations and, and/or natural gas production. Updated plans shall be submitted to the Building Official within two (2) business days. A copy of the Emergency Response Plan shall be kept on site.

- (l) Explosive charges. Under no circumstances shall explosives of any type be used during any phase of Drilling, re-drilling, deepening, re-entering, activating, converting, Fracturing, or completing a Well.
- (m) Fire prevention; sources of ignition. Firefighting apparatus and supplies as approved by the Fire Department and required by any applicable federal, state, local law, or the Fire Code shall be provided by the Operator, at the Operator's cost, and shall be maintained on the Drill Site and Operation Site at all times. The Operator shall be responsible for the maintenance and upkeep of such equipment. At a minimum, the Operator shall provide at each Drill Site and Operation Site at least four portable fire extinguishers, the size, rating, distribution and maintenance of which shall be in accordance with the National Fire Protection Association Standard #10 and Standard #30. The Fire Department may require more fire extinguishers based on an evaluation of the hazards at the individual sites. Each Well shall be equipped with an automated valve that closes the Well in the event of an abnormal change in operating pressure. All wellheads shall contain an emergency shut off valve to the well distribution line. Lightning protection equipment shall be installed as required at every site in accordance with the National Fire Protection Association Standard 780.
- (n) Gas emission or burning restricted. No person shall allow, cause or permit Gas to be vented into the atmosphere or to be burned by open flame except as provided by law or as permitted by the Commission. If the venting of Gas into the atmosphere or the burning of Gas by open flame is authorized as provided by law or as permitted by the Commission, then such vent or open flame shall not be located closer than five hundred feet (500') from any Building not used in operations on the Drill Site or Operation Site and such vent or open flame shall be screened in such a way as to minimize detrimental effects.
- (o) Grass, weeds, trash. Each Drill Site and Operation Site shall be kept clear of high grass, weeds, and combustible trash.
- (p) Lights. No person shall permit any lights located on any Drill Site or Operation Site to be directed in such a manner so that they shine directly on Streets or Buildings. To the extent practicable, and taking into account safety considerations, Drill Site and Operation Site lighting shall be directed downward and shielded so as to both prevent direct illumination of and minimize glare on Streets and Buildings within six hundred feet (600').
- (q) Muffling exhaust. Exhaust from any internal combustion engine, stationary or mounted on wheels, used in connection with the Drilling or for use on any production equipment shall not be discharged into the open air unless it is equipped with an exhaust muffler, or mufflers or an exhaust muffler box constructed of noncombustible materials sufficient to suppress noise and prevent the escape of noxious gases, fumes or ignited carbon or soot. All Fracturing operations shall be conducted during daylight hours unless the Operator has notified the Building Official that Fracturing will occur before

or after daylight hours to meet safety requirements, and the Building Official has approved of such procedures.

(r) Organic solvents. Organic solvents, such as trichloroethylene and carbon tetrachloride, shall not be used for cleaning any element, structure, or component of the Derrick, drilling rig, platform, and/or associated equipment, tools, or pipes. To the maximum extent practicable, high flash point Varsol shall be used.

(s) Pipe dope. Lead-free, biodegradable pipe dope shall be substituted for API specified pipe dope.

(t) Pits. All Drilling and Wells drilled shall utilize a Closed Loop System. The only permitted type of container open to the atmosphere is a Frac Tank.

(u) Private roads and Drill Sites. Prior to the commencement of any Drilling, all roads used for access to the Drill Site and the Operation Site itself shall be at least twenty-two feet (22') wide, have an overhead clearance of fourteen feet (14') and shall be an All-Weather Hard Surface and maintained in accordance with the Fire Code, and to be non-erodible. In particular cases these requirements governing surfacing of roads may be altered at the discretion of the Fire Chief after consideration of all circumstances including, but not limited to, the following: distances from Streets and Buildings; topographical features; nature of the soil; and exposure to wind. All access roads must be kept clean and unobstructed at all times.

(v) Signs (Refer to Part 2 for sign permitting requirements).

(1) A sign shall be immediately and prominently displayed at the gate on the temporary and permanent site fencing erected pursuant to this Resolution. Such sign shall be of durable material, maintained in good condition and, unless otherwise required by the Commission, shall have a surface area of not less than sixteen (16) square feet with contrasting lettering not less than four inches (4") tall and shall be lettered with the following:

- a. Well name and number;
- b. Name of Operator;
- c. The emergency 911 number; and
- d. 24 Hour telephone numbers of two (2) persons responsible for the Well who may be contacted in case of emergency.

(2) Permanent weatherproof signs reading "DANGER NO SMOKING ALLOWED" in both English and Spanish shall be posted immediately upon Completion at the Operation Site fencing at the entrance of each Operation Site and tank battery or

in any other location approved or designated by the Fire Department. Sign lettering shall be four inches (4") in height and shall be red on a white background or white on a red background. Each sign shall include the emergency notification numbers of the Fire Department and the Operator, and Well and lease designations required by the Commission.

- (w) Storage of equipment. On-site storage is prohibited on the Operation Site. No equipment shall be stored on the Drill Site or Operation Site, unless it is necessary to the everyday operation of the Well. Lumber, pipes, tubing and casing shall not be left on the Operation Site except when Drilling or Well servicing operations are being conducted on the Operation Site. No vehicle or item of machinery shall be parked or stored on any Street, or upon any Operation Site which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires except that equipment which is necessary for Drilling or production operations on the Drill Site or Operation Site. The Fire Department shall determine whether equipment constitutes a fire hazard. No refinery, processing, treating or absorption plant of any kind shall be constructed, established or maintained within the Airport.

- (x) Storage tanks. All tanks and permanent structures shall conform to the API specifications unless other or additional specifications are approved by the Fire Department. All tanks shall require a Fire Code permit and application must be made in accordance with the Fire Code. All storage tanks shall be equipped with a secondary containment system including lining with an impervious material. The secondary containment system shall be a minimum of three feet (3') in height and one and one-half (1-1/2) times the contents of the largest tank in accordance with the Fire Code, and buried at least one foot (1') below the surface. Drip pots shall be provided at the pump out connection to contain the liquids from the storage tank. All tanks shall be set back pursuant to the standards of the Commission and the Fire Code. Each storage tank shall be equipped with a level control device that will automatically activate a valve to close the Well in the event of excess liquid accumulation in the tank. No meters, storage tanks, separation facilities, or other above ground facilities, other than the wellhead and flow lines, shall be placed in a floodway identified by FEMA on the most current FIRM. Meters, storage tanks, separation facilities, or other above ground facilities proposed in the floodplain shall be outside of the floodway and shall be subject to approval by the Building Official.

- (y) Swabbing, bailing and purging Wells. No person shall begin the operation of swabbing a Well without first complying with the provisions of this Section. In swabbing, bailing or purging a Well, all deleterious substances removed from the borehole shall be placed in appropriate tanks or pits and no substances shall be permitted to pollute any surface or subsurface fresh water. No Well shall be swabbed before a device, commonly known as a lubricator, has been placed on the flow casing above all outlets or flow lines of the Well. The lubricator shall be not less in diameter than the flow casing and equipped with an adequate oil saver or stuffing box at the top. The total inside length of the lubricator shall be not less than five feet (5') more than the total length of swab



and turn back on swab line. The lubricator shall have a nipple not less than two inches (2") in diameter nor more than four inches (4") in length, placed not more than six inches (6") from the top of the flow line or lines between the gate valve on the flow lines and flow casings. The nipple shall be provided with a gate valve not less than two inches (2") in size. All equipment and parts of the lubricator shall be of a type designed and tested to withstand a pressure of 3,000 pounds per square inch. All pressure tests shall be by the hydrostatic method.

- (z) Tank battery facilities. Tank battery facilities shall be equipped with a remote foam line and a lightning arrestor system.

- (aa) Surface casing. Surface casing shall be run and set to a minimum depth of 1,400 feet below the surface of the ground or a minimum of 200 feet below the deepest freshwater zone found in the eight sections adjacent to the Operation Site, whichever is greater, and in full compliance with the applicable rules and regulations of the Commission. Surface casing shall have a centralizer in the middle of the shoe joint, a centralizer on the top of the second joint of casing, and centralizers no more than 100 feet apart above the second centralizer. Surface casing must be new pipe of API grade J or K or higher grade and have a minimum burst pressure rating of 2,900 psi. In the event a rupture, break or opening occurs in the surface or production casing, the Operator or drilling contractor shall promptly report the incident to the Building Official. Immediate action shall be taken to repair such casing and the repairs shall be witnessed by the Building Official.

- (bb) Valves. Each Well must have a shutoff valve to terminate the Well's production. The Fire Department shall have access to the Well site to enable it to close the shut-off valve in an emergency.

- (cc) Waste disposal. All permitted waste disposal including, but not limited to, Brackish Water, shall only be from oil and gas exploration and production sources within the boundaries of Dallas/Fort Worth Airport. Unless otherwise directed by the Commission, all tanks used for storage shall conform to the following: Operator must use portable closed steel storage tanks for storing liquid hydrocarbons. Tanks must meet the API standards. All tanks must have a vent line, flame arrestor and pressure relief valve. All tanks must be enclosed by a fence applicable to the issued permit classification. Drilling mud, cuttings, liquid hydrocarbons and all other field waste derived or resulting from or connected with the Drilling, re-working or deepening of any Well shall be discharged into an above-ground self-contained tank or, after authorization by the Building Official, a lined pit. All disposals must be in accordance with the rules of the Commission and any other appropriate local, state or federal agency. Unless otherwise directed by the Commission and approved by the Building Official waste materials shall be removed from the Drill Site and/or Operation Site and transported to an approved off-site disposal facility not less often than every thirty (30) days. Water stored in on-site tanks shall be removed as necessary. All waste shall be disposed of in such a manner as to comply with the air and water pollution control

regulations of the Federal Government, the State, this Resolution and any other applicable requirement of the Airport Board.

(dd) Watchperson. The Operator must keep a watchman or security personnel on site during the Drilling or re-working of a Well when other workers are not on the premises.

(ee) Installation of pipelines on, under or across Airport property. The Operator shall apply to the Airport Board for a Permit to use the Airport for the purpose of constructing, laying, maintaining, operating, repairing, replacing and removing pipelines. Prior to installation, the owner of the pipeline shall submit to the Building Official the pipeline design criteria, including but not limited to, operating pressures, pipeline gradient and elevation to sea level, location, pipe ASTM grade, pipe manufacturer, pipe wall thickness, pipeline capacity and volume. Prior to and subsequent to installation of each segment of new or replacement pipeline, the pipe and pipeline must receive and pass on-site inspection of compliance with the design criteria and the process of installation. All new or replacement pipe or pipelines shall be covered and must be at least 48 inches below the existing ground level as verified and approved by the Building Official. Operator shall:

- (1) Not interfere with or damage existing water, sewer or gas lines or the facilities of public utilities located on, under or across a Street.
- (2) Furnish to the Building Official a site plan showing the location of such pipelines.
- (3) Design, construct, maintain and operate natural gas pipelines in accordance with 49 U.S.C. 60101, et seq.; 49 Code of Federal Regulations (CFR) Part 191, Transportation of Natural and Other Gas by Pipeline; Annual Reports, Incident Reports, and Safety-Related Condition Reports; 49 CFR Part 192, Transportation of Natural and Other Gas by Pipeline; Minimum Federal Safety Standards .
- (4) Grade, level and restore such property to the same surface condition, as nearly as practicable, as existed prior to the laying of the pipeline.
- (5) If a pipeline becomes unsafe or is not properly maintained, or if any of the contents escape, the person in control of the line shall immediately discontinue its use and shut off all its contents until the line is repaired.
- (6) Each owner or operator of a gas pipeline for which a Permit is required under this Resolution shall have it tested at least once every six (6) months for the purpose of determining whether it is in safe condition and free from leaks, breaks or open spaces, and make a report of the test supported by an affidavit by the person making the test to the Building Official. For failure to timely make the test and report, or if the report discloses or it otherwise appears that any line is leaking, defective or unsafe, the pipeline shall be closed and shut-in until such time as it is repaired or a proper report is filed.



- (7) The location of all new or replacement pipe or pipelines shall be marked by the owner(s) thereof or by the person installing or operating the pipe or pipeline. Marker signs shall be placed at all locations where pipe or pipelines cross property boundary lines and at each side of a Street which the pipe or pipeline crosses. The top of all marker signs shall be a minimum of four feet (4') above ground level, and the support post must be sufficient to support the marker sign and shall be painted yellow or such other color as may be approved by the Building Official. All marker signs shall be a minimum of 12 inches square and shall be marked as "Gas Pipe Line". All marker signs shall contain the name of the owner and operator of the pipeline. It is the joint and severable responsibility of the owner and the operator of any and all pipelines to maintain the markers in accordance with this Section.
- (ff) Streets. No Permit shall be issued for any Well to be drilled within any Street, and no Street shall be blocked, encumbered, or closed due to any Exploration, Drilling or production operations.
- (gg) Vehicle routes. Vehicles associated with Drilling and/or production in excess of three (3) tons shall be restricted to those arterials or routes designated by the Airport.
- (hh) Tank specifications for a Gas Well. All tanks and permanent structures shall conform to the API specifications unless other specifications are approved by the Airport Board. The top of the tanks shall be no higher than twelve feet (12') above the terrain surrounding the tanks.
- (ii) All Drilling, re-entry and operations at any Well shall be conducted using the best available technology. All casing, valves, Blowout Preventers, drilling fluids, tubing, bradenhead, Christmas tree and wellhead connections shall be of a type and quality consistent with the best available technology. The setting and cementing of casing and running of drill stem tests shall be performed in a manner consistent with the best available technology. All persons engaged in Drilling or production operations shall observe and follow the recommendations and regulations of the API and the Commission, except in those instances specifically addressed by this Resolution.
- (jj) Upon Completion of the Well, the Operator shall certify by affidavit that the Well has been completed according to good engineering practices. The affidavit shall stipulate the number of sacks of cement, the class of cement, blended materials, weight of cement in pounds per gallon, cement displacement pressure, final pumping pressure and whether checkvalves held the pressure. Commencement and completion times of such operation shall be stipulated. The affidavit must be completed by a cementing service company and signed by both the Operator and the cementing service company.
- (kk) No person shall commence any operation to change the equipment of a Well for the purpose of converting from natural to artificial production of oil and gas, or commence

any operation for the purpose of cleaning, repairing or reconditioning any such Well, before notifying the Building Official that such operation is to be commenced. No person shall commence such operation unless he receives approval. The Building Official shall give approval for converting from natural to artificial production if it appears that the provisions of this Resolution have been and are being complied with.

(ll) In no case shall Gas or air be transported through any pipeline at a working pressure in excess of 1,000 pounds. If it is necessary to use greater working pressure, a gas or air booster plant shall be installed not closer than 75 feet from the Derrick floor of a Well or tank battery and the compressor unit not less than 100 feet from the Derrick floor of the Well being served. In no event shall more than 1,500 pounds working pressure be used in flowing a Well by artificial means.

(mm) A pipe used for the transportation of air or Gas ranging from 600 to 1,000 pounds pressure shall be from two inches (2") to ten inches (10") in outer diameter and shall be seamless pipe with welded or screwed couplings. Any new or replacement pipe shall be covered and not less than 48 inches below the regular ground level. These lines shall be tested before being used and every six (6) months thereafter. The test shall be made with water and the pipe shall stand a pressure of 2,000 pounds.

(nn) At each Well where air or gas lift is used, there shall be placed on the air or gas lift an indicating pressure gauge which shall show the working pressure of air or gas delivered to the Well at all times. All gauges installed on lines shall be tested and corrected every six (6) months.

(oo) The Building Official shall inspect all pressure lines in use at any Well or at any project to ensure that tubing, fittings, equipment or connections are reasonably tight, safe and free from leaks. If it becomes necessary to change or remove any pipeline, the entire expense of change or removal shall be borne by the owner of the line requiring repair. The removal or change shall be made within five (5) days after notice by the Building Official.

(pp) All pipelines, connections and fixtures installed or used for the purpose of gas transportation shall be operated and maintained in a safe manner at all times so as to prevent all leakage or escape of their contents.

(qq) The Building Official shall have the authority to require the immediate shutting in or closing of any Well if he finds there exists, within a 100-foot radius of any Well, any Gas or gasoline vapor in a quantity sufficient to constitute, in his judgment, or in the judgment of the Fire Chief, a fire hazard. The Well shall remain shut in or closed in until the hazard and its cause have been remedied.

(rr) Every enhanced recovery or Disposal Well shall be constructed so as to seal the injection zone from the upper portion of the casing. Cement shall be circulated to the surface for injection zone casing. The annulus between the casings shall be filled with a non-corrosive fluid, then sealed and a 1/4-inch female fitting with cutoff valve shall

be attached so that the pressure annulus may be measured by the Building Official by attaching a gauge with a 1/4-inch male fitting. The annulus between the production casing and the injection tubing shall be pressure tested to a pressure at least 250 psi greater than the injection pressure proposed for the Well. The pressure testing shall be witnessed and approved by the Building Official. A pressure shall be maintained in the annulus sufficient to monitor the fluids in the annulus. Any significant deviation from the established pressure shall be cause to shut down the Well, and may result in cancellation of the operating Permit, until the established pressure can once again be maintained.

- (1) The Permit for an enhanced recovery or Disposal Well shall state the maximum injection pressure. Exceeding this injection pressure shall be considered a violation of this Section.
- (2) Injection lines for such wells shall be buried to a minimum depth of four feet (4'), and shall be pressure tested (static) annually at a minimum of 150 percent of the pressure normally encountered at the injection pump discharge for a period of hours to be fixed by the Building Official. The Building Official shall be notified in writing five (5) days in advance of such test and may supervise it. Test results shall be filed with the Building Official upon completion.

- (3) Before performing any down-hole work on an enhanced recovery or Disposal Well, the Operator shall notify the Building Official at least five (5) days in advance of performing this work. The Building Official shall witness the installation of tubing and packer in an enhanced recovery or Disposal Well. The annulus between the injection tubing and the production casing shall then be pressure tested to a pressure at least 250 psi in excess of the approved injection pressure. The Building Official shall witness the pressure testing of this annulus. The pressure test shall be repeated at least every six (6) months and shall be witnessed by the Building Official.

- (4) The Operator of the well shall submit to the Building Official a monthly report stating the amount of water injected during the month and the maximum tubing pressure.

#### **SECTION 15 SCREENING**

- (a) Throughout the entire Exploration, Drilling, and production process there shall be screening improvements (fences, walls, Berms and landscaping) required during each phase of the process if the Drill Site or Operation Site is visible from a Building. Without regard to visibility, each Frac Tank that is open to the atmosphere or surface shall be screened.

- (1) During Drilling. A temporary chain link fence with all-weather screening fabric at least six feet (6') in height shall be established around the entire Operation Site to obscure view of the Drilling activities. A secured entrance gate shall be required. All gates are to be kept locked when the Operator or his employees are not within the enclosure. A "Knox Padlock" or "Knox Box with a key" shall be provided to access the Well site to be used only in case of an emergency.
- (2) Completion through Abandonment (production phase): A masonry wall shall be required to enclose and visually screen the Well and all associated equipment. An earthen Berm may also be required. The masonry walls, Berms, and landscaping shall be in compliance with standard engineering and design practices and shall meet the following minimum requirements:
  - a. The masonry wall material and design shall be generally compatible with the design of similar facilities, Building and structures on and/or adjacent to the site as approved by the Building Official; and
  - b. Masonry walls shall be at least eight feet (8') in height.
- (3) Each Frac Tank shall be surrounded by a temporary chain link fence with all-weather screening fabric at least six feet (6') in height. A secured entrance gate shall be required. All gates are to be kept locked when the Operator or his employees are not within the enclosure. A "Knox Padlock" or "Knox Box with a key" shall be provided to access the Well site to be used only in case of an emergency. If the Frac Tank is open to the atmosphere or the surface it shall be covered by netting sufficient to inhibit access to the tank to fowl.
- (b) Gate specifications. All temporary fences and masonry walls shall be equipped with at least one (1) gate. The gate shall meet the following specifications:
  - (1) Each gate shall be not less than twelve feet (12') wide and be composed of two (2) gates, each of which is not less than six feet (6') wide, or one (1) sliding gate not less than twelve feet (12') wide. If two (2) gates are used, gates shall latch and lock in the center of the span;
  - (2) The gates shall be of chain link construction, with all-weather screening fabric, that meets the applicable specifications, or of other approved material that, for safety reasons, shall be at least as secure as a chain link fence;
  - (3) The gates shall be provided with a combination catch and locking attachment device for a padlock, and shall be kept locked except when being used for access to the site; and
  - (4) Operator must provide the Fire Department with a "Knox Padlock" or "Knox Box with a key" to access the Well site to be used only in case of an emergency.

(b) Abandonment shall be approved by the Building Official after restoration of the Drill Site and/or Operation Site has been accomplished in conformity with the following requirements at the discretion of the Building Official:

- (1) The Derrick and all appurtenant equipment thereto shall be removed from the site;
  - (2) All tanks, towers, and other surface installations shall be removed from the site;
  - (3) All concrete foundations, piping, wood, guy anchors and other foreign materials regardless of depth, except surface casing, shall be removed from the site, unless otherwise directed by the Commission;
  - (4) If any soil was contaminated, it shall be removed in accordance with local, State and Federal regulations;
  - (5) All holes and depressions shall be filled to grade with clean, compactable soil;
  - (6) All waste, refuse or waste material shall be removed; and
  - (7) During Abandonment, Operator shall comply with all applicable sections in this Resolution.
- (c) Abandoned Well requirement. The Operator shall furnish the following to the Building Official:
- (1) A copy of the approval of the Commission confirming compliance with all Abandonment proceedings under state law; and
  - (2) A notice of intention to abandon under the provisions of this Section and stating the date such work will be commenced. Abandonment may then be commenced on or subsequent to the date so stated.
- (d) Abandonment requirements prior to new construction. A Well Site or Drill Site where there has been an Abandonment shall meet the most current Abandonment requirements of the Commission prior to the issuance of any Permit for development of the property. No structure shall be built over an abandoned Well.
- (e) The Operator can only abandon a Well if the Building Official has reviewed and approved the Abandonment.

## SECTION 16 CLEANUP AND MAINTENANCE

(a) Cleanup after well servicing. After the Well has been completed or there has been an Abandonment, the Operator shall clean the Drill Site or Operation Site, complete restoration activities and repair all damage to property caused by such operations within sixty (60) days.

(b) Clean-up after spills, leaks and malfunctions. After any spill, leak or malfunction, the Operator shall remove or cause to be removed to the satisfaction of the Fire Department and the Building Official all waste materials from any property affected by such spill, leak or malfunction. Clean-up operations must begin immediately. If the Operator fails to begin clean-up within twenty-four (24) hours, the Airport Board shall have the right to contact the Commission in order to facilitate the removal of all waste materials from the property affected by such spill, leak or malfunction.

(c) Painting. All production equipment shall be painted and maintained at all times, including wellheads, pumping units, tanks, and Buildings. When requiring painting of such facilities, the Building Official shall consider the deterioration of the quality of the material of which such facility or structure is constructed, the degree of rust, and its appearance. Paint shall be non-reflective and of a neutral color, compatible with surrounding uses. Neutral colors shall include sand, gray and unobtrusive shades of green, blue and brown, or other neutral colors approved by the Building Official.

(d) Blowouts. In the event of the loss of control of any Well, Operator shall immediately take all reasonable steps to regain control regardless of any other provision of this Resolution and shall notify the Building Official and Fire Chief as soon as practicable. If in the opinion of the Building Official or the Fire Chief, a danger to persons and/or property exists because of such loss of Well control and that the Operator is not taking or is unable to take all reasonable and necessary steps to regain control of such Well, the Building Official may then employ any well control expert or experts or other contractors or suppliers of special services, or may incur any other expenses for labor and material which the Building Official deems necessary to regain control of such Well. The Airport Board shall then have a valid lien against the interest in the Well of all working interest owners to secure payment of any expenditure made by the Airport Board pursuant to such action of the Building Official in gaining control of said Well.

## SECTION 17 PLUGGED AND ABANDONED WELLS

(a) Surface requirements for the Abandonment of a Well. Whenever Abandonment occurs pursuant to the requirements of the Commission, the Operator shall be responsible for the restoration of the Well site to its original condition as nearly as practicable, in conformity with the regulation of this Resolution.



## **SECTION 18**

### **TECHNICAL ADVISOR**

The Airport Board may from time to time employ a technical advisor or advisors who are experienced and educated in the gas industry or the law as it pertains to gas matters. The function of such advisor(s) shall be to advise, counsel or represent the Airport Board on such matters relating to gas operations within the Airport as the Airport Board may want or require and the effect thereof, both present and future, on the health, welfare, comfort and safety of the public. In the event such technical advisor(s) is (are) employed for the purpose of advising, counseling or representing the Airport Board relative to an Operator's unique and particular set of circumstances, case or request relating to this Resolution, then the cost for such services of such technical advisor(s) shall be assessed against and paid for by such Operator in addition to any fees or charges assessed pursuant to this Resolution. Prior to the employment of a technical advisor, the Airport Board shall inform the Operator of the intended scope of work and the estimated costs and expenses.

## **SECTION 19**

### **SEVERABILITY CLAUSE**

It is the intention of the Airport that the phrases, clauses, sentences, paragraphs and sections of this Resolution are severable, and if any phrase, clause, sentence, paragraph or section of this Resolution shall be declared unconstitutional or unenforceable by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Resolution.