

8-22-07

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapters 51 and 51A, "Dallas Development Code," of the Dallas City Code by adding new Sections 51-4.606 and 51A-4.606 to provide gas drilling and production permitting regulations; amending sections 51A-1.105, 51A-4.111, 51A-4.112, 51A-4.113, 51A-4.114, 51A-4.115, 51A-4.116, 51A-4.117, 51A-4.121, 51A-4.122, 51A-4.123, 51A-4.124, 51A-4.125, and 51A-4.126 to allow gas drilling and production by SUP in all zoning districts; amending sections 51-4.213 and 51A-4.203 to classify gas drilling and production as a new use; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

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

SECTION 1. That Subsection (12), "Mining," of Section 51-4.213, "Commercial Uses," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is amended to read as follows:

"(12) Mining.

(A) Definition: The extraction, removal, or stockpiling of earth materials, including soil, sand, gravel, oil, [gas,] or other materials found in the earth. The excavation of earth materials for ponds or lakes, including excavations for fish farming ponds and recreational lakes, are considered mining unless otherwise expressly authorized by another provision of this code. The following are not considered mining:

(i) The extraction, removal, or stockpiling of earth materials incidental to an approved plat or excavation permit, incidental to construction with a building

permit, or for governmental or utility construction projects such as streets, alleys, drainage, gas, electrical, water, and telephone facilities and similar projects.

(ii) The extraction, removal, or stockpiling of earth materials incidental to construction of landscaping, retaining walls, fences, and similar activities consistent with the land use allowed at the site of removal.

(iii) Gas drilling and production. See Subsection 51-4.213(19).

(B) Districts permitted: Specific use permit required in MH, A, O-2, commercial, central area, and industrial districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) The applicant shall submit a site plan of existing conditions, operations plan, reclamation plan, and the proposed bond to the director of ~~[planning and]~~ development services for review and recommendation ~~[by the departments of planning and development, park and recreation, and public works, and the environmental quality committee of the city plan commission].~~

(ii) If a specific use permit is granted ~~[for the mining use]~~, the directors of public works and transportation and ~~[planning and]~~ development services shall inspect and monitor the mining and reclamation operation at least once annually. ~~[The site will also be monitored annually by]~~ T[he] director of the department of environmental and health [and human] services shall also inspect and monitor the site annually to determine if toxic elements are present. The [A person conducting a] mining operation must [shall] meet the standards of the United States Environmental Protection Agency, the Texas Commission on Environmental Quality, and the Texas Water Quality Act.

(iii) A specific use permit may not be issued for mining city park land.

(F) Site plan of existing conditions. The applicant shall submit a site plan of existing conditions that [which] includes:

(i) a site location map on a small scale showing major circulation routes and other landmarks which would aid in the location of the site;

(ii) contours shown at no greater than five-foot intervals;

(iii) connection to roads outside the site;

Proposed Gas Drilling and Production Ordinance

(iv) location, identification, and dimensions of all public and private easements;

(v) location of flood plain, water bodies, natural and man-made channels (wet and dry), and subsurface channels;

(vi) tree and other vegetation groupings, rock outcroppings, and other significant natural features;

(vii) location and depth of any known former or current mines or landfills in or within 500 feet of the boundaries of the excavation and an indication of the type of fill used;

(viii) analyzed core samples if the director of environmental and health [~~and human~~] services determines that toxic elements may be present; and

(ix) any other information the director of development services [~~public works~~] determines is reasonably necessary for a complete review of the proposed operations.

(G) Operations plan. The applicant shall submit an operations plan that [~~which~~] includes:

(i) storage of reclamation topsoil and methods of disposing of all material not to be sold or reclaimed;

(ii) hours of operation;

(iii) location and depth of excavation;

(iv) drainage and erosion control measures;

(v) method for the disposal of toxic elements, if present;

(vi) roads to be used for transportation of stone, sand, or gravel;

(vii) fences or any other barriers necessary for safety;

(viii) noise and dust control measures;

(ix) the length of time necessary to complete the mining and reclamation of the site; and

(x) any other information the director of development services [~~public works~~] determines is reasonably necessary for a complete review of the proposed operations.

(H) Reclamation plan. The applicant shall submit a reclamation plan that ~~[which]~~ is verified by a registered surveyor. The reclamation plan must show the reclamation of the entire site upon completion of operation and phases of reclamation to be completed at no greater than five-year intervals. The reclamation must include the following information:

(i) contours shown at no greater than five foot intervals with slopes not steeper than a three-to-one (horizontal to vertical) ratio;

(ii) circulation routes, including ~~[which include]~~ roadways, any internal circulation, rights-of-way, and connections to roads outside the site;

(iii) location, identification, and dimensions of all public and private easements;

(iv) location of flood plain, water bodies, natural and man-made channels (wet and dry), subsurface dams, dikes, or channels;

(v) location of any areas to be filled with water including a description of the source of the water, the means of water retention, and the prevention of stagnation and pollution;

(vi) location and type of vegetation;

(vii) structures (including height), utilities, and proposed land uses, if any;

(viii) the amount of the performance bond that will be posted in accordance with Paragraph ~~[Subsection]~~ (I) below; and

(ix) any other information the director of development services ~~[public works]~~ determines is reasonably necessary for a complete review of the proposed operation.

(I) Performance bond.

(i) The applicant shall post a performance bond with the city controller before ~~[once the application has been approved by the city council, but prior to the]~~ passage of the ordinance granting the specific use permit. The performance bond must be approved as to form by the city attorney.

(ii) The bond must be twice the estimated cost to the city of restoring the premises in a manner shown on the reclamation plan. The amount of the bond shall be determined by the director of public works and transportation on the basis of relevant factors including ~~[but not limited to]~~ expected changes in the price index, topography of the site, project

methods being employed, depth and composition of overburden, and data provided in the reclamation plan.

(iii) The bond must be issued by a surety company licensed to do business in Texas. The applicant may deposit cash, certificates of deposit, or government securities in lieu of a bond. Interest received on deposit and securities must be returned to the applicant upon the approval of reclamation of the site.

(iv) The directors of public works and transportation and ~~[planning and]~~ development services shall conduct a final inspection to determine whether the site has been reclaimed in accordance with the specific use permit. Final inspection must be made not more than two years after the expiration of the specific use permit. A registered surveyor provided by the applicant shall verify the final topography of the site.

(v) The director of ~~[planning and]~~ development services shall report to the city council on the completion of the project. The city council shall determine by resolution whether the reclamation has been completed in accordance with the performance bond should be released ~~[specific use permit and whether the specific use permit should be eliminated from the zoning map]~~.

(vi) The city controller shall release the bond or deposit if the city council finds that the applicant has completed reclamation of the site in accordance with the specific use permit. If the site is not restored in accordance with the reclamation plan, the director of public works and transportation shall use the bond or deposit to restore the site in accordance with the plan.”

SECTION 2. That Section 51-4.213, “Commercial Uses,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended by adding a new Paragraph 51A-4.213(19), “Gas Drilling and Production,” to read as follows:

“(19) Gas drilling and production.

(A) Definition: The extraction of any fluid, either combustible or noncombustible, that is produced in a natural state from the earth and that maintains a gaseous or rarefied state at standard temperature and pressure conditions, or the extraction of any gaseous vapors derived from petroleum or natural gas.

(B) Districts permitted: Specific use permit required in all residential and nonresidential districts.

(C) Required off-street parking: None.

(D) Required off-street loading: None.

(E) Additional provisions:

(i) See Section 51-4.606 for additional regulations relating to gas drilling and production. No provision found in Section 51-4.606 may be waived through the adoption of or amendment to a planned development district.

(ii) City council may require that an operator use a closed-loop system.

(iii) Trailers or mobile homes that are temporarily placed on the operation site and used by gas drilling workers as a residence is a permitted accessory use.

(iv) Gas wells must be spaced at least:

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

(bb) 200 feet from any fresh water well;

(cc) 25 feet from any property line;

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

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

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

(v) All structures and equipment, including tanks and tank batteries, must be spaced at least:

(aa) 100 feet from any institutional and community service use, recreation use, or residential use.

(bb) Tanks and tank batteries must also be spaced at least 100 feet from any combustible structure and spaced at least 25 feet from all right-of-ways and property lines. The Dallas Fire Code may require additional spacing depending on the size of the tank.

(vi) Spacing is measured from the center of the well bore at the surface of the ground or from the closest point of the structure or equipment, in a straight line, without regard to intervening structures or objects, to the closest point of the use, structure, or

feature creating the spacing requirement. Spacing requirements may not be waived or decreased through the adoption of a planned development district.

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

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

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

SECTION 2. That Division 51-4.600, “District Regulations of Special Applicability,” of Article IV, “Zoning Regulations,” of Chapter 51, “Dallas Development Code: Ordinance No. 10962, as amended,” of the Dallas City Code is amended by adding a new Section 51A-4.606, “Gas Drilling and Production,” to read as follows:

**“SEC. 51-4.606. GAS DRILLING AND PRODUCTION.**

This section incorporates by reference the language of Section 51A-4.606, “Gas Drilling and Production,” of Chapter 51A of the Dallas Development Code, as amended.”

SECTION 4. That Paragraph (3), “Fee Schedule,” of Subsection (k), “Fees for Miscellaneous Items,” of Section 51A-1.105, “Fees,” of Article I, “General Provisions,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(3) Fee schedule.

Type of Application  
...”

Application Fee

SECTION 5. That Subparagraph (C), "Industrial Uses," of Paragraph (2), Main Uses Permitted," of Section 51A-4.111, "Agricultural [A(A)] District," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(C) Industrial uses.

- Gas drilling and production. [SUP]
- Mining. [SUP]
- Organic compost recycling facility. [SUP]
- Temporary concrete or asphalt batching plant."

SECTION 6. That Subparagraph (C), "Industrial Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (a), "R-1ac(A) District", of Section 51A-4.112, "Single Family Districts," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]"

SECTION 7. That Subparagraph (C), "Industrial Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (b), "R-1/2ac(A) District," of Section 51A-4.112, "Single Family Districts," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]"



SECTION 8. That Subparagraph (C), "Industrial Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (c), "R-16(A) District," of Section 51A-4.112, "Single Family Districts," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*"

SECTION 9. That Subparagraph (C), "Industrial Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (d), "R-13(A) District," of Section 51A-4.112, "Single Family Districts," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(C) Industrial uses.

- Gas drilling and production [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*"

SECTION 10. That Subparagraph (C), "Industrial Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (e), "R-10(A) District," of Section 51A-4.112, "Single Family Districts," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*"

SECTION 11. That Subparagraph (C), "Industrial Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (f), "R-7.5(A) District," of Section 51A-4.112, "Single Family Districts," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*"

SECTION 12. That Subparagraph (C), "Industrial Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (g), "R-5(A) District," of Section 51A-4.112, "Single Family Districts," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*"

SECTION 13. That Subparagraph (C), "Industrial Uses," of Paragraph (2), "Main Uses Permitted," of Section 51A-4.113, "Duplex [D(A)] District," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*"

SECTION 14. That Subparagraph (C), "Industrial Uses," of Paragraph (2), "Main Uses Permitted," of Section 51A-4.114, "Townhouse [TH-1(A), TH-2(A), and TH-3(A)] Districts," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 15. That Subparagraph (C), "Industrial Uses," of Paragraph (2), "Main Uses Permitted," of Section 51A-4.115, "Clustered Housing (CH) District," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 16. That Subparagraph (C), "Industrial Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (a), "MF-1(A) and MF-1(SAH) Districts," of Section 51A-4.116, "Multifamily Districts," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 17. That Subparagraph (C), "Industrial Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (b), "MF-2(A) and MF-2(SAH) Districts," of Section 51A-4.116, "Multifamily Districts," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*"

SECTION 18. That Subparagraph (C), "Industrial Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (c), "MF-3(A) District," of Section 51A-4.116, "Multifamily Districts," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*"

SECTION 19. That Subparagraph (C), "Industrial Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (d), "MF-4(A) District," of Section 51A-4.116, "Multifamily Districts," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(C) Industrial uses.

- Gas drilling and production. [SUP]

- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 20. That Subparagraph (C), "Industrial Uses," of Paragraph (2), "Main Uses Permitted," of Section 51A-4.117, "Manufactured Home [MH(A)] District," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 21. That Subparagraph (C), "Industrial Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (a), "Neighborhood Office [NO(A)] District," of Section 51A-4.121, "Office Districts," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

"(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*

SECTION 22. That Subparagraph (C), "Industrial Uses," of Paragraph (2), "Main Uses Permitted," of Subsection (b), "LO(A) Districts (LO-1, LO-2, and LO-3)," of Section 51A-4.121, "Office Districts," of Division 51A-4.110, "Residential District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 23. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “MO(A) Districts (MO-1 and MO-2),” of Section 51A-4.121, “Office Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 24. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “General Office [GO(A)] District,” of Section 51A-4.121, “Office Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 25. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (a), “Neighborhood Service [NS(A)] District,” of Section 51A-4.122, “Retail Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV,

“Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 26. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “Community Retail (CR) District,” of Section 51A-4.122, “Retail Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 27. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “Regional Retail (RR) District,” of Section 51A-4.122, “Retail Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 28. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (a), “Commercial Service (CS) District,” of Section 51A-4.123,

“Commercial Service and Industrial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

- “(C) Industrial uses.
- Gas drilling and production. [SUP]
- Industrial (Inside) for Light Manufacturing.
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 29. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “Light Industrial (LI) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

- “(C) Industrial uses.
- Gas drilling and production. [SUP]
- Industrial (Inside) for Light Manufacturing.
- Inside industrial. *[RAR]*
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 30. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “Industrial/Research (IR) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

- “(C) Industrial uses.
- Gas drilling and production. [SUP]
- Industrial (inside). *[See Section 51A-4.203(b)(1).]*
- Industrial (inside) for light manufacturing.
- Industrial (outside). *[See Section 51A-4.203(b)(2).]*



- Medical/infectious waste incinerator. [SUP]
- Municipal waste incinerator. [SUP]
- Organic compost recycling facility. [SUP]
- Pathological waste incinerator. [SUP]
- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]”

SECTION 31. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “Industrial Manufacturing (IM) District,” of Section 51A-4.123, “Commercial Service and Industrial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Industrial (inside). [SUP may be required. See Section 51A-4.203(a); otherwise RAR.]
- Industrial (inside) for light manufacturing.
- Industrial (outside). [SUP may be required. See Section 51A-4.203(a); otherwise RAR]
- Medical/infectious waste incinerator. [SUP]
- Metal salvage facility. [SUP]
- Mining. [SUP]
- Municipal waste incinerator. [SUP]
- Organic compost recycling facility. [SUP]
- Outside salvage or reclamation. [SUP]
- Pathological waste incinerator. [SUP]
- Temporary concrete or asphalt batching plant. [By special authorization of the building official.]”

SECTION 32. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (a), “CA-1(A) District,” of Section 51A-4.124, “Central Area Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 33. That Paragraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (b), “CA-2(A) District,” of Section 51A-4.124, “Central Area Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 34. That Paragraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “MU-1 and MU-1(SAH),” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19445, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 35. That Paragraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (e), “MU-2 and MU-2(SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV,

“Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 36. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (f), “MU-3 and MU-3(SAH) Districts,” of Section 51A-4.125, “Mixed Use Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 37. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (d), “MC-1 District,” of Section 51A-4.126, “Multiple Commercial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 38. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (e), “MC-2 District,” of Section 51A-4.126, “Multiple Commercial

Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 39. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (f), “MC-3 and MC-4 Districts,” of Section 51A-4.126, “Multiple Commercial Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 40. That Subparagraph (C), “Industrial Uses,” of Paragraph (2), “Main Uses Permitted,” of Subsection (c), “UC Districts,” of Section 51A-4.127, “Urban Corridor Districts,” of Division 51A-4.120, “Nonresidential District Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(C) Industrial uses.

- Gas drilling and production. [SUP]
- Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*”

SECTION 41. That Paragraph (3.1), “Mining,” of Subsection (b), “Specific Uses,” of Section 51A-4.203, “Industrial Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV,

“Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended to read as follows:

“(3.1) Mining.

(A) Definition: The extraction, removal, or stockpiling of earth materials, including soil, sand, gravel, oil, [gas,] or other materials found in the earth. The excavation of earth materials for ponds or lakes, including excavations for fish farming ponds and recreational lakes, are considered mining unless otherwise expressly authorized by another provision of this code. The following are not considered mining:

(i) The extraction, removal, or stockpiling of earth materials incidental to an approved plat or excavation permit, incidental to construction with a building permit, or for governmental or utility construction projects such as streets, alleys, drainage, gas, electrical, water, and telephone facilities and similar projects.

(ii) The extraction, removal, or stockpiling of earth materials incidental to construction of landscaping, retaining walls, fences, and similar activities consistent with the land use allowed at the site of removal.

(iii) Gas drilling and production. See Section 51A-4.203(b)(3.2).

(B) Districts permitted: By SUP only in A(A) and IM districts.

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

(D) Required off-street loading:

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

(E) Additional provisions:

(i) The applicant shall submit a site plan of existing conditions, operations plan, reclamation plan, and the proposed bond to the director of development services for review and recommendation ~~[by the department of development~~

~~services, the park and recreation department, and the environmental quality committee of the city plan commission].~~

(ii) If a specific use permit is granted [~~for the mining use~~], the director of public works and transportation and the director of development services shall inspect and monitor the mining and reclamation operation at least once annually. [~~The site will also be monitored annually by~~] T[~~t~~]he director of the department of environmental and health services shall also inspect and monitor the site annually to determine if toxic elements are present. The[~~A person conducting a~~ mining operation must[~~shall~~] meet the standards of the United States Environmental Protection Agency, the Texas Commission on Environmental Quality, and the Texas Water Quality Act.

(iii) A specific use permit may not be issued for mining on city park land.

(F) Site plan of existing conditions. The applicant shall submit a site plan of existing conditions that[~~which~~] includes:

(i) a site location map on a small scale showing major circulation routes and other landmarks which would aid in the location of the site;

(ii) contours shown at no greater than five-foot intervals;

(iii) connections to roads outside the site;

(iv) location, identification, and dimensions of all public and private easements;

(v) location of flood plain, water bodies, natural and man-made channels (wet and dry), and subsurface channels;

(vi) tree and other vegetation groupings, rock outcroppings, and any other significant natural features;

(vii) location and depth of any known former or current mines or landfills in or within 500 feet of the boundaries of the excavation and an indication of the type of fill used;

(viii) analyzed core samples if the director of environmental and health services determines that toxic elements may be present;

(ix) any other information the director of development services determines is reasonably necessary for a complete review of the proposed operations.

(G) Operations plan. The applicant shall submit an operations plan that[~~which~~] includes:

(i) storage of reclamation topsoil and methods of disposing of all material not to be sold or reclaimed;

(ii) hours of operation;

- (iii) location and depth of excavation;
- (iv) drainage and erosion control measures;
- (v) method for the disposal of toxic elements, if present;
- (vi) roads to be used for transportation of stone, sand, or gravel;
- (vii) fences or any other barriers necessary for safety;
- (viii) noise and dust control measures;
- (ix) the length of time necessary to complete the mining and reclamation of the site;
- (x) any other information the director of development services ~~[and transportation]~~ determines is reasonably necessary for a complete review of the proposed operations.

(H) Reclamation plan. The applicant shall submit a reclamation plan ~~that~~~~which~~ is verified by a registered surveyor. The reclamation plan must show the reclamation of the entire site upon completion of operation and the phases of reclamation to be completed at no greater than five-year intervals. The reclamation plan must include the following information:

- (i) contours shown at no greater than five-foot intervals with slopes not steeper than a three-to-one (horizontal to vertical) ratio;
- (ii) circulation routes, including~~which include~~ roadways, any internal circulation, rights-of-way, and connections to roads outside the site;
- (iii) location, identification, and dimensions of all public and private easements;
- (iv) location of flood plain, water bodies, natural and man-made channels (wet and dry), subsurface dams, dikes, or channels;
- (v) location of any areas to be filled with water including a description of the source of the water, the means of water retention, and the prevention of stagnation and pollution;
- (vi) location and type of vegetation;
- (vii) structures (including height), utilities, and proposed land uses, if any;
- (viii) the amount of the performance bond that will be posted in accordance with Subparagraph~~Subsection~~ (I) below;

(ix) any other information the director of development services ~~[and transportation]~~ determines is reasonably necessary for a complete review of the proposed operation.

(I) Performance bond.

(i) The applicant shall post a performance bond with the city controller before ~~[once the application has been approved by the city council, but prior to the]~~ passage of the ordinance granting the specific use permit. The performance bond must be approved as to form by the city attorney.

(ii) The bond must be twice the estimated cost to the city of restoring the premises in a manner shown on the reclamation plan. The amount of the bond shall be determined by the director of development services on the basis of relevant factors including ~~[but not limited to]~~ expected changes in the price index, topography of the site, project methods being employed, depth and composition of overburden, and data provided in the reclamation plan.

(iii) The bond must be issued by a surety company licensed to do business in Texas. The applicant may deposit cash, certificates of deposit, or government securities in lieu of a bond. Interest received on deposits and securities must be returned to the applicant upon the approval of reclamation of the site.

(iv) The director of development services shall conduct a final inspection to determine whether the site has been reclaimed in accordance with the specific use permit. Final inspection must be made not more than two years after the expiration of the specific use permit. A registered surveyor provided by the applicant shall verify the final topography of the site.

(v) The director of development services shall report to the city council on the completion of the project. The city council shall determine by resolution whether the reclamation has been completed in accordance with the specific use permit and whether the performance bond should be released~~[specific use permit should be eliminated from the zoning map]~~.

(vi) The city controller shall release the bond or deposit if the city council finds that the applicant has completed reclamation of the site in accordance with the specific use permit. If the site is not restored in accordance with the reclamation plan, the director of development services shall use the bond or deposit to restore the site in accordance with the plan.”

SECTION 42. That Subsection (b), “Specific Uses,” of Section 51A-4.203, “Industrial Uses,” of Division 51A-4.200, “Use Regulations,” of Article IV, “Zoning Regulations,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code is amended by adding a new Section 51A-4.203(b)(3.2), “Gas Drilling and Production,” to read as follows:



“(3.2) Gas drilling and production.

(A) Definitions

(i) Gas drilling and production means the extraction of any fluid, either combustible or noncombustible, that is produced in a natural state from the earth and that maintains a gaseous or rarefied state at standard temperature and pressure conditions, or the extraction of any gaseous vapors derived from petroleum or natural gas.

(ii) See Subsection 51A-4.606(b), “Definitions,” for definitions that apply to gas drilling and production.

(B) Districts Permitted: By SUP only in all residential and nonresidential zoning districts.

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

(D) Required off-street loading:

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

(E) Additional provisions:

(i) See Section 51A-4.606 for additional regulations relating to gas drilling and production. No provision found in Section 51A-4.606 may be waived through the adoption of a planned development district.

(ii) City council may require that an operator use a closed-loop system.

(iii) Trailers or mobile homes that are temporarily placed on the operation site and used by gas drilling workers as a residence is a permitted accessory use.

(iv) Gas wells must be spaced at least:

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

- (bb) 200 feet from any fresh water well;
- (cc) 25 feet from any property line;
- (dd) 25 feet from any storage tank or source of ignition;
- (ee) 75 feet from any right-of-way; and
- (ff) 100 feet from any structure that is not used for the

everyday operation of the well;

(v) All structures and equipment, including tanks and tank batteries, must be spaced at least:

(aa) 100 feet from any institutional and community service use, recreation use, or residential use.

(bb) Tanks and tank batteries must also be spaced at least 100 feet from any combustible structure and spaced at least 25 feet from all right-of-ways and property lines. The Dallas Fire Code may require additional spacing depending on the size of the tank.

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

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

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

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

SECTION 43. That Division 51A-4.600, "Regulations of Special Applicability," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is amended by adding a new Section 51A-4.606, "Gas Drilling and Production," to read as follows:

**"SEC. 51A-4.606. GAS DRILLING AND PRODUCTION.**

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

(b) Definitions.

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

(2) In this section:

(A) **ABANDONMENT** means the discontinuation of a gas well, which includes plugging the well and restoring the operation site, as approved by the Texas Railroad Commission and the gas inspector.

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

(C) **BLOWOUT PREVENTER** means a mechanical, hydraulic, pneumatic, or other device or combination of devices secured to the top of a well casing, including valves, fittings, and control mechanisms that can be used to completely close the top of the casing and prevent the uncontrolled flow of gas or other fluids from the well.

(D) **COMPLETION** means the date that drilling or reworking of the gas well has ended and gas is flowing to a sales or distribution point.

(E) **CLOSED-LOOP SYSTEM** means a system, where sealed tanks are used instead of reserve pits to collect the drilling waste.

(F) **DRILLING** means digging or boring a new well to explore for or produce gas or other hydrocarbons.

(G) **EQUIPMENT** means any apparatus, machinery, or parts thereof used, erected, or maintained in connection with gas drilling or production.

(H) FLOODPLAIN means any land area susceptible to inundation by the design flood. See Article V.

(I) FRACTURING means the injecting of water into a gas well to cause pressure that will split or open up fractures already present in the formation.

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

(K) GAS INSPECTOR means the person designated by the city to enforce the provisions of this section, or the gas inspector's representative.

(L) OPERATION SITE means the area used for drilling, development, and production, and all operational activities associated with gas after drilling is complete.

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

(N) PRODUCTION means the period between completion and the abandonment of the well.

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

(P) TANK means a container used for holding or storing fluids from gas drilling and production.

(Q) WELL means a hole or bore to any horizon, formation, or strata for the intended or actual production of gas.

(c) Administration.

(1) Gas inspector.

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

(B) The gas inspector shall:

(i) review and approve or deny all gas well permit applications;

(ii) conduct inspections of all gas wells and operation sites at least yearly for compliance with this section and any SUP for gas drilling and production;

(iii) issue orders or citations to obtain compliance with this section and any SUP for gas drilling and production; and

(iv) revoke or suspend gas well permits for violations of this section or any SUP for gas drilling and production.

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

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

(E) The gas inspector shall contact the appropriate state agency to inspect the operation site if the gas inspector believes the operator is violating state law. The gas inspector shall follow up with the state agency to determine if the inspection was completed and what action, if any, were taken against the operator.

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

(d) SUP regulations. See Section 51A-4.203(b)(3.2).

(e) Permit.

(1) In general.

(A) No person shall participate in the operation site preparation, drilling, reworking, fracturing, operation, or any other activity related to the production of gas without first obtaining a gas well permit issued by the city in accordance with this section.

(B) Gas wells operating under an SUP passed by city council before \_\_\_\_\_, may engage in gas drilling and production without a gas well permit. The operation of these wells, however, must comply with Section 51A-4.606(g).

(C) A gas well permit is required, in addition to any permit, license, or agreement required under other city ordinances or state law.

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

(E) A gas well permit automatically terminates if drilling does not commence within 180 days after the gas inspector issues the gas well permit. The gas inspector may extend the time for an additional 180 day period upon request by the operator and proof that the conditions on the operation site have not substantially changed. Only one extension is permitted.

(F) If the SUP allows for multiple wells on the operation site, the operator must begin drilling all wells within thirty days of the start of drilling the first well on the operation site. This is intended to limit the time that drilling will take place on the operation site and minimize the impact the surrounding area.

(G) A gas well permit allows the operator to engage in activities for the extraction of gas (i.e. testing, site preparation, drilling, production, operation, maintenance, repair, reworking, plugging, and abandonment) on an operation site.

(H) An existing gas well permit does not authorize reworking of an abandoned well. A new gas well permit is required to rework an abandoned well.

(I) A gas well permit automatically terminates after all gas wells authorized by the gas well permit are abandoned and the operation site is restored.

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

- (A) the date the operator submitted the application;
- (B) the proposed number of gas wells included in the gas well permit application;
- (C) the field name as used by the Texas Railroad Commission;
- (D) the proposed gas well name;
- (E) the operator's name and address;
- (F) all surface owners' names and addresses;
- (G) all mineral rights owners' names and addresses;

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

(I) the name, address, and phone number of the person designated to receive notices from the city. That person shall be a resident of the State of Texas;

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

(K) the names and addresses of property owners within 600 feet of the proposed operation site;

(L) the address and legal description of the proposed operation site;

(M) a map showing truck routes;

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

(O) the location and a description of all improvements within 600 feet of each well;

(P) a description of the public utilities required during drilling and production operations;

(Q) a description of the water source to be used during drilling and production operations;

(R) a site plan of the operation site that matches the site plan attached to the SUP. The site plan must be prepared by a licensed surveyor or registered engineer, drawn to scale, comply with the site requirements in this section, and provide the following information:

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

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

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

(iv) the zoning of the operation site;

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

(vi) the existing watercourses and drainage features;

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

(viii) ingress and egress points;

(ix) existing and proposed streets and alleys;

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

(xii) existing and proposed landscaping;

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

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

(S) a map of the surrounding area, showing the zoning on all property within 600 feet of the operation site, and the distance from gas wells, structures, or equipment to any use, structures or features that have spacing requirements under Section 51A-4.203(b)(3.2);

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

(U) an electricity usage plan showing the equipment powered by electricity, the amount of electricity needed, the sources of the electric power (whether generated on site or purchased from a retail electric provider), as well as the approximate location of lines, poles, generators, generator fuel tanks transformers, fuse boxes, and other apparatus necessary to use electric power;

(V) a copy of the related SUP ordinance;

(W) a copy of the Texas Railroad Commission drilling permit and its attached documents;

(X) a copy of the stormwater pollution prevention plan and the notice of intent required by the Environmental Protection Agency;

(Y) a copy the Texas Commission on Environmental Quality's determination of the depth of useable-quality ground water;



(Z) an emergency action response plan that

(i) establishes written procedures to minimize any hazard resulting from drilling, completion, or producing of gas wells;

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

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

(iv) approved by the fire marshal.

(AA) a hazardous materials management plan and a hazardous materials inventory statement as required by the Dallas Fire Code. A copy also must be filed with Dallas fire department;

(BB) documentation of the insurance and security instruments required by this section;

(CC) an indemnification agreement, where the operator agrees to defend the city and its officers and employees against all claims of injury or damage to persons or property arising out of the gas well drilling and production operation. This indemnification agreement must be approved as to form by the city attorney;

(DD) a notarized statement signed by the operator that the information submitted with the application is true and correct, to the best of their knowledge and belief; and

(EE) any other information that the gas inspector deems necessary.

(3) Review of permit applications.

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

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

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

inspector denies a gas well permit, he shall provide the operator with a written explanation of the reasons for denial within 30 days.

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

(A) identify the name of each well and its operator;

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

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

(D) state the date the permit is issued;

(E) state that the gas well permit will automatically terminate if drilling is not commenced within 180 days of the date of issuance unless the gas inspector grants an extension;

(F) state that the operator shall begin drilling all of the proposed gas wells on the operation site within 360 days of receiving the first gas well permit for the first proposed gas well on the operation site, if the operation site is located within 600 feet of a residential use;

(F) state that the gas well permit shall automatically terminate after the well authorized by the gas well permit is abandoned;

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

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

(I) incorporate, by reference:

(i) the insurance and security requirements of this section;

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

(iii) the information contained in the permit application;

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

(v) all other required permits and fees; and

(vi) the requirement for yearly inspections, periodic reports, emergency reporting, and providing notice to rework a well.

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

(5) Acceptance of permit. By accepting a gas drilling permit issued under this section, the operator expressly stipulates and agrees to be bound by and comply with the provisions of this section. The terms of this section shall be deemed to be incorporated in any permit issued pursuant to this chapter with the same force and effect as if this chapter was set forth verbatim in the permit.

(6) Amendment of permit. If the operator wants to change the original site plan attached to the gas well permit and the SUP, the operator shall first seek a zoning amendment or minor amendment and then apply in writing for a gas well permit amendment. If the new site plan complies with the requirements of this section, the gas inspector shall approve the amendment and attach a copy of the new site plan to the gas well permit.

(7) Transfer of permit.

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

(i) the transfer is in writing, approved as to form by the city attorney's office, signed by both parties, and the new operator agrees to be bound by the terms and conditions of the transferred gas well permit, the conditions of the SUP, and this section;

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

(iii) the new operator provides proof of the insurance and security required by this section.

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

(8) Revocation or suspension of permit.

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

(i) the violation could cause imminent destruction of property or injury to persons; or

(ii) the violation involves the operator's failure to take a required immediate action as specified by this section.

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

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

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

(9) Appeal.

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

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

(f) Insurance and security instruments.

(1) In general.

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

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

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

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

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

(F) Any failure on part of the city to request required insurance documentation shall not constitute a waiver of the insurance requirement.

(2) Modification of insurance.

(A) The City of Dallas Human Resources Department, Risk Management Division, may modify the insurance requirements of this section when necessary based upon economic conditions, recommendation of professional insurance advisors, changes in law, court decisions, or other relevant factors.

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

(3) Subcontractor insurance.

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

(B) The subcontractor shall provide the subcontractor's insurance at its own expense.

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

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

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

(F) The operator shall provide the gas inspector with a copy of the certificates of insurance for each subcontractor 30 days before they begin their work.

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

(4) Required provisions. All insurance contracts and certificates of insurance must contain and state in writing by endorsement the following:

- (A) name the city as an additional insured to all applicable policies;
- (B) state that coverage may not be cancelled, non-renewed, or materially changed in policy terms or coverage without 30-days written notice by mail to:
  - (i) the gas inspector; and
  - (ii) Assistant Director, Risk Management Division, Human Resources Department;
- (C) waive subrogation against the city, its officers, and employees, for bodily injury (including death), property damage, or any other loss;
- (D) state that the operator's insurance is the primary insurance;
- (E) state that liability, duty, standard of care obligations, and the indemnification provision are underwritten by contractual liability coverage that includes these obligations;
- (F) identify the operation site by address;
- (G) identify the gas inspector as the certificate holder; and
- (H) strike the wording "endeavour to" and "failure to mail" under the cancellation provision on the certificate of insurance.

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

- (A) Workers' compensation insurance with statutory limits.
- (B) Employer's liability insurance with the following minimum limits for bodily injury:
  - (i) by accident, \$500,000 per each accident; and
  - (ii) by disease, \$500,000 per employee with a per policy aggregate of \$500,000.
- (C) Business automobile liability insurance covering owned, hired, and non-owned vehicles, with a minimum combined bodily injury (including death) and property damage limit of \$1,000,000 per occurrence. If the operator is subject to the Motor Carrier Act, then endorsement form MCS 90 is required and a copy must be attached to the certificate of insurance.

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

- (i) \$1,000,000 per occurrence;
- (ii) \$2,000,000 products/completed operations aggregate; and
- (iii) \$2,000,000 general aggregate.

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

(i) Coverage must include loss of use of damaged property or of property that has not been physically injured or destroyed; cleanup cost; and defense, including costs and expenses incurred in the investigation, defense or settlement of claims; all in connection with any loss arising from the operation site.

(ii) Coverage must 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.

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

(iv) As an alternative to providing environmental impairment or pollution legal liability insurance, the operator may satisfy the requirement by providing evidence of self-insurance. The city, in its sole discretion, shall determine whether the operator is sufficiently self-insured and may hire a technical advisor to help with the evaluation (See 51A-4.606(c)(2)). The operator shall remain sufficiently self-insured until all gas wells located on the operation site are abandoned. The operator shall provide the gas inspector with evidence of sufficient self-insurance every six months. This provision does not limit the operator's full responsibility in the event of a loss. An operator is sufficiently self-insured and the environmental impairment and pollution legal liability insurance shall be waived if the operator provides one of the following as evidence of self-insurance:

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

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

(F) Umbrella liability insurance following the form of the primary liability coverage described in Subparagraphs (A) through (E) and providing coverage with minimum combined bodily injury (including death) and property damage limit of \$25,000,000 per occurrence and \$25,000,000 annual aggregate. Increased primary liability limits equivalent to the umbrella liability insurance limits specified will satisfy the umbrella liability insurance requirements.

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

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

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

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

(H) If the insurance required in Section 51A-4.606(f)(5)(D)-(F) is written on a claims-made form, coverage must be continuous (by renewal or extended reporting period) for at least 60 months after the gas inspector approves the abandonment of the wells and restoration of the operation site. Coverage, including renewals, must contain the same retroactive date as the original policy.

(6) Miscellaneous provisions.

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

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

(7) Performance bond or letter of credit.



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

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

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

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

(iv) Amount.

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

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

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

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

(vi) Drawing against security instrument and other remedies. The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this section, the SUP, or the gas well permit. The performance bond

or irrevocable letter of credit may also be used to mitigate public losses (i.e. damage to infrastructure, loss of sales tax, etc.) related to the loss of control of a well.

(B) Road repair security instrument. Before issuance of a gas well permit, the operator shall give the gas inspector a road repair performance bond or an irrevocable letter of credit approved as to form by the city attorney. The road repair security instrument is in addition to the security instrument required by Section 51A-4.606(f)(7)(A).

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

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

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

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

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

(vi) Drawing against security instrument and other remedies. The city may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties related to the damage of the right-of-way covered by Section 51A-4.606(g)(6).

(g) Operations.

(1) In general.

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

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

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

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

(E) Salt-water disposal wells are prohibited.

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

(2) Operation site.

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

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

(C) See Section 51A-4.203(3.2)(E) for spacing, fencing, and slope requirements.

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

(4) Signs. All signs must be printed on durable, reflective, waterproof material. Signs must remain legible until the well is abandoned and the operation site restored.

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

(i) well name and number;

(ii) name of the operator;

(iii) the address of the operation site;

(iii) the emergency 911 number; and

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

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

(5) Environmental safety requirements.

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

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

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

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

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

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

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

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

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

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

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

(D) City making repairs and invoicing operator.

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

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

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

(E) Final inspection. After the gas inspector approves the abandonment of a well, the operator shall notify the director of public works and transportation and request an inspection of the right-of-way. After inspection, the director of public works and transportation shall notify the operator of any needed repairs. Repairs must be made in accordance with this section.

(7) Equipment and structures.

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

(B) Painting. All equipment and structures must be painted with a neutral color approved by the gas inspector.

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

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

(E) Tanks.

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

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

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

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

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

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

(ii) Mud pits must have an impervious lining.

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

(G) Wells.

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

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

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

(H) Flow lines and gathering lines.

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

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

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

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

(I) Engines.

(i) Electric motors or internal combustion engines may be used during drilling. Internal combustion engines must be equipped with an exhaust muffler or comparable device that suppresses noise and prevents the escape of gases, fumes, ignited carbon, or soot.

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

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

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

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

(9) Noise.

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

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

(C) Fracturing. Fracturing may not produce a sound level greater than 85 dB(a) or five dB(a) above background noise, whichever is greater.

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

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

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

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

(13) Fracturing.

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

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

(C) Notice to surrounding property owners. If the operation site is located within 600 feet of an occupied residential use, the operator shall post a sign adjacent to the main gate of the operation site advising the public when fracturing will begin and the



estimated duration of fracturing. This sign must be posted at least 10 days before fracturing begins. The operator, at his own expense, shall also provide written notification of the date that fracturing will begin and the estimated duration of fracturing to each property owner and registered neighborhood association within 600 feet of the operation site, as shown by the current tax roll. The written notification must be sent by United States mail at least 10 days before fracturing begins.

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

(14) Reworking. At least 10 days before reworking begins, the operator shall send written notice to the gas inspector of the operator's intent to rework a well. The notice must identify the well, describe the activities involved in the reworking, and estimate the duration of the activities. If a well is already abandoned, however, the operator needs a new gas well permit to rework.

(15) Emergencies.

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

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

(16) Incident reports.

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

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

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

- (i) the operator's name and location of the operation site.

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

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

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

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

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

(17) Periodic reports.

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

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

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

(iii) the operator's Emergency Action Response Plan.

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

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

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

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

(h) Abandonment and restoration.

(1) Approval of abandonment. A well and operation site is not considered abandoned until the gas inspector approves the abandonment. The gas inspector shall approve abandonment if:

(A) the operation site is restored to its original condition, as nearly as practicable;

(B) all well casings are cut and removed to a depth of at least three feet below surface;

(C) the operator provides the gas inspector with a copy of the Texas Railroad Commission's approval of the abandonment; and

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

(2) Development after abandonment.

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

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

(i) Violations. A person is criminally responsible for a violation of this section if the person:

(1) refuses the gas inspector access to an operation site;

(2) fails to comply with a gas inspector's orders; or

(3) fails to comply with any provision in this section.

SECTION 44. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 45. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 46. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 47. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_