

MODEL OIL & GAS ORDINANCE
(Dallas, TX ordinance extensively amended 12-11-13,
Ord. No. 29228 – noted where applicable)

[CITY] OF [DALLAS, TEXAS] CODE OF ORDINANCES

Chapter
ARTICLE XII. GAS DRILLING AND PRODUCTION.

[\[http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articlexiigasdrillingandproduction?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$sanc=JD_Ch.51AArt.XII\]](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articlexiigasdrillingandproduction?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$sanc=JD_Ch.51AArt.XII)

Division I 51A-12.100. **In General.**

SEC. 51A-12.101. PURPOSE.

These regulations are intended to protect the public health, safety, and welfare; minimize the impact of gas drilling and production on surrounding property owners and mineral-rights owners; protect the environment; and encourage the safe and orderly production of mineral resources. (Ord. Nos. 26920; 29228)

SEC. 51A-12.102. DEFINITIONS.

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

(b) In this article:

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

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

(3) **BASE FLOOD** means the flood having a one percent chance of being equaled or exceeded in any given year. See [Article V]. *[SEE Ch. 51A Article V - Flood Plain and Escarpment Zone Regulations:*

[http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articlevfloodplainandescarpmentzoneregul?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$sanc=JD_Ch.51AArt.V\]](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articlevfloodplainandescarpmentzoneregul?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$sanc=JD_Ch.51AArt.V)

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

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

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

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

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

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

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

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

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

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

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

(15) OPERATION SITE means the area identified in the SUP to be used for drilling, production, and all associated operational activities after gas drilling is complete.

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

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

(18) PIPELINE EMERGENCY means an incident relating to or directly attributable to the operation of a regulated pipeline in which any of the following has or is occurring:

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

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

(C) Death of any person or individual.

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

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

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

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

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

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

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

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

(24) WELL means a hole or bore to any horizon, formation, or strata for the intended or actual production of gas. (Ord. Nos. 26920; 29228)

SEC. 51A-12.103. ADMINISTRATION.

(a) [Gas inspector].

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

(2) The [gas inspector] shall:

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

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

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

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

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

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

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

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

(b) Technical or legal advisors. The [city] may hire technical or legal advisors to advise the [city] on gas drilling and production matters. If the [city] hires advisors to address an operator's unique circumstances, the [city] shall notify the operator of the estimated cost of services. The [city] shall invoice the operator, who shall pay the [city] within 30 days of receipt of an invoice from the [city]. (Ord. Nos. 26920; 29228)

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

See [Sections 51-4.213(19) or 51A-4.203(b)(3.2)]. (Ord. Nos. 26920; 29228) [SEE Ch. 51A Article IV – Zoning Regulations, 4.203 Industrial Uses (b)(3.2) Gas Drilling and Production, **Addendum 1** to this document, pg. 40]

Division II. Gas Drilling.

SEC. 51A-12.201. SEISMIC SURVEY PERMIT.

(a) In general.

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

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

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

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

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

(b) Seismic survey permit. A seismic survey permit application must be in writing, signed by the operator or applicant, and submitted to the [gas inspector]. The operator or applicant shall provide the following information on a form furnished by the [city]:

- (1) the date the operator or applicant submitted the application;
- (2) the operator or applicant's name, address, telephone number, and email address;
- (3) the location of the seismic survey;
- (4) the date and time the seismic survey will be conducted;
- (5) a detailed explanation of the seismic survey methods to be used;
- (6) a detailed map of the area being surveyed and the location of all vibration and geophone points;
- (7) the date and time the seismic survey will be completed; and
- (8) for [city] property and public rights-of-ways:
 - (A) an executed access agreement for the use of the specific public rights-of-way or [city] property; and
 - (B) a current certificate of insurance for the coverage specified in the access agreement.

(c) Review of permit applications.

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

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

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

(d) Appeal.

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

(2) The applicant has the right to appeal to the permit and license appeal board in accordance with [Article IX of Chapter 2] of the [Dallas] [City] Code. *[SEE Ch. 2 Article IX – Permit and License Appeal Board:*

[http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volume1/chapter2administration/articleixpermitandlicenseappealboard?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$sanc=JD_Ch.2Art.IX](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volume1/chapter2administration/articleixpermitandlicenseappealboard?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$sanc=JD_Ch.2Art.IX)]

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

- (1) general information about the seismic operations to be conducted;
- (2) an overview of the seismographic survey process; and
- (3) a hotline number to call with questions or complaints related to the seismic survey activities. The hotline number must be adequately staffed with trained personnel during normal working hours. (Ord. 29228)

SEC. 51A-12.202. GAS WELL PERMIT.

(a) In general.

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

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

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

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

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

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

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

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

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

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

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

(E) The operator has the right to appeal to the permit and license appeal board in accordance with [Article IX of Chapter 2] of the [Dallas] [City] Code. *[SEE above link]*

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

- (1) the date the operator submitted the application;
- (2) the proposed number of wells on the operation site;
- (3) the field name as used by the [Texas Railroad Commission];
- (4) the proposed well name;
- (5) the operator's name and address;
- (6) all surface owners' names and addresses;
- (7) all mineral rights owners' names and addresses;
- (8) the name of a representative with supervisory authority over all gas drilling and production operations and a phone number where they can be reached 24 hours a day;
- (9) the name, address, and phone number of a person who is a resident of the State of [Texas] and is designated to receive notices from the [city];
- (10) the names of two designated emergency contact persons, their addresses, and phone numbers where they may be reached 24 hours a day;

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

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

(13) the location and a description of all structures and improvements within 1,500 feet of the boundary of operation site;

(14) a description of all fuel sources and public utilities required during drilling and production operations;

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

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

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

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

(D) the zoning of the operation site;

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

(F) the existing watercourses and drainage features;

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

(H) ingress and egress points;

(I) existing and proposed streets and alleys;

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

(K) existing and proposed landscaping;

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

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

(N) a map of the surrounding area, showing the zoning on all property within 1,500 feet of the boundary of the operation site, and the distance from wells, structures, or equipment to any use, structures, or features that have spacing requirements under [Sections 51-4.213(19) or 51A-4.203(b)(3.2)]; *[SEE Ch. 51A Article IV – Zoning Regulations, 4.203 Industrial Uses (b)(3) Gas Drilling and Production, Addendum 1 to this document, pg. 40]*

(O) a tree survey that complies with [Article X]; *[SEE Ch. 51A Article X – Landscape and Tree Preservation Regulations: [http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articlexlandscapeandtreepreservationregu?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$sanc=JD_Ch.51AArt.X](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articlexlandscapeandtreepreservationregu?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$sanc=JD_Ch.51AArt.X)]*

(P) a copy of the SUP ordinance;

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

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

(S) a copy the [Texas Commission on Environmental Quality]’s determination of the depth of useable-quality ground water;

(16) documentation of the insurance and security instruments required by this article;

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

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

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

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

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

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

(20) a communications plan developed to keep tenants, property owners, and residents of protected uses within 2,000 feet of the boundary of the operation site informed that:

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

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

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

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

(22) an electricity usage plan showing:

(A) the equipment powered by electricity;

(B) the amount of electricity needed;

(C) the sources of the electric power;

(D) whether electricity is generated on site or purchased from a retail electric provider;

and

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

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

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

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

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

(iii) natural disasters;

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

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

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

- (E) includes the availability of personnel, equipment, tools, and materials at the operation site as necessary in case of an emergency;
- (F) outlines measures to be taken to reduce public exposure to injury and the probability of accidental death or dismemberment;
- (G) documents emergency shut-down procedures for a gas well and the operation site, if necessary;
- (H) establishes a plan for the safe restoration of service and operations following an emergency or incident; and
- (I) establishes a follow-up procedure for incident investigation to determine the cause of the incident and the implementation of corrective measures;
- (24) an erosion control plan that complies with all [city] regulations;
- (25) a fresh-water fracture pond design plan that includes an engineering design and a landscape and fencing design that includes:
 - (A) a detailed grading plan prepared by a civil engineer licensed by the State of [Texas];
 - (B) measures that will be taken, such as shallow safety ledges, to prevent drowning;
 - (C) the fresh-water fracture pond size and how it is designed to minimize its footprint based on water supply;
 - (D) an open-design black or dark green chain link fence, a minimum of six feet in height, that encloses the fresh-water fracture pond; and
 - (E) restorative vegetation that complies with [Article X]; *[SEE link above]*
- (26) a hazardous materials management plan that:
 - (A) complies with the [Dallas] Fire Code;
 - (B) includes the formula identifying the non-radioactive tracing or tagging additives that the operator will use in all fracturing fluids on the operation site; and
 - (C) has been filed with the fire department;
- (27) a hazardous materials inventory statement that:
 - (A) complies with the [Dallas] Fire Code;
 - (B) includes material safety data sheets or an equivalent detailing all hazardous materials that are or will be located, stored, transported, or temporarily used on the operation site, including site preparation, boring, fracturing, completing, reworking, redrilling, refracturing, and production. The material safety data sheets must indicate all types, quantities, volumes, and concentrations of all hazardous chemicals and additives used in these processes; and
 - (C) has been filed with the fire department;
- (28) a landscape irrigation plan designed by a State of [Texas] licensed irrigator that includes:
 - (A) the appropriate type of irrigation for the operation site; and
 - (B) measures to be taken to adequately irrigate all landscaping, indicating the water source for irrigation;
- (29) a noise management plan detailing how the equipment used in the drilling, completion, transportation, or production of a well complies with the maximum permissible noise levels in [Section 51A-6.102] *[SEE Ch. 51A Article V – Environmental Performance Standards, 6.102 Noise Regulations, Addendum 2 to this document, pg. 45]* and this article, and that:
 - (A) identifies the noise impacts of gas drilling and production;
 - (B) provides documentation establishing the ambient noise level in accordance with this article; and
 - (C) details how the gas drilling and production noise impacts will be mitigated, considering the operation site characteristics, including:
 - (i) nature and proximity of adjacent development, location, and type;
 - (ii) seasonal and prevailing weather patterns, including wind directions;
 - (iii) vegetative cover on and adjacent to the operation site; and

- (iv) topography on and adjacent to the operation site;
- (30) a pipeline map indicating the location of the nearest gathering station, the alignment of the pipelines connecting the operation site to the gathering station, and a description of how the operator intends to get the gas to market;
- (31) a screening and landscape plan that complies with all [city] screening and landscape requirements and includes:
 - (A) a schedule detailing the timing of all landscaping and screening installation or, if a SUP has already been approved with a screening and landscape plan, a copy of the approved screening and landscape plan;
 - (B) the proposed efforts to replace dead or dying screening vegetation; and
 - (C) a fully-executed third-party landscape maintenance agreement detailing the frequency and scope of the services to be provided;
- (32) a security plan that includes details about how the security alarm system requirements in this article will be complied with and provides the location of all security cameras provided on the operation site;
- (33) a signage plan that complies with the [Texas Railroad Commission] regulations, this article, and all other [city] ordinances, rules, and regulations for the operation site and pipelines;
- (34) a spill prevention plan that complies with state and federal regulations, this article, and all other [city] ordinances, rules, and regulations and includes a plan for effective containment of all materials on site, including containment and mitigation strategies for any failures of temporary or permanent pipes, tanks, secondary containment systems, and water recycling systems;
- (35) a surface reclamation plan that includes how the operator, using industry best practices, will:
 - (A) restore the operation site to allow its use under the [city]'s comprehensive plan;
 - (B) control surface water drainage, water accumulation, and measures that will be taken during the reclamation process to protect the quantity and quality of surface and groundwater systems;
 - (C) clean up any polluted surface or ground water;
 - (D) backfill, grade, and re-vegetate the operation site;
 - (E) reconstruct, replace, and stabilize the soil;
 - (F) reshape the topography; and
 - (G) employ other methods or practices necessary to ensure that all disturbed areas will be reclaimed;
- (36) a site lighting plan that complies with [city] code, is designed to promote the safety of all gas drilling and production operations, and includes a photometric plan, indicating the type and color of lights to be used and demonstrates how it complies with all Federal Aviation Administration requirements;
- (37) a transportation plan that includes a:
 - (A) traffic impact analysis, including the proposed truck routes, types and weights of trucks and vehicles accessing the operation site; hours of the day that truck and vehicle traffic will be entering and leaving the operation site; days of the week that truck and vehicle traffic will be entering and leaving the operation site; turning movements associated with truck and vehicle traffic; proposed access points; and proposed traffic control devices;
 - (B) map consistent with any SUP requirements showing the truck routes approved by the [gas inspector] and identifying all public rights-of-way, private streets, and routes intended for use within the [city];
 - (C) videotape of the approved truck routes, showing in adequate detail the physical conditions of the rights-of-way; and

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

(38) a vector control plan detailing all measures:

(A) that will be taken to ensure that a fresh-water fracture pond will not become a site for mosquito harborage; and

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

(39) a waste management plan that includes:

(A) recycling, treatment, and disposal methods for all drilling muds and cuttings, flowback water, fracturing fluids, salt water, produced water, solid waste, and any other materials generated from pad site operations;

(B) a copy of the [Texas Railroad Commission] underground injection control permit if the waste management plan includes an injection method; and

(C) the location of the landfill and a copy of the permit if the waste management plan includes disposal at a landfill;

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

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

(c) Review of permit applications.

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

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

(3) The [gas inspector] shall issue a gas well permit if the application meets the requirements of this article and the conditions of the SUP. If the application does not meet the requirements of this article or the conditions of the SUP, the [gas inspector] shall either deny the application or issue the gas well permit subject to written conditions if compliance with the conditions eliminates the reasons for denial. If the [gas inspector] denies a gas well permit, the [gas inspector] shall provide the operator with a written explanation of the reasons for denial within 30 days.

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

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

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

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

(4) state the date the permit is issued;

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

(6) state that all drilling activities must cease within five years from the issuance of the first gas well permit issued on the operation site unless a one-time two-year extension is approved;

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

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

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

(10) incorporate, by reference:

- (A) the insurance and security requirements of this article;
- (B) the conditions of the applicable SUP;
- (C) the information contained in the permit application;
- (D) the rules and regulations of the [Texas Railroad Commission], including the field rules;
- (E) all other required permits and fees; and
- (F) the requirement for annual inspections, periodic reports, emergency reporting, and notice before reworking a well; and

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

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

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

(g) Transfer of permit.

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

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

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

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

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

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

(h) Revocation or suspension of permit.

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

(A) could cause imminent destruction of property or injury to persons; or

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

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

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

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

(i) Appeal.

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

(2) The operator has the right to appeal to the permit and license appeal board in accordance with [Article IX of Chapter 2] of the [Dallas] [City] Code. (Ord. Nos. 26920; 29228) [*SEE Ch. 2 Article IX – Permit and License Appeal Board:*
[http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumei/chapter2administration/articleixpermitandlicenseappealboard?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$sanc=JD_Ch.2Art.IX](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumei/chapter2administration/articleixpermitandlicenseappealboard?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$sanc=JD_Ch.2Art.IX)]

SEC. 51A-12.203. INSURANCE AND SECURITY INSTRUMENTS.

(a) In general.

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

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

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

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

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

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

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

(b) Modification of insurance.

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

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

(c) Subcontractor insurance.

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

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

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

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

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

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

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

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

- (1) stating that the [city] is an additional insured to all applicable policies;
 - (2) stating that coverage may not be cancelled, non-renewed, or materially changed in policy terms or coverage without 30-days advance written notice by mail to the:
 - (A) [gas inspector]; and
 - (B) [City] of [Dallas], [Director, Office of Risk Management, 1500 Marilla, 6A-South, Dallas, TX 75201];
 - (3) waiving subrogation against the [city], its officers, employees, and elected representatives for bodily injury (including death), property damage, or any other loss to all applicable coverages;
 - (4) stating that the operator's insurance is the primary insurance;
 - (5) stating that liability, duty, standard of care obligations, and the indemnification provision are underwritten by contractual liability coverage that includes these obligations;
 - (6) identifying the operation site by address; and
 - (7) identifying the [gas inspector] as the certificate holder.
- (e) Required coverage. Subject to the operator's right to maintain reasonable deductibles, and subject to a maximum deductible or self-insured retention of \$250,000, the operator shall obtain insurance coverage in the following types and amounts:
- (1) Workers' compensation insurance with statutory limits.
 - (2) Employer's liability insurance with the following minimum limits for bodily injury by:
 - (A) accident, \$1,000,000 per each accident; and
 - (B) disease, \$1,000,000 per employee with a per-policy aggregate of \$1,000,000.
 - (3) Business automobile liability insurance covering owned, hired, and non-owned vehicles, with a minimum combined bodily injury (including death) and property damage limit of \$2,000,000 per occurrence. If the operator is subject to the Motor Carrier Act, endorsement form MCS 90 is required and a copy must be attached to the certificate of insurance.
 - (4) Commercial general liability insurance covering explosion, collapse, underground blowout, cratering, premises/operations, personal and advertising injury, products/completed operations, independent contractors, and contractual liability with the following minimum combined bodily injury (including death) and property damage limits of:
 - (A) \$2,000,000 per occurrence;
 - (B) \$2,000,000 products/completed operations aggregate; and
 - (C) \$2,000,000 general aggregate.
 - (5) Environmental impairment or pollution legal liability insurance covering handling, removal, seepage, storage, testing, transportation, and disposal of materials.
 - (A) Coverage must include loss of use of property; cleanup cost; and defense, including costs and expenses incurred in the investigation, defense, or settlement of claims in connection with any loss arising from the operation site.
 - (B) Coverage must apply to sudden and accidental pollution resulting from the escape or release of smoke; vapors; fumes; acids; alkalis; toxic chemicals; liquids or gases; waste material; or other irritants, contaminants, or pollutants.
 - (C) Coverage must include gradual pollution or pollution legal liability with time element pollution for a minimum combined bodily injury (including death) and property damage limit of \$10,000,000 per occurrence.
 - (D) Coverage must be maintained with a minimum combined bodily injury (including death) and property damage limit of \$10,000,000 per occurrence.
 - (6) Umbrella liability insurance following the form of the primary liability coverage described in Paragraphs (1) through (4) and providing coverage with minimum combined bodily injury (including death) and property damage limit of \$25,000,000 per occurrence and \$25,000,000 annual aggregate. Increased primary liability limits equivalent to the umbrella liability insurance limits specified will satisfy the umbrella liability insurance requirements.

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

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

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

(8) If the insurance required in [Section 51A-12.203(e)(4)-(6)] [*SEE above*] is written on a claims-made form, coverage must be continuous (by renewal or extended reporting period) for at least 60 months after the [gas inspector] approves the abandonment and restoration of the operation site. Coverage, including renewals, must contain the same retroactive date as the original policy.

(f) Miscellaneous provisions.

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

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

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

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

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

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

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

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

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

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

until the operator provides the [gas inspector] with a replacement performance bond or irrevocable letter of credit that meets the requirements of this article.

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

(h) Road repair security instrument. Before issuance of a gas well permit, the operator shall give the [gas inspector] a road repair performance bond or an irrevocable letter of credit approved as to form by the [city] attorney. The road repair security instrument is in addition to the performance bond or irrevocable letter of credit required by [Section 51A-12.203(g)] [*SEE above*].

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

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

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

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

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

(6) The [city] may draw against the performance bond or irrevocable letter of credit or pursue any other available remedy to recover damages, fees, fines, or penalties related to the damage of the right-of-way covered by [Section 51A-12.204(p)] [*SEE section following*].

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

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

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

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

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

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

(6) The [city] may draw against the well plugging bond or pursue any other available remedy to recover damages, fees, fines, or penalties due from the operator for violation of any provision of this article, the SUP, or the gas well permit. The well plugging bond may also be used to mitigate public losses (i.e. damage to infrastructure, loss of sales tax, etc.) related to the loss of control of a well. (Ord. Nos. 26920; 28424; 29228)

SEC. 51A-12.204. **OPERATIONS.**

(a) In general.

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

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

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

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

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

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

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

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

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

(10) Landfarming is prohibited.

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

(12) The operation site must be kept clear of dilapidated structures, debris, pools of water or other liquids, contaminated soil, brush, high grass, weeds, and trash or other waste material.

(13) See [Sections 51-4.213(19)(E) or 51A-4.203(b)(3.2)(E)] for additional spacing, fencing, and slope requirements. *[SEE Ch. 51A Article IV – Zoning Regulations, 4.203 Industrial Uses (b)(3) Gas Drilling and Production, Addendum 1 to this document, pg. 40]*

(b) Dust, vibrations, and odors.

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

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

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

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

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

(d) Equipment, structures, and operations.

(1) In general.

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

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

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

(D) Removal of rig and equipment. The drilling rig and associated drilling equipment must be removed from the operation site within 30 days after completion of each well unless other wells on the operation site are in the drilling phase.

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

(3) Engines.

(A) Electric motors must be used during drilling unless the operator submits a report to the [gas inspector] and the [gas inspector] determines that electric motors cannot be used.

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

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

(4) Fire prevention equipment.

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

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

(5) Mud pits.

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

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

(6) Tanks.

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

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

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

(D) Drilling mud, cuttings, liquid hydrocarbons, and other waste materials must be discharged into tanks in accordance with the [Texas Railroad Commission] rules and other [city], state, or federal rules and regulations.

(E) Temporary flowback tanks must be removed from the operation site within 90 days after completion of a gas well unless:

(i) the [gas inspector] extends the time period for no more than 30 additional days; or

(ii) other wells on the operation site are in the drilling phase.

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

(7) Wells.

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

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

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

(e) Emergencies.

(1) In general.

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

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

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

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

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

(3) Loss of control.

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

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

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

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

(C) The operator shall reimburse the [city] for any expenses incurred in regaining control of a well.

(f) Environmental requirements.

(1) In general.

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

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

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

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

(2) Air quality.

(A) Gasses vented or burned.

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

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

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

(B) Reduced emissions.

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

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

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

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

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

(C) Emissions compliance.

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

(ii) The emissions compliance plan must include:

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

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

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

(3) Baseline assessments.

(A) Air.

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

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

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

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

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

(B) Natural gas.

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

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

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

(C) Water.

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

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

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

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

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

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

(4) Chemical and hazardous materials storage.

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

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

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

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

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

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

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

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

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

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

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

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

(5) Cleanup after spills, leaks, and malfunctions.

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

(B) If the operator fails to begin cleanup operations immediately, the [city] may:

(i) contact the [Texas Railroad Commission] to facilitate the removal of all waste materials from the property affected by the spill, leak, or malfunction; or

(ii) employ any cleanup experts, other contractors, suppliers of special services, or may incur any other expenses for labor and material that the [gas inspector] deems necessary to clean up the spill, leak, or malfunction.

(C) The operator shall reimburse the [city] for any expenses incurred in cleanup operations.

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

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

(8) Flood plain. All gas drilling and production operations must comply with the flood plain regulations in [Article V]. *[SEE Ch. 51A Article V - Flood Plain and Escarpment Zone Regulations: [http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articlevfloodplainandescarpmentzoneregul?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$sanc=JD_Ch.51AArt.V](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articlevfloodplainandescarpmentzoneregul?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$sanc=JD_Ch.51AArt.V)]*

(9) Water.

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

(B) The operator shall:

(i) give the [gas inspector] 72 hour's notice before setting the well casing;

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

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

(g) Fresh-water fracture ponds.

(1) In general.

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

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

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

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

(E) Artificial liners are not permitted.

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

(2) Removal and restoration.

(A) Removal.

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

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

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

(iv) As a condition of approval of the extension, the [gas inspector] may require additional measures, as necessary, to minimize the impact of continued use of the fresh-water fracture pond, associated with the drilling activities, upon neighboring properties.

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

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

(vii) The operator has the right to appeal to the permit and license appeal board in accordance with [Article IX of Chapter 2] of the [Dallas] [City] Code. *[SEE Ch. 2 Article IX – Permit and License Appeal Board:*

[http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumei/chapter2administration/articleixpermitandlicenseappealboard?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$sanc=JD_Ch.2Art.IX](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumei/chapter2administration/articleixpermitandlicenseappealboard?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$sanc=JD_Ch.2Art.IX)

(B) Restoration. The operator is responsible for:

(i) removing the fresh-water fracture pond;

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

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

(h) Fracturing.

(1) Notice.

(A) The operator shall send written notice to the [gas inspector] of the operator's intent to begin fracturing. The notice must identify the well and estimate the duration of fracturing. The written notice to the [gas inspector] must be provided at least 15 days before fracturing begins.

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

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

(2) Tracing or tagging additives.

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

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

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

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

(i) Glare. The operator shall comply with the glare regulations in [Section 51A-6.104]. [SEE Ch. 51A Article VI – Environmental Performance Standards, 6.104 Glare: [http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articlevienvironmentalperformancestandards?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$sanc=JD_51A-6.104](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articlevienvironmentalperformancestandards?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$sanc=JD_51A-6.104)]

(j) Hours of operation.

(1) Construction activities. Except as otherwise provided in this paragraph, construction activities involving excavation of or alteration to the operation site or repair work on any access road may only occur during daytime hours. [City council] may expand the hours of operations for these construction activities as part of the required SUP for a gas drilling and production use if the [city council] finds that the expanded hours of operation will not adversely affect nearby properties.

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

(3) Fracturing.

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

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

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

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

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

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

(l) Incident reports.

(1) Reporting. The operator shall immediately notify the [gas inspector] and fire marshal of incidents occurring on the operation site, including blowouts, fires, spills, leaks, or explosions; incidents resulting in injury, death, or property damage; or incidents resulting in product loss from a storage tank or pipeline.

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

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

- (A) the operator's name and location of the operation site;
- (B) the phone number, address, and e-mail address of the person with supervisory authority over the operation site;
- (C) a description of the incident, including the time, date, location, and cause of the event;
- (D) the duration of the incident (an incident ends when it no longer poses a danger to persons or property);
- (E) an explanation of how the incident was brought under control and remedied; and
- (F) a full description of any internal or external investigations or inquiries related to the incident, the findings of those investigations or inquiries, and the actions taken as a result of those findings.

(m) Noise.

(1) Conflicts. Except as otherwise provided in this subsection, the noise regulations in [Section 51A-6.102] apply. [SEE Ch. 51A Article VI – Environmental Performance Standards, 6.102 Noise Regulations, **Addendum 2** to this document, pg. 45]

(2) Pre-drilling noise levels.

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

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

(C) The operator shall submit a proposed ambient noise level study plan to the [gas inspector] for approval before conducting the noise study. The proposed noise level study plan must contain a proposed testing schedule and other details as required by the [gas inspector].

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

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

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

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

- (i) 10 dB during fracturing operations;
- (ii) five dB during daytime hours that do not include fracturing operations; and
- (iii) three dB during all other hours;

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

- (i) five dB for center frequencies of 500 hertz and above;
- (ii) eight dB for center frequencies between 160 and 400 hertz; and
- (iii) 15 dB for center frequencies less than or equal to 125 hertz; or

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

- (i) 16 hertz octave band: 65 dB;
- (ii) 32 hertz octave band: 65 dB; and
- (iii) 64 hertz octave band: 65 dB.

(4) Adjustments.

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

Permitted increases (dBA)	Duration of increase in minutes (cumulative during any 1 hour period)
5	15
10	5
15	1
20	Less than 1

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

(5) Continuous monitoring.

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

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

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

(iii) The noise readings must also be submitted to the [gas inspector] on a weekly basis in an electronic format or other format specified by the [gas inspector]. The weekly report must contain all noise data, including pure tone and low frequency readings. The report must state whether the operation site is in compliance with the noise requirements in this subsection and [Section 51A-6.102]. *[SEE Ch. 51A Article VI – Environmental Performance Standards, 6.102 Noise Regulations, **Addendum 2** to this document, pg. 45]*

(B) If the report indicates that the operation site is not in compliance with the noise regulations in this subsection or [Section 51A-6.102] *[SEE as above]*, the report must state the measures that are being taken to bring the operation site into compliance and the timeframe for implementing these remedial measures.

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

(D) Continuous monitoring must occur at:

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

(ii) a location approved by the [gas inspector].

(6) Blankets and other noise reduction methods.

(A) When required. If a gas well is within 2,000 feet of a protected use, measured from the gas well in a straight line, without regard for intervening structures or objects, to the closest point of the protected use, the operator shall provide noise reduction blankets along the perimeter of the operation site that faces the protected uses.

(B) Height. Minimum height for a noise reduction blanket is 30 feet, except that the [city council] may reduce the minimum noise reduction blanket height as part of the SUP for a gas drilling and production use if the [city council] determines that the proposed noise mitigation at the perimeter of the operation site is adequate.

(C) Materials.

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

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

(D) Timeframe.

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

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

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

(E) Other noise reduction methods.

(i) Acoustic blankets, sound walls, mufflers, or other methods of noise mitigation may be used to ensure compliance with this subsection and [Section 51A-6.102]. *[SEE Ch. 51A Article VI – Environmental Performance Standards, 6.102 Noise Regulations, Addendum 2 to this document, pg. 45]*

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

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

(n) Periodic updates and reports.

(1) Required updates.

(A) Except as otherwise provided in this division, other [city] ordinances, or an SUP, the operator shall notify the [gas inspector] in writing of any changes to the following information within seven days after the changes are made:

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

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

(B) Except as otherwise provided in this division, other [city] ordinances, or an SUP, the operator shall notify the [gas inspector] in writing within one business day of any changes to the name, address, or 24-hour phone number of the person with supervisory authority over the gas drilling or production operation site.

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

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

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

(2) Reports.

(A) 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.

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

(o) Reworking.

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

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

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

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

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

(2) [City] notifying operator. If the department of public works determines that the rights-of-way have been damaged, the [gas inspector] shall notify the operator in writing of the damage.

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

(4) [City] making repairs and invoicing operator.

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

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

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

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

(q) Security.

(1) Personnel.

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

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

(2) Security system. Within 10 days of completion of the temporary perimeter fencing, the operator shall install a fully operational security system that complies with the [Dallas] Fire Code and meets the following requirements.

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

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

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

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

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

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

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

(C) Response to alarms.

(i) The operator shall obtain an alarm permit for the alarm system from the police department in accordance with the [city]'s alarm ordinance.

(ii) The monitoring facility must notify the operator and the police department in case of a security breach at the operation site.

(iii) The operator shall respond on-site with an authorized representative within 45 minutes after notification of an alarm.

(iv) The [gas inspector] may suspend the gas well permit if more than 20 false alarms occur at an operation site in any calendar year.

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

(3) Security cameras.

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

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

(ii) post signs on the perimeter fence indicating that any activity on the operation site may be recorded by video surveillance.

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

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

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

(iii) be equipped with motion detection technology;

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

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

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

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

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

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

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

(A) well names and numbers;

(B) name of the operator;

(C) the address of the operation site;

(D) the emergency 911 number;

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

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

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

(s) Spacing.

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

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

(B) 25 feet from any property line;

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

(D) 75 feet from all rights-of-way; and

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

(2) Tanks and tank batteries.

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

(i) 100 feet from any combustible structure; and

(ii) 25 feet from all rights-of-way and property lines.

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

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

(t) Soil.

(1) In general.

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

(B) Except as otherwise provided in this subsection, before any drilling activities may occur on an operation site, soil sampling must be conducted by a licensed third-party contractor retained by the [city] to establish a baseline study of soil conditions on the operation site and property within 2,000 feet of the boundary of the operation site.

(C) Soil samples must be collected and analyzed using proper sampling and laboratory protocol set forth by the Environmental Protection Agency or the [Texas Commission on Environmental Quality]. The results of the analyses must be given to the [gas inspector] with a copy of the report provided to the operator and other property owners whose soil was sampled.

(D) The operator is responsible for the cost and fees associated with pre-drilling and post-drilling soil sampling collection and analysis.

(2) Baseline.

(A) The licensed third-party contractor retained by the [city] must collect and analyze a minimum of five soil samples at locations across the operation site with at least two samples at or adjacent to any proposed equipment to be used on the operation site and analyzed in accordance with this subsection.

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

(C) The soil sample baseline study analyses must include:

- (i) a description of the point samples and GPS coordinates of each location;
- (ii) planned equipment above the sampled area, if applicable;
- (iii) methodology of sample collection;
- (iv) description of field condition;
- (v) summary of laboratory data results compared to the minimum acceptable soil sampling criteria;
- (vi) copies of all laboratory data sheets;
- (vii) drawings of sample points; and
- (viii) analysis of the following: TPH, VOCs, SVOCs, chloride, barium, chromium, and ethylene glycol.

(3) Post-drilling.

(A) After the drilling of each well, the licensed third-party contractor retained by the [city] must collect and analyze soil samples across the operation site and analyzed in accordance with this subsection.

(B) Additionally, the [city], using its licensed third-party contractor, may conduct soil sampling during inspections to document soil quality at the operation site.

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

(5) Remediation. If prohibited amounts of a hazardous substance are found at the operation site, the operator shall remediate the location within 30 days. After the operator remediates the operation site, the [city], using its licensed third-party contractor, must collect and analyze soil samples at locations on the operation site as are necessary to determine compliance.

(u) 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 shall determine what constitutes a fire hazard.

(v) Vector control. The operator must comply with the vector control plan approved as part of the gas well permit and all [city] ordinances, rules, and regulations regarding mosquito larvae within a fresh-water fracturing pond or elsewhere on the operation site. (Ord. Nos. 26920; 28424; 29228; 29557)

SEC. 51A-12.205. **ABANDONMENT AND RESTORATION.**

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

(b) Abandonment and restoration of the operation site. The operator shall abandon and restore the operation site within 60 days after production has ceased on all wells located on the operation

site. An operation site is not considered abandoned until the [gas inspector] conducts an inspection of the operation site and approves the abandonment and restoration. The [gas inspector] shall approve the abandonment and restoration of the operation site if:

- (1) the operation site is restored to its original condition, as nearly as practicable, in accordance with the surface reclamation plan;
- (2) all wells located on the operation site are plugged and all well casings are cut and removed to a depth of at least three feet below surface;
- (3) all equipment is removed from the operation site;
- (4) the operator provides the [gas inspector] with a copy of the [Texas Railroad Commission]'s approval of the abandonment for each well located on the operation site;
- (5) the abandonment complies with the [Dallas] Fire Code; and
- (6) soil sampling has been conducted in accordance with this division and all required remediation is completed in accordance with state and federal regulations, this article, and all other [city] ordinances.

(c) Development after abandonment.

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

(2) No structure may be built over a vertical shaft of an abandoned well. (Ord. Nos. 26920; 29228)

Division III. **Regulated Pipelines.**

SEC. 51A-12.301. **PIPELINE PERMIT.**

(a) In general.

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

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

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

- (1) the name, business addresses, and telephone numbers of the pipeline operator;
- (2) the names, titles, and telephone numbers of the person:
 - (A) signing the application on behalf of the pipeline operator; and
 - (B) designated as the principal contact for the submittal;
- (3) the person designated as the 24-hour emergency contact;
- (4) the names, mailing addresses, and telephone numbers of at least two primary persons, officers, or contacts available on a 24-hour basis and at least two alternative persons, officers, or contacts to be reached if the primary contacts are unavailable who:
 - (A) can initiate appropriate actions to respond to an emergency;
 - (B) have access to information on the location of the closest shutoff valve to any specific point in the [city]; and
 - (C) can furnish the common name of the material being carried by the regulated pipeline;
- (5) the origin point and the destination of the proposed pipeline;
- (6) a text description of the general location of the proposed regulated pipeline;
- (7) the substance to be transported through the proposed regulated pipeline;

- (8) a copy of the material safety data sheet;
- (9) an emergency response plan with procedures that provide for prompt and effective response to emergencies, including:
 - (A) leaks or releases that can impact public health, safety, or welfare;
 - (B) fire or explosions at or in the vicinity of a regulated pipeline or pipeline easement;
 - (C) natural disasters;
 - (D) effective means to notify and communicate information to local fire, police, and public officials during an emergency;
 - (E) the availability of personnel, equipment, tools, and materials as necessary at the scene of an emergency;
 - (F) measures to be taken to reduce public exposure to injury and probability of accidental death or dismemberment;
 - (G) emergency shut down and pressure reduction of a regulated pipeline;
 - (H) the safe restoration of service following an emergency or incident; and
 - (I) a follow-up incident investigation to determine the cause of the incident and require the implementation of corrective measures;
- (10) engineering plans, drawings, and maps with summarized specifications showing the horizontal location, covering depths, and location of shutoff valves for the proposed regulated pipeline;
- (11) plans showing the location of all proposed lift stations, pumps, or other service structures related to the regulated pipeline;
- (12) to the extent the information can be obtained, drawings showing the location of other regulated pipelines and utilities that will be crossed or paralleled within 15 feet of the proposed regulated pipeline;
- (13) a description of the public safety considerations and avoidance, as far as practicable, of habitable structures, protected uses, and areas where people congregate;
- (14) detailed cross-section drawings for all public street rights-of-way and easement crossings;
- (15) methods to be used to prevent both internal and external corrosion;
- (16) a binder or certificates of all bonds and insurance required in accordance with this division;
- (17) a tree survey that complies with [Article X] [*SEE Ch. 51A Article X – Landscape and Tree Preservation Regulations: [http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articlexlandscapeandtreepreservationregu?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$sanc=JD_Ch.51AArt.X](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articlexlandscapeandtreepreservationregu?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$sanc=JD_Ch.51AArt.X)*]; and
- (18) a proposed alignment strip map showing the name and address of all affected property owners.

(c) Review of permit applications.

- (1) The [gas inspector] shall return incomplete applications to the pipeline operator with a written explanation of the deficiencies.
- (2) The [gas inspector] shall determine whether the regulated pipeline permit should be issued, issued with conditions, or denied within 45 days after receiving a complete regulated pipeline permit application. If the [gas inspector] fails to make this determination within this specified time, the regulated pipeline permit application is deemed denied.
- (3) The [gas inspector] must issue a regulated pipeline permit if the application meets the requirement of this division and all other applicable [city] ordinances, rules, and regulations and state and federal law.
- (4) If the application does not meet the requirements of this division or other [city] rules or regulations, the [gas inspector] shall either deny the application or issue the regulated pipeline

application subject to written conditions if compliance with the conditions eliminates the reasons for denial. If the [gas inspector] denies a regulated pipeline permit application, the [gas inspector] shall provide the pipeline operator with a written explanation of the reasons for denial with 30 days.

(d) Expiration. A regulated pipeline permit shall expire if the regulated pipeline has not been completed and the surface restored within two years. The [gas inspector] may grant one extension of time not to exceed one year if the [gas inspector] determines that weather or other unexpected physical conditions justify an extension. If the regulated pipeline permit expires, and construction of the regulated pipeline is not completed, the pipeline operator shall immediately cease construction and complete any site remediation required by this division or other applicable law, regulation, or ordinance.

(e) Revocation or suspension.

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

(A) could cause imminent destruction of property or injury to persons; or

(B) involves the operator's failure to take a required immediate action required by this division.

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

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

(4) If a regulated pipeline permit is revoked, the operator shall obtain a new regulated pipeline permit before resuming operations.

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

(6) The operator has the right to appeal to the permit and license appeal board in accordance with [Article IX of Chapter 2] of the [Dallas] [City] Code. (Ord. 29228) [SEE Ch. 2 Article IX – Permit and License Appeal Board:

[http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumei/chapter2administration/articleixpermitandlicenseappealboard?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$anc=JD_Ch.2Art.IX](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumei/chapter2administration/articleixpermitandlicenseappealboard?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$anc=JD_Ch.2Art.IX)]

SEC. 51A-12.302. **INSURANCE.**

(a) Each person must carry public liability insurance with a carrier rated "A" or better by A.M. Best in a minimum amount of \$1,000,000.00 for one person and \$5,000,000.00 for one accident and property damage insurance in the amount of \$10,000,000.00 for one accident, which shall remain in full force and effect and be carried so long as the pipeline is operated.

(b) Each pipeline operator shall provide and maintain in full force and effect during the term of its regulated pipeline permit insurance with the following minimum limits:

(1) Worker's compensation at statutory limits.

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

(i) accident, \$1,000,000 per each accident; and

(ii) disease, \$1,000,000 per employee with a per-policy aggregate of \$1,000,000.

(3) Commercial general liability coverage, including blanket contractual liability, products and completed operations, personal injury, bodily injury, broad form property damage, operations hazard, pollution, explosion, collapse and underground hazards for \$2,000,000 per occurrence and aggregate policy limit of \$2,000,000.

(4) Automobile liability insurance (for automobiles used by the pipeline operator in the course of its performance under the pipeline permit, including employer's non-ownership and hired auto coverage) for \$2,000,000 combined single limit per occurrence.

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

(c) Performance bond or irrevocable letter of credit.

(1) Before issuance of a regulated pipeline permit, the pipeline operator shall submit to the [gas inspector] a performance bond or irrevocable letter of credit approved as to form by the [city] attorney in the amount of \$100,000.

(2) The performance bond is effective upon the issuance of the regulated pipeline permit and must remain in full force and effect until all work under the terms of the regulated pipeline permit has been completed.

(3) The performance bond may be amended to include other permitted regulated pipelines. (Ord. 29228)

SEC. 51A-12.303. **GENERAL PROVISIONS.**

(a) A pipeline operator shall design, construct, repair, and maintain all regulated pipelines in accordance with this division, other [city] ordinances, rules and regulations, and state and federal laws.

(b) All new and relocated regulated pipelines must be located as near as practicable to existing regulated pipelines or other utilities unless the pipeline operator can demonstrate to the [gas inspector] that the alignment is infeasible.

(c) Nothing in this section grants permission to use any street or other public rights-of-way, utility easements, or [city]-owned property. To install, construct, maintain, repair, replace, modify, remove, or operate a regulated pipeline on, over, under, along, or across any affected [city] streets, sidewalks, alleys, or other [city] property, the pipeline operator shall obtain an easement or license.

(d) A pipeline operator must:

(1) not interfere with or damage existing utilities, including water, sewer, gas, storm drains, electric lines, or the facilities of public utilities or franchisees located on, under, or across street or other public rights-of-way;

(2) equip all regulated pipelines with:

(i) an automated pressure monitoring system that detects leaks and shuts off any line or any section of line that develops a leak; or

(ii) provide 24-hour pressure monitoring of the regulated pipeline system that provides immediate notice of any leak to the [city]'s emergency response providers;

(3) grade, level, and restore the affected property to the same surface condition, as nearly as practicable, as existed before construction activities were first commenced within 30 days after completion of the regulated pipeline; and

(4) backfill all trenches and compact such trenches to 95 percent standard density proctor in eight-inch lifts and construct the regulated pipeline so as to maintain a minimum depth of ten feet below the finished grade except in public rights-of-way, where minimum cover to the top of the pipe must be at least eight feet below the bottom of any adjacent roadside ditch. The [gas

inspector] may require that sections of proposed regulated pipeline be constructed at deeper depths based upon future [city] infrastructure needs. During the backfill of any regulated pipeline excavations in open cut sections, the pipeline operator shall bury “buried pipeline” warning tape one foot above any regulated pipeline to warn future excavators of the presence of a buried regulated pipeline. The [gas inspector] may also require that a proposed or existing regulated pipeline be relocated if it conflict with the proposed alignment and depth of a gravity dependent utility.

(e) When the required pipeline records are submitted to the [Texas Railroad Commission], the pipeline operator shall provide the [gas inspector] the following information:

(1) Global positioning system (GPS) information sufficient to locate the regulated pipelines, including the beginning and end points; sufficient points in between the regulated pipeline route; and the depth of cover information. This information must be submitted to the [gas inspector] in a format compatible with the [city]’s own GIS system.

(2) As-built or record drawings of the regulated pipelines. The accuracy of the record drawings must meet a survey level of one foot to 50,000 feet. The scale of the record drawings must be a minimum of one inch to 40 feet. The drawings must be provided in a digital file format with the location tied to at least one nearby GPS [city] monument. If the new regulated pipeline length exceeds 1,000 feet within the [city], the regulated pipeline must be tied to at least two GPS [city] monuments.

(3) The origin point and the destination of the regulated pipeline.

(4) Engineering plans, drawings, and maps with summarized specifications showing the horizontal location, covering depths, and location of shutoff valves of the subject regulated pipeline. The drawings must show the location of other regulated pipelines and utilities that are crossed or paralleled within 15 feet of the regulated pipeline right-of-way.

(5) Detailed cross-section drawings for all public rights-of-ways and easement crossings on [city] property as permitted by the [city].

(6) A list of the names and mailing addresses of all the residents, property owners, and tenants adjacent to the regulated pipeline construction.

(f) Changes in any of the contact information required as part of the regulated pipeline permit application must be provided to the [gas inspector] and the fire marshal before the contact information is changed. (Ord. 29228)

SEC. 51A-12.304. EMERGENCY RESPONSE PLAN AND INCIDENT REPORTING.

(a) The pipeline operator shall maintain and update the emergency response plan to minimize hazards from an emergency.

(b) The pipeline operator shall meet annually with the [gas inspector] and fire marshal to review the emergency response plan.

(c) At the annual review meeting,

(1) the pipeline operator shall:

(A) provide or update a copy of the emergency response plan;

(B) review the responsibilities of each governmental organization in response to an emergency or incident;

(C) review the capabilities of the pipeline operator to respond to an emergency or incident;

(D) identify the types of emergencies or incidents that will result in or require contacting the [city]; and

(E) plan mutual activities that the [and] the pipeline operator can engage in to minimize risks associated with pipeline operation; and

(2) the [city] shall provide the pipeline operator with a list of additional contacts that must be made if a pipeline emergency or incident occurs. The [city] will inform the pipeline operator of the emergency response groups that will be contacted through 911.

(d) Upon discovering a pipeline emergency or incident, any affected pipeline operator shall, as soon as practical, communicate to the [city]'s 911 system the following information:

- (1) a general description of the emergency or incident;
- (2) the location of the emergency or incident;
- (3) the name and telephone number of the person reporting the emergency or incident;
- (4) the name of the pipeline operator;
- (5) whether any hazardous material is involved and identification of the hazardous material;

and

(6) any other information as requested by the emergency dispatcher or other official at the time of reporting the emergency or incident.

(e) Each pipeline operator shall equip and maintain a regulated pipeline containing natural gas with hydrogen sulfide in concentrations of more than 100 parts per 1,000,000,000 with an audible alarm system that will provide notice to the general public in the event of a leak. The audible alarm system must be of a type and design approved by the [gas inspector].

(f) A pipeline operator shall report to the [gas inspector] all nonemergency incidents involving well safety or integrity by completing an incident report on a form furnished by the [city]. Incident reports must be filed by the pipeline operator within 24 hours after discovering the incident. (Ord. 29228)

SEC. 51A-12.305. **MARKERS.**

(a) The pipeline operator is responsible for maintaining markers in accordance with this section and state and federal laws.

(b) The location of all new or replacement pipe and regulated pipeline must be marked by the pipeline operator or the person installing or operating the regulated pipelines as follows:

(1) Marker signs must be placed at all locations where pipe or regulated pipelines cross property boundary lines and at each side of a public rights-of-way or private street that the regulated pipeline crosses.

(2) The top of all marker signs must be a minimum of four feet above ground level; the support post must be sufficient to support the marker sign; and the markers must be painted yellow or another color approved by the director of the department of transportation.

(3) All marker signs must be a minimum of 12 inches square and must be marked as "gas pipe line."

(4) All marker signs must contain the name of the pipeline operator and a 24-hour local contact number.

(5) Regulated pipelines must be marked along their entire length with a buried metal wire and metallic flag tape.

(6) All signs must also contain an 811 designation "call before you dig" statement.

(7) The pipeline operator shall annually replace signage that has been lost, damaged, or removed. (Ord. 29228)

SEC. 51A-12.306. **ONE-CALL SYSTEM.**

(a) A pipeline operator shall be a member in good standing with the one-call system or other approved excavation monitoring system as required by state law.

(b) A pipeline operator shall contract for service with the selected underground utility coordinating system for a minimum of five years unless there is an agreement between the pipeline operator and the [city] to change to an alternate system. The pipeline operator shall

maintain the contract for services without interruption for the life of the regulated pipeline permit. (Ord. 29228)

SEC. 51A-12.307. PIPELINE INFORMATION REPORTING REQUIREMENTS.

(a) The pipeline operator must file with the [gas inspector] an annual verified report in letter form on or before June 30 of each year to cover the reporting period of June 1 through May 31. The annual report must include the following information:

(1) A statement that the regulated pipeline has no outstanding safety violations as determined in an inspection or audit by either the [Texas Railroad Commission] or the United States Department of Transportation.

(2) If any safety violations, as determined by the [Texas Railroad Commission] or the United States Department of Transportation, have not been corrected, the violations must be reported and an action plan to correct the safety violations must be provided. The action plan must include a timeline for corrective action and the individual or firm responsible for each action.

(3) If the pipeline operator has no reporting responsibility to the [Texas Railroad Commission] or the United States Department of Transportation and is otherwise exempt from the safety regulations of either agency, the following documents pertaining to the preceding reporting period of June 1 through May 31:

- (A) copies of internal reports of responses to pipeline emergencies;
- (B) current operations and maintenance logs; and
- (C) current emergency action plan.

(4) Evidence that the pipeline operator has current liability insurance in accordance with this division.

(5) A statement that the regulated pipeline information provided is correct. If the information provided is no longer correct, updated or corrected information.

(b) The pipeline operator must, upon the request by the [gas inspector], make available a log of all the maintenance and monitoring activities conducted on all pipelines subject to this division for the reporting period must be made available upon request by the [gas inspector].

(c) The pipeline operator shall file a copy of all initial or follow-up reports provided to the [Texas Railroad Commission] and the United States Department of Transportation on unsafe pipeline conditions, pipeline emergencies, or pipeline incidents with the [gas inspector]. The pipeline operator shall file with the [gas inspector] any initial or follow-up reports filed with state and federal regulatory agencies regarding pipeline releases concurrently with the [city]. (Ord. 29228)

SEC. 51A-12.308. PUBLIC EDUCATION.

All pipeline operators must annually provide affected landowners, public officials, and emergency providers with appropriate public awareness information in accordance with 49 CFR 192.616 and 195.440. (Ord. 29228)

SEC. 51A-12.309. REPAIRS AND MAINTENANCE.

(a) All repairs and maintenance of pipelines must be performed in accordance with the United States Department of Transportation and [Texas Railroad Commission] mechanical integrity requirements.

(b) A pipeline operator shall protect, maintain in a state of good repair and condition, and regularly paint all pipeline risers and appurtenances related to pipeline construction and operations that are composed of materials generally protected or painted.

(c) If non-emergency repairs require excavation of a regulated pipeline, the pipeline operator shall provide written notice to the residents, property owners, and tenants within 500 feet,

measured from the centerline of the pipeline to be excavated, at least five days before beginning the repairs.

(d) If above-ground non-emergency repairs that are not routine maintenance are required, the pipeline operator shall provide written notice to the residents, property owners, and tenants within 500 feet, measured from the centerline of the pipeline section to be repaired, at least five days before beginning the repairs. The written notice must be:

- (1) sent by United States mail, postage prepaid, at least five days before beginning any non-emergency repair; or
- (2) hand-delivery at least three days before beginning the non-emergency repairs. (Ord. 29228)

SEC. 51A-12.310. NO ASSUMPTION OF RESPONSIBILITY BY [CITY].

Nothing in this division shall be construed as an assumption by the [city] of any responsibility of a pipeline operator of a pipeline not owned by the [city], and no [city] officer, employee, or agent has the authority to relieve a pipeline operator of their responsibility under this division or by any other law, ordinance, rule, or regulation. (Ord. 29228)

SEC. 51A-12.311. ABANDONED PIPELINES.

(a) All regulated pipelines must be maintained in an active condition unless abandoned in accordance with state and federal regulations.

(b) Within 60 days after the pipeline becomes idle or inactive, a pipeline must be purged and plugged.

(c) The pipeline operator shall notify the [gas inspector] in writing within 30 days after a pipeline is abandoned. Within 60 days after abandonment, the regulated pipeline must be purged and plugged.

(d) To reactivate an abandoned pipeline, the pipeline operator shall apply for a new regulated pipeline permit in accordance with this division.

(e) A reactivated regulated pipeline must be pressure tested for integrity and compliance with the [Texas Railroad Commission] and the United States Department of Transportation regulations. A regulated gas permit application to reactivate an abandoned pipeline must include the results of the pressure testing. (Ord. 29228)

Division IV. Violations.

SEC. 51A-12.401. VIOLATIONS.

(a) A person is criminally responsible for a violation of this article if the person:

- (1) refuses the [gas inspector] access to an operation site or a regulated pipeline;
- (2) fails to comply with a [gas inspector]'s orders; or
- (3) fails to comply with any provision of this article.

(b) A person who knowingly violates any provision of this article is guilty of a separate offense for each day or portion of a day during which the violation is continued. Each offense is punishable by a fine of \$2,000. This fine shall be doubled for the second conviction of the same offense within any 24-month period and trebled for the third and subsequent convictions of the same offense within any 24-month period. See [Section 51A-1.103] for additional provisions on enforcement. (Ord. Nos. 26920; 29228) *[SEE Ch. 51A Article I – General Provisions, 1.103 Enforcement:*

[http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articleigeneralprovisions11?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$sanc=JD_51A-1.103](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articleigeneralprovisions11?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$sanc=JD_51A-1.103)]

[END of Article XII]

Addendum 1:**Article IV. ZONING REGULATIONS.****SEC. 51A-4.203. Industrial Uses.**

[http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articleivzoningregulations?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$sanc=JD_51A-4.203](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articleivzoningregulations?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$sanc=JD_51A-4.203)

...(b) (3.2) Gas Drilling and Production:**(A) Definitions:**

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

(ii) ENVIRONMENTALLY SIGNIFICANT AREA means an area:

(aa) with slopes greater than three to one;

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

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

[http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articlev floodplainandescarpmentzoneregulation?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$sanc=JD_Ch.51AArt.V](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articlev floodplainandescarpmentzoneregulation?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$sanc=JD_Ch.51AArt.V)

(dd) identified as wetlands or wildlife habitat;

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

(ff) containing more than 1,000 inches of trunk diameter of protected trees, in the aggregate, within a 10,000 square foot area. Trunk diameter is measured at a point 12 inches above grade. To be included in the aggregate calculations of trunk diameter, a protected tree must have a trunk diameter of six inches or more. For purposes of this provision, a protected tree is defined in [Section 51A-10.101]. [SEE Ch. 51A Article X – Landscape and Tree Preservation Regulations:

[http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articlexlandscapeandtreepreservationregulation?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$sanc=JD_Ch.51AArt.X](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articlexlandscapeandtreepreservationregulation?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$sanc=JD_Ch.51AArt.X)

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

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

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

(vi) See [Article XII] [SEE main document] for additional definitions that apply to gas drilling and production.

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

(C) Required off-street parking: None.

(D) Required off-street loading:

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

(E) Additional provisions:

(i) See [Article XII] *[SEE main document]* for additional regulations relating to gas drilling and production. No provision found in [Articles IV or XII] *[Zoning Regulations or Gas Drilling and Production]* may be waived through the adoption of or amendment to a planned development district.

(ii) Before an SUP for a gas drilling and production use within a public park, playground, or golf course may be processed, [city council] must hold a public hearing and make a determination in accordance with [Texas Parks and Wildlife Code Chapter 26, "Protection of Public Parks and Recreational Lands."] *[SEE: <http://www.statutes.legis.state.tx.us/Docs/PW/htm/PW.26.htm>]*

(iii) A favorable vote of three-fourths of all members of the [city council] is required to approve a gas drilling and production use on a public park, playground, or golf course if [city council] finds that the approval will not harm the public health, safety, or welfare.

(iv) In addition to the findings required in [Section 51A-4.219] *[SEE Ch. 51A Article IV – Zoning Regulations, 4.219, Specific Use Permit (SUP): [http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articleivzoningregulations?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$anc=JD_51A-4.219](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articleivzoningregulations?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$anc=JD_51A-4.219)]* for the granting of an SUP, [city] plan commission and [city council] must consider the:

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

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

(v) Compliance with federal and state laws and regulations and with [city] ordinances, rules, and regulations is required, and may include platting, a flood plain fill or alteration permit, building permits, and gas well permits. Compliance with these additional regulations may be required before, concurrently with, after, or independently of the SUP process.

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

(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. Within 30 days after any well completion activity ceases, 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. [City council], by SUP, may require a different form of screening, but may not reduce the fence height requirements of this provision.

(viii) Access to the operation site must comply with 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 10 degrees unless the director determines that all equipment is located and activities occur on a portion of the operation site that

does not have a slope greater than 10 degrees, there is adequate erosion control, and the slope of the operation site will not be a threat to the public safety or welfare.

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

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

(F) Spacing:

(i) Habitable structure.

(aa) Except as otherwise provided in this provision, a gas drilling and production use must be spaced at least 300 feet from a habitable structure.

(bb) If a gas drilling and production use is located on the same property as a habitable structure, the spacing requirements in this provision may be waived for that habitable structure with a favorable vote of two-thirds of all members of the [city council] if [city council] finds that the reduction will not harm the public health, safety, or welfare.

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

(ii) Protected use.

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

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

(cc) If a gas drilling and production use is located on the same property as a protected use, the spacing requirements in this provision may be waived for that protected use with a favorable vote of two-thirds of all members of the [city council] if [city council] finds that the reduction will not harm the public health, safety, or welfare.

(dd) If a gas drilling and production use is located on a public park, playground, or golf course, the spacing requirements in this subparagraph do not apply to protected uses or habitable structures located on the public park, playground, or golf course. The spacing requirements in this provision for protected uses and habitable structures off the public park, playground, or golf course use still apply.

(ee) Spacing is measured as follows:

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

(22) For recreation uses (except when the operation site is on a public park, playground, or golf course), lodging uses, office uses, and retail and personal service uses (except commercial motor vehicle parking or commercial parking lot or garage) from the boundary of the operation site in a straight line, without regard to intervening structures or objects, to the closest point of a physical barrier or demarcation that establishes a boundary of the protected use. Examples of physical barriers or demarcations include fencing around activity areas, such as play fields, courts, or pools; or edges, borders, or boundaries of maintained areas adjacent to trails, golf courses, or active recreation areas. If the protected use is conducted exclusively inside, from the boundary of the operation site in a straight line, without regard to intervening structures or objects, to the closest point of the structure housing the protected use.

(G) Neighborhood meeting:

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

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

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

- (aa) the date, time, and location of the neighborhood meeting;
- (bb) the identity of the applicant and the operator;
- (cc) the location of the pending SUP application;
- (dd) information about the proposed gas drilling and production use;
- (ee) the purpose of the neighborhood meeting; and
- (ff) information about subscribing to the operator's electronic notification list to

receive updates about when specific operations will occur, including site preparation, drilling, casing, fracturing, pipeline construction, production, transportation, and maintenance of the operation site.

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

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

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

- (aa) inform the community about the proposed gas drilling and production use;
- (bb) explain the operations associated with gas drilling and production, including site preparation, site development and construction, drilling, casing, fracturing, pipeline construction, production, transportation, and maintenance of the operation site; and
- (cc) explain and provide information about subscribing to the operator's electronic notification list to receive updates about when specific operations will occur, including site preparation, drilling, casing, fracturing, pipeline construction, production, transportation, and maintenance of the operation site.

(3.3) Gas pipeline compressor station.

(A) Definition:

(i) BOUNDARY means the perimeter of the compressor station site. GAS PIPELINE COMPRESSOR STATION SITE means the area identified in the SUP to be used for the gas pipeline compressor station.

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

(iii) PROTECTED USE means institutional and community service uses (except cemetery or mausoleum); lodging uses; office uses; recreation uses (except when the operation

site is on a public park, playground, or golf course); residential uses; and retail and personal service uses (except commercial motor vehicle parking or commercial parking lot or garage). Parking areas and areas used exclusively for drainage detention are not part of a protected use.

(B) Districts permitted: By SUP only in IM district.

(C) Required off-street parking: Five spaces.

(D) Required off-street loading: None.

(E) Additional provisions:

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

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

(iii) Except as otherwise provided in this subparagraph, the perimeter of the gas pipeline compressor station site must be screened from public view. [City council] may, by SUP, require a different form of screening but may not reduce the height requirements in this subparagraph. Screening must be at least six feet in height and must be constructed of:

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

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

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

(dd) any combination of the above.

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

(v) To reduce noise and emissions, electric motors must be used on the gas pipeline compressor station unless the operator submits a report to the [gas inspector] and the [gas inspector] finds that electric motors cannot be used.

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

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

(viii) Compressors must comply with the low and high frequency noise requirements in [Section 51A-12.204(1), "Noise."] *[SEE main document]*

[END Addendum 1]

Addendum 2:**Article VI. ENVIRONMENTAL PERFORMANCE STANDARDS.****SEC. 51A-6.102. Noise Regulations.**

[http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articlevienvironmentalperformancstandar?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$sanc=JD_51A-6.102](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articlevienvironmentalperformancstandar?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$sanc=JD_51A-6.102)

(a) General provisions.

(1) A person may not conduct a use that creates a noise level that exceeds the levels established in Subsections (b) through (e) or that exceeds the background level by five dB(A), whichever is greater.

(2) A sound level meter that meets the standards of the American Standards Association must be used to determine whether the level of noise violates this section. The instrument must be maintained in good working order. A calibration check should be made prior to and following any noise investigation.

(3) Traffic, aircraft, and other background noises are not considered in measuring noise levels except when the background noise level is being determined.

(4) For purposes of this section, any identifiable portion of a planned development (PD) district governed by a distinct set of use regulations is considered to be a separate zoning district. If the PD district or a portion of the district is limited to uses permitted in an expressly stated zoning district, the PD district or portion of the district is considered to be that zoning district; otherwise it is considered to be:

(A) an MF-3(A) zoning district if it is restricted to residential uses and those nonresidential uses permitted in a residential district; otherwise

(B) an IM zoning district if it allows one or more uses that are only permitted in that district; otherwise

(C) an IR zoning district if it allows one or more uses that are only permitted in a CS, LI, or IR district; otherwise

(D) if it does not fit into one of the above categories, an MU-3 district.

(5) The requirements of this section do not apply to:

(A) the side yard placement of a unitary air conditioning unit which complies with the requirements in [Section 51A-4.402(a)(4)]; [SEE Ch. 51A Article IV – Zoning Regulations, 4.402 Minimum Side Yard:

[http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articleivzoningregulations?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$sanc=JD_51A-4.402](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeiii/chapter51adallasdevelopmentcodeordinance/articleivzoningregulations?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$sanc=JD_51A-4.402)

(B) mobile sources;

(C) construction/demolition activities regulated by [Chapter 30]; [SEE Ch. 30 Noise: [http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeii/chapter30noise?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$sanc=JD_Ch.30](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeii/chapter30noise?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$sanc=JD_Ch.30)]

(D) special events for which a special events permit is issued under [Chapter 42A]; [SEE Ch. 42A Special Events: [http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeii/chapter42aspecialevents?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:dallas_tx\\$sanc=JD_Ch.42A](http://library.amlegal.com/nxt/gateway.dll/Texas/dallas/cityofdallastexascodeofordinances/volumeii/chapter42aspecialevents?f=templates$fn=default.htm$3.0$vid=amlegal:dallas_tx$sanc=JD_Ch.42A)]

(E) sound generating equipment or apparatus to warn the public of an emergency or for public safety;

(F) noise from use-related loading/ unloading operations that impact residential areas when conducted during daytime hours; or

(G) the following activities, as long as they are conducted between the hours of 7:00 a.m. and 10:00 p.m., Monday through Friday, and between the hours of 8:00 a.m. and 7:00 p.m. on

Saturday, Sunday, and legal holidays as a normal function of a permitted use and the equipment is maintained in proper working condition:

- (i) Lawn maintenance.
- (ii) Repair of personal use vehicles.
- (iii) Home repair of place of residence.

(b) Permissible sound pressure level in WR without a shopfront overlay and residential districts.

(1) In a WR without a shopfront overlay or residential district, a person may not conduct a use so as to create a sound pressure level on the bounding lot line that exceeds the decibel limits contained in the following table:

Maximum Permissible Daytime Decibel Limits at the Bounding Lot Line of a WR without a Shopfront Overlay or Residential District	
	A Scale
Decibel Limit (dBA re 0.0002 Microbar)	56

(c) Permissible sound pressure level in office, retail, mixed use, multiple commercial, P(A), WR with a shopfront overlay, and WMU districts.

(1) In an office, retail, mixed use, multiple commercial, P(A), WR with a shopfront overlay, or WMU district, a person may not conduct a use so as to create a sound pressure level on the bounding lot line that exceeds the decibel limits contained in the following table:

Maximum Permissible Daytime Decibel Limits at the Bounding Lot Line of an Office, Retail, Mixed Use, Multiple Commercial, P(A), WR with a Shopfront Overlay, or WMU District	
	A Scale
Decibel Limit (dBA re 0.0002 Microbar)	63

(2) The sound pressure level at the boundary line between a residential district, as defined both in this chapter and in Chapter 51, and an office, retail, mixed use, multiple commercial, P(A), WR with a shopfront overlay, or WMU district may not exceed the decibel limits specified in Subsection (b)(1).

(d) Permissible sound pressure level in CS, LI, and IR districts.

(1) In a CS, LI, or IR district, a person may not conduct a use so as to create a sound pressure level on the bounding lot line that exceeds the decibel limits contained in the following table:

Maximum Permissible Daytime Decibel Limits at the Bounding Lot Line of a Use in a CS, LI, or IR District	
	A Scale
Decibel Limit (dBA re 0.0002 Microbar)	65

(2) The sound pressure level at the boundary line between a residential district, as defined both in this chapter and in Chapter 51, and a CS, LI, or IR district may not exceed the decibel limits specified in Subsection (b)(1).

(3) The sound pressure level at the boundary line between an office, retail, mixed use, multiple commercial, or parking district, as defined both in this chapter and in Chapter 51, and a CS, LI, or IR district may not exceed the decibel limits specified in Subsection (c)(1).

(e) Permissible sound pressure level in an IM district.

(1) In an IM district, a person may not conduct a use so as to create a sound pressure level on the bounding lot line that exceeds the decibel limits contained in the following table:

Maximum Permissible Daytime Decibel Limits at the Bounding Lot Line of a Use in the IM District	
	A Scale
Decibel Limit (dBA <u>re</u> 0.0002 Microbar)	70

(2) The sound pressure level at the boundary line between a residential district, as defined both in this chapter and in Chapter 51, and an IM district may not exceed the decibel limits specified in Subsection (b)(1).

(3) The sound pressure level at the boundary line between an office, retail, mixed use, multiple commercial, or parking district, as defined both in this chapter and in Chapter 51, and an IM district may not exceed the decibel limits specified in Subsection (c)(1).

(4) The sound pressure level at the boundary line between an LC, CS, LI, HC, I-1, I-2, or IR district and an IM district may not exceed the decibel limits specified in Subsection (d)(1).

(f) Noise level adjustments.

(1) The maximum permissible noise levels contained in Subsections (b)(1), (c)(1), (d)(1), and (e)(1) are subject to the following adjustments:

Noise is present at nighttime - Subtract 7db

Noise is impulsive (meter reading changes at a rate greater than 10 decibels per second - Subtract 7db

Noise Has An "On Time" Of No More Than:	And an "Off Time" Between Successive "On Times" Of At Least:	
0.5 Minutes	½ Hour /	Add 10 Decibels to permitted level
5.0 Minutes	1 Hour /	
10.0 Minutes	2 Hours /	
20.0 Minutes	4 Hours /	

(2) "Off-time" is when the level of the primary noise being measured does not exceed that of the background noise by more than five dB(A).