

# Chapter 3.1

## Oil and Gas Well Drilling and Production

(01/03/2012)

### Section 3.1 - 100 Purpose of This Chapter

The purpose of this Chapter is to establish regulations which describe the process for the review and approval of oil and gas well drilling and production, but more specifically to:

1. Establish reasonable and uniform limitations, safeguards, and regulations for present and future operations related to the exploring, drilling, developing, producing, transporting, and storing of oil and gas and other substances produced in association with oil and gas within the corporate City of Colleyville limits;
2. Provide for the safe, orderly, and healthful development of the area within the city and within the area surrounding the city and to promote the health, safety, and general welfare of the community;
3. Ensure appropriate protection to environmentally sensitive areas;
4. Establish procedures for the review and approval of gas well site plans.

### Section 3.1 - 105 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the authority of the following:

1. *Chapters 211, 212 and 551 –Texas Local Government Code*, which authorizes a municipality to adopt rules governing zoning, site plans and subdivisions of land within the municipality's jurisdiction.
2. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

### Section 3.1 - 106 Waivers and Appeals

Any person seeking approval of a development as required by this Land Development Code may request a waiver from a requirement contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request to the City Council.

### Section 3.1 – 110 Definitions

All technical industry words or phrases related to the drilling and production of wells not specifically defined shall have the meanings customarily attributable thereto by prudent operators in the oil and gas industry. For the purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Otherwise, definitions not found below may be found in Chapter 2 – Definitions of this Land Development Code.

**Administrative Officer:** The city manager or the city manager's designated representative assigned to administer this Chapter.

**Abandonment:** "Abandonment" as defined by the railroad commission and includes the plugging of the well and restoration of the drill site as required by this Chapter.

*Ambient noise level:* The all encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location, prior to the addition of sources related to oil and gas drilling, production, or compression activities constituting the normal or existing level of environmental noise at a given location.

*Applicant:* A person requesting a permit or certificate for the drilling, operation and production of a well, or the installation or operation of a pipeline, as the case may be, is issued under this Chapter, including but not limited to the applicant's heirs, legal representatives, successors or assigns.

*Blowout preventer:* A mechanical, hydraulic, pneumatic, or other device or combination of such devices secured to the top of the well casing, including valves, fittings and control mechanisms connected therewith, which can be closed around the drill pipe or other tubular goods which completely close the top of the casing and are designed to prevent blow outs.

*Centralizer:* A device secured around the casing at the regular intervals to center it in the hole.

*Closed-loop drilling fluid system:* An enclosed suite of solids control equipment used for mud circulation and intended to minimize drilling fluid dilution to provide for handling of the drilling wastes so that reserve pits are not used.

*Completion of drilling, re-drilling and re-working:* The date the work is completed for drilling, re-drilling or re-working and the crew is released by completing its work or contracted by its employer.

*Compression facility:* Any facility designed to compress natural gas during any phase of drilling, hydraulic fracturing and production. This definition shall apply to any pipeline compression facilities as well.

*Daytime:* The period from 7:00 a.m. to 7:00 p.m. Monday through Friday; 9:00 a.m. to 7:00 p.m. Saturday and Sunday.

*Derrick:* Any portable framework, tower, mast and/or structure that is required or used in connection with drilling or re-working a well for the production of oil and/or gas.

*Drilling:* Digging or boring a new well for the purpose of exploring for, developing or producing oil and/or gas or other hydrocarbons, or for the purpose of injecting gas, water or any other fluid or substance into the earth.

*Drilling equipment:* The derrick, draw works, power plant, rotary table, pumps, together with all parts of an apparatus to such structure, every piece of apparatus, machinery or equipment used in connection with drilling and operations.

*Drill site:* Any area used during the drilling, re-drilling or re-working of a well or wells prior to the reduction and conversion of the area to an operation site.

*Exploration:* Geologic or geophysical activities, including but not limited to surveying and seismic exploration, related to the search for oil and gas or other sub-surface hydrocarbons.

*Excavation:* Any movement or alteration of the surface of the ground by machinery in conjunction with or anticipation of drilling activities or construction of a pipeline, including but not limited to scraping or grading a site.

*Fresh Water:* Water that is potable and obtained from an underground well or a municipal water supply.

*Hydraulic Fracturing or Fracturing:* The process of fracture stimulation of a rock formation, including but not limited to the process of pumping sand laden fluids down a well, or any other means used, to stimulate a rock formation.

*Franchised utility:* An entity authorized to provide utility services to the city pursuant to a franchise agreement with the city; provided, however, that such definition shall not extend to any pipelines or other utility lines which collect or transport gas, hazardous liquids or chemicals from wells located within the city into a larger pipeline system,

regardless of whether such pipelines are owned by an entity which holds a franchise within the city for other purposes.

*Gas:* Any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions and/or the gaseous components or vapors occurring in or derived from petroleum or natural gas, and/or any material defined or referred to as "gas" in the rules, regulations or forms of the railroad commission.

*Green Completion:* Using technology to recover gas that may otherwise be vented or flared during the completion phase of a natural gas well; using equipment designed to handle high pressure, high rate flowback fluids so as to safely handle and to sell the natural gas produced during flowback period; using flowback equipment to separate sand, water and gas during initial flowback; having a sales line in place prior to completion of the fracturing process; using the recommended technologies and practices outlined in the U.S. Environmental Protection Agency Natural Gas STAR Program and also including, but not limited to, vapor recovery systems, no-bleed pneumatic valves, flaring and venting bans, and electric compressors.

*Hazardous liquid:* Any liquid identified as hazardous by any federal or state law or regulation, including but not limited to those liquids defined by the railroad commission at 16 Texas Administrative Code, section 7.80, Definitions, as amended, specifically including but not limited to, petroleum or any petroleum product, and any substance or material which is in a liquid state when transported by pipeline facilities and which has been determined by the U.S. Secretary of Transportation to pose an unreasonable risk to life or property when transported by pipeline facilities. The term shall be enlarged to include liquefied natural gas and anhydrous ammonia should such materials at any time be introduced into any pipeline subject to this Chapter. It shall also include carbon dioxide, defined at 49 CFR 192.2 as a fluid consisting of more than 90 percent carbon dioxide molecules compressed to a supercritical state.

*Hazardous materials management plan:* The hazardous materials management plan and hazardous materials inventory statements required by the fire code.

*Idled pipeline:* A pipeline that has been inactive for at least two years, regardless of whether there may be specific plans to reactivate the pipeline.

*Inactive pipeline:* A pipeline that has temporarily been taken out of service for a period of at least six months for hazardous materials or hazardous liquids, or for a period of at least one year for natural gas, with the expectation that the pipeline may be reactivated within two years, even though there may be no specific plans to reactivate the pipeline.

*Inspector:* The oil and gas inspector designated by the administrative officer.

*Lightning arrester:* A device incorporated into an electrical system to prevent damage by heavy surges of high-voltage electricity, such as a stroke of lightning or voltage surges resulting from mishaps in operations.

*Line marker:* A marker identifying the location of a buried pipeline, as further defined in 49 CFR 192.707.

*New well:* A new well bore or new hole established at the ground surface and shall not include the re-working of an existing well that has not been abandoned unless the re-working involves drilling to a deeper total depth.

*Nighttime:* The period commencing at 7:00 p.m. and ending at 7:00 a.m.

*Operation site:* The area used for development and production of oil and gas and all related operational activities after drilling activities are complete.

*Operator:* The person listed on the railroad commission form W-1 or form P-4 for a well as the person that is, has applied for, or will be, actually in charge and in control of drilling, maintaining, operating, pumping or controlling any well including, without limitation, a unit operator. If the operator, as defined herein, for any well is not the

lessee of any premises affected by the provisions of this Chapter, then such lessee shall also be deemed to be an operator. In the event there is no oil and gas lease relating to any premises affected by this Chapter, the owner of the fee mineral estate in the premises shall also be deemed an operator.

*Pad site:* The area around a well that serves as a foundation for the drilling rig as depicted in the requirements of section 135 of this chapter.

*Permittee:* Any person authorized to act under a permit or a certificate issued by the city.

*Pipeline:* All parts of those physical facilities through which gas, hazardous liquids or chemicals move in transportation, including but not limited to pipe, valves and other appurtenance attached to pipe, whether or not laid in public or private easement or public or private right-of-way within the city, including but not limited to gathering lines, production lines and transmission lines.

*Pipeline permit:* A permit applied for and issued or denied pursuant to this Chapter authorizing the movement of gas, oil, water or other products through a pipeline.

*Pipeline operator:* Any person owning, operating or responsible for operating a pipeline.

*Production:* Activities leading to and supporting the production of oil, gas and/or other hydrocarbons.

*Railroad commission:* The Railroad Commission of Texas.

*Road repair agreement:* A written agreement obligating the operator to repair damage, excluding ordinary wear and tear, if any, to public streets, including but not limited to bridges, caused by the operator or its employees, agents, contractors, subcontractors or representatives in the performance of drilling or production of any wells authorized by the city.

*Tank battery:* Point of collection (tanks) and disbursement (tank, meter, lease automated custody transfer unit) of oil or gas from producing well(s).

*TCEQ:* The Texas Commission on Environmental Quality.

*Well:* A hole or bore to any horizon, formation, or strata for the purpose of producing gas, oil, or other hydrocarbons.

*Well permit:* A permit applied for and issued or denied pursuant to this Chapter authorizing the drilling, production, and operation of one or more wells.

*Workover operations:* Work performed in a well after its completion in an effort to secure production where there has been none, restore production that has ceased or increase production.

### Section 3.1 – 115 Special Use Permit (SUP) Required

1. General SUP Requirement – In all zoning districts, it shall be unlawful for a person, firm or corporation owning a tract of land located within the corporate limits of the City of Colleyville, Texas to hereafter engage in the drilling or production of an oil or gas well without first obtaining a Special Use Permit in accordance with the requirements of this Chapter.

No application for an oil or gas well development site plan or oil or gas well permit or any other application for drilling and production shall be approved until a SUP has been approved. Denial of a SUP for oil or gas well drilling and production shall be grounds for denial of any other permit applications pertaining to such use for the same land.

2. Review and Approval Procedures – Every application for a SUP for gas or oil well drilling shall be reviewed and considered using the same procedures for reviewing and considering a rezoning application as specified in *Chapter 1 – General Provisions* of this Land Development Code regarding legal advertisement, property owner notification and public hearings.

### **Section 3.1 – 120 Additional Approvals Required**

No drilling or production of an oil or gas well shall begin until the following have been approved:

1. An oil or gas well development site plan that has been approved by the Chairman of the Development Review Committee (DRC) is on file with the City that conforms to the requirements of the Land Development Code.
2. An oil or gas well permit has been issued by the administrative officer in accordance with the requirements of the Land Development Code.
3. An oil or gas well permit shall not constitute authority for the re-entering and drilling of an abandoned well. An operator shall obtain a new well permit in accordance with the provisions of this section if the operator is re-entering and drilling an abandoned well.
4. No oil or gas well permit shall be issued for any well to be drilled on City of Colleyville owned property without the prior consent of City Council.
5. An application for a oil or gas well permit and, if applicable, a pipeline permit must be filed with the city concurrently with the application for a special use permit; provided, however, that the city shall not be required to consider the application for the oil or gas well permit or the pipeline permit unless and until a special use permit is approved by the city council and all applicable regulations of this ordinance and all other applicable city, state or federal regulations are met.
6. When a oil or gas well permit has been issued, the permit shall constitute authority for the drilling and production of oil and gas in accordance with the limitations set forth in this Chapter. The laying of pipelines shall require separate permitting in accordance with Section 187 of this Chapter.
7. All administrative permits and allowances described in this Chapter shall automatically expire 180 days from the date of issuance of the permit unless an extension is granted in writing from the administrative officer or the City Council has specified a different expiration period.

### **Section 3.1 – 125 General Site Plan and Permit Conditions**

The following shall be applicable to all gas well site plan and permit applications:

- A. It shall be the policy of the City of Colleyville to consider oil and gas well drilling and production as subject to the control of the City pursuant to the City of Colleyville Comprehensive Plan for the orderly, planned, efficient, and economical development of the City.
- B. The City has no obligation to extend water or sewer service to any lot, tract or parcel or land site planned for oil or gas well drilling and production in violation of this Chapter.
- C. All oil and gas well site plans shall conform to the rules and regulations set forth herein.
- D. This Chapter is not intended to repeal, abrogate, or impair any existing plans or ordinances. However, if the provisions of this Chapter and other ordinances or plans conflict or overlap, the most restrictive provisions thereof shall apply.

- E. The provisions contained in this Chapter, shall be considered as the minimum requirements for review and approval of an oil or gas well site plan.

### Section 3.1 – 130 Approval Process and Administrative Procedures

The Community Development Department shall forward all applications for SUPs to the DRC for review. The DRC shall review each application and shall make recommendations regarding the applications to the Planning and Zoning Commission and City Council. The DRC may make recommendations regarding any aspect of the proposed oil or gas well development including, but not limited to, recommendations with respect to the standards set forth in Chapter 3.1.

### Section 3.1 – 135 Required Site Plan and SUP Application Information

The applicant requesting gas well drilling and production approval shall submit the required number of copies of a site plan drawing as determined by the Administrative Official and which complies with this Section.

- A. A traffic impact analysis shall be submitted which includes but is not limited to, proposed truck routes, types and weights of trucks and vehicles accessing the drill site, hours of the day that truck and vehicle traffic will be entering and leaving the site, days of the week that truck and vehicle traffic will be entering and leaving the site, turning movements associated with truck and vehicle traffic, proposed access points and proposed traffic control devices.
- B. Identify location and dimension of existing or proposed driveway(s) to be used.
- C. Identify the 100-year flood plain.
- D. Identify the proposed source of water.
- E. Identify and show the proposed method of erosion control.
- F. Identify the location of proposed lease lines and property lines.
  - 1. Label distance between wells and property lines;
  - 2. Label distance between wellheads and structures within 1,000 feet of wellheads.
  - 3. Label distance between temporary holding ponds and pits and floodplains.
  - 4. Label distance between wellheads and roadways.
- G. Show location of all proposed underground pipelines. As built drawings shall be filed with the Engineering Department. All pipelines proposed in the public right-of-way shall require a Right-of-way Use Agreement.
- H. Identify if pipelines connect with a Gas Distribution System.
- I. the color, height, size, bulk and location of all structures and equipment specific to the proposed site, including, but not limited to, lighting, utilities and the floodplain, and the location and description of all improvements, structures, utilities and floodplain areas within 1,000 feet of the proposed drill site
- J. General Requirements:
  - 1. *Property Owner /Mineral Lessee / Mineral Owner / Gas Well Operator* - The names and addresses of the current owner of record, mineral lessee, minerals owner and gas well operator.
  - 2. *Surveyor Name* - The name, address and telephone number of the surveyor responsible for the site plan which shall contain the seal of a Texas Registered Professional Land Surveyor.

3. *Gas Well Name* – Title block containing the proposed name of the gas well(s), acres in lease, survey, and jurisdiction.
4. *Location Map* - A location map showing the tract by reference to streets or highways.
5. *Date* - The date the site plan was prepared.
6. *Scale & North Arrow* - The site plan shall be prepared at a numerical scale no greater than one (1) inch equals one hundred (100) feet unless approved by the Administrative Official responsible for gas well site plan review. A graphic scale symbol shall be placed on the drawing with a north arrow indicating the approximate true north.
7. *Boundary Lines* - The property boundary lines shall be shown in heavy lines so as to provide a differentiation with the internal features of the area being proposed for site planting. The location and dimensions of all boundary lines of the property shall be expressed to the nearest hundredth foot.
8. *Metes and Bounds Description* - A written metes and bounds description of the property containing the well site shall be shown on the site plan and be capable of reproducing such lines upon the ground with a closure error of less than 1:25,000. The legal description shall include reference to an original survey or subdivision corner, and the Texas NAD83 State Plane Coordinate System. The legal description shall include the acreage of the total area of the tract or property in which the lease area is located and shall contain information to show the last instrument conveying title to said parcel, giving grantor, grantee, date, and land records reference.
9. *Adjacent Properties* - All property lines, streets and easements on lands immediately adjacent to and contiguous with the perimeter of the proposed pad site and extending one hundred (100) feet shall be shown with the names of the owners as shown on the most current Tax Assessor's files.
10. *Street Rights-of-Way* - The width of all public street rights-of-way within the immediate vicinity of the proposed pad site shall be shown on the site plan. The general location and width shall be consistent with the Master Thoroughfare Plan.
11. *Permanent Structures* - The location and general outline of any existing permanent structures, parking lots, driveways, and other significant structures.
12. *City Limit Lines* - The location of the city limit boundaries of the City of Colleyville and any adjacent city shall be shown on the site plan.
13. *Easements* - The location and dimension of all existing easements proposed by the applicant shall be shown on the site plan drawing indicating whether such easement is for any specific purpose.
14. *Sheet Size* - Map sheets shall be twenty-four by thirty-six (24"x 36") inches. Sheets shall be numbered in sequence if more than one (1) sheet is used and an index sheet provided with match lines.
15. *Site plan Notes and Conditions* - When appropriate, the site plan shall contain a listing of any site plan notes and site plan conditions in a readily identifiable location with each note numbered consecutively.
16. *Street Names* - All street names shall be shown on the site plan.

17. *Lease Area* - The lease area designated for drilling activities expressed in square feet shall be shown on the site plan.
18. *Survey Notes* - The Final Site plan shall be accompanied by one (1) set of surveyor's closure notes for the boundary of the subject property. The notes shall be referenced in the same manner as the site plan.
19. *Certification Blocks* – All site plans shall contain the appropriate certification blocks which shall be similar to those shown.
20. *Pad Site* – a legal description of the actual pad site.

### Section 3.1 – 140 Violations

Any person violating or failing to comply with any provision or requirement of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall, without exception, be fined in an amount up to \$2,000 per day. A separate offense shall be deemed committed upon each day during or on which each separate violation or failure to comply occurs or continues to occur and shall be punishable as such.

### Section 3.1 – 145 Standards for Oil and Gas Well Drilling and Production

#### A. On-site Requirements.

1. *Entrance Gate*: A secured entrance gate shall be required and signs identifying the entrance to the drill site or operations site shall be reflective.
2. *Fencing*: All drilling features including storage pits shall be fenced to prevent access. When not supervised, all fences shall remain locked.
3. *Illegal Dumping*: No person shall place, deposit, or discharge any oil, naphtha, petroleum, asphalt, tar, hydrocarbon substance, or any refuse including wastewater or brine, from any oil or gas operation or the contents of any container used in connection with any oil or gas operation in, into, or upon any public right-of-way, storm drain, ditch or sewer, sanitary drain, any body of water, or any private property within the corporate limits or ETJ of the City of Colleyville.
4. *Fire Suppression*: All fire suppression and prevention equipment required by any applicable federal, state, or local law shall be provided by the operator, at the operator's cost, and maintenance and upkeep of such equipment shall be the responsibility of the operator.
5. *Screening*: All well heads, storage tanks, separation facilities or other mechanical equipment shall be screened with a minimum eight-foot high solid screen fence, good side facing from the gas or oil well. Prior to the beginning of any gas well production, a permanent, solid masonry screening wall built to a minimum height of eight feet shall be installed along the entire perimeter of the pad site so as to obscure the entire view of any production equipment, including storage tanks, from surrounding habitable buildings and public roadways. Such wall must be completed within 60 days of completion of drilling of the first well on the site. The masonry perimeter wall shall have an architectural metal gate meeting the requirements for gates found in Chapter 14 of the Land Development Code that shall remain locked when the operator or operator's employees are not within the enclosure.
6. *Closed-loop drilling fluid systems*: Closed-loop drilling fluid systems shall be used instead of reserve pits, except in the case of temporary fresh water pits. All other fluids shall be accumulated in storage tanks and transported out of the city limits as required by state law or as required by the administrative officer. Wells drilled for the sole purpose of injecting any fluids for underground disposal are hereby prohibited.

7. *Discharge*: No person shall place, deposit, discharge, or cause or permit to be placed, deposited or discharged, any oil, naphtha, petroleum, asphalt, tar, hydrocarbon substance, or any refuse including wastewater or brine from any oil and/or gas operation, or the contents of any container used in connection with any oil and/or gas operation in, into, or upon any public right-of-way, alleys, streets, lots, storm drain, ditch or sewer, sanitary drain, underground or any body of water or any private property in the City of Colleyville.
8. *Drilling fluids*: Low toxicity glycols, synthetic hydrocarbons, polymers, and esters shall be substituted for conventional oil-based drilling fluids.
9. *Drilling fluid storage pits*: No drilling fluid storage pits, other than open pits used to store fresh water, shall be located within the City of Colleyville. Fresh water pits shall contain measures designed to mitigate proliferation of mosquitos. Pits shall be located below the average grade of surrounding properties and contain decorative aeration devices that provide a fountain effect.
10. *Drill stem testing*: All open hole formation or drill stem testing shall be done during daylight hours. Drill stem tests may be conducted only if the well effluent during the test is produced through an adequate oil and/or gas separator to storage tanks and the effluent remaining in the drill pipe at the time the tool is closed is flushed to the surface by circulating drilling fluid down the annulus and up the drill pipe.
11. *Signs*:
  - a. A sign shall be immediately and prominently displayed at the gate on the temporary and permanent site fencing. Such sign shall be durable material, maintained in good condition and, unless otherwise required by the City Council, shall have a surface area of not less than two square feet nor more than four square feet and shall be lettered with the following:
    - i. Well name and number;
    - ii. Name of operator;
    - iii. The emergency 911 number; and
    - iv. Telephone numbers of two persons responsible for the well who may be contacted 24 hours a day incase of an emergency.
  - b. Permanent weatherproof signs reading "DANGER NO SMOKING ALLOWED" shall be posted immediately upon completion of the well site fencing at the entrance of each well site and tank battery or in any other location approved or designated by the fire marshal of the City of Colleyville. Sign lettering shall be four inches in height and shall be red on white background or white on a red background. Each sign shall include the emergency notification numbers of the fire services department and the operator, well and lease designations required by the Commission.
12. *Security camera(s)*. The operator shall at all times after the permanent masonry perimeter fence is in place, have installed a minimum of one operating security camera inside the perimeter fence and post on the fencing of the site signs indicating that any activity on the site may be recorded by video surveillance. Such sign shall conform to the approved sign plan. The location of the security camera, camera type and picture resolution of the recordings shall be subject to the approval of the Police Chief or their designee. Camera systems shall be maintained in proper operating condition and do all of the following:
  - a. Capture clear video images of all traffic entering and exiting the gate(s); and
  - b. Capture clear video images of all production equipment located on the site; and
  - c. Be equipped with motion detection technology; and
  - d. Be equipped with panning technology to pan immediately to any motion detected on the site; and
  - e. Show the date and time of all activity on the footage; and
  - f. Be capable of being viewed at the monitoring facility.

The operator shall maintain video data for a period of at least 1,000 hours. At the request of the city, the operator shall produce to the city any recorded views of the fenced area. Data from videos may only be requested by the administrator or law enforcement officials.

B. Operations and Equipment Standards.

1. During the hydraulic fracturing process:
  - a. All fracturing operations including "flowback" operations to recover fluids used during fracture stimulation shall be performed during daytime hours only;
  - b. a watchperson shall be required at all times during such operations; and
  - c. at no time shall the well be allowed to flow or vent directly to the atmosphere.
2. Nuisance prevention measures shall be implemented to prevent or control offensive odor, fumes, dust, noise, and vibration in accordance with the conditions set forth by the approved ordinance.
3. Directional lighting shall be provided for the safety of oil or gas well drilling and production operations and shall be provided so as to not disturb, directly illuminate or adversely affect adjacent developments. A site lighting plan designed to promote the safety of nighttime operations shall be submitted prior to the issuance of the administrative permit for drilling activities. The plan should include a photometric plan, indicating the type and color of light(s) to be used and demonstrate compliance with all Federal Aviation Administration requirements.
4. The operator shall, at all times, comply with the rules and regulations of the Texas Railroad Commission including but not limited to all applicable Field Rules.
5. Only electric motors will be used for the purpose of drilling and pumping oil or gas during production. Internal combustion engines may be used for the purpose of electric generation and only during drilling operations if they have mufflers that will reduce noise levels to the standards described in Section 15 below.
6. Venting of gas into the open air shall be prohibited.
7. Only Light Sand Fracture Technology or technologies approved by the administrative officer in accordance with applicable codes shall be used to fracture stimulate a well.
8. Air, gas, and pneumatic drilling shall not be permitted.
9. Written notices must be sent to all properties within 1,500 feet of the pad site 72 hours prior to the commencement of fracture activities. Notices shall be mailed to the occupant of said property, whether commercial or residential, as determined by the most recent utility billing database. All costs incurred by the City for said notice shall be reimbursed from the escrow account described in Section 157. The notice shall identify where the activities will be conducted and shall describe the activities in reasonable detail, including but not limited to the duration of the activities and the time of day they will be conducted. The notice shall also provide the address and 24-hour phone number of the person conducting the activities.
10. The operator shall place an identifying sign at each point where the flow line or gathering line crosses a public street or road.
11. Structures shall not be built or placed over pipelines, flow lines or gathering lines.
12. *Landscaping:* The following standards shall be considered as minimum standards: Screening shrubs shall be installed completely around the well pad site outside of required screening fences and be sufficient to screen from view the structures sought to be screened. Screening shrubs shall be planted once all equipment has been set in place and the first well has been drilled and completed. The required screening shrubs shall be planted within a minimum twenty (20) foot wide green belt. The screening shrubs shall be "live plant material of the evergreen variety" which is expected to grow to six (6) feet height in two (2) years, a minimum of three (3) feet in height at the time of installation

and planted on six (6) foot centers. In addition to screening shrubs, one tree, measuring a minimum of three (3) inches in caliper shall be planted on 20 foot centers around the entire pad site within the greenbelt noted above. All landscaping shall meet the requirements of Chapter 4-Landscaping and Buffering in the Land Development Code and must have an installed irrigation system that provides total water coverage to all plant materials. The vegetation or berms shall be kept in an attractive state and in good condition at all times by the applicant or operator. All landscape and irrigation plans shall be submitted to the DRC for approval.

13. *Vehicle routes for oil and gas well permits.* Vehicles associated with drilling and/or production in excess of three tons shall be restricted to such streets designated as arterials, collectors or local commercial as delineated in the City of Colleyville's thoroughfare plan. The vehicles shall be operated on state arterials whenever capable of being used. Such vehicles shall be operated only on City of Colleyville arterials, collectors and local commercial access easements only when it is not possible to use a state arterial to fulfill the purpose for which such vehicle is then being operated. All property owners along the proposed vehicle route shall be sent a public notice of the proposed SUP per the requirements of Chapter 1.
14. *Work hours for oil and gas well permits:* Site development, other than drilling, shall be conducted only during daytime hours. Truck deliveries of equipment and materials associated with drilling and/or production, well servicing, site preparation and other related work conducted on the well site shall be limited to between the above same work hour restrictions except in cases of fires, blowouts, explosions, and any other emergencies or where the delivery of equipment is necessary to prevent the cessation of drilling or production. The operator may request a waiver from the City Council, pursuant to section 3.1-106 of this Chapter.
15. *Permitting and Notification Requirements for Workover Operations and Hydraulic Fracturing:* The operator shall notify the oil and gas inspector in writing no less than thirty (30) days prior to starting completion procedures such as fracturing and/or perforating, and such work shall not commence until the administrative officer has approved the proposed work in writing. At least three (3) business days before operations are commenced, the operator shall post a sign at the access road entrance of the drill site advising the public of the date the operations will commence; the sign shall have white letters on red background.

Any person who intends either to workover or re-work a well using a drilling rig or to fracture stimulate a well after initial completion shall give written notice to the city at least 30 days before the activities begin. The notice shall identify where the activities will be conducted and shall describe the activities in reasonable detail, including but not limited to the duration of the activities and the time of day they will be conducted. The notice must also provide the address and 24-hour phone number of the person conducting the activities. The person conducting the activities shall post a sign on the perimeter fencing at least three (3) business days prior to conducting workover or re-working operations giving the public notice of the activities, including the name, address, and 24-hour phone number of the person conducting the activities. No well shall be worked over without the approval of the administrative officer. If the administrative officer determines that an inspection is required, the actual cost of the inspection shall be assessed against the respective operator's application fund balance required by Section 157 of this Chapter.

16. *Noise restrictions for oil and gas well permits:*
  - a. No well shall be drilled, re-drilled, fractured or any equipment operated at any location within the city in such a manner so as to create any noise which causes the exterior noise level, when measured at, either the property line of the tract upon which the nearest habitable structure is located, or 100 feet from the nearest habitable structure (as measured to the closest exterior point of the habitable structure), whichever is closer to the well, to exceed the ambient noise level:
    - i. By more than ten decibels during fracturing operations; and

- ii. By more than five decibels during nighttime hours;; and
  - iii. By more than five decibels during daytime hours or more than three decibels during nighttime hours for all activities not addressed in paragraphs a. and b. above.
- b. The operator shall be responsible for establishing and reporting to the city the pre-drilling ambient noise level prior to the issuance of a well permit. Once the drilling is complete, the operator shall be required to establish a new ambient noise level prior to the installation of any new noise generating equipment. In lieu of the foregoing, the city may elect to perform the required noise testing and establish the ambient noise level.
- c. Adjustments to the noise standards as set forth above in subsection (a)(1) of this section may be permitted in accordance with the following:

**Permitted Increase Duration of Increase**

| <i>dBA</i> | <i>Minutes*</i> |
|------------|-----------------|
| 5          | 15              |
| 10         | 5               |
| 15         | 1               |
| 20         | less than 1     |

*\* Cumulative minutes during any one hour period*

- d. No workover or re-working operations shall be permitted during nighttime hours.
- e. The operator shall monitor exterior noise level generated by the drilling, re-drilling or other operations of all wells located within 1,000 feet of a protected use when requested by the city, to ensure compliance. The cost of such monitoring shall be borne by the operator. The monitoring data shall also include an audio recording to help identify the source of sound level “spikes” throughout the logging period. The continuous noise monitoring equipment shall be capable of wireless transmission of real-time noise and audio data. Access to this real-time data as it occurs shall be made available to the administrative officer. The noise readings shall also be submitted to the administrative officer on a weekly basis in an electronic format or other format specified by the inspector. The weekly report shall state whether the drill site is in compliance with the noise requirements. If the report states that the drill site is not in compliance with the noise standards, then the report shall state the measures that are being taken to return the drill site to compliance and the timeframes for implementing these remedial measures.
- f. Noise reduction blankets, sound walls, mufflers and other alternative methods shall be used to ensure compliance with this Chapter. All soundproofing shall comply with accepted industry standards and subject to approval by the administrative officer. At a minimum, the operator shall install noise reduction blankets on the drill site boundaries facing any habitable structure within 1,500 feet of any well bore. The height of boundary blankets shall be a minimum of 30 feet, or at a minimum height such that the entire rig platform minus the derrick structure is screened from the view of any structures within 1,500 feet of the well bores, whichever is greater. The height may be increased at the discretion of the administrative officer in response to topographic necessity. In addition to the boundary barriers, the operator must, at a minimum, install additional noise reduction blankets to mitigate noise generated from the rig substructure, the rig floor area, brake drum housings, mud pumps, diesel motors, and generators. The blankets shall be constructed of a fire-retardant material approved by the fire department. The noise reduction blankets shall meet a standard of STC 30 or greater. Noise reduction blankets shall be kept in good condition and installed such that there are no openings, tears or visible defects at any point in the larger, composite blanket structure. All temporary noise reduction blankets, sound walls,

etc. shall be removed within 30 days of the completion of drilling, fracturing or re-working activities under a specific permit or allowance.

- g. The sound level meter used in conducting noise evaluations shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
- h. During nighttime operations the operation of vehicles with audible back-up alarms are prohibited. If the operator uses any equipment during nighttime operations which are required to have back-up alarms, the operator shall provide and use only approved non-auditory signaling systems, such as spotters or flagmen. Deliveries of pipe, casing and heavy loads shall be limited to daytime hours, except for emergency situations. The derrick man and driller shall communicate only by walkie-talkie or other non disruptive means when the derrick man is in the derrick. Horns may not be used to signal for connection or to summon crew (except that a horn may be used for emergency purposes only). The operator shall conduct on-site meetings to inform all personnel of nighttime operations noise control requirements.
- i. Concurrent with the Special Use Permit application, the operator shall file a noise management plan which shall detail how the equipment used in the drilling, completion, transportation, or production of a well complies with the maximum permissible ambient noise levels of this Chapter. Violation of the noise management plan shall be a violation of this Chapter. The noise management plan must be approved by the administrative officer and must comply with the following requirements:
  - i. Identify operation noise impacts; and
  - ii. Provide documentation, if applicable, establishing the ambient noise level prior to and after the installation of the noise-generation equipment verifying compliance with this section; and
  - iii. Detail how the impacts will be mitigated. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:
    - (1) The location, type, nature and proximity of adjacent development; and
    - (2) Seasonal and prevailing weather patterns, including wind directions; and
    - (3) Vegetative cover on or adjacent to the site; and
    - (4) Topography; and
    - (5) Operation and site noise management measures which may include, but not be limited to use of critical grade mufflers on generators and motors; use of structural noise curtains, walls, or enclosures; and best management practices by limiting or eliminating noisier operations, such as tripping, deliveries of pipe, casing and heavy loads, use of horns for communication and operation of vehicle audible back-up alarms during nighttime hours.

### C. Environmental Safety and Protection Standards.

#### 1. Site Erosion Control, Run-Off and Groundwater and Soil Protection Standards.

- a. Erosion and stormwater control practices approved by the City Engineer shall be conducted for all oil or gas wells. Compost berms that are at least 3-feet-high and 4-feet wide, or equivalent erosion devices, shall be installed so that all portions of the well pad that may drain off-site are contained.
- b. Damage resulting from sedimentation and / or erosion shall be repaired within 48 hours.
- c. Gas or oil wells may have a target location or bottom-well hole location that is under the floodway when the gas or oil well is drilled directionally from a location outside such areas.

- d. Outdoor storage areas shall be equipped with a secondary containment system designed to contain a spill from the largest individual vessel. If the area is open to rainfall, secondary containment shall be designed to include the volume of a 24-hour rainfall as determined by a 100-year storm and provisions shall be made to drain accumulations of ground water and rainfall.
- e. For all areas within the City of Colleyville's corporate limits, in which the proposed well bore is within 775 feet of any type of surface water conveyance, including, but not limited to, creeks, streams, drainage ditches, or other constructed storm water conveyance systems, calculating distance in a straight line from the conveyance centerline, a preliminary flood study shall be prepared by the applicant and approved by the City Engineer. Upon completion of the preliminary flood study, if the City Engineer determines that the proposed well bore is within 100 feet of any type of surface water conveyance, or other flood hazard area, then a detailed flood study shall be prepared by the applicant and approved by the City Engineer prior to City Council consideration of any Special Use Permit for a well.
- f. No oil or gas well drill sites shall be allowed on slopes greater than ten (10) percent.
- g. No disposal wells of any kind, including saltwater wells, shall be located within the City of Colleyville.
- h. Any wells drilled as part of a gas well and testing of adjacent wells shall meet the following requirements:
  - i. No oil or gas well permit will be issued for any well where the center of the well at the surface of the ground is located within 1,000 feet of an existing fresh water well intended for domestic use.
  - ii. The operator shall, within 120 days of its completion date, equip each well with a cathodic protection system to protect the production casing from external corrosion, unless the inspector approves an alternative method of protecting the production casing from external corrosion. The operator of a well shall provide the inspector with a "pre-drilling" and "post-drilling" water analysis and flow rate from any existing fresh water well within 2,000 feet of the well. For the purposes of this section, "post-drilling" shall mean the period immediately after the completion of a well. The analysis shall be performed by an independent inspector approved by the City before and after each phase of drilling and fracturing. Such water tests shall conform to the following testing requirements:
    - (1) Water samples must be collected and analyzed utilizing proper sampling and laboratory protocol from a U.S. Environmental Protection Agency or Texas Commission on Environmental Quality approved laboratory;
    - (2) Well samples shall be analyzed prior to any drilling activity to document baseline water quality data of the well. A post-drilling sample shall be analyzed within three months after the drilling begins; and
    - (3) Parameters to be tested for, including but not limited to methane, chloride, sodium, barium and strontium.

If it is found that the fresh water well is no longer in use and without possibility of future use or if the fresh water well owner objects to having the water well tested, the owner of the fresh water well may waive the right to have the operator test the water. In the event of evidence of fresh water well contamination of any wells within 2,000 feet of the gas well(s), the administrative officer is authorized to retest and/or perform an analysis of all wells in order to determine the potential cause of the contamination at the expense of the operator.

- iii. A copy of the determination by the appropriate State agency of the depth of useable quality ground water shall be provided to the administrative officer prior to the drilling of any water well.
- i. After any spill, leak or malfunction, the operator shall remove or cause to be removed all waste materials from any public or private property affected by such spill, leak or malfunction. Cleanup operations shall begin within 48 hours.
- j. The drill site shall at all times be kept free of debris, pools of water or other liquids, contaminated soil, weeds, brush, trash or other waste material outside the drill site.
- k. The operator shall install drip pans and other containment devices underneath all tanks, containers, pumps, lubricating oil systems, engines, fuel and chemical storage tanks, system valves, connections and any other areas or structures that could potentially leak, discharge or spill hazardous liquids, semi-liquids or solid waste materials, including hazardous waste.
- l. The operator shall store all chemicals and/or hazardous materials in such a manner as to prevent, contain and facilitate rapid remediation and clean-up of any accidental spill, leak or discharge of a hazardous material. The operator shall maintain all material safety data sheets (MSDSs) for all hazardous materials on site. The operator shall comply with all applicable federal and state regulatory requirements for the proper labeling of containers. The operator shall take all appropriate pollution prevention actions including but not limited to raising chemical and materials and bulk storage (e.g., placing such materials on wooden pallets), installing and maintaining secondary containment systems, and providing adequate protection from stormwater and weather elements.
- m. An operator must set and cement sufficient surface casing to protect all usable quality water strata, as defined by state law. The operator shall notify the inspector in writing at least 72 hours prior to the scheduled time for setting and cementing surface casing, and such work shall not commence until the inspector has approved the proposed work in writing. In addition, the following requirements shall apply:
  - i. Centralizers must be used at an interval of one centralizer per 100 feet, or ten centralizers per 1,000 feet; and
  - ii. New surface casing is required; and
  - iii. Proper floating equipment shall be used; and
  - iv. Class "H" or class "C" cement with accelerators shall be used; and
  - v. The operator shall circulate cement to surface; if not, the operator shall cement with one-inch tubing and top off; and
  - vi. The operator shall wait on cement a minimum of 12 hours prior to commencing further drilling operations; and
  - vii. The operator shall test the blowout preventer before drilling out of surface casing to 1,000 psi.
- n. The operator shall construct all facilities used for parking, loading, unloading, driveways, and other vehicular access areas of concrete, unless an alternative material is approved by the city council as a condition of a specific use permit or an approved waiver. The operator shall maintain the surface for such facilities and drive approach in good condition and repair and meet the minimum requirements set forth in the fire code approved by the city council, as amended. The pad site is not required to be constructed of concrete or asphalt.

- o. A stormwater pollution prevention plan (SWPPP) complying with all federal, state, and local storm water quality regulations, including any notice of intent (NOI) and notice of termination (NOT) requirements. A copy of the NOI shall be submitted to the City Engineer seven (7) business days prior to the commencement of any new on-site drilling or hydraulic fracturing activity.
- p. It shall be unlawful to contaminate any soil above regulatory thresholds, and fail to expeditiously remediate such contamination, at any drill site in the city. Soil sampling shall be subject to the following requirements:
  - i. Upon application for an oil and gas well drilling permit, soil sampling shall be conducted prior to the commencement of any drilling activities at the proposed drill site to establish a baseline study of site conditions. A minimum of one (1) soil sample will be taken at the location of any proposed equipment to be utilized at the site to document existing conditions at the drill site (i.e., each well, above-ground storage tank, separator).
  - ii. A licensed third party consultant shall be utilized to collect and analyze all “pre-drilling” and “post-drilling” soil analysis. The cost of such fees and charges assessed by the third party contractor shall be borne by the operator;
  - iii. Soil samples will be collected and analyzed utilizing proper sampling and laboratory protocol set forth by the TCEQ and/or EPA. The results of the analyses will be addressed to the City and a copy of the report provided to the operator. The analyses will include the following analyses at a minimum: TPH, VOCs, SVOCs, Chloride, Barium, Chromium, and Ethylene Glycol.
  - iv. Subsequent to the drilling of each well, periodic soil samples shall be taken as determined by the city during inspection events to document soil quality data at the drill site.
  - v. When abandonment occurs pursuant to the requirements of the Texas Railroad Commission and as referenced in Section 185 of this Chapter, the City will collect “post-operation” samples when equipment is removed from the drill site to document that the final conditions are within regulatory requirements.
  - vi. If it is found that the soil contains a prohibited amount (pursuant to state or federal law) of a hazardous substance, the operator shall remediate the location within thirty (30) days and thereafter soil sampling shall be collected and analyzed at such locations on the drill site as are necessary to determine compliance.

## 2. Air Quality Standards

- a. The operator shall conduct all drilling and production operations in such a manner as to minimize, so far as practicable, dust, vibration or noxious odors, and in accordance with the best accepted practices incident to drilling for the production of oil, gas and other hydrocarbon substances. The operator shall construct and operate all equipment so that vibrations, dust, odor or other harmful or annoying substances or effect created by the operations carried on at any drill site or from anything incident thereto will be minimized, to minimize the possibility of injury or annoyance of persons living in the vicinity. The operator shall maintain all aspects of the site and structures thereon in good operating condition and good appearance. Proven technological improvements in industry standards of drilling and production in this area shall be adopted as they become available if capable of reducing factors of dust, vibration and odor. Brine water, sulphur water, or water in mixture with any type of hydrocarbon may not be used for dust suppression.

- b. As a condition of approval of a Special Use Permit, the City Council shall require the utilization of an independent, third-party expert, as chosen by the city, to conduct testing of airborne emissions resulting from any gas well drilling and production in order to ensure compliance with state and federal regulations relating to air quality standards. The frequency, methods, locations, reporting and specifications of said testing shall be determined prior to the issuance of any gas well permit and may be adopted as part of the approving Special Use Permit ordinance if required by the City Council. All reasonable and necessary costs associated with the utilization of said expert shall be reimbursed by the gas well operator to the city.
- c. No person shall allow, cause or permit gases to be vented into the atmosphere or to be burned by open flame. No open flaring is permitted. Green completion methods as defined in this chapter are recommended during the hydraulic fracturing, flowback and well completion process. A green completion plan shall be submitted in conjunction with the required SUP application.
- d. In order to minimize airborne emissions of volatile organic compounds (VOC), pending the recommendations of the expert referenced in subsection "b" above and/or the City Council, all storage tanks utilized for production may be required to be equipped with an approved vapor recovery unit (VRU). As determined by the air testing recommendations by the expert referenced in subsection "b" above, each approved VRU may require an air quality monitoring device in order to accurately report VOC emissions emanating from any tanks. In addition to a VRU, the City Council may require a permanent air quality testing protocol including but not limited to monitoring stations and regular inspections.
- e. A Leak Detection and Compliance Plan (LDCP) shall be submitted in conjunction with the required SUP application and, if necessary, shall be updated prior to the commencement of any production activities and/or any pipeline connection to ensure that all site activities and equipment are in compliance with applicable rules and regulations. The LDCP shall include methodology to assess and evaluate the impact of drilling, fracturing, production, and other activities at the Drill site and immediate surroundings. Specific elements shall include, but are not limited to: a leak detection monitoring program, methods and equipment for emission measurements, site inspection activities, continuous distance monitoring, and a response plan to address emergency issues if they arise, and any other information required by the Fire Marshal. Monitoring should include evaluation of potential impact to air, soil, surface water, or groundwater. In addition to other reporting requirements established by this Chapter, annual reporting of the monitoring results to the City is required with all laboratory data sheets, field logs, data summary, and actions taken in the previous monitoring period. The plan must be created in accordance with any City-mandated guidelines and address the manner in which periodic inspections by a third party will occur to ensure compliance with the LDCP plan goals.
- f. Unless explicitly approved by the City Council, compression facilities as defined in this Chapter are prohibited.

### 3. General Safety and Environmental Standards

- a. In all cases, the operator shall install and utilize blowout prevention equipment on all wells being drilled, worked-over or in which tubing is being changed. Protection shall be provided to prevent blowout during oil and/or gas operations as required by and in conformance with the requirements of the railroad commission and the recommendations of the American Petroleum Institute. The operator must equip all drilling wells with adequate blowout preventers, flow lines and valves commensurate with the working pressures involved as required by the railroad commission.
- b. Organic solvents, such as trichloroethylene and carbon tetrachloride, shall not be used for cleaning any element, structure or component of the drilling rig, platform and/or associated equipment, tools or pipes. Lead-free, biodegradable pipe dope shall be substituted for American Petroleum Institute (API) specified pipe dope. Sealant shall be used around pipe threads to ensure and maintain the integrity of the seal.

- c. Each well shall be equipped with an automated valve that closes the well in the event of an abnormal change in operating pressure. All wellheads shall contain an emergency shut off valve to the well distribution line.
- d. Each storage tank shall be equipped with a level control device that will automatically activate a valve to close the well in the event of excess liquid accumulation in the tank.
- e. All storage tanks shall be anchored for stability.
- f. All storage tanks containing Class I or Class II flammable or combustible liquids shall meet the requirements of Chapter 34 of the International Fire Code. Secondary containment systems shall be approved by the Fire Marshal and be of a sufficient height to contain one and one-half (1 ½) times the contents of the largest tank in accordance with the Fire Code. Drip pots shall be provided at pump out connections to contain the liquids from the storage tank.
- g. Tank battery facilities shall be equipped with a lightning arrestor system.
- h. The contents of any pit shall always be maintained at least 2 feet below the top of the pit.
- i. Fencing, a minimum of six-feet in height, shall be installed to restrict access to open water reservoirs utilized in oil or gas well drilling operation at a drill site within the corporate limits of the City. Upon completion of drilling activities, said fencing shall be removed.
- j. After the well has been completed, or plugged and abandoned, the operator shall clean and repair all damage to public property caused by such operations within thirty (30) days.
- k. A copy of a hazardous materials management plan as required by the City of Colleyville's Fire Marshal's office shall be provided. In addition to the hazardous materials management plan, all material safety data sheets (MSDSs) for all hazardous materials, including all hydraulic fracturing fluids, that will be located, stored, transported, and/or temporarily used on the drilling site shall be provided to the administrative officer and Fire Marshal.
- l. A copy of the emergency response plan as required by the City of Colleyville's Fire Marshal's office shall be provided.

D. Setback Distances.

1. *Wells setbacks for gas or oil well permits:*

- a. It shall be unlawful to drill, redrill, deepen, re-enter, activate or convert any well, the center of which, at the surface of the ground, is located; or
- b. Within 1,000 feet from any public park; or
- c. Within 1,000 feet from any residence, religious institution, public building, hospital building or school for which a building permit has been issued on the date of the application for a drilling permit is filed with the administrative officer or
- d. Within 1,000 feet from any building used, or designed and intended to be used, for human occupancy; or
- e. Within 500 feet from any existing storage tank containing flammable liquids or gases, or source of potential ignition; or
- f. Within 500 feet of any public street, road, highway, or right-of-way line, except in the case of railroad right-of-way; or
- g. Within 100 feet of any building accessory to, but not necessary to the operation of the well; or
- h. Within 300 feet to any fresh water well; or

- i. The measurement of all distances shall be calculated from the proposed well bore, in a straight line, without regard to intervening structures or objects, to the closest exterior point of the any object listed in a. through h. above.
  - j. For purposes of this section, a "building used, or designed and intended to be used, for human occupancy" means an enclosed space, other than a residence, in which individuals congregate for amusement or similar purposes or in which occupants are engaged at labor, and which is equipped with means of egress, light, and ventilation facilities."
2. The distances set out in this may be reduced at the discretion of the City Council.
  3. At a minimum, no structure intended for human occupancy, including any residence, shall be constructed within 300 feet of an existing gas well head, tank battery or other gas well equipment unless approved by the City Council.

**E. Phasing of Drilling and Production and General Special Use Permit Provisions**

1. Unless specified differently in the ordinance approving the Special Use Permit (SUP) for a gas well, all drilling, and production activities shall conform to the following schedule:
  - a. Drilling:
    - i. Drilling shall commence no later than one year after the approval date of the SUP allowing the gas well. If no drilling has occurred within one year, the SUP shall automatically expire.
    - ii. Once drilling has begun, the gas well operator shall have five (5) years from the approval date of the SUP allowing the gas well operator to drill all wells. No additional drilling may occur after this point without the approval of the City Council.
  - b. Hydraulic Fracturing: All hydraulic fracturing shall be completed within five (5) years from the approval date of the SUP allowing the gas well. No additional hydraulic fracturing may occur after this point without the approval of the City Council.
  - c. Production: If the provisions of section a(i) above are met, the gas well operator shall have five (5) years from the approval date of the SUP allowing the gas well to begin well production. If no well production has begun within five years, the SUP shall automatically expire and the operator shall be subject to abandonment provisions of this ordinance.
2. Any SUP authorized under this ordinance shall only be granted to the entity named on the original application and may not be transferred to any other entity without the approval of the City Council. City Council approval shall be required for any change in ownership of the entity named on the SUP application for any SUP granted under this chapter.

**Section 3.1 – 150 Insurance and Indemnification**

The operator shall provide or cause to be provided the insurance described below for each well for which a Gas or Oil Well Permit is issued, such insurance to continue until the well is abandoned and the site restored. The operator may provide the required coverage on a “blanket basis for multiple wells”. Such coverage shall be approved by the City Attorney for the City of Colleyville.

**A. General Requirements. Indemnification and Express Negligence Provisions.**

1. Each Gas Well Permit issued by the City shall include the following language:  
Operator does hereby expressly release and discharge, all claims, demands, actions, judgments, and executions which it ever had, or now have or may have, or assigns may have, or claim to have, against

the City of Colleyville, and/or its departments, its agents, officers, servants, successors, assigns, sponsors, volunteers, or employees, created by, or arising out of personal injuries, known or unknown, and injuries to property, real or personal, or in any way incidental to or in connection with the performance of the work performed by the operator under a gas or oil well permit and the operator caused by or arising out of, that sequence of events which occur from the operator under the Oil or Gas Well Permit and work performed by the operator shall fully defend, protect, indemnify, and hold harmless the City of Colleyville, Texas, and/or its departments, agents, officers, servants, employees, successors, assigns, sponsors, or volunteers from and against each and every claim, demand, or cause of action and any and all liability, damages, obligations, judgments, losses, fines, penalties, costs, fees, and expenses incurred in defense of the City of Colleyville, Texas, and/or its departments, agents, officers, servants, or employees, including, without limitation, personal injuries and death in connection therewith which may be made or asserted by Operator, its agents, assigns, or any third parties on account of, arising out of, or in any way incidental to or in connection with the performance of the work performed by the Operator under a Gas or Oil Well Permit and, the Operator agrees to indemnify and hold harmless the City of Colleyville, Texas, and/or its departments, and/or its officers, agents, servants, employees, successors, assigns, sponsors, or volunteers from any liabilities or damages suffered as a result of claims, demands, costs, or judgments against the City and/or, its departments, its officers, agents, servants, or employees, created by, or arising out of the acts or omissions of the City of Colleyville occurring on the drill site or operation site in the course and scope of inspecting and permitting the gas or oil wells INCLUDING, BUT NOT LIMITED TO, CLAIMS AND DAMAGES ARISING IN WHOLE OR IN PART FROM THE SOLE NEGLIGENCE OF THE CITY OF COLLEYVILLE OCCURRING ON THE DRILL SITE OR OPERATION SITE IN THE COURSE AND SCOPE OF INSPECTING AND PERMITTING THE GAS OR OIL WELLS. IT IS UNDERSTOOD AND AGREED THAT THE INDEMNITY PROVIDED FOR IN THIS SECTION IS AN INDEMNITY EXTENDED BY THE OPERATOR TO INDEMNIFY AND PROTECT THE CITY OF COLLEYVILLE, TEXAS AND/OR ITS DEPARTMENTS, AGENTS, OFFICERS, SERVANTS, OR EMPLOYEES FROM THE CONSEQUENCES OF THE NEGLIGENCE OF THE CITY OF COLLEYVILLE, TEXAS AND/OR ITS DEPARTMENTS, AGENTS, OFFICERS, SERVANTS, OR EMPLOYEES, WHETHER THAT NEGLIGENCE IS THE SOLE OR CONTRIBUTING CAUSE OF THE RESULTANT INJURY, DEATH, AND/OR DAMAGE. LIABILITY FOR THE SOLE NEGLIGENCE OF THE CITY IN THE COURSE AND SCOPE OF ITS DUTY TO INSPECT AND PERMIT THE GAS OR OIL WELL IS LIMITED TO THE MAXIMUM AMOUNT OF RECOVERY UNDER THE TORT CLAIMS ACT.

2. All policies shall be endorsed to read "this policy will not be cancelled or non-renewed without 30 days advanced written notice to the owner and the City except when this policy is being cancelled for nonpayment of premium, in which case 10 days advance written notice is required".
3. Liability policies shall be written by carriers licensed to do business in Texas and with companies with A: VIII or better rating in accordance with the current Best Key Rating Guide, or with non-admitted carriers that have a financial rating comparable to carriers licensed to do business in Texas approved by the City.
4. Liability policies shall name as "Additional Insured" the City and its officials, agents, employees, and volunteers.
5. Certificates of insurance shall be presented to the City evidencing all coverage's and endorsements required by this Section, and the acceptance of a certificate without the required limits and/or coverage's shall not be deemed a waiver of these requirements.
6. Claims made policies will not be accepted except for excess policies or unless otherwise provided by this Chapter.

#### B. Required Insurance Coverage's.

1. Commercial General Liability Insurance.
  - a. Coverage should be a minimum Combined Single Limit of \$10,000,000 per occurrence for Bodily Injury and Property Damage with an annual general aggregate coverage of \$20,000,000.00.

This coverage shall include premises, operations, blowout or explosion, products, completed operations, blanket contractual liability, underground property damage, broad form property damage, independent contractor's protective liability and personal injury.

- b. Underground reservoir (or resources) damage coverage shall be on an occurrence basis, shall not be limited to sudden and accidental occurrences, shall not have a discovery or reporting limitation and shall not exclude damage to water tables, formation or strata.
  - c. Environmental Impairment (or Seepage and Pollution) shall be either included in the coverage or written as separate coverage. Such coverage shall not exclude damage to the lease site. If Environmental Impairment (or Seepage and Pollution) Coverage is written on a "claims made" basis, the policy shall provide that any retroactive date applicable precedes the effective date of the issuance of the permit. Coverage shall apply to sudden and non-sudden pollution conditions resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste material or other irritants, contaminants or pollutants. Such policy shall provide for a minimum combined single limit coverage of \$10,000,000.00 per occurrence. A discovery period for such peril shall not be less than ten years after the occurrence.
2. Automobile Liability Insurance. Minimum Combined Single Limit of \$10,000,000 per occurrence for Bodily Injury and Property Damage. Such coverage shall include owned, non-owned, and hired vehicles.
  3. Worker's Compensation Insurance. In addition to the minimum statutory requirements, coverage shall include Employer's Liability limits of at least \$1,000,000 for each accident, \$1,000,000 for each employee, and a \$1,000,000 policy limit for occupational disease, and the insurer agrees to waive rights of subrogation against the City, its officials, agents, employees, and volunteers for any work performed for the City by the operator.
  4. Excess (or Umbrella) Liability Insurance. A minimum limit of \$10,000,000, covering in excess of the preceding insurance policies.
  5. Control of Well Insurance:
    - a. Minimum limit of \$10,000,000 per occurrence.
    - b. Policy shall cover the Cost of controlling a well that is out of control, Re-drilling or Restoration expenses, Seepage and Pollution Damage. Damage to Property in the Operator's Care, Custody, and Control with a sub-limit of \$500,000 may be added.
  6. Security:
    - a. A security instrument that covers each well shall be delivered to the administrative officer before the issuance of the Gas or Oil Well Permit for the well. The instrument shall provide that it cannot be cancelled without at least thirty 30 days' prior written notice to the City and, if the instrument is a performance bond, that the bond cannot be cancelled without at least ten 10 days' prior written notice for non-payment of premium. The instrument shall secure the obligations of the operator related to the well to:
      - i. Repair damage, excluding ordinary wear and tear, if any, to public streets, including but not limited to bridges, caused by the operator or by the operator's employees, agents, contractors, subcontractors or representatives in the performance of any activity authorized by the Gas or Oil Well Permit;
      - ii. Comply with the insurance and security provisions set forth in this Section; and
      - iii. Pay fines and penalties imposed upon the operator by the City for any breach of the Gas or Oil Well Permit.
    - b. The security instrument may be in the form of an irrevocable letter of credit or payment bond issued by a bank or surety approved by the City. The instrument shall run to the City for the benefit of the

City, shall become effective on or before the date the Gas or Oil Well Permit is issued, and shall remain in effect until the well is abandoned and the site restored.

- c. A certificate of deposit may be substituted for the letter of credit or payment bond. The certificate shall be issued by a bank in the City of Colleyville County, Texas, shall be approved by the City, shall be payable to the order of the City to secure the obligations of the operator described above, and shall be pledged to the bank with evidence of delivery provided to the administrative officer. Interest on the certificate shall be payable to the operator.
  - d. The security instrument may be provided for individual wells or on a “blanket” basis for multiple wells. The amount of the security shall be a minimum of \$50,000 for any single well and a minimum of \$200,000 for multiple wells on a “blanket” basis.
  - e. The security will terminate when the Gas or Oil Well Permit is transferred, with respect to the operator-transfer or and if the operator-transferee provides replacement security that complies with this section, when the well is abandoned and the site restored, and when the administrative officer consents in writing to such termination.
  - f. An appeal of the determination of the amount of security required under this Chapter may be made to the Planning and Zoning Commission for recommendation to the City Council for final determination of the amount of security.
7. Permit Revocation Upon Expiration of Coverage: Upon expiration of any insurance, certificate or security required by this section, the SUP authorizing the drilling and/or production activities permitted by this chapter shall automatically revoke.

### Section 3.1 – 155 Gas or Oil Well Permit Approval

The Director of Public Works may condition the release of the Gas or Oil Well Permit or a Seismic Survey Permit upon the operator providing the security required by Chapter 3.1 and upon operator entering into a Road Repair Agreement that will obligate the operator to repair damage excluding ordinary wear and tear, if any, to public streets, including but not limited to, bridges caused by the operator or by the operator’s employees, agents, contractors, subcontractors or representatives in the performance of any activity authorized by the approved Gas or Oil Well Permit. In addition to a Road Repair Agreement, the Director of Public Works shall require the gas well operator to pay a road remediation fee to be calculated by the Director of Public Works. The road remediation fee shall be paid prior to the issuance of any gas well permit.

- A. The failure of the DRC or the administrative officer to review and issue a Gas or Oil Well Permit within 30 days shall not cause the application for the permit to be deemed approved.
- B. Each Gas or Oil Well Permit issued by the administrative officer shall:
  1. Identify the name of each well and its operator;
  2. Specify the date on which the administrative officer issued each permit;
  3. Specify the date by which drilling shall commence on at least one well covered by the permit otherwise the permit expires (such date shall not be less than one year after the date of issuance);
  4. Specify that if drilling is commenced on at least one well covered by the permit before the permit expires, the permit shall continue until the wells covered by the permit are abandoned and the site restored;
  5. Incorporate, by reference, the insurance and security requirements set forth in Chapter 3.1;
  6. Incorporate, by reference, the applicable rules and regulations of the Railroad Commission, including the applicable “field rules”;
  7. Specify that no drilling operations (including the construction of internal private access roads) shall commence until the operator has provided the security required by Chapter 3.1;

8. Contain the name, address, and phone number of the person designated to receive notices from the City, which person shall be a resident of Texas that can be served in person or by registered or certified mail; and
9. Incorporate by reference all permits and fees required.

### **Section 3.1 – 157 Permit Fees and Escrow Requirements**

As a condition to the issuance of the gas or oil well drilling permit required by this Chapter of the Land Development Code, payment of the applicable permit fee shall be paid in full. Said permit fee shall be in accordance with the Schedule of Fees and Charges contained in Section 2.26 of the Colleyville Code of Ordinances.

If the application for a well permit is approved, prior to a permit being issued, the operator shall deposit with the city the sum of \$50,000.00 for each pad site containing a well permit application approved. The funds shall be maintained by the city in an interest-bearing escrow account from which the city may reimburse itself for the actual administrative expenses, consulting fees, contracting fees or the funding of inspector position(s). All interest earned shall be credited to the fund balance or refunded to the operator if and when the minimum balance is achieved. The city shall invoice and notify the operator, in writing of any deduction from the application fund and within 15 days of receipt thereof, the operator shall pay to the city for deposit into the fund the amount necessary to return the balance to \$50,000.00. The operator may appeal any charge assessed against the fund by filing an appeal as provided in this Chapter. If the operator fails to maintain the fund as required by this section, such failure shall constitute a violation of this Chapter, and the administrator may suspend or revoke the well permit and the city may pursue all remedies provided in this Chapter for such violation. Upon completion of all drilling activities, final inspection and approval by the city of a restored site, and fulfillment by the operator of all of operator's obligations under this Chapter, the city shall return any remaining account balance to the operator or the operator's approved assign.

### **Section 3.1 – 158 Inspections**

- A. Inspections shall be performed by city staff as determined by the administrative officer or by an independent inspection consultant, as approved by the City Manager. If necessary, the costs for retaining an independent inspection service shall be in addition to the permit fee and escrow requirements and shall be billed on a monthly basis to the holder of the oil and gas well drilling permit. If payment is not received by the City within forty-five (45) days from the billing date, the drilling permit shall be revoked.
- B. The administrative officer is hereby authorized to establish written inspection procedures to enforce the provisions of the oil and gas well drilling regulations contained in this Chapter.

### **Section 3.1 – 159 Water Usage**

- A. The holder of an approved oil and gas well drilling permit shall obtain water from the City of Colleyville. The water may be obtained through a temporary fire hydrant meter in accordance with the policies and procedures existing at the time the fire hydrant meter is obtained. If the holder of an approved oil and gas well permit wishes to obtain water from another source, they must first obtain approval from the City Council.
- B. When a water shortage has been declared, in accordance with the operating policies of the Colleyville Water and Sewer Manual, it shall be unlawful to use water from the Colleyville water system for oil and gas well drilling operations and production.

- C. In the event of the imposition of any Citywide water restrictions, the City Manager shall have the authority to specifically restrict or stop the sale and supply of City water to the operator until the restrictions are lifted. The operator may appeal the decision of the City Manager as it relates to this specific section to the City Council upon receipt of a written request from the operator.
- D. The time of delivery of water for oil and gas well drilling operations and production shall be determined by the Director of Public Works.
- E. Water obtained from the City of Colleyville as part of any drilling permit shall be restricted to the property specified by the approving Special Use Permit and shall not be transported off said property for any reason.
- F. Unless otherwise approved as a provision of the Special Use Permit, no water well permit shall be approved for oil and gas well drilling.

### Section 3.1 – 160 Emergency Reporting

- A. Requirement to report emergencies:
  - 1. The operator shall immediately notify the oil and gas inspector, administrative officer and Fire Marshal of any incident resulting in product loss from a hydrocarbon storage facility or pipeline facility, blowout, fire, explosion, incident resulting in injury, death, or property damage, or any other significant incidents as defined by the City. Any notification more than one hour after any incident will be considered to not have been given immediately and will be in violation of this section.
  - 2. A written report, containing a brief summary of the incident, shall be submitted to the oil and gas inspector by 5:00 p.m. on the first business day of the City of Colleyville following the incident, and a duplicate report shall be submitted to the Fire Marshal and administrative officer by the same time.
  - 3. A follow-up report shall be submitted to the oil and gas inspector, administrative officer and the Fire Marshal within 24 hours following the incident. The operator responsible for the follow-up incident report shall include the following information:
    - i. Operator/applicant name, phone number, addresses, and, if possible, e-mail address.
    - ii. Description of the incident, including, but not limited to, the time, date, location, and cause of the event.
    - iii. Duration of the incident, that is, when it began and when it terminated to the degree that it no longer constituted a hazard to the health, safety, and well-being of persons or property, regardless of the distance or separation from the place of incident.
    - iv. How the incident was brought under control and/or remedied.
    - v. A full and complete description of the type of intercompany investigation or other investigation or inquiry that was made concerning the incident, the findings or results of such inquiry or investigation, and the action taken as a result of the findings and inquiry concerning the prevention of the existence of future hazards.
    - vi. Signed and dated by the person responsible for such report.
  - 4. The operator shall provide a copy of any "incident reports" or written complaints submitted to the Texas Railroad Commission within 24 hours after the operator has notice of the existence of such reports or complaints. This shall include, but not be limited to, notification of any reportable quantity releases of oil, natural gas, and/or associated minerals, chemicals, or solid and/or liquid wastes, pursuant to regulatory requirements established by the commission, and notification to the Fire Marshal of any fire, and/or equipment strikes by lightning.

### Section 3.1 – 165 Periodic Reports

- A. The operator shall notify the administrative officer of any changes to the following information within 48 hours, within one business day after the change occurs.
  - 1. The name, address, and phone number of the operator;
  - 2. The name, address, and 24-hour phone number of the person(s) with supervisory authority over drilling or operations activities;
  - 3. The name, address, and phone number of the person designated to receive notices from the City, which person shall a resident of Texas that can be served in person or by registered or certified mail;
  - 4. The operator's Emergency Action Response Plan including "drive-to-maps" from public rights-of way to each drill site.
- B. The operator shall provide a copy of any "incident reports" or written complaints submitted to the Texas Railroad Commission or any other state or federal agency within 24 hours after the operator has notice of the existence of such reports or complaints.
- C. Beginning on December 31<sup>st</sup>, after each well is completed, and continuing on each December 31<sup>st</sup> thereafter until the operator notifies the administrative officer that the well has been abandoned and the site restored, the operator shall prepare a written report to the administrative officer identifying any changes to the information that was included in the application for the applicable Gas or Oil Well permit that have not been previously reported to the City.

### Section 3.1 – 175 Remedies of the City

- A. If an operator (or its officers, employees, agents, contractors, subcontractors or representatives) fails to comply with any requirement of a Gas or Oil Well Permit (including any requirement incorporated by reference as part of the permit), the administrative officer shall give written notice to the operator specifying the nature of the alleged failure and giving the operator a reasonable time to cure, taking into consideration the nature and extent of the alleged failure, the extent of the efforts required to cure, and the potential impact on the health, safety, and welfare of the community. In no event, however, shall the cure period be less than 30 days unless the alleged failure presents a risk of imminent destruction of property or injury to persons or unless the alleged failure involves the operator's failure to provide periodic reports. The administrative officer may issue a Stop Work Order under the Fire Code.
- B. If the operator does not cure the alleged failure within the time specified by the Chapter 3.1, the City Attorney may notify the Texas Railroad Commission and request that the Texas Railroad Commission take appropriate action (with a copy of such notice provided to the operator), and the City may pursue any other remedy available .
- C. If the operator does not cure the alleged failure within the time specified by Chapter 3.1, the administrative officer may:
  - 1. Recommend to the City Council that the Gas or Oil Well Permit be suspended until the alleged failure is cured; or,
  - 2. If the operator fails to initiate and diligently pursue a cure recommend to the City Council that the Gas or Oil Well Permit be revoked.
- D. The decision of the administrative officer to recommend suspension or revocation of a Gas or Oil Well Permit shall be provided to the operator in writing at least ten (10) days before any action by the City Council unless the alleged failure present a risk of imminent destruction of property or injury to persons
- E. If a Gas or Oil Well Permit is revoked, the operator may submit an application a new Gas or Oil Well Permit for the same well.

### Section 3.1 – 180 Enforcement and Right of Entry

- A. The administrative officer is authorized and directed to enforce this Chapter and the provisions of any Gas or Oil Well Permit. Whenever necessary to enforce any provision of this Chapter or a Gas Well Permit, or whenever there is reasonable cause to believe there has been a violation of this Chapter or a Gas or Oil Well Permit, the administrative officer, Fire Marshal, inspector or a designated representative, may enter upon any property covered by this Chapter or a Gas or Oil Well Permit at any reasonable time to inspect or perform any duty imposed by this Chapter. If entry is refused, the City shall have recourse to every remedy provided by law and equity to gain entry.
- B. It shall be unlawful and an offense for any person to do the following:
  - 1. engage in any activity not permitted by the terms of a Gas or Oil Well Permit issued under this Chapter;
  - 2. fail to comply with any conditions set forth in a Gas or Oil Well Permit issued under this Chapter;
  - 3. violate any provision or requirement set forth under this Chapter.

**Section 3.1 – 185 Plugged and Abandoned Wells**

- A. Whenever abandonment occurs pursuant to the requirements of the Texas Railroad Commission, the operator so abandoning shall be responsible for the restoration of the well site to its original condition as nearly as practicable, in conformity with the regulations of this Chapter.
- B. Abandonment shall be approved by the administrative officer after restoration of the drill site has been accomplished in conformity with the following requirements at the discretion of the administrative officer:
  - 1. The derrick and all appurtenant equipment thereto shall be removed from drill site;
  - 2. All tanks, towers, and other surface installations shall be removed from the drill site;
  - 3. All concrete foundations, piping, wood, guy anchors and other foreign materials regardless of depth, except surface casing, shall be removed from the site, unless otherwise directed by the Texas Railroad Commission;
  - 4. All holes and depressions shall be filled with clean, compactable soil;
  - 5. All pits shall be drained and removed and the resulting area shall be graded, where necessary, with clean soil to match the surrounding landscape.
  - 6. A final soils analysis shall be performed per the requirements of Section 145(C)p.
  - 7. All waste, refuse or waste material shall be removed from the drill site; and
  - 8. During abandonment, operator shall comply with all applicable sections in this Chapter.
- C. The operator shall furnish the following at the discretion of the administrative officer:
  - 1. A copy of the approval of the Texas Railroad Commission confirming compliance with all abandonment proceedings under the state law; and
  - 2. A notice of intention to abandon under the provisions of this section and stating the date such work will be commenced. Abandonment may then be commenced on or subsequent to the date so stated.
- D. All abandoned or deserted wells or drill sites shall meet the most current abandonment requirements of the Texas Railroad Commission prior to the issuance of any building permit for development of the property. No structure shall be built over an abandoned well.

**Section 3.1 – 186 Pipeline Regulations**

The provisions of this section shall govern all pipelines used for gathering lines and transmission lines utilized specifically for natural gas and all other petroleum based products as defined in this in chapter. This section shall not apply to distribution lines operated by franchise utilities for service to end users such as residential and business customers.

The following regulations shall apply to all pipelines as defined in this chapter:

- A. No pipeline for the transportation of gas, oil or hydrocarbons shall be constructed or laid except on rights-of-way or easements owned by the owners or operators of wells or third party pipeline companies, or upon designated drilling tracts and upon rights-of-way or easements necessary to connect future wells to present lines.
- B. In order to install, construct, maintain, repair, replace, modify, remove or operate a pipeline, the pipeline operator must first obtain from the city an easement or license on, over, under, along or across any affected city streets, sidewalks, alleys and other city property. Such easement or license shall continue for as long as pipeline operations continue under any pipeline permit.
- C. The pipeline operator of any pipeline shall:
  - 1. Not interfere with or damage existing utilities including but not limited to: water, sewer or gas lines, storm drains, electric lines or the facilities of public utilities located on, under or across the course of such right-of-way; and
  - 2. Construct such pipeline or cause same to be constructed out of new pipe; and
  - 3. Grade, level and restore the affected property to the same surface condition, as nearly practicable, as existed before operations were first commenced; and
  - 4. Backfill all trenches and compact such trenches to 95 percent standard density proctor in eight-inch lifts and construct the pipeline so as to maintain a minimum depth of eight feet below the finished grade except in public rights-of-way, where minimum cover to the top of the pipe shall be at least eight feet below the bottom of any adjacent roadside ditch. No public roads may be crossed by open cut. During the backfill of any pipeline excavations, the pipeline operator shall bury "Buried Pipeline" warning tape one foot above any such pipeline to warn future excavators of the presence of a buried pipeline. The issuing administrator may require that sections of proposed pipeline be constructed at deeper depths based upon future city infrastructure needs. The administrator may also require that a proposed or existing pipeline be relocated should it conflict with the proposed alignment and depth of a gravity dependent utility; and
  - 5. Construct, repair and/or maintain of all pipelines so as to meet or exceed the applicable minimum criteria established by the statutory or regulatory requirements of the state and federal governments for such pipeline; and
  - 6. Design and construct all pipelines in accordance with this section and the latest standards mandated by the U.S. Department of Transportation (DOT) and railroad commission for pipelines operating within a class 3 location in accordance with 49 CFR 192.111; and
  - 7. Equip all pipelines subject to this section with an automated pressure monitoring system that detects leaks and shuts off any line or any section of line that develops a leak. In lieu of such system, the pipeline operator may have 24-hour pressure monitoring of the pipeline system which provides monitoring of the pipeline within the city limits. Any monitoring system(s) shall be keyed to or required to notify the city's emergency response providers in order to provide them with immediate notice of any leak.
- D. Construction Hours and Noise: Pipeline construction hours and noise mitigation should follow best practices that place a premium on keeping impacts to surrounding properties and neighborhoods to a minimum including but not limited to the daytime hours of operations restrictions and noise provisions found elsewhere in this Chapter.
- E. Upon approval of a pipeline permit, and prior to the issuance of such permit, the pipeline operator shall deposit with the city, and shall maintain at all times during the continuation of pipeline operations, a fund with the city containing a minimum running balance of \$15,000.00 for each pipeline permit application approved. The funds shall be maintained by the city in an interest bearing account from which the city shall reimburse itself for the actual administrative expenses, consulting fees, contracting fees or the funding of inspector position(s). All interest earned shall be credited to the fund balance or refunded to the operator if and when the minimum balance is achieved. The city shall invoice and notify the pipeline operator, in writing, of any deduction from the application fund, and, within 15 days of receipt thereof, the pipeline operator shall pay to the city, for deposit into the application fund, the amount necessary to return the balance to \$15,000.00. The pipeline operator may appeal any charge assessed against the fund by filing an appeal as provided in this Chapter. If the pipeline operator fails to maintain the fund as required by this section, such failure shall constitute a violation of this article, and the administrator may suspend or revoke the pipeline permit and the city may pursue all remedies provided in this Chapter for such violation. If the pipeline subject to the pipeline permit is disconnected from all sources or supplies of gas, hazardous liquids and chemicals and capped or

sealed at the ends and/or removed in accordance with the provisions of this section, and any required site remediation completed, following final inspection and approval by the city, and fulfillment by the pipeline operator of all of pipeline operator's obligations under this Chapter, the city shall return any remaining account balance to the operator or the operator's approved assign.

- F. The pipeline operator shall give notice 72 hours prior to the commencement of pipeline construction to all residents and operators of habitable structures that are located within 1,000 feet of the proposed centerline of the pipeline.
- G. Within 60 days after completion of pipeline construction the pipeline operator shall provide the city with as-built or record drawings of the pipelines. Accuracy of the record drawings shall meet a survey level of one foot to 50,000 feet. The scale of the record drawings shall be a minimum of one inch to 40 feet. The drawings shall also be supplied in a DFF digital file format with the location tied to at least one nearby GPS (global positioning system) city monument. If the new pipeline length exceeds 1,000 feet within the city, the pipeline shall be tied to at least two GPS city monuments.
- H. A preconstruction conference with the development review committee shall be required prior to the commencement of pipeline construction.
- I. Any above ground appurtenance, facility, valve, junction or structure related to a pipeline as defined in this Section shall require the approval of a Special Use Permit by the City Council per the requirements of this Chapter.

### **Section 3.1 – 187 Pipeline Permitting Procedures**

- A. At least 45 days prior to the scheduled commencement of the installation, construction, reconstruction, reworking, modification, replacement or operation of a new pipeline, the pipeline operator shall submit an application and pay a fee in the amount set in the city's fee schedule for a pipeline permit to the city.
- B. City Council approval required: Any pipeline permit shall require final approval by the City Council prior to commencement of pipeline construction.
- C. A pipeline permit application shall meet the following requirements:
  - 1. Any applications for a new pipeline or other activities regulated by this Section shall be submitted to the city on a form prescribed by the city; and
  - 2. Each application for a pipeline permit shall be accompanied by five paper sets and one electronic set of plans showing the dimensions and locations of the pipeline and related items or facilities within the subject right-of-way or easement, as well as all proposed lift stations, pumps or other service structures related to such pipeline and the location, type and size of all existing utilities, drainage, right-of-way and roadway improvements. The plans must additionally show the elevation and location of all known public utilities within 15 feet of the centerline of the proposed pipeline. Any application that fails to meet these requirements will be returned unfiled to the applicant; and
  - 3. Within 30 days after the date of filing of said application and plans, the city shall send notice to the applicant as to whether the application will be scheduled for City Council consideration and the total charge due. If the application is rejected, reasons for rejection of the application shall be provided in writing.
- D. The following information shall be provided in the application for a pipeline permit:
  - 1. The name, business addresses and telephone numbers of the pipeline operator; and
  - 2. The names, titles and telephone numbers of the following:
    - a. The person signing the application on behalf of the pipeline operator; and
    - b. The person designated as the principal contact for the submittal; and

- c. The person designated as the 24-hour emergency contact; and
3. The origin point and the destination of the proposed subject pipeline; and
4. A text description of the general location of the proposed subject pipeline; and
5. A description of the substance to be transported through the proposed subject pipeline; and
6. A copy of the substance material safety data sheet (MSDS); and
7. The maximum allowable operating pressure on the proposed subject pipeline, along with the specified minimum yield strength (SMYS) of the pipe, its pressure class and design calculations in accordance with 49 CFR 192.105, assuming a class 3 or better location; and
8. The normal operating pressure range of the proposed subject pipeline, not to exceed the maximum allowable operating pressure as designated above; and
9. Engineering plans, drawings and/or maps with summarized specifications showing the horizontal location, covering depths and location of shutoff valves of the proposed subject pipeline. (The location of shutoff valves must be known in order for emergency responders to clear area for access valves.) To the extent that information can be obtained, drawings shall show the location of other pipelines and utilities that will be crossed or paralleled within 15 feet of the proposed subject pipeline right-of-way; and
10. A description of the consideration given to matters of public safety and the avoidance, as far as practicable, of existing habitable structures and congregated areas; and
11. Detailed cross section drawings for all public street right-of-way and easement crossings; and
12. Methods to be used to prevent both internal and external corrosion; and
13. A binder or certificates of all bonds and insurance as required under this division; and
14. All application materials required pursuant to the city's tree preservation ordinance, as it may be amended, including a tree survey measured from the outer edge of any improvements, construction areas, development, equipment, materials, temporary roads, access easements and/or built structures, extending 25 feet, without regard to intervening structures or objects; and
15. A proposed alignment strip map showing name and address of all affected property owners; and
16. A site plan showing the location of such pipeline conforming to the city's standards for site plans, pursuant to Section 3.31 of the Land Development Code.

E. Permit review process and procedures.

1. No pipeline permit shall be approved or issued if the proposed activities do not fully conform to all provisions of this Chapter and all other applicable city ordinances, state and federal law. No pipeline permit may be issued unless and until a specific use permit is approved by the city council for the well or wells within the city intended to be served by such pipeline.
2. All requirements for a pipeline permit as provided in this Section must be completed by the pipeline operator prior to any pipeline permit being considered as being administratively complete. Any application submitted that is determined to be administratively incomplete shall be returned to the pipeline operator within ten business days of the submittal date along with a letter documenting the deficiencies of the application, if any.
3. Within 30 days after the date of presentation of said application and plans, the administrator shall send notice to the applicant as to whether the application will be scheduled for City Council consideration and the total charge due. If the application is rejected as incomplete, the administrator shall provide the reasons for rejection of the application in writing.
4. After the filing of an administratively complete application, an administrative conference may be conducted to seek resolution of any substantive, non-resolvable technical issues. The conference shall be conducted with the development review committee. The costs associated with the technical advisor shall be borne by the pipeline operator. A quorum of at least three members must be present, and at least one of the members present at the conference must have emergency management expertise in order to conduct a conference. Any decision by the development review committee is final.
5. If the development review committee determines that the city should obtain an independent study or analysis of an application to construct a new pipeline, upon approval by the city council, the city shall engage duly qualified independent consultant(s) or contractor(s) to conduct such special studies or analyses as required to fully evaluate and act upon an application for a new pipeline. The actual cost

for said consultant or contractor, including the cost of any inspections deemed necessary by the development review committee or otherwise required by this division, shall be paid by the pipeline operator, and may be billed directly to the pipeline operator's fund balance established pursuant to this subdivision.

6. Following completion of the review process described herein, the administrator shall schedule the permit for City Council approval, or deny the application as incomplete. If the application is rejected, the administrator shall provide the reasons for rejection of the application in writing.
7. Any change in service of a pipeline not previously addressed by this section to gas, hazardous liquid or chemical service as a pipeline must be reviewed in accordance with the new pipeline review procedure outlined herein, as if it were a new pipeline.
8. If construction of a pipeline has not commenced within six months of the date of issuance of the pipeline permit, or if the pipeline has not been completed and the surface restored within one year, the pipeline permit shall expire; provided, however, that the administrative officer may grant an extension of time not to exceed one year if the administrative officer determines that weather or other unexpected physical conditions justify such an extension. If the pipeline permit expires as provided herein, and construction of the subject pipeline has commenced but has not yet been completed, the pipeline operator shall immediately cease construction but shall complete any site remediation required by this section or other applicable law, regulation or ordinance.

F. Pipeline information reporting requirements.

1. Each pipeline operator subject to this section shall provide to the administrative officer 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 in the event the primary contacts are unavailable who:
  - a. Can initiate appropriate actions to respond to an emergency; and
  - 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 then being carried by the pipeline.

Any change in the above-referenced contact information must be provided to the city by contacting the inspector prior to such change.

2. Every pipeline operator subject to this section shall be required to present to the city a safety report and file with the city an annual verified safety report in letter form on or before the anniversary date of the approval of the permit(s) and each year thereafter for the preceding 12 month period. Said written safety report shall contain the following information:
  - a. A statement that the pipeline has no outstanding safety violations as determined in an inspection or audit by either the railroad commission and/or the U.S. Department of Transportation with regard to any pipeline operating within the city. Alternatively, if there are any safety violations as determined by the railroad commission and/or the U.S. Department of Transportation that have not been corrected, these shall be described to the city with an action plan to correct the safety violations. Said action plan shall include a timeline for corrective action and the individual or firm responsible for each action; and
  - b. Evidence that the pipeline operator has current liability insurance as required by this section; and
  - c. A statement that the pipeline information specified in subsection (a) of this section is correct. Alternatively, in the event that the required information on file with the city is no longer correct, updated or corrected information shall be submitted within five days of the change and the updated information shall be submitted with the annual safety report; and
  - d. If the pipeline operator has no reporting responsibility to the railroad commission or the U.S. Department of Transportation and is otherwise exempt from the safety regulations of either of such agencies, the following documents pertaining to the preceding reporting period of June 1 through May 31:

- i. Copies of internal reports of responses to pipeline emergencies, as pipeline emergency is defined in this Chapter; and
    - ii. Current operations and maintenance logs; and
    - iii. Current emergency action plan.
  - e. A log of all the maintenance and monitoring activities conducted on all lines subject to this division for the reporting period shall be made available upon request.
3. The actual administrative costs incurred by the city in reviewing the annual safety letter shall be billed directly to the pipeline operator's fund balance established pursuant to this section.
  4. Each pipeline operator subject to this section shall file a copy of all initial or follow-up reports provided to the U.S. Department of Transportation or the railroad commission on unsafe pipeline conditions, pipeline emergencies or pipeline incidents within the city concurrently with the city. In addition, such pipeline operator shall file any initial or follow-up reports filed with state and federal environmental regulatory agencies pertaining to pipeline releases within the city concurrently with the city.
  5. Upon written request, each pipeline operator subject to this section shall make available during normal business hours and at the pipeline operator's local office, documents for review that are required for submittal to or to be maintained on file for the U.S. Department of Transportation and the railroad commission, including but not limited to the following:
    - a. Operations and maintenance records; and
    - b. Employee training records; and
    - c. Annual inspection reports; and
    - d. Repair records; and
    - e. Operating records; and
    - f. Insurance records.

G. Inactive and idled pipelines.

1. A pipeline operator subject to this section shall maintain and keep current all reporting records specified in this section on all pipelines, regardless of whether such pipelines are inactive or idled; and
2. A pipeline operator subject to this section shall purge any inactive pipelines of gas, hazardous liquids, and chemicals, and physically isolate such pipeline if such action does not adversely affect the pipeline operator's right-of-way easement and does not prevent the pipeline operator from maintaining the physical integrity of the pipeline. A pipeline operator subject to this section shall maintain any inactive pipelines to prevent deterioration; and
3. If a pipeline is physically isolated as provided herein, a pipeline operator subject to this section shall include the means used to physically isolate the inactive pipeline in the information retained on file with the city for reporting.
4. The following regulations shall apply to idled pipelines:
  - a. If a pipeline is idled, a pipeline operator subject to this section shall make an entry to the required reporting records as required in this section that the pipeline has been idled; and
  - b. If a pipeline is idled, a pipeline operator subject to this section shall purge and disconnect such pipeline from all sources or supplies of gas, hazardous liquids and chemicals, and cap or seal such pipeline at the ends; and
  - c. Reactivation of idled pipelines shall require notification to the city pursuant to the standards and requirements specified in this section. Reactivation shall require pressure testing for integrity and compliance with railroad commission and/or U.S. Department of Transportation regulations.

H. Emergency response plans and emergency incident reporting.

1. Each pipeline operator subject to this section shall maintain written procedures to minimize the hazards resulting from an emergency. These procedures shall at a minimum provide for the following:

- a. Prompt and effective response to emergencies, including but not limited to the following:
    - i. Leaks or releases that can impact public health, safety or welfare; and
    - ii. Fire or explosions at or in the vicinity of a pipeline or pipeline easement; and
    - iii. Natural disasters; and
  - b. Effective means to notify and communicate required and pertinent information to local fire, police and public officials during an emergency; and
  - c. The availability of personnel, equipment, tools and materials as necessary at the scene of an emergency; and
  - d. Measures to be taken to reduce public exposure to injury and probability of accidental death or dismemberment; and
  - e. Emergency shut down and pressure reduction of a pipeline; and
  - f. The safe restoration of service following an emergency or incident; and
  - g. A follow-up incident investigation to determine the cause of the incident and require the implementation of corrective measures.
2. Each pipeline operator subject to this section shall meet annually with the administrative officer fire marshal to review emergency response plans. These reviews shall be in accord with U.S. Department of Transportation and railroad commission requirements and the pipeline operator will do the following:
- a. Furnish or update a copy of the emergency response plan described in subsection (a) of this section; and
  - b. Review the responsibilities of each governmental organization in response to an emergency or incident; and
  - c. Review the capabilities of the pipeline operator to respond to an emergency or incident; and
  - d. Identify the types of emergencies or incidents that will result in or require contacting the city; and
  - e. Plan mutual activities that the city and the pipeline operator can engage in to minimize risks associated with pipeline operation; and
  - f. The city shall provide the pipeline operator with a list of additional contacts that shall be made in the event of a pipeline emergency or incident. The city will inform the pipeline operator of the emergency response groups that will be contacted through 911.
3. Upon discovery of a pipeline emergency or incident, any affected pipeline operator subject to this section shall as soon as practical communicate to the city the following information:
- a. A general description of the emergency or incident; and
  - b. The location of the emergency or incident; and
  - c. The name and telephone number of the person reporting the emergency or incident; and
  - d. The name of the pipeline operator; and
  - e. Whether or not any hazardous material is involved and identification of the hazardous material so involved; and
  - f. Any other information as requested by the emergency dispatcher or other such official at the time of reporting the emergency or incident.
4. Upon discovery of a pipeline emergency or incident, a pipeline operator subject to this section shall contact any other emergency response groups that are necessary that may not be activated through the county 911 system.
5. Upon discovery of a pipeline emergency or incident, a pipeline operator subject to this section shall contact the fire department within 48 hours after the discovery of any pipeline emergency.
6. Notwithstanding any provision in this division, each pipeline operator subject to this section shall equip and maintain any pipeline containing natural gas which contains hydrogen sulfide in concentrations of more than 100 parts per 1,000,000,000 with an audible alarm system that will provide an alarm to the general public in the event of a leak from any pipeline, gathering or flow line subject to this division. Said audible alarm system shall be of a type and design approved by the city.

7. Within two years of the effective date of the pipeline permit and every two years thereafter, each pipeline operator subject to this section shall, at the request of the administrative officer, conduct an on-site, emergency drill that includes, but shall not be limited to, the personnel operating the pipeline, local law enforcement personnel and officials of the city.
8. Notwithstanding the foregoing, a pipeline operator subject to this section shall report all incidents involving well safety or integrity that do not rise to the level of a pipeline emergency to the city by completing an incident report on forms prepared by the city. Incident reports must be filed by the pipeline operator within 24 hours of discovering the incident.

I. Pipeline repairs and maintenance.

1. All repairs and maintenance of pipelines are to be performed in accordance with U.S. Department of Transportation and railroad commission mechanical integrity requirements.
2. If non-emergency repairs necessitate excavation of a pipeline, the pipeline operator shall send notification to occupants of business establishments and residential dwellings located within 500 feet from the centerline of the pipeline to be excavated at least five days prior to commencing such repairs.
3. If above-ground non-emergency repairs that are not routine maintenance are required, the pipeline operator shall send notification to occupants of businesses and residential dwellings located within 500 feet from the centerline of the pipeline section to be repaired at least five days prior to commencing such repairs.
4. The notice required in subsections (2) and (3) of this section shall be sent by U.S. regular mail, postage prepaid mailed at least five days prior to commencing any non-emergency repair; provided, however, that the pipeline operator may use hand delivery notice as an alternative, at the pipeline operator's discretion.
5. Inspection of the interior of all pipelines shall comply with U.S. Department of Transportation and railroad commission rules.

J. No assumption of responsibility by city.

Nothing in this section 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 shall have authority to relieve a pipeline operator from their responsibility under this section or by any other law, ordinance or resolution.

K. Protection and painting of structures.

A pipeline operator subject to this section shall keep protected and painted all pipeline risers and all appurtenances related to pipeline construction and operations which are composed of materials which are generally protected or painted. Such operator shall repaint all such items at sufficiently frequent intervals to maintain same in good condition. It shall be a violation of this Chapter for any pipeline operator subject to this section to permit any pipeline riser and/or appurtenances related to pipeline construction and operations to be in a state of disrepair or to have chipped, peeling or unpainted portions thereof.

L. No implied grant of easement for street and right-of-way use.

1. In the event a pipeline is placed within any public right-of-way under the jurisdiction of the city, the pipeline operator shall comply with all right-of-way use regulations as provided in the Land Development Code and Code of Ordinances. Nothing in this section grants permission for the use of any street, right-of-way or property of the city, and any such use shall be subject to the city at its sole discretion.
2. To the extent that the provisions of this section conflict with the city's right-of-way use regulations, this section shall control.

M. Bond and insurance required.

1. In the event that a pipeline permit is issued for a pipeline or other operations under this section, no actual operation shall be commenced until the pipeline operator files with the city secretary a bond and a certificate of insurance as follows:
  - a. No person shall begin the construction or operation of any pipeline until such person has obtained a valid permit and filed with the city secretary a duly executed bond executed by the pipeline operator as principal with an A.M. Best "A" rated surety company that is acceptable to the city and is licensed to conduct business in the state as surety, payable to the city and the policy shall name the city as an additional insured and such surety company shall maintain an A.M. Best "A" rating for the policy period. Said bond shall include conditions that the pipeline operator, its heirs, assigns and successors will do the following:
    - i. Comply with the terms and conditions of the application and this section in the construction, operation and maintenance of the pipeline and related structure(s); and
    - ii. Restore all streets and sidewalks and all other public places and all public utilities that may be injured or damaged in the operation to their former condition; and
    - iii. Remove all litter, machinery, buildings, trash and waste used, accumulated or allowed in the construction of any pipeline within ten days of the completion of said construction; and
    - iv. Remove all litter, machinery, buildings, trash and waste used, accumulated or allowed in the operation of any pipeline within ten days of the completion of said operations.
  - b. Such bond shall be in the sum of \$1,000,000.00 and before the pipeline permit shall be issued, the bond must be approved by the city and filed with the city secretary. Such bond shall become effective upon the granting of the pipeline permit and shall remain in full force and effect until all work under the terms of such pipeline permit has been completed. Such bond may later be amended to include other pipelines, under provisions of other applications or other permits.
  - c. In addition to the bond required in subsection (a) above of this section, each person desiring to construct a pipeline or to conduct any other work under the provisions of this section shall be required to carry public liability insurance with a carrier rated "A" or better by A.M. Best in a minimum amount of \$1,000,000.00 for one person and \$5,000,000.00 for one accident and property damage insurance in the amount of \$10,000,000.00 for one accident, which shall remain in full force and effect and be carried so long as such pipeline is operated. A certificate of insurance shall be furnished annually by the permittee or the subsequent pipeline operator showing that such insurance is and continues in effect.
  - d. Each pipeline operator subject to this section shall provide and maintain in full force and effect during the term of its permit insurance with the following minimum limits:
    - i. Worker's compensation at statutory limits; and
    - ii. Employer's liability, including bodily injury by accident and by disease, for \$500,000.00 combined single limit per occurrence and a 12-month aggregate policy limit of \$1,000,000.00; and
    - iii. 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 \$5,000,000.00 per occurrence and a 12-month aggregate policy limit of \$10,000,000.00; and
    - iv. Automobile liability insurance (for automobiles used by the pipeline operator in the course of its performance under the pipeline permit, including employer's non-ownership and hired auto coverage) for \$2,000,000.00 combined single limit per occurrence.
2. The city may adjust the above minimum liability limits every five years during the term of the pipeline permit, or sooner as determined by city council, to compensate for the effects of inflation and with the objective to reestablish the value of coverage required as of the effective date of this division.
3. Each policy or an endorsement thereto, except those for worker's compensation and employer's liability, shall name the city and its officers, officials, employees, successors and assigns as additional

insured parties, but limited to risks indemnified pursuant to this division. If any such policy is written as "claims made" coverage and the city is required to be carried as an additional insured, then the pipeline operator subject to this section shall purchase policy period extensions so as to provide coverage to the city for a period of at least two years after the last date that the pipeline permit is in effect. No deductible shall exceed ten percent of the minimum limits of liability or one percent of the consolidated net worth of such pipeline operator and its permitted affiliates, whichever is greater.

4. Each pipeline operator subject to this section shall assume and bear any claims or losses to the extent of deductible amounts and waives any claim it may ever have for the same against the city and its officers, officials, employees, successors and assigns in respect of any covered event.
5. All such policies and certificates shall contain an agreement that the insurer shall notify the city in writing not less than 30 days before any material change, reduction in coverage or cancellation of any policy. Each pipeline operator subject to this section shall give written notice to the city within five days of the date upon which total claims by any party against such pipeline operator reduce the aggregate amount of coverage below the amounts required by the pipeline permit.
6. Each policy must contain an endorsement to the effect that the insurer waives any claim or right in the nature of subrogation to recover against the city, its officers, officials, employees, successors and assigns.
7. Each policy must contain an endorsement that such policy is primary insurance to any other insurance available to the city as an additional insured with respect to claims arising there under.
8. The city council may modify the requirements of this section, as it deems appropriate, in order to account for the risk and possible threat to the public health, safety and general welfare posed by the operation of pipelines within the city.

N. Pipeline markers.

1. In accordance with U.S. Department of Transportation and railroad commission requirements, each pipeline operator subject to this subdivision shall place and maintain permanent line markers as close as practical over the regulated pipeline(s) at each crossing of a public street, utility easement and railroad. Marker(s) shall also be maintained along each regulated pipeline that is located above ground in an area accessible to the public. The markers shall be of permanent type construction and contain labeling identifying the:
  - a. Pipeline operator; and
  - b. Twenty-four-hour contact telephone number; and
  - c. A general description of the product transported in the pipeline; i.e., natural gas, oil, petroleum.
2. No person shall tamper with, deface, damage or remove any pipeline marker, except the pipeline operator; and
3. Upon written request of the owner of real property on which a habitable structure is located and through which a regulated pipeline traverses, the pipeline operator shall install temporary pipeline markers or flagging to reduce the possibility of pipeline damage or interference, in accordance with this division.
4. The material, design, color, size and content of each line marker shall subject to all applicable State and Federal regulations.

O. Termination of permit.

Any violation of the provisions of any or all sections of this section shall be grounds for the termination of any pipeline permit. The termination of any pipeline permit shall require the immediate cessation of all operations subject to such pipeline permit and shall require the pipeline operator subject to this subdivision to reapply for a new pipeline permit in full accordance with the provisions of this Section.

**Section 3.1 – 188 Seismic Survey Permit Required**

- A. A separate seismic survey permit shall be required for all seismic surveys. The operator conducting the seismic survey shall complete and submit a seismic survey application to the city containing, at a minimum, the following information:
  1. Operator name, phone number, facsimile transmission number, address, and, if available, email address; and
  2. If the operator is a corporation or other non-corporeal entity, the state of incorporation or organization; or if the operator is a partnership, the names and addresses of the general partners; and
  3. Location of seismic survey; and
  4. Date and time the seismic survey will be conducted; and
  5. Detailed explanation of the seismic survey method to be used on site; and
  6. Date and time the seismic survey will be completed; and
  7. Identification of all staging areas; and
  8. Evidence or documentation that the activity will adhere to the requirements of the city's tree preservation ordinance, found in Chapter 5 of the Land Development Code.
- B. Under no circumstances may explosive charges, including but not limited to the use of dynamite, be used to conduct a seismic survey. In addition, the seismic survey activity shall be conducted in accordance with all applicable city ordinances. There shall be no nuisance created by any seismic survey with regard to noise or vibration.
- C. A fee in the amount set in the city's fee schedule must accompany each seismic survey permit application.
- D. No seismic activity shall be permitted on city-owned property without the express consent of, and pursuant to the conditions established by, the City Council.
- E. No seismic activity shall be permitted within City owned rights of way or utility easements without first entering into a license agreement with the City, prepared by the City Public Works Department.
- F. Proof of insurance in the form of a standard commercial general liability insurance bond shall be required. This coverage must include premises, operation, products, completed operations, sudden or accidental pollution, blanket contractual liability, broad form property damage, independent contractors' protective liability and personal injury. This coverage shall be a minimum combined single limit of one million dollars (\$1,000,000) per occurrence location for bodily injury and property damage.
- G. A detailed map showing the locations of all vibration and geophone points shall be provided prior to permit issuance.
- H. A road repair agreement obligating the seismic operator to fund the repair of any damage caused by the operator to City infrastructure shall be required by the Public Works Director as a condition of permit approval.

**Section 3.1 – 189 Amendments to This Chapter**

| <b>Ord. Number</b> | <b>Date</b> | <b>Subject</b>  |
|--------------------|-------------|---|
| O-06-1569          | 04-04-2006  | Adoption of Chapter 3.1 Oil and Gas Drilling Regulations  |
| O-06-1578          | 07-05-2006  | Permit Fees, Inspections and Water Usage  |
| O-08-1693          | 09-16-2008  | Language Amendments, Required Site Plan Information, Standards for Oil and Gas Well Drilling and Production, Gas or Oil Well Permit Approval  |
| O-10-1778          | 11-03-2010  | Addition of: definitions, pipeline regulations and permitting procedures, comprehensive environmental standards, seismic survey provisions, phasing provisions. Amendments to: noise, |

|           |            |   |
|-----------|------------|---|
|           |            | landscaping, notification requirements, setback, liability and indemnification amounts and fence standards. Permit fees amended and added to Code of Ordinances |
| O-11-1817 | 01-03-2012 | Addition of green completion standards, modifications to noise standards, environmental standards, definitions, water usage.                                    |