

## **MINORITY REPORT**

The Gas Drilling Task Force convened its work in March of 2008 and is comprised of eighteen representatives appointed by the City Council and the Mayor. The minority members presenting this report are Jim Bradbury, Marty Craddock, Susan De Los Santos, Gary Hogan, and Wendy Vann Roach. We believe one of the most vital functions of the Gas Drilling Ordinance is the preservation and protection of the quality of life issues for neighborhoods and citizens, especially for those whom were or are unable to have the benefit of legal advice while negotiating a lease or to negotiate quality of life issues into their leases.

The Task Force is recommending many improvements to the Ordinance that provide stronger protection of quality of life, opportunity for neighborhood input into the permitting process, and additional protection for schools. We appreciate and value the hard work of all the Task Force members and its chairman, Bob Riley. We are thankful for the work of the city staff and the City's consultants who have been invaluable in this process.

The Task Force did have disagreements and unanimous consensus could not be reached on all issues. In the summary below, we submit to City Council the key elements which we believe are additional enhancements to the Ordinance that are necessary to adequately protect the citizens of Fort Worth in addition to the Task Force Referral itself.

### **1. Noise.**

Noise was addressed first because City Staff reported that concerns about noise from gas drilling operations outnumbered other complaints. The Task Force, with the help of the City's noise consultant, spent several meetings learning, discussing and deliberating an enhanced noise ordinance. A Noise Management Plan combined with increased enforcement and regulation of two types of noise not currently controlled will serve to protect the citizens of Fort Worth. The proposed revisions are among the best products of the Task Force's work and the minority believes that process was successful. There is one area of concern regarding noise.

Measurement of ambient noise level: The minority suggests that the City seek a second opinion about measuring "ambient" similar to other municipalities which take peak noises out of the average and measure on the LQ 90 scale. Fairhaven, Massachusetts and Albuquerque, New Mexico are examples.

### **2. Compressors.**

1. Line compressors need to be fully housed, with roofs, if within 600 feet of a residence in any zoning next to residential use.
2. Line Compressors located in I, J, K districts that contain or abut a residential use must meet the noise level recommended in the residential use for compliance.
3. Line compressors should be set back 600 feet from residential uses.
4. Auxiliary equipment setback of no less than 150 feet from residential property lines.

5. If a line compressor is proposed in I or J zoning, the permit should be referred to the Gas Drilling Review Committee. (Allow only in K zoning or Ag without going to the Committee.)

### 3. Definitions and Protected Uses.

One of the most difficult charges that the Task Force confronted was the consideration of Protected Uses and revision to ordinance definitions. There are two areas of concern that merit the consideration and action of Council.

#### A. Trinity Trails.

The Trinity Trails system is a unique part of Fort Worth's civic infrastructure. The Trails system is used by citizens for recreation in every quadrant of the city. The connected green space is unrivaled by any city in the State of Texas. The Task Force's consideration of this issue was impeded by Tarrant Regional Water District's failure to appear and discuss the issue; they instead directed the Task Force to a study that is currently underway by Gideon Toal on design guidelines for the Trail. The minority advocates designating the Trinity Trails as a **Special Protected Use** to ensure that any contemplated gas drilling activities adjacent to the Trails be subject to a public process to ensure that such activities would be conducted in the most prudent locations protective of both the Trails and the families that use them. The minority suggests a compromise in one of the following ways that would protect the integrity of the Trails and not unnecessarily restrict the use of adjacent lands.

1. The minority would support the trails being designated as a **Special Protected Use** with a shorter 200 foot (rather than the standard 600 foot) protection to be measured from the center line of the Trails.
2. Alternatively, the minority believes that specified drilling areas or conversely "no drilling" areas could be determined and mapped. Waivers in these particular cases should be granted only by Council.
3. The Trinity Trails should not be utilized for drilling thoroughfares.

#### B. Definitions: "Public Building."

In what is the most striking example of weakening the current Ordinance, the Task Force, in a divided vote, eliminated the majority of the protections contained within the current definition of a Public Building.

We suggest that the existing language in the Ordinance be revised to include the following in order not to weaken the Ordinance by eliminating protected uses we heard from the public deserved to be protected.

*Public building means all buildings used or designed to and intended to be used for auditoriums, museums, and libraries, theaters, assembly halls, mortuary chapel, dance halls, exhibition halls, museums, gymnasiums, bowling lanes, libraries skating rinks, courtrooms, restaurants (with occupancy greater than 50), stores and shopping centers.*

We suggest that Council consider adding the following uses for protection as public buildings:

1. Jails;
2. Courthouses;
3. Municipal buildings;
4. Office buildings greater than two stories or occupied by more than 150 people;  
and
5. Sports stadiums.

#### **4. Setbacks & Notice.**

1. Equipment setback. We agree with the staff recommendation of a 300 foot setback of equipment from the property line.
2. No well bore ever to be closer than 200 feet from any structure.
3. The City should review its policies and practices for notices and signage to ensure that citizens are adequately informed with factual information regarding proposed activities.

#### **5. Gas Drilling Review Committee.**

The minority suggests that this committee include neighborhood representation.

#### **6. Pipelines.**

One of the most complex issues confronting the City of Fort Worth is pipelines. The Task Force had only one meeting during which industry's plans for pipelines was discussed. The minority believes that there are real and complex issues that must be addressed by the City of Fort Worth to ensure that its citizens are adequately protected. The City needs a comprehensive ordinance on pipelines to ensure at a minimum:

1. Research and implementation of "pipeline corridors" such as in Houston and Austin to facilitate orderly development of the city and pipeline routes.
2. Minimal duplication of lines (encourage companies to share lines).
3. Requirement of odorization and corrosion inhibitors.
4. Additional review and consideration of the Southlake and Flower Mound ordinances.
5. Regulation of flow lines, consistent with State and Federal requirements.
6. Requirement of full scale maps of any pipelines to be installed.
7. Referral of proposed pipeline routes to the Gas Drilling Review Committee.
8. Inclusion of pipeline route in application for drilling permit.
9. Minimum bury depths of 20 feet or more within densely populated areas of the City.
10. All pipelines within city limits be built to the *dense population* pipeline standards, because Fort Worth will continue to grow and develop over the life of these activities.
11. Assurance of fiscal responsibility for repairs, maintenance and accidents for the life of the pipelines.

12. Require boring of pipelines where possible

**7. Environmental.**

The minority suggests further study by panel of experts on air, water and waste and seeking best practices for mitigation of environmental effects before final passage of the Ordinance revisions and makes the following suggestions:

1. Public disclosure of all contaminants and waste handling practices.
2. Require recycling of waste water.
3. Lake Worth and watershed lakes be designated as environmentally sensitive areas.
4. Require closed loop mud systems on all wells within the City.
5. Mitigation for air emissions, green completions, vapor recovery systems and electric compressor motors.
6. Locate and map historical and abandoned wells before issuing a gas well permit.
7. Further study of vibro-acoustic disease to refine the distance and low frequency noise mitigation from line compressors.
8. Require well plugging insurance or initiate a City owned “superfund” for future well plugging in the event that operators leave abandoned wells unplugged. Do not rely on the RRC to solve this problem within City limits.
9. Conduct an Environmental Impact Study including air emissions, soil and water sampling to assure the citizens that proper diligence is being exercised to both prevent and control contamination and pollution. This sampling should be done by independent environmental consultants for the City and paid for by fees from the industry. The findings of the study should be incorporated into the Ordinance to ensure that the citizens of Fort Worth are adequately protected.

We are honored to have served on the 2008 Gas Drilling Task Force.

Respectfully submitted,

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