

AMEND SUBSECTION C. OF SECTION 15-35 TO ADD NOISE MITIGATION PLAN REQUIREMENT

SEC. 15-35. GAS WELL PERMIT APPLICATION AND FILING FEES

C. The application shall include the following information:

- 1) The date of the application and type of Gas Well Permit requested.
- 2) An accurate legal description of the lease property to be used for the gas operation, the parcel and the production unit and name of the geologic formation as used by the Commission. Property recorded by plat should reference subdivision, block and lot numbers.
- 3) Map showing proposed transportation route and road for equipment, chemicals or waste products used or produced by the gas operation.
- 4) Proposed well name.
- 5) Surface owner names(s) and address(es) of the pad site property.
- 6) Operator/Applicant name and address and if the Operator is a corporation, the state of incorporation, and if the Operator is a partnership, the names and addresses of the general partners.
- 7) Name and address of individual designated to receive notice.
- 8) Name of representative with regulatory response and supervisory authority over all gas operation site activities and a 24 hour phone number.
- 9) Location and description of all improvements and structures within six hundred feet (600) feet of the well.
- 10) Owner and address of each parcel of property within six hundred (600) feet of the proposed drill site.
- 11) A site plan of the proposed operation site showing the location of all improvements and equipment, including the location of the proposed well(s) and other facilities, including, but not limited to, tanks, pipelines, compressors, separators, lights, storage sheds, fencing and any access roads. The site plan shall also indicate any floodway, floodplain or City recognized drainage ways and the elevation and slope of the pad site which indicates compliance with the then current Fill Ordinance.
- 12) The name, address and 24-hour phone number of the person to be notified in case of an emergency.
- 13) The exact and correct acreage and number of wells, if applicable, included in the Gas Well Permit application.
- 14) Copies of all reports required by the Commission as required by the Gas Inspector.
- 15) An original executed City-wide Road Maintenance Agreement signed and approved by the City must be filed with the City Secretary that provides that the Operator shall repair, at his own expense, any damage to roads, streets, or highways caused by the use of heavy vehicles for any activity associated with the preparation, drilling, production, and operation of gas wells.
- 16) A description of public utilities required during drilling and operation.
- 17) A description of the water source to be used during drilling.
- 18) A copy of the approved Commission permit to drill together with attachments and survey plats which are applicable to the drill and operation sites.
- 19) A copy of the Stormwater Pollution Prevention Plan as required by the Environmental Protection Agency. A copy of the notice of intent shall be submitted to the City of Fort Worth, Department of Environmental Management,

- Stormwater Division, three (3) days prior to the commencement of any onsite activity.
- 20) A copy of the determination by the Texas Commission On Environmental Quality (TCEQ) of the depth of useable quality ground water.
 - 21) Evidence of insurance and security requirements under this Ordinance.
 - 22) An ambient noise level test.
 - 23) A noise management plan as required by Section 15-42, prepared by a noise control engineer or other qualified person approved by the gas inspector.
 - 24) A statement, under oath, signed by the Operator, or designated representative, that the information submitted with the application is, to the best knowledge and belief of the Operator or designated representative, true and correct.
 - 25) All required application and Gas Well Permit fees.

AMEND SUBSECTION C OF SEC. 15-42. AS FOLLOWS:

B. Noise

1. Prior to the issuance of a gas well permit and the commencement of operations, the Operator shall submit a noise management plan, approved by the gas inspector, detailing how the equipment used in the drilling, completion, transportation, or production of a well complies with the maximum permissible noise levels of this Section. The noise management plan must:

- a. Identify operation noise impacts;
- b. Provide documentation establishing the Ambient Noise Level prior to construction of any wellhead, compressor or compression facility;
- c. 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. Nature and proximity of adjacent development, location, and type;
 2. Seasonal and prevailing weather patterns, including wind directions;
 3. Vegetative cover on or adjacent to the site; and
 4. Topography.

The Operator shall be responsible for verifying compliance with this section and the noise management plan after the installation of the noise generation equipment.

2. No well shall be drilled, redrilled 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 a Protected Use receiver's/receptor's property line or ~~one hundred (100) feet from a Protected Use structure (as measured to the closest exterior point of the building), whichever is closer to the receiver/receptor,~~ from the closest exterior point of the Protected Use structure if access to the property is granted by the receiver/receptor, that:
 - a. Exceeds the Ambient Noise Level by more than five (5) decibels during daytime hours and more than three (3) decibels during nighttime hours;
 - b. Exceeds the Ambient Noise Level by more than 10 decibels during fracing operations during daytime hours and more than three (3) decibels during nighttime hours;

- c. Exceeds the Ambient Noise Level by more than five (5) decibels during backflow operations during nighttime hours;
- d. Creates pure tones where one-third octave band sound-pressure level in the band with the tone exceeds the arithmetic average of the sound-pressure levels of two contiguous one-third octave bands by 5 dB for center frequencies of 500 Hertz and above, and by 8 dB for center frequencies between 160 and 400 Hertz, and by 15 dB for center frequencies less than or equal to 125 Hertz; or
- e. Creates low-frequency outdoor noise levels that exceed the following dB levels:

16 Hz octave band: 65 dB
32 Hz octave band: 65 dB
64 Hz octave band: 65 dB

- 3. Prior to the issuance of a gas well permit, the Operator shall establish and submit to the City a continuous seventy-two (72) hour pre-drilling Ambient Noise Level test. The seventy-two hour time span shall include at least one twenty-four (24) hour reading during either a Saturday or Sunday. 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 generation equipment. The Operator shall use the prior established ambient noise level for the installation of any new noise generation equipment unless the Operator can demonstrate that the increase in the ambient noise level is not associated with drilling and production activities located either on or off-site.
- 4. Adjustments to the noise standards as set forth above in subsection (1) a, b and c of this section may be permitted intermittently in accordance with the following:

Permitted Increase (dBA)	Duration of Increase (minutes)*
5.....	15
10.....	5
15.....	1
20.....	less than 1

*Cumulative minutes during any one hour

- 5. All workover operations shall be restricted to daytime hours. “Workover operations” shall mean 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.
- 6. The exterior noise level generated by the drilling, redrilling or other operations of all gas wells located within six hundred (600) feet of a Protected Use shall be continuously monitored, to ensure compliance. If a complaint is received by either the Operator or the Gas Inspector from any Protected Use within one thousand (1,000) feet from the gas well, the Operator shall, within 24 hours of notice of the complaint, continuously monitor for a 72-hour period the exterior noise level generated by the drilling, redrilling or other operations to ensure compliance. At the request of the Gas Inspector, the Operator shall monitor the exterior noise level at the source of the complaint. The cost of such monitoring shall be borne by the Operator.

7. 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 at night. All soundproofing shall comply with accepted industry standards and subject to approval by the City's Fire Department.
8. During nighttime operations for High Impact and Urban Gas Wells, the operation of vehicle audible back-up alarms shall be prohibited or replaced with 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 by walkie-talkie or other non disruptive means only 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 onsite meetings to inform all personnel of nighttime operations noise control requirements
9. 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.
10. ~~A citation shall be issued for the failure to correct the violation within 24 hours of the notice of violation by either the Gas Inspector of the City of Fort Worth Police. A citation may be immediately issued for failure to comply with the provisions of this Section. However, if the Operator is in compliance with the approved noise management plan, and a violation still occurs, the Operator will be given 24 hours from notice of non-compliance to correct the violation from an identified source before a citation is issued. Additional extensions of the 24-hour period may be granted in the event that the source of the violation can not be identified after reasonable diligence by the Operator.~~