

**ORDINANCE NO. 15-2008**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 21, "OIL AND GAS" AND SECTIONS 3406.3 – 3406.3.8 OF THE ABILENE FIRE CODE AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND CALLING FOR A PUBLIC HEARING.**

**WHEREAS**, there is a need to establish reasonable and uniform limitations, safeguards, and regulations for oil and gas operations on private and public property within the City of Abilene; and

**WHEREAS**, the current provisions of Chapter 21, "Oil and Gas", are no longer adequate to meet the needs of the community or the oil and gas industry;

**NOW, THEREFORE. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:**

- PART 1:** That Chapter 21, "Oil and Gas" of the Code of Ordinances, City of Abilene, Texas, is hereby replaced as set out in Exhibit A, attached and made a part of this ordinance for all purposes.
- PART 2:** That Sections 3406.3 – 3406.3.8 of the Abilene Fire Code are revised and relocated in Chapter 21 as set out in Exhibit A.
- PART 3:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

**PASSED ON FIRST READING this 13th day of March, 2008.**

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on 23rd day of March, 2008, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 27<sup>th</sup> day of March, 2008, to permit the public to be heard.

**PUBLIC HEARING HELD on the 27<sup>th</sup> day of March, 2008.**

**PASSED AFTER FINAL READING this 10th day of April, 2008.**

ATTEST:

  
CITY SECRETARY

  
MAYOR

APPROVED:

  
CITY ATTORNEY

ORDINANCE NO. 15-2008

EXHIBIT A

Revise and relocate SECTIONS 3406.3. – 3406.3.8 OF THE ABILENE FIRE CODE to Chapter 21:

Replace CHAPTER 21, OIL AND GAS OF THE ABILENE CODE OF ORDINANCES in its entirety with the following:

CHAPTER 21

OIL AND GAS

Art. I.	IN GENERAL,	§§ 21-1 – 21-15
Art. II.	PERMITS,	§§ 21-16 – 21-30
Art. III.	DRILLING OPERATIONS,	§§ 21-31 – 21-40
Art. IV.	PRODUCTION PRACTICES,	§§ 21-41 – 21-90

ARTICLE I. IN GENERAL

**Sec. 21-1. Purpose.**

The purpose of this Chapter is to establish reasonable and uniform limitations, safeguards, and regulations for operations on private and public property within the City of Abilene related to the exploring, drilling, developing, producing, transporting, and storing of oil, gas, and other substances produced in association with oil and gas, in order to protect the health, safety and general welfare of the public; to minimize the potential impact to private property; to protect the quality of the environment; and to encourage the orderly production of available mineral resources.

**Sec. 21-2. Definitions.**

For the purposes of this Chapter, the following words and terms wherever and whenever used or appearing herein shall have the scope and meaning hereafter defined and set out in connection with each. All technical or oil and gas industry words or phrases used herein and not specifically defined shall have that meaning customarily attributable thereto by prudent Operators in the oil and gas industry.

*"Building"*. A structure which is built for the support, shelter, or enclosure or partial enclosure of persons, animals, personal property, or movable property of any kind including swimming pools.

*"Building Official"*. The Building Official of the City of Abilene, Texas or designee.

*"City Council"*. The City of Council of Abilene, Texas.

*"Commence"*. The first visible sign of actual drilling operations on the ground done with the intention to continue the work until the drilling is completed.

*"Drill site"*. All of the land area used during the drilling or re-working of a well or wells located there and subsequent life of a well or wells or any associated operation.

*"Fire Marshal"*. The Fire Marshall of the City of Abilene, Texas.

*"Official"*. City Manager or designee.

*"Oil and gas well"*. Any well drilled, to be drilled, or used for the intended or actual production of oil or natural gas.

*"Operator"*. For each well, the person listed on the appropriate City of Abilene application forms for an oil and gas well that is, 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 herein defined, is not the lessee under an oil and gas lease of any premises affected by the provisions of this Chapter, then such lessee shall also be deemed to be an Operator. In the event that 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 be deemed an Operator.

*"Owner"*. The fee simple title owner of the surface estate.

*"Railroad Commission"*. The Texas Railroad Commission or successor.

*"Residence"*. A house, duplex, apartment, townhouse, condominium, mobile home or other building designed for dwelling purposes, including those for which a building permit has been issued on the date the application for an oil and gas well permit is filed with the City.

*"Right-of-way"*. Any area of land within the City that is acquired by, dedicated to, or claimed by the City in fee simple, by easement, by prescriptive right or other interest and that is expressly or implicitly accepted or used in fact or by operation of law as a public roadway, street, sidewalk, alley, utility, drainage, or public access easement or used for the provision of governmental services or functions. The term includes the area on, below, and above the surface of the public right-of-way. The term applies regardless of whether the public right-of-way is paved or unpaved.

*"TCEQ"*. The Texas Commission on Environmental Quality or successor

**Sec. 21-3. Measurement.**

Unless otherwise stated, the measurement of all distances set forth herein 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 object as established by a licensed surveyor.

**Sec. 21-4. Enforcement; Inspections; Access to Records.**

The Official shall have the authority, in accordance with applicable law, to do the following:

- (a) Issue any orders, directives, or warnings required to carry out the intent and purpose of this Chapter and its particular provisions.
- (b) Enter and inspect any premises covered by the provisions of this Chapter to determine compliance with the provisions of this Chapter and all applicable laws, rules, regulations, standards or directives of the State. The Official may conduct periodic inspections of all permitted wells within the City to determine that the wells are operating in accordance with the requirements as set out in this Chapter and with regulations promulgated by the Railroad Commission.
- (c) Request and receive any records necessary to establish compliance with the applicable oil and gas well permit, including records sent to the Railroad Commission relating to the status or condition of any permitted oil and gas well.
- (d) Contact the local office of the Railroad Commission to seek their assistance in enforcing applicable oil and gas regulations.

**Sec. 21-5. Violations.**

In the event a violation of this ordinance is determined by the Official, the City may act in any or all of the following ways:

- (a) The City, through its designated Official, may issue a notice of violation to the Operator, its agent, agents, employees or independent contractors or to any person participating in the drilling of the well.
- (b) If after fourteen days (14) the violation has not been corrected, the City reserves the right to draw upon the performance bond or letter of credit in order to remedy the violation. Serious violations will be reported to the Railroad Commission.

(c) In addition to the foregoing penalties, it is further provided that the Official may revoke any permit issued.

1. Such revocation may be appealed to the City Council.
2. An appeal of a permit revocation must be filed with the City Secretary prior to the expiration of 30 calendar days following the date of the written notice of revocation from the City.
3. On the appeal of the revocation, the City Council shall have the option of affirming or reversing the decision to revoke the permit.
4. If the City Council votes to reverse the decision to revoke, and reinstate the permit, it may do so with any reasonable conditions, including the provision of additional financial security for the drilling operation.

**Sec. 21-6. Operator's agent.**

Each Operator of any oil and gas well shall designate an agent upon whom all orders and notices provided in this Chapter may be served in person or by registered or certified mail. The agent shall be readily available to the Official. Every Operator so designating such agent shall within ten calendar days notify the City in writing of any change of agent or the mailing address of such agent.

*Secs. 21-07 – 21-15 Reserved.*

## **ARTICLE II. PERMITS**

**Sec. 21-16. Permits required.**

- (a) It shall be unlawful for any person acting either for himself or acting as agent, employee, independent contractor or servant of any other person to commence to drill, to drill, reenter or operate any well within the City limits or to work upon or assist in any way the prosecution or operation of any such well, without a permit for the drilling and operation of such well having first been issued by the authority of City Council in accordance with the terms of this Chapter.
- (b) A separate permit shall be required for each well and each water and/or gas re-pressurizing or injection facility.

- (c) An oil and gas well permit must be approved by a Resolution of the City Council.

**Sec. 21-17. Application procedure.**

- (a) The procedure for applying for an oil and gas well permit from the City of Abilene shall be initiated with the filing of an application by the Operator with the Public Works Department of the City of Abilene.
- (b) No application shall be accepted for filing until it is complete and all required fees have been paid. Each application shall include full information, and will be considered complete only when ALL of the required information is included.
- (c) The application shall be provided by the City of Abilene Public Works Department.

**Sec. 21-18. Permit Filing Fees.**

The fees and charges for services furnished by the City shall be determined from time to time and placed on file in the office of the City Secretary.

**Sec. 21-19. Hearing by City Council.**

- (a) The application for a permit required by this Article shall be referred to the City Council, which shall call a public hearing on such application as provided for herein.
- (b) The Official shall send written notice of such hearing to all owners of real property lying within five hundred (500) feet of the proposed well location. Notice shall comply with the following requirements:
  - (1) Notice is to be given not less than ten (10) days before the date set for the hearing, to all owners who have rendered their property for City taxes as the ownership appears on the last approved City tax roll. The notice shall contain the time and place of the hearing, the legal description of the proposed drilling location and the location thereof by reference to streets.
  - (2) The notice may be served by depositing the same, properly addressed and postage paid, in a mail depository.
  - (3) Failure to receive such notice shall not invalidate the hearings or the results thereof.

- (c) At the conclusion of the hearing, the City Council must approve the application by at least four (4) affirmative votes.
- (d) The failure of the City Council to review and approve an oil and gas well permit within a specified time limit shall not cause the application for the oil and gas well permit to be deemed approved.

**Sec. 21-20. Standards for approval.**

Application to drill and operate a well shall be approved only if:

- (a) All prerequisites contained in this Chapter have been met.
- (b) It appears that the drilling and operation of such well can and will be conducted in accordance with this Chapter, all other ordinances of the City, all laws of the State and the United States, and all rules and regulations of the State Railroad Commission and any other appropriate local, State or Federal agency.
- (c) Such proposed drilling and operation will not create a fire hazard; cause unsanitary conditions, cause excessive noise or obnoxious odors; cause a danger of explosion; pollute any stream or water supply; restrict the orderly development of the City; be a hazard to the operation of aircraft; interfere with drainage or flood control; create a nuisance, or, without limitation by enumeration of the foregoing, otherwise adversely affect the health, safety and welfare of the public in general.
- (d) In order to ensure compliance with the above standards, or any other provision of this Chapter, the council may impose reasonable restrictions and conditions, other than those contained herein, on the drilling and operation of the proposed well. Failure to comply with any such restrictions shall be unlawful and grounds for revocation of any permit issued.

**Sec. 21-21. Effect of denial of oil and gas well permit.**

If an application for an oil and gas well permit is denied by the City Council, nothing herein shall prevent a new permit application from being submitted to the City Council for the same proposed oil and gas well or a different location for a well. A new application may also be filed on any of the mineral estate owned or leased by the applicant.

**Sec. 21-22. Request for deeper drilling.**

- (a) It shall be unlawful and an offense for any person to drill any well to a deeper depth than that allowed by any permit granted hereunder without



the Operator filing a written request for an amendment to the original permit with the Official specifying:

- (1) The condition of the well and the casing therein;
  - (2) The depth to which it is proposed such well be deepened;
  - (3) The legal description of the drilling location if an increase in area is necessary;
  - (4) A copy of the approved Railroad Commission form W-1.
- (b) In the event the Official is satisfied that such well may be deepened with the same degree of safety as existed under the original permit and all other provisions hereof, including area requirements, can be complied with, the request for amendment authorizing the deepening and operation of the well to such specified depth as applied for may be approved by the Official without additional filing fee to the Operator.

**Sec. 21-23. Request for other changes, new permit.**

Any request for changing any of the conditions of the permit, other than depth, will require cancellation of the old permit and application for a new permit.

**Sec. 21-24. Expiration of Permit.**

Drilling must commence on the well covered by the oil and gas well permit within one hundred eighty days (180) of approval by the City Council, after which time the oil and gas well permit shall automatically expire if no drilling has commenced. A one time one hundred eighty (180) day extension of the permit may be granted by the Director of Public works upon written request prior to the expiration of the permit and a showing of good cause by the Operator.

**Sec. 21-25. No vested property rights of permit holder.**

An oil and gas well permit does not create a property interest or a vested right in the Operator. This Chapter creates no property interest or right of entitlement of any kind.

**Sec. 21-26. Prohibition.**

Under no conditions shall an oil and gas well drill bore be allowed within two hundred (200) feet of any existing building or buildings without a variance from City Council.

**Sec. 21-27. Variance.**

- (a) A request for variance shall be indicated on the permit application and accompanied by documentation of any granted exceptions to the Railroad Commission's statewide spacing rules that apply to the proposed well.
- (b) When there is a request for variance submitted, the notice to the property owners must explicitly state a variance is being requested for the permit that would allow an oil and gas well drill bore to be within two hundred (200) feet of an existing building or buildings.
- (c) The City Council must approve any application for variance by at least four (4) affirmative votes.
- (d) In no instance may a well be drilled within two hundred (200) feet of a residence without the applicant obtaining the notarized written consent of the owner of the residence.

*Secs. 21-28 – 21-30 Reserved.*

**ARTICLE III. DRILLING OPERATIONS**

**Sec. 21-31. General obligations of Operator.**

The Operator shall be required to:

- (a) Comply with the terms and conditions of this Chapter, the Abilene City Code, the rules and regulations of the Railroad Commission, and any other State or Federal agency that enforces land use, mineral use, or environmental protection regulations.
- (b) Promptly clear drill and operation sites of litter, trash, waste and other substances used, allowed, or occurring in the operations.
- (c) Comply with all requirements stated in the application.
- (d) Promptly pay all penalties and other assessments imposed due to breach of any of the conditions herein.

- (e) Promptly restore to its former condition any public property damaged by the oil and gas operation, including but not limited to damage to public roadways.
- (f) Provide to the Official a copy of any incident reports or written complaints submitted to the Railroad Commission or any other State or Federal agency within thirty (30) days after Operator has notice of the existence of such reports or complaints.

**Sec. 21-32. Financial Guaranty.**

- (a) *Performance Bond.* In the event a permit is issued by the City Council under the terms of this Chapter for the drilling and operation of a well, no actual drilling operations shall be commenced until the Operator files with the Official a performance bond in the principal sum as set by the City Council, the bond shall be executed by the applicant as principal and by one good and sufficient corporate surety running to the City for the benefit of the City and all persons concerned, and conditioned that the Operator shall comply with the terms and conditions of this Chapter in the drilling and operation of the well.
- (b) *Letter of Credit.* In lieu of a performance bond, there shall be on file with the Official an irrevocable letter of credit from a Federally insured bank being in the same principal sum as set by the City for performance bond and running to the City for the benefit of the City and all persons concerned, and conditioned that the Operator shall comply with the terms and conditions of this Chapter in the drilling and operation of the well.
- (c) *Duration and Conditions.* Such bond or letter of credit shall become effective on or before the date it is filed with the Official and remain in force and effect for at least a period of six (6) months subsequent to the expiration of the term of the permit issued. In addition, the bond or letter of credit will be conditioned that the Operator will promptly pay all penalties and other assessments imposed upon the Operator by reason of his breach of any of the terms, provisions and conditions of this Chapter; that the Operator will promptly restore the streets and sidewalks and other public property of the City which may be disturbed or damaged in the operations to their former condition; that the Operator will promptly clear all premises of all litter, trash, waste and other substances used, allowed or occurring in the drilling or producing operations, and will, after abandonment, grade, level and restore such property to the same surface condition, as nearly as possible, as existed when operations for the drilling of the well or wells were first commenced; and that the Operator will indemnify and hold the City harmless from any and all liability growing out of or attributable to the granting of such permit.

- (d) *Insufficient Bond or Letter of Credit.* If, at any time, the Official deems any Operator's bond or letter of credit to be insufficient for any reason, it may require the Operator to file a new bond or letter of credit.

**Sec. 21-33. Insurance.**

No well shall be produced unless the Operator, during all periods of operation, maintains on file with the Official a current certificate evidencing public liability insurance in full force and effect with the minimum limits set by the City Council and on file in the Office of the City Secretary.

*Secs. 21-34 – 21-40 reserved.*

## **ARTICLE IV. PRODUCTION PRACTICES**

**Sec. 21-41. Blowout prevention.**

Protection shall be provided to control and prevent the blowout of a well. Protection equipment shall meet Federal, State and other applicable jurisdiction requirements.

**Sec. 21-42. Casing.**

All surface casing must comply with all applicable rules of the Railroad Commission, as amended.

**Sec. 21-43. Cleanup and maintenance.**

- (a) *Clean-up after spills, leaks and malfunctions.* After any spill, leak or malfunction, the Operator shall remove or cause to be removed to the satisfaction of the City fire chief and the Official all waste materials from any public or private property affected by such spill, leak or malfunction. Clean-up operations must begin immediately. If the Operator fails to begin site clean-up immediately the Official may then employ any cleanup expert or experts or other contractors or suppliers of special services, or may incur any other expenses for labor and material which the Official deems necessary to clean-up such spill, leak or malfunction. The City shall then be able to collect from Operator the costs involved in the site clean-up. The City may collect from the posted performance bond or letter of credit or any other legal means.
- (b) *Free from debris.* The public street entrance and property on which a well site is located shall at all times be kept free of mud, debris, pools of water

or other liquids, contaminated soil, weeds, brush, trash or other waste material.

- (c) *Stormwater Protection.* All well sites must be maintained in compliance with Section 32-244 of the City of Abilene Utilities Ordinance "Review and Modification of Best Management Practices", as amended.

**Sec. 21-44. Compliance.**

Operator shall comply at all times with all applicable Federal, State and City requirements.

**Sec. 21-45. Compressors.**

No compressor of any type shall be used unless a plan for use is approved by the Official.

**Sec.21-46. Discharge.**

No person shall place, deposit, discharge, or cause or permit to be placed, deposited or discharged, any oil, naphtha, petroleum, asphalt, tar, hydrocarbon substances or any refuse including wastewater or brine from any oil and gas operation or the contents of any container used in connection with any oil and gas operation in, into, or upon any public right-of-way, alleys, streets, lots, storm drain, ditch or sewer, sanitary drain without permits from the appropriate City departments, or in any body of water or onto any private property in the City of Abilene.

**Sec. 21-47. Dust, vibration, odors.**

All drilling and production operations shall be conducted in such a manner as to minimize, so far as practicable, dust, vibration, or noxious odors, and shall be in accordance with the best accepted practices incident to drilling for the production of oil, gas and other hydrocarbon substances in urban areas.

**Sec. 21-48. Electric lines.**

All electric lines to production facilities shall be buried underground. All electric lines going under City roadways must be bored and encased pursuant to City standards.

**Sec. 21-49. Electric motors.**

Only electric prime movers or motors shall be permitted for the purpose of pumping wells. No electric power shall be generated on location. All electrical installations and equipment shall conform to the City ordinances and State or Federal requirements.

**Sec. 21-50. Emergency response plan.**

The Operator shall develop an emergency response plan establishing written procedures to minimize any hazard resulting from drilling, completion or producing of oil and gas wells. Said plan shall use existing guidelines established by the Railroad Commission, TCEQ, Department of Transportation and/or the Environmental Protection Agency and Abilene Fire Code, as amended. A copy of the emergency response plan shall be kept on site and available for review by the Official.

**Sec. 21-51. Explosives.**

Use of an explosive perforating gun during completion operations shall be allowed.

**Sec. 21-52. Fencing**

No drilling operations shall be conducted hereunder unless and until adequate fences or similar barriers have been erected to keep the public away from the drilling equipment.

**Sec. 21-53. Fire notice.**

In the event of a fire or discovery of a fire, smoke, or unauthorized release of flammable or hazardous materials on any property, the Operator shall immediately report such condition to the fire department in accordance with the City of Abilene Fire Code, as amended. The reporting limits for hazardous materials release shall conform to the requirements of the Railroad Commission and not exceed any State or Federal permitting limit. A copy of the hazardous materials release records required by TCEQ shall be available to the Fire Marshal upon request.

**Sec. 21-54. Fire prevention; sources of ignition.**

Firefighting apparatus and supplies as approved by the fire department and required by any applicable Federal, State, or local law shall be provided by the Operator, at the Operator's cost, and shall be maintained on the drilling site at all times during drilling and production operations. The Operator shall be responsible for the maintenance and upkeep of such equipment. Each well shall be equipped with an automated valve that closes the well in the event of an abnormal change in operating pressure. All well heads shall contain an appropriately labeled emergency shut off valve to the well distribution line.

**Sec. 21-55. Fracing operations.**

Fracing or formation fracture stimulation operations may take place only during the daylight hours.

**Sec. 21-56. Gas emission or burning restricted.**

- (a) Operator shall not allow, cause or permit gases to be vented into the atmosphere or to be burned by open flame except as provided by law or as permitted by the Railroad Commission.
- (b) If the venting of gases into the atmosphere or the burning of gases by open flame is authorized as provided by law or as permitted by the Railroad Commission and shall be screened in such a way as to minimize detrimental effects to adjacent property owners.
- (c) Operator shall provide notice to the Fire Marshal prior to any open flaring of gas.
- (d) Gas may be flared only during the daylight hours, except in an emergency.

**Sec. 21-57. Gas processing onsite.**

Except for a conventional gas separator or line heater, no refinery, processing, treating, dehydrating or absorption plant of any kind shall be constructed, established or maintained on the premises.

**Sec. 21-58. Hazardous plan.**

Hazardous materials management plan (HMMP) and all material safety data sheets (MSDS) for all hazardous materials that will be located, stored, transported and/or temporarily used on the operations site must be available for inspection by the Official.

**Sec. 21-59. Lights.**

Except under drilling or emergency circumstances, Operator shall not operate any lights located at the drill site. To the extent practicable, and taking into account safety considerations, emergency site lighting shall be directed downward and internally so as to avoid glare on public roads and adjacent dwellings and buildings within five hundred (500) feet.

**Sec. 21-60. Monitoring for H<sub>2</sub> S gas.**

Equipment for the monitoring of H<sub>2</sub> S gas shall be used during initial drilling and a permanent monitoring station shall be installed and a thirty (30) day maintenance and

inspection program shall be established to ensure that the monitoring equipment remains functional in accordance with the Railroad Commission rules and regulations.

**Sec. 21-61. Muffling exhaust.**

Exhaust from any internal combustion engine or compressor, stationary or mounted on wheels, used in connection with the drilling of any well or for use on any production equipment shall not be discharged into the open air unless it is equipped with an exhaust muffler, or mufflers or an exhaust muffler box constructed of noncombustible materials sufficient to suppress noise and disruptive vibrations and prevent the escape of obnoxious gases, fumes or ignited carbon or soot. Where soundproofing material is required, such material shall be noncombustible.

**Sec. 21-62. Painting.**

All production equipment shall be painted and maintained at all times, including wellheads, pumping units, tanks, secondary containment and buildings or structures.

**Sec. 21-63. Pits.**

- (a) All pits and contents shall be de-watered following the schedule established by the statewide rules of the Railroad Commission. All lined reserve pits shall have the lining cut to the water or mud edge of the pit, hauled out and transported to an approved disposal site.
- (b) No pit shall be placed in a floodplain without obtaining a floodplain development permit from the City Public Works Department.
- (c) No fresh water pit may be placed in any City recognized drainage way, FEMA floodplain or floodway. Construction of the fresh water pit must comply with all City, State and Federal regulations.
- (d) Every drill pit used for drilling operations shall be fenced on all open sides during drilling operations and enclosed after drilling operations have ceased.
- (e) No flowback wastewater produced by frac operations shall be placed in any open pit without a valid State permit.
- (f) Fresh water fracing pits, not transferred to the surface owner, shall be closed and the site restored within one hundred twenty (120) days after completion operations have ceased unless extended by the Official.



**Sec. 21-64. Plugged and abandoned wells.**

- (a) *Surface requirements for plugged and abandoned well sites.* Whenever abandonment occurs pursuant to the requirements of the Railroad Commission, the Operator so abandoning shall be responsible for the restoration of the well site to its original condition as nearly as practicable and in conformity with the requirements of this permit.
- (b) *Restoration of drill site.* Restoration of the drill site must be accomplished in conformity with the following requirements:
  - 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 Railroad Commission;
  - 4. All holes and depressions shall be filled with clean, compactable soil;
  - 5. All waste, refuse or waste material shall be removed from the drill site; and
  - 6. The drill site shall be restored, as close as practicable, to its original condition.
- (c) *Abandonment requirements prior to new construction.* All abandoned or deserted wells or drill sites shall meet the most current abandonment requirements of the Railroad Commission prior to the issuance of any building permit for development of the property. No structure shall be built over an abandoned well.

**Sec. 21-65. Salt water wells.**

- (a) Salt water produced on site (or other produced water) shall be stored in a closed steel or fiberglass tank, and shall be disposed of in accordance with the rules and regulations of the State Railroad Commission and any other appropriate local, State, or Federal agency. Any salt water removed from a well may be injected back into the same zone or formation from which it was produced.

- (b) Except as provided in (a), no salt-water disposal wells shall be located within the City of Abilene.

**Sec. 21-66. Signs.**

Well locations shall have posted in a conspicuous place on or near such tank or tanks an approved sign with the name of the owner or operator, name of the lessee or the lease number, the well number and the telephone number where a responsible person can be reached at any time. Such signs shall be maintained on the premises from the time materials are delivered for drilling purposes until the well is abandoned.

**Sec. 21-67. Storage of equipment.**

- (a) On-site storage shall be in accordance with the City of Abilene Zoning Ordinance, as amended.
- (b) No vehicle or item of machinery shall be parked or stored on any street, right-of-way or in any driveway, alley or upon any operation site which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires except that equipment which is necessary for drilling or production operations on the site.
- (c) The fire department shall be the entity that determines whether any equipment on the site shall constitute a fire hazard.

**Sec. 21-68. Storage tanks.**

- (a) All tanks and permanent structures shall conform to the American Petroleum Institute (A.P.I.) specifications and comply with all State or Federal requirements and Section 3404 of the Abilene Fire Code, as amended.
- (b) All tanks shall be set back pursuant to the standards of the Railroad Commission and the National Fire Protection Association.
- (c) No meters, storage tanks, separation facilities, or other aboveground facilities, other than the well head and flow lines, shall be placed in a floodway identified by FEMA on the most current FIRM or the 100-year floodplain without a floodplain development permit obtained from the City Public Works Department.
- (d) Tanks or groups of tanks shall have posted in a conspicuous place, on or near such tank or tanks, an approved sign with the name of the owner or Operator, or the lease number and the telephone number where a responsible person can be reached at any time.

**Sec. 21-69. Storage Tanks and Sources of Ignition.**

- (a) Storage tanks or boilers, fired heaters, open-flame devices or other sources of ignition shall not be located within twenty five (25) feet of well heads.
- (b) Smoking is prohibited at wells or tank locations except as designated and in approved posted areas.
- (c) *Exception.* Engines used in the drilling, production and servicing wells are excluded from this provision.

**Sec. 21-70. Sumps.**

- (a) Sumps associated with wells shall comply with Sections 3406.3.3.1 through 3406.3.3.3 of the Abilene Fire Code, as amended.
- (b) Sumps or other basins for the retention of oil or petroleum products shall not exceed twelve (12) feet in width.
- (c) Sumps or other basins for the retention of oil or petroleum products larger than 6 feet by 6 feet by 6 feet shall not be maintained longer than sixty (60) days after the cessation of drilling operations.
- (d) Sumps, diversion ditches and depressions used as sumps shall be securely fenced or covered.

**Sec. 21-71. Valves.**

Each well must have a shutoff valve to terminate the well's production. The fire department shall have access to the well site and the shut-off valve in an emergency.

**Sec. 21-72. Waste disposal.**

- (a) All drilling mud, cuttings, liquid hydrocarbons and all other field waste derived or resulting from or connected with the drilling, re-working or deepening of any well must be disposed of in accordance with the rules of the Railroad Commission, as amended.
- (b) Unless otherwise directed by the Railroad Commission, waste materials shall be removed from the site and transported to an off-site disposal facility not less often than every thirty (30) days. Water stored in on-site tanks shall be removed as necessary.
- (c) All waste shall be disposed of in such a manner as to comply with all State and Federal air and water pollution control regulations, the conditions of this permit, and any applicable ordinance of the City.

**Sec. 21-73. Work hours for site development.**

No construction activities involving the excavation, demolition, alteration, or repair work on any access road or pad site shall occur outside daylight hours.

**Sec. 21-74. Zoning and Subdivision Requirement.**

All oil and gas well sites must comply with the City of Abilene Zoning Ordinance and Subdivision Regulations, as amended. If a zoning change is required, it must pass the zoning process before any permit will be issued.

*Secs. 21-75– 21-90 reserved.*