

Toward A More Protective Gas Drilling Ordinance for Dallas



***Dallas Residents At Risk
June 2013***

A New Gas Drilling Ordinance Must Start With the New Public Consensus of the Last Seven Months, Not an Outdated and Compromised Task Force Report

Since the City of Dallas' Gas Drilling Task Force began meeting in 2011, **there have only been six official meetings for the public to express an opinion** about how the City should be regulating gas drilling and processing within its city limits:

1) The two Task Force public hearings in 2011 at the beginning of the process. **Dozens of residents spoke for better protections than are currently enforced.** There was never a public hearing on the final Task Force recommendations.

2) The City Council briefing in August of 2012 on the Task Force recommendations, where no comments were allowed but **a large audience was on hand to provide a barometer of opinion.** The chamber filled with residents who supported tougher rules than the Task Force suggested. After Task Force member Terry Welch gave a "minority report" to address these concerns, his presentation **"was followed by extended applause"** and brought **"a prolonged standing ovation from the audience"** according to the Dallas Morning News and Dallas Observer. There was no such reception for the official Task Force recommendations.



Residents stand in line to testify at the March City Plan Commission hearing on the Trinity East permits

3) The City Plan Commission hearing on the Trinity East drilling applications in December 2012, when **dozens of residents testified against the permits in a meeting two days before the holiday break.**

4) The City Plan Commission "reconsideration vote" on the denial of the Trinity East applications in January of 2013, when public testimony was not allowed **but a large audience protested the vote.**

5) The second City Plan Commission hearing on the Trinity East drilling applications in March 2013, **when dozens of residents testified against the permits again.** The chamber was standing room only at this hearing.

Although limited in opportunities to express themselves, **residents have been overwhelmingly in favor of better protections than what the current ordinance provides, the Task Force recommended, or the proposed Trinity East permits promised.**

It was the Mayor's decision to force through the Trinity East permits before writing a new gas ordinance that galvanized public opinion into what can rightfully be called a **new consensus on the subject that went beyond the now-obsolete task force recommendations.**

In the course of debating the Trinity East permits, which were proposed for floodplains, parks and next to neighborhoods, **the city had a long and detailed public conversation concerning the appropriate places to drill and process gas that it did not have during the task force meetings.** Residents repeatedly packed City Hall during business hours to show their disapproval of both the permits and the permitting process. Thousands of letters and e-mails were sent to City Plan Commission members and the City Council. The Morning News weighed in against Trinity East, and for tougher recommendations than those offered by the Task Force. Candidates for City Council confronted countless questions about the subject in this Spring's elections.

Principles of a More Protective Dallas Gas Drilling Ordinance

After seven months, it's clear that most residents with an opinion about the subject support much tougher regulation of gas drilling in Dallas than either the current ordinance **or** the Task Force recommendations provide, including:

1. Don't drill in parks, in flood plains or near people

Allowing fracking operations too close to where people live, work, worship and play puts Dallas residents at risk. The Task Force recommended 1,000 feet, but allowed loopholes for 300-500 feet in some cases. **Other North Texas cities require 1,500 feet as a minimum distance. Dallas should match or exceed the most protective provisions in our region.**

The Gas Drilling Task Force **initially recommended against allowing any drilling activities on city-owned park land,** but this recommendation was strangely reversed during the very last Task Force meeting. The current rules also do not allow drilling within flood plains, which prevents toxic chemicals from washing downstream during heavy rains - but this provision was also reversed by the Task Force. **In hind sight, it's obvious these last minute changes were in service to the City Manager's secret deal with Trinity East to drill on park land and in flood plains.** Dallas shouldn't sacrifice its park lands, open spaces and the Trinity River flood plain for risky gas drilling or secret negotiations.



Residents protest drilling in parks

2. Ban Injection Wells and Compressor Stations

The Task Force recommend against allowing toxic wastewater injection wells in Dallas. Recent United States Geological Survey studies have confirmed that injection wells have caused small earthquakes in North Texas and other parts of the country. Dallas should keep this protection intact.

Although the Chair of the Task Force testified that she assumed large-scale compressor stations would not be allowed in Dallas, the final recommendations did not actually address this issue at all.

Gas compressor stations are huge, loud and disruptive industrial facilities, each one putting tens of thousands of tons of pollution into our air every year. Even the smaller versions of these facilities could pose an unacceptable threat to neighborhoods, businesses, schools and institutions. Dallas should not allow large-scale compressor stations or gas processing facilities anywhere inside the city limits.



CPC members visit the site of Trinity East's proposed Compressor Station and Refinery

3. *Water should be prioritized for drinking, not drilling*

Just as Dallas has supported sensible water conservation in the past, we must act to ensure gas drilling will be compatible with our long-term water planning and strategy. **Dallas should restrict water for fracking during drought conditions (just as neighborhoods are restricted), and incentivize recycling and re-use by charging more for one-time water usage.** The Task Force recommended that Dallas Water Utilities should evaluate these options, but did not specify how this was to happen.

4. *Don't Make Bad Air Worse*

Dallas officials have repeatedly committed to clean up our chronic air pollution. In order to keep this promise, **the gas drilling ordinance must treat the gas industry the same as other polluting industries:** Dallas should require gas companies to off-set their air emissions so there will not be an overall increase in pollution. Again, the Task Force recommended that air pollution reductions be considered in the new ordinance, but did not specify how this was to happen.

5. *Complete Transparency in Operations*

Dallas city officials need to insure that there can be **no more secret deals cut** by negotiators. There must be **more public participation** in the entire planning process. Any new ordinance must require **complete disclosure of all chemicals** to protect residents and first responders.