

as if lives depended on it - Denton Record-Chronicle (TX) - May 1, 2019 - page 10

May 1, 2019 | Denton Record-Chronicle (TX) | Larry Beck | Page 10

In a recent **Denton** City Council vote that approved a Special Use Permit by a bare majority, an apartment unit will be allowed to build next to two active gas wells. This is, of course, only the most recent occurrence of such action over the past four years.

Our current ordinances that allow residential dwellings within set distances known as setbacks, derive from the HB 40 ruling in 2015, a ruling that was heavily favored by gas well operators, landowners and real estate developers and robbed us of our home rule rights.

Those who approved the SUP did so because they were respectful of how the developers went out of their way to make sure that all current allowable distances were being met and that measures to evacuate them in the event the wells malfunctioned or caught fire were being met. The developers are to be commended for these efforts. Though their primary goal is to utilize this property to develop a for-profit purpose, that doesn't mean they are unfeeling individuals who are indifferent to health and safety threats from those gas wells. In the end, they were merely doing what the law allowed.

The dilemma, however, that our community and its elected officials are faced with is that the existing law that allows these limits is in fact arbitrary and thus should not carry the weight it appears to in making policy.

In an extensive February 2016 study titled "Adequacy of Current State Setbacks for Directional High-Volume **Hydraulic Fracturing** in the Marcellus, Barnett and Niobrara Shale Plays" published in the Environmental Health Perspectives journal, researchers demonstrated that the setback distances that **Denton** and other Texas cities use to separate residences from active gas wells were not only inadequate to ensure the health and safety of those that lived in close proximity to them but that they were the result of compromises "between governments, the regulated community, environmental and citizens interests groups and landowners." None have been "derived from peer-reviewed data, data-driven analysis or historical events," the study found.

Those state and federal agencies we depend upon to ensure that private interests do not engage in activities that pose health and safety risks are sadly becoming administered by pro-industry individuals who are often inclined to favor industry perspectives over independent research.

The state's Texas Commission on Environmental Quality and the federal government's Environmental Protection Agency have been found to allow weaker rules that set limits on pollutants generated by gas and oil well drilling.

The newer scientific research continues to show the increased health and safety risks to children, the elderly and pregnant women who live in close proximity to active oil and gas wells. The setback

limits to offset this are being blocked by people whose personal gains override this larger public concern.

We need the type of leadership that is willing to put the public's interests over special for-profit interests. Land owners and real estate developers do not want the ultimate liability that comes with putting powerless groups of people in harm's way. But until enough of us demand such leadership, the course will remain to rock the boat as little as possible while greater financial interests prevail.

Rules that prove to be weak and self-serving for the most part should be changed. We need our elected officials to act as if our lives depend on it when they are faced with situations that put susceptible populations in harm's way.

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