

ORDINANCE NO. 2018-2

WEST PIKE RUN TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA

AN ORDINANCE OF WEST PIKE RUN TOWNSHIP, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING ORDINANCE 88-2 AND ORDINANCE 2014-3, SPECIFICALLY AMENDING A SUBSECTION FOR DEFINITIONS THAT PERTAIN TO "OIL AND GAS DEVELOPMENT, DRILLING, AND RELATED OPERATIONS"; AMENDING A SECTION DESIGNATED AS AGRICULTURAL DISTRICT (R-A), RURAL RESIDENCE DISTRICT (R-1), SUBURBAN RESIDENCE DISTRICT (R-2), BUSINESS DISTRICT (B-1), AND INDUSTRIAL DISTRICT (I-1) TO ADD OIL AND GAS PIPELINES AND TEMPORARY WATER PIPELINES, RE-ENTRY DRILLING AND TRAFFIC CONTROL SITES AS PERMITTED USES; ADDING OIL AND GAS DEVELOPMENT, STORAGE DEPOTS, TRUCK STAGING AREAS, RE-ENTRY RELATED OPERATIONS AND DEEP INJECTION WELLS AS CONDITIONAL USE(S) AND ADDING CERTIFIED WATER STORAGE FACILITIES AND MODULAR LARGE VOLUME TANKS (MLVTs) AND IMPOUNDMENTS (FRESH WATER) AS ACCESSORY USES; PROVIDING FOR OTHER REGULATIONS AS TO OIL AND GAS DEVELOPMENT AS MORE FULLY SET FORTH IN THIS ORDINANCE AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Pennsylvania Municipalities Planning Code (MPC), 53 P.S. §10101 *et seq.*, authorizes the Township of West Pike Run (Township) to create ordinances for the regulation, administration and enforcement of Township Zoning Ordinances, codes, etc.; and

WHEREAS, pursuant to authority under the MPC, the Board of Supervisors of the Township (Board) has adopted Township Ordinance 88-2 and Ordinance 2014-3; and

WHEREAS, the Township believes there is a need to amend Ordinance 88-2 and Ordinance 2014-3 (Zoning), and specifically providing for oil and gas development being a conditional use in Agricultural District (R-A), Rural Residence District (R-1), and Industrial District (I-1). This Amendment will specifically address, but not be limited to, the construction of oil and gas well sites, processing plants, compressor stations, storage depots, truck staging area(s), Certified Water Storage Facilities and MLVTs, Impoundments, oil and gas pipelines, temporary waterlines, deep injection wells, re-entry drilling and related operations and the use of Township roadways during oil and gas operation; and

WHEREAS, the Board believes the provisions contained herein will serve to further address local concerns resulting from oil and gas operations in the Township and not covered by the Pennsylvania Oil and Gas Act ("Act 13"); and

WHEREAS, the Board decided to repeal Ordinance 2014-3 and adopt the within Ordinance to further define oil and gas development and related operations and to provide regulations as set forth below in order to comply with the requirements of Act 13, while also

serving to maintain, preserve and protect the public health, safety and welfare of the Township and its residents.

NOW THEREFORE, the Board, pursuant to the Second-Class Township Code and MPC, as amended, does hereby **ENACT AND ORDAIN** the following:

SECTION 1. SHORT TITLE

This Ordinance shall be known as the "West Pike Run Township Oil and Gas Development, Drilling and Related Operations Ordinance of 2018".

SECTION 2. DEFINITIONS

ACCESS ROAD: The roadway used for ingress and egress from a Township or State road providing private access to an Oil and Gas Development, Drilling and/or Related Operations.

APPLICANT: An individual, corporation, or entity that fills out the application for Oil and Gas Development, Drilling and/or Related Operations.

CERTIFIED WATER STORAGE FACILITIES: An above ground assembly of fluid storage containers that are each certified by a nationally recognized testing laboratory or organization such as the ASA, American Petroleum Institute (API), American Society for Testing and Materials International (ASTM), The American Society of Mechanical Engineers, and/or the American Water Works Association (AWWA) that are used to hold fresh water and/or re-use fresh water for use in Oil and Gas Development, Drilling and/or Related Operations.

CERTIFIED MODULAR LARGE VOLUME TANKS (MLVTs): For the purposes of this Ordinance, MLVTs include any above ground, fully enclosed tank field assembled from multiple uniform, factory-prepared components which provide primary containment for 100,000 barrels or more of fluids. By this definition, MLVTs are typically field assembled on an oil and gas location for temporary use (not to exceed one (1) year) or are dismantled for movement to a different location following their use. This shall include MLVTs that meet AWWA standards or standards deemed to be acceptable by the Township for use in association with Oil and Gas development, Drilling and/or Related Operations. These MLVTs are to service only the well pad applied for under Act 13 and are not to service multiple well pads.

COMPRESSOR: A device that raises the pressure of natural gas and/or by-products. Compressors are any devices that create a pressure differential to move or compress vapor or a gas. Any such device used alone or in series to adequately move a vapor or a gas is considered a compressor.

COMPRESSOR STATION: A facility designed and constructed to compress natural gas that originates from a single well site, or a collection of well sites and/or to remove water or water vapor from the natural gas, which operates as a midstream facility for delivery of gas to a transmission pipeline, distribution pipeline, processing plant, or underground storage field, including one (1) or more natural gas, electric compressors, associated buildings, pipes (other than regulated or unregulated local distribution system(s), gathering system(s) or transportation lines served by the compressor station), valves, tanks and other equipment.

COMPRESSOR STATION FACILITY FOOTPRINT: The site and/or fenced compound which will be developed and constructed for use as a compressor station containing buildings, compressors and related equipment necessary for the operations as a compressor station for the transportation and treatment of gas that will be traveling through a pipeline network. This site shall not be used for the storage of pipeline equipment or construction trailers during normal operations.

CONVENTIONAL WELL: A conventional gas well, also known as a traditional well, is a well that produces oil or gas from a conventional formation. Conventional formations are variable in age, occurring both above and below, the Elk Sandstone. While a limited number of such gas wells are capable of producing sufficient quantities of gas without stimulation by hydraulic fracturing, most conventional wells require this stimulation technique due to the reservoir characteristics in Pennsylvania. Stimulation of conventional wells however, generally do not require the volume of fluids typically required for unconventional wells.

DEEP INJECTION WELL (CLASS II WELL): Wells used to inject fluids associated with the production of oil and natural gas or fluids and compounds used for enhanced hydrocarbon recovery. These wells normally inject below the deepest underground source of drinking water (USDW) except in cases where the USDW contains producible quantities of oil or gas and are defined as Class II Wells by the United States Environmental Protection Agency (EPA).

DRILLING: Any digging or boring activity of a new well or re-working of an existing well to explore, develop or produce oil, gas or other hydrocarbons, or to inject gas, water or any other fluids or substances into the earth.

EXPLORATION: Temporary geologic or geophysical activities such as drilling in context with the zoning definition in this Ordinance, including seismic surveys related to the search for natural gas and/or other subsurface hydrocarbons.

EXTRACTION: The act or process of separating, obtaining or removing a substance, such as a mineral, including but not limited to coal, sulfur, petroleum, oil and/or gas, and including oil and gas development.

FLOWBACK: The process of flowing a completed/fractured well for the purposes of recovering water and residual sand from the gas stream prior to sending gas down a sales line.

FRESHWATER: Any water obtained from a water purveyor or portion of the generally recognized hydrologic cycle which occupies the pore spaces and fractures of saturated subsurface materials. Freshwater does not include exploration and production fluids such as produced water, flowback fluids, or re-use water.

HYDRAULIC FRACTURING: The process of injecting water, customized fluids, sand, steam, gas and/or other agents into a gas well under pressure to improve gas recovery.

IMPOUNDMENT: A facility or part of a facility which is a natural topographic depression, manmade excavation or diked area formed primarily of earthen materials, although it may be lined with synthetic materials, and which is designed to hold an accumulation of liquid wastes or

wastes containing free liquids. The term includes holding, storage, settling and aeration pits, ponds and lagoons. The term does not include injection wells.

MINERAL EXTRACTION: Any extraction of any mineral for sale or other commercial purpose that involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. The term "mineral" includes, but is not limited to, anthracite and bituminous coal, lignite (including mining activities carried out beneath the surface of the earth by means of shafts, tunnels, other underground mine openings), limestone and dolomite, and, gravel, rock, stone, earth, slag, ore, vermiculite, clay and/or other mineral resources.

NATURAL GAS LIQUIDS (NGL): Components of natural gas that are liquid at the surface of in-field facilities or in processing plants. Natural gas liquids can be classified according to their vapor pressures as low (condensate), intermediate (natural gasoline), and high (liquified petroleum gas) vapor pressure. Natural gas liquids include ethane, propane, butane, pentane, hexane and heptanes.

OCCUPIED STRUCTURE: Any building, structure and/or related appurtenances to buildings and structures, or similar place adapted for overnight accommodation of persons and currently occupied/lived in by persons. This would also include structures etc. for the purpose of carrying on business or other activity therein. Proof that said structure is not actually being occupied or used for the aforesaid purposes shall be required in order for the structure to not be considered occupied.

OIL AND GAS: Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other liquid hydrocarbons, constituents or similar substances that are produced by drilling an oil or gas well.

OIL AND GAS DEVELOPMENT: The well site preparation, well site construction, drilling, hydraulic fracturing and/or site restoration associated with an oil and/or gas well of any depth; water and other fluid storage, Impoundment located on the same parcel as a well site; and the installment and use of all associated equipment, including but not limited to tanks, meters and other equipment and structures, whether permanent or temporary. This also includes the site preparation, construction, installation, maintenance and repair of other equipment and activities associated with the exploration for and production of oil and gas. This does not include oil and gas pipelines, compressor stations and/or natural gas processing plants or facilities performing the equivalent functions that operate as midstream facilities that are only authorized consistent with the Township Zoning Ordinance as a conditional use.

OIL AND GAS PIPELINES: All parts of those physical facilities regulated by Federal, State or Local agencies such as Pipeline and Hazardous Materials Safety Administration (PHMSA), Pennsylvania Department of Environmental Protection (DEP), and/or the Federal Energy Regulatory Commission (FERC) through which oil and/or natural gas moves in transportation, including pipe, valves, and other appurtenances attached to pipes, compressor units, metering stations, regulator stations, delivery stations, holders, launcher/receiver stations and fabricated assemblies.

OPERATOR: Any person, partnership, company, corporation, and its subcontractors and agents who have an interest in real estate for the purpose of exploring or drilling for producing, development or transportation of oil or gas.

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP): The Commonwealth of Pennsylvania agency responsible for overseeing and administering environmental laws and regulations within Pennsylvania.

PIPELINE: All parts of those physical facilities through which gas, hazardous liquids, fresh water, salt water, or chemicals move in transportation, including but not limited to, pipe, valves and other appurtenance attached to pipe, whether or not laid in a public or private easement or a public or private right-of-way within the Township, including but not limited to, gathering lines, production lines and transmission lines.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA): The United States Department of Transportation that regulates the design and installation of pipelines.

PROCESSING PLANT: A facility designed and constructed to remove any materials such as ethane, propane, butane, and/or other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets, but not including facilities or equipment that is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from the natural gas, including dew point control facilities. When used in this Ordinance, this term shall include any similar facilities performing the equivalent or similar functions.

PROTECTED STRUCTURE: Any public or private hospital, school, adult daycare, religious institution or other public building located within one thousand (1,000) feet of an oil and gas development site.

RE-ENTRY DRILLING: The act of re-entering an approved oil and/or gas development to re-frack, stimulate, etc. drilled wells and/or to drill additional wells, within the number of wells, that the site has been approved for. (Example: John Doe site is approved for eight (8) wells and only four (4) wells have been drilled. If the Operator comes back to drill an additional four (4) wells, this shall be considered re-entry drilling).

RE-ENTRY RELATED OPERATIONS: The conduct of any related operations at a Township approved site that were not included in a previous approval (permitted or conditional).

RELATED OPERATIONS: The activities and operations that are ancillary to oil and gas drilling, such as processing plants, compressor stations, certified water storage, temporary work and bunk trailers, storage depots, traffic control sites and truck staging areas.

RESIDUAL WASTE: Residual waste is non-hazardous industrial waste. It includes waste material (solid, liquid or gas), impaired fluids and flowback produced by industrial, mining and agricultural operations. It excludes certain coal mining wastes and wastes from normal farming activities.

RE-USE / RESIDUAL WATER (WASTE WATER): Water which has been previously used for industrial, municipal, domestic or other purposes including those associated with fracking, drilling flowback, and/or other drilling related activities, and cannot be returned to a surface water or groundwater source.

STORAGE DEPOT: A permanent off-street facility designed as a point for collection and/or storage of materials, supplies, equipment and/or other solid by-products from oil and gas development.

TEMPORARY WATER PIPELINE: A temporary pipeline in place for a reasonably limited period of time and typically located above ground and used to transport water to and from various oil and gas development, drilling and/or related operations. The Township reserves unto itself the unilateral right to determine if a temporary water pipeline may be placed in a Township right-of-way (ROW) and/or on Township property.

TRAFFIC CONTROL SITES: An area used as a stopping place or assembly point designed to accommodate trucks during their course of travel to an oil and gas development and intended to be used for four (4) months or fewer during a twelve (12)-month period. This definition does not include the transfer of loads to, from or between trucks.

TRUCK STAGING AREA: An off-street facility used for the transfer of loads to, from or between trucks for oil and gas development or a traffic control site.

UNCONVENTIONAL WELL: A gas well that is drilled into an unconventional formation, which is defined as a geologic shale formation below the base of the Elk Sandstone or its geologic equivalent, where natural gas generally cannot be produced except by horizontal or vertical well bores stimulated by hydraulic fracturing. (Ex: Marcellus, Utica, Mandata, Huron, Rhinestreet, and Upper Devonian).

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA): The Federal Agency designated to handle matters of environmental concern and/or issues.

WATER PURVEYOR: The owner or Operator of a public water system as defined in Section 3 of the Commonwealth of Pennsylvania Act of May 1, 1984 (P.L. 206, No. 43), known as the Pennsylvania Safe Drinking Water Act, or any person subject to the Commonwealth of Pennsylvania Act of June 24, 1939 (P.L. 842, No. 365), referred to as the Water Rights Law.

WELL PRODUCTION PAD: The area of the limits of the surface of the perimeter used for drilling operations for oil and gas as shown on the site plan.

WELL SITE: The area of surface operations surrounding the surface location of a well or wells. The site can include facilities, structures, materials, water containment devices and equipment whether permanent or temporary, necessary for or incidental to the preparation, construction, drilling, production or operation of an oil or gas well. Such area shall not include an access road to the well site. The aforesaid items are only to be utilized for the specific well site and no other well site.

SECTION 3. AMENDMENT TO ORDINANCE 88-2, AGRICULTURAL (R-A) ZONING DISTRICT, AUTHORIZED USES

- A. PERMITTED USES:** Agricultural (R-A) Zoning District, permitted uses (principal uses) is amended by adding the following text:

Principal Uses:

Oil and gas pipelines and temporary water pipelines are subject to terms as set herein;
Re-entry drilling are subject to terms as set herein;
Traffic control sites are subject to terms as set herein.

- B. CONDITIONAL USES:** Agricultural (R-A) Zoning District, conditional uses (principal uses) and conditional uses (accessory uses) is amended by adding the following text:

Principal Uses:

Oil and gas development subject to terms as set herein;
Storage depot(s) and truck staging area(s) are subject to terms as set herein;
Re-entry related operations are subject to terms as set herein;
Compressor stations and related facilities are subject to terms as set herein;
Impoundments (fresh water, re-use/waste water) are subject to terms as set herein;
Deep injection wells are subject to terms as set herein.

Accessory Uses:

Certified Water Storage Facilities and MLVTs are subject to terms and as determined by the Board;
Impoundments (fresh water) subject to terms and as determined by the Board of Supervisors.

SECTION 4. AMENDMENT TO ORDINANCE 88-2, RURAL RESIDENCE (R-1) ZONING DISTRICT, AUTHORIZED USES

- A. PERMITTED USES:** Rural Residence (R-1) Zoning District, permitted uses (principal uses), is amended by adding the following text:

Principal Uses:

Oil and gas pipelines and temporary water pipelines are subject to terms as set herein;
Re-entry drilling are subject to terms as set herein;
Traffic control sites are subject to terms as set herein.

- B. CONDITIONAL USES:** Rural Residence (R-1) Zoning District, conditional uses (principal uses) and conditional uses (accessory uses) is amended by adding the following text:

Principal Uses:

Oil and gas development subject to terms as set herein;
Storage depot(s) and truck staging area(s) are subject to terms as set herein;
Re-entry related operations are subject to terms as set herein;

Compressor stations and related facilities are subject to terms as set herein.

Accessory Uses:

Certified Water Storage Facilities and MLVTs are subject to terms as set herein;

Impoundments (fresh water) are subject to terms as set herein.

SECTION 5. AMENDMENT TO ORDINANCE 88-2, SUBURBAN RESIDENCE (R-2) ZONING DISTRICT, AUTHORIZED USES

- A. PERMITTED USES:** Suburban Residence (R-2) Zoning District, permitted uses (principal uses), is amended by adding the following text:

Principal Uses:

Oil and gas pipelines and temporary water pipelines are subject to terms as set herein;

Re-entry drilling are subject to terms as set herein;

Traffic control sites are subject to terms as set herein.

- B. CONDITIONAL USES:** Suburban Residence (R-2) Zoning District, conditional uses (principal uses) and conditional uses (accessory uses) are amended by adding the following text:

Principal Uses:

Storage depot(s) and truck staging area(s) are subject to terms as set herein;

Re-entry related operations are subject to terms as set herein;

Compressor stations and related facilities are subject to terms as set herein.

Accessory Uses:

Certified Water Storage Facilities and MLVTs are subject to terms as set herein;

Impoundments (fresh water) are subject to terms as set herein.

SECTION 6. AMENDMENT TO ORDINANCE 88-2 BUSINESS (B-1) ZONING DISTRICT, AUTHORIZED USES

- A. PERMITTED USES:** Business (B-1) Zoning District, permitted uses (principal uses), is amended by adding the following text:

Principal Uses:

Oil and gas pipelines and temporary water pipelines are subject to terms as set herein.

SECTION 7. AMENDMENT TO ORDINANCE 88-2 INDUSTRIAL (I-1) ZONING DISTRICT, AUTHORIZED USES

- A. PERMITTED USES:** Industrial (I-1) Zoning District, permitted uses (principal uses), is amended by adding the following text:

Principal Uses:

Oil and gas pipelines and temporary water pipelines are subject to terms as set herein;

Re-entry drilling are subject to terms as set herein;

Traffic control sites are subject to terms as set herein;
Compressor stations and other related uses are subject to terms as set herein.

B. CONDITIONAL USES: Industrial (I-1) Zoning District, conditional uses (principal uses) is amended by adding the following text:

Principal Uses:

Oil and gas development are subject to terms as set herein;
Compressor stations and processing plants are subject to terms as set herein;
Certified Water Storage Facilities and MLVTs are subject to terms as set herein;
Storage depot(s) and truck staging area(s) are subject to terms as set herein;
Re-entry related operations are subject to terms as set herein;
Impoundments (fresh water, re-use/waste water) are subject to terms as set herein;
Deep injection wells are subject to terms as set herein.

SECTION 8. AMENDING TABLE OF AUTHORIZED USES

Table of Authorized Uses is hereby amended to incorporate the Authorized Uses described herein.

SECTION 9. CONDITIONAL USE APPLICATION

Ordinance 88-2 is amended as to Conditional Use Applications by adding the following:

Conditional Use Application for oil and gas development, drilling and related operations shall require an application as set forth herein in order to begin the permitting process. All aspects of conditional use approval contained in this Ordinance shall apply. No hearing will be scheduled until all of the information set forth hereinafter has been received by the Township. In addition to the applicable standards for the Zoning District of the proposed use, the express standards and criteria for granting conditional uses contained in this Ordinance, the application must contain the following information:

A. Information:

- (1) The name(s) and address(es) of the Applicant, including the name and telephone number of a local representative;
- (2) The mineral and/or oil and gas lease royalty and surface owner(s);
- (3) A copy of the oil and gas or mineral lease (recorded memorandum) and any drilling Permits issued by the Commonwealth of Pennsylvania, or if a State Permit has not yet been issued, the application, if submitted, shall be attached;
- (4) A description of the **exact** location of the proposed facility/operation;
- (5) Setbacks: Certification that the applicable setbacks will be met;

- (6) The name and address of all property owners within five hundred (500) feet of the proposed site.
- B. Work Hours:** Provide the proposed timeline and hours of development/site work and use of trucking and heavy equipment during each phase of the process, from initial site preparation to drilling operations and post drilling operations.
- C. Road Bonding and Maintenance:** The Applicant will review and execute a Joint Road Maintenance Agreement with the Township and provide the appropriate bonding and list of subcontracts.
- D. Blast Study:** Operator's application shall contain a blast study showing compliance with the standards contained in the API's Recommended Practice 752 and 753.
- E. PPC Plan:** The Operator shall provide to the Township's first responders, including Fire Department, Police Department, ambulance service(s), and the Zoning Officer/Code Enforcement Officer, a copy of its preparedness, prevention and contingency (PPC) plan. Before drilling, the Applicant shall confirm, in writing, that the Township's first responders have secured adequate training to deal with any potential dangerous conditions that may result due to construction activities on each site. First responders shall have a minimum of five (5) hours of training per year to meet this standard. Upon request from the Township, the Operator will, prior to drilling of its first oil and gas well in the Township, make available, with at least thirty (30) days' notice, at its sole cost and expense, one appropriate group training program of at least five (5) hours for first responders. Such training shall be made available at least annually during the period when the Operator anticipates oil and gas related activities in the Township.
- F. Schedule:** The Applicant shall provide a schedule indicating the following dates, which the Township acknowledges is subject to change:
- (1) Anticipated site preparation work to begin and end;
 - (2) Anticipated drilling or mining activity work to begin and end;
 - (3) Anticipated completion (perforating) work to begin and end;
 - (4) Anticipated stimulation (fracturing) work to begin and end;
 - (5) Anticipated production work to begin and end;
 - (6) Anticipated plugging work to begin and end;
 - (7) Anticipated site restoration work to begin and end.
- G. Permits:** All applicable State, Federal and Local Permits must be attached to the application to the Township or provided to the Township upon issue.

H. Insurance: Operator/Applicant and/or its contractors shall, as part of the conditional use, furnish to the Township a Certificate of Liability Insurance naming the Township as an additional insured. With respect to operations conducted within the Township and showing liability insurance covering commercial, personal injury, and general liability in the amounts not less than Twenty-Five Million Dollars (\$25,000,000.00) per person; Twenty-Five Million Dollars (\$25,000,000.00) per occurrence; and Twenty-Five Million Dollars (\$25,000,000.00) property damage. The Operator/Applicant shall fully defend, protect, indemnify, and hold harmless the Township, its departments, agents, officers, employees, or volunteer from and against such and every claim, except for those claims relating to any negligent, willful or intentional acts of the Township, its department, agents, officers, employees, or volunteers. The insurance coverage may consist of a combination of self-insurance, excess coverage and umbrella coverage. The Township reserves the right to approve said coverage.

I. On-Site Trailers: Information on the number of trailers anticipated to be located at the site, including essential work trailers and workers' bunk trailers. Township shall have the right to limit the number of trailers.

J. Review Hearings: The Operator of an oil and gas development shall meet with the Township annually to discuss new technology, operating procedures, and any community concerns. If the Township deems necessary, after working with the Operator, a public meeting may be scheduled to respond to questions from Township residents.

K. Approval: The procedure for conditional use approval is outlined in Township Ordinance 88-2.

SECTION 10. OIL AND GAS DEVELOPMENT, DRILLING AND RELATED OPERATIONS

In addition to the provisions contained in the Township Zoning Ordinance, an Operator/Applicant desiring to engage in any oil and gas development shall be subject to the following conditions:

A. Minimum Lot Size: The minimum lot size for an oil and gas development shall be twenty (20) acres. Contiguous properties can be combined to meet the minimum acreage requirements if the properties being combined are adjoining each other.

B. Setback: The following setbacks shall apply for oil and gas development unless specifically stated otherwise:

(1) Unconventional Wellhead:

a. One thousand (1,000) feet from the edge of the well production pad to an occupied building;

- b. Three hundred (300) feet from the well bore/well head to any solid blue-lined stream, spring or body of water as identified on the most current seven and one-half (7 ½) minute topographic quadrangle map of the United States Geological Survey;
- c. Three hundred (300) feet from an unconventional well bore/well head to wetlands greater than one (1) acre in area;
- d. One thousand (1,000) feet from the edge of the well production pad to any protected structure.

(2) Conventional Wellhead:

- a. One thousand (1,000) feet from the edge of the well production pad to an occupied structure; and
- b. Two hundred (200) feet from the well bore/well head to any solid blue-lined stream, spring or body of water as identified on the most current seven one-half (7-½) minute topographic quadrangle map of the United States Geological Survey.

- (3) Owner Waiver: Applicant must meet the setbacks listed herein unless the owner of a property, occupied and/or protected structure located within the setback limits provide written consent to the proposed use.

C. Sound: A sound study shall be conducted by the Operator prior to any activity beginning on the site to set a baseline sound level, or if necessary, to determine that sound will not exceed the permitted decibel levels for the applicable Zoning District as set by Township Ordinance or the applicable standard imposed by State or Federal law, whichever is more stringent.

- (1) In Agricultural and Residence Districts: Not to exceed sixty (60) dBA, over a seventy-two (72) hour period, at the nearest property line;
- (2) In Business Districts: Not to exceed sixty (60) dBA, over a seventy-two (72) hour period, at the nearest property line; and/or
- (3) In Industrial Districts: Not to exceed sixty (60) dBA, over a seventy-two (72) hour period at the nearest property line.

In the event of multiple Zoning District(s) within the Township, the more restrictive sound level standards shall govern. In the event that contiguous properties are combined for the oil and gas development, the permitted decibel levels shall apply at the exterior boundary line of the combined parcel area. In the event that the Operator is unable to comply with the stated standards, the Operator must put in place measures that may include, but shall not be limited to:

- (1) Sound Walls / Noise Barriers: The erection of sound walls/noise barriers to bring the dBA within acceptable levels;
 - (2) Enclosure: Enclosure of sound-generating equipment in a sound-reduction structure that conforms to the character of the zone in which it exists. All applicable development plans, Permits and regulations shall apply to the enclosure. During normal operations, the structure shall remain fully enclosed, with all doors and windows remaining closed unless during times of egress;
 - (3) Mufflers: Equipment with an internal combustion engine or a compressor with an exhaust muffler or an exhaust box. Said combustion engine and/or muffler/box shall be constructed of noncombustible material designed and installed to suppress sound and disruptive vibrations; and
 - (4) Obtain a release waiver of the applicable noise requirements from the owners of the impacted property and adjoining properties and/or adjoining properties.
- D. Lighting:** Operator shall place lights, to the extent practicable and taking into account safety considerations, at locations so as to avoid shine directed at public roads, protected structures and adjacent dwellings and buildings. The Township has the right to mitigate any obtrusive lighting so as not to affect the health, safety and welfare of its residents.
- E. Security Measures:** Adequate security measures shall be in place at all times to protect well sites during active operations.
- F. Access Roads:** Access to any oil and gas development shall be designed to ensure safety and reduce inconvenience to adjacent properties. The following shall also apply:
- (1) The access road to the well site, beginning with its intersection with a paved Township road, shall be paved for the first one hundred (100) feet and the remainder constructed with materials that reasonably minimize water, sediment or debris carried onto any public road and/or adjoining properties; and
 - (2) All access roads shall be constructed and maintained to prevent dust and mud to the surrounding area. The Township, at its sole discretion, shall require the Operator to implement reasonable dust abatement measures, during dry weather conditions and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement to the Townships sole satisfaction
- G. Truck Routes:**
- (1) The Applicant shall submit a road use plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like, the estimated weights of those trucks and the estimated number of trucks entering and exiting the well site on a daily basis. In conjunction with the Township, the Applicant

shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided to the satisfaction of the Township; and

- (2) The Operator shall also coordinate its truck route with the local school bus schedules, which shall be provided to the Township by the Operator.

H. Signage; Site Identification: The well site signage shall comply with Act of February 2, 2012 (P.L. 67, No. 9) (Act 9), codified at 35 Pa.C.S. §7321 (relating to unconventional well 911 emergency response information), as amended.

I. Operating Times: All site preparation and preproduction activities on the well site, as well as access road maintenance, site reclamation activity and other ongoing ancillary activities, shall be permissible Mondays through Saturdays (with the exception of Federal and/or State holidays) between the applicable hours of operation as set forth in applicable Township Ordinance, or as otherwise authorized by the Board. Movement of any drilling rig, the active drilling phase and completions (hydraulic fracturing) are exempt from this subsection as well as operations necessary to ensure the health and safety of residents, workers and the environment.

J. Impoundments: The Operator will provide the following information to the Township where an Operator constructs an Impoundment within the Township:

- (1) A copy of the DEP Impoundment Permit, if applicable, must be provided at the time of application or when available;
- (2) Chain-link fencing must be installed around any Impoundment and shall be at least eight (8) feet in height;
- (3) Thirty (30) day advance written notice must be provided when transitioning from freshwater to re-use water storage and the Applicant must provide a copy of the revised DEP Permit when available;
- (4) The Applicant shall provide a copy of the Notice of Termination to the Township upon reclamation of the Impoundment;
- (5) Any storage of hazardous waste at the Impoundment will require signage in accordance with Federal law; and
- (6) Any DEP-reportable spills must be reported to the Township within twenty-four (24) hours of the incident;
- (7) The projected time necessary for the completion of the Impoundment; and
- (8) A statement that the Operator shall fully restore the site upon termination of the proposed activity.

- K. Water Storage:** In the event that a Certified Water Storage Facility or MLVTs shall be placed on the well site, it shall be subject to the provisions contained herein in the applicable section of this Ordinance. Separate conditional use approval shall not be required for a Certified Water Storage Facility located on the well site and used as an accessory to an oil and gas development. This water storage shall only be applicable to the development of this well site only and water storage on this site shall not be utilized for development of oil and gas on non-contiguous well sites unless authorized by the Board in writing.
- L. Engine and Motor Enclosures:** All engines and motors not involved in the active drilling/fracturing phase but used to facilitate the movement of gas or regulate the pressure of gas, must be enclosed. They must also have remote/local shutdowns.
- M. On-Site Trailers:** Operator must identify the number of temporary trailers at the well site that accommodate rest and meals for essential personnel during the drilling phase of operations. Such temporary trailers are subject to applicable Permit fees. Temporary trailers used to store equipment and used as office space at the well site are not subject to Permit fees.
- N. Pipeline Information:** Any oil or gas pipelines running from the well site shall be subject to the provisions contained within this Ordinance.
- O. State and Federal Compliance:** The Operator shall comply with all applicable State and Federal regulations. The Operator shall notify the Township immediately of any suspension or revocation of the required State and/or Federal Permits associated with the well site.
- P. Supplemental Regulations:** The facility must meet all of the supplemental regulations of this Ordinance, and any other applicable Township Ordinance(s). Any and all uses categorized as conditional uses, in addition to the specific conditions set forth herein, shall also be subject to the general standards contained in the applicable Zoning District(s); and may be further subject to additional conditions and safeguards as deemed necessary and appropriate by the Township to protect the health, safety and welfare of the Township and its residents.

SECTION 11. COMPRESSOR STATION(S) AND PROCESSING PLANT(S)

In addition to the provisions contained in the Township Zoning Ordinance and any other applicable Township Ordinance, Operator/Applicant desiring to engage in the construction and operation of compressor stations and/or processing plants shall be subject to the following conditions:

- A. Written Summary:** The Applicant must include a written summary of how the compressor station or processing plant will operate including:
- (1) Information on the method of transportation for the processed gas/liquids to market (pipelines, Township roads, etc.); and

- (2) Overall site development time frame and calendar.

B. Minimum Lot Size:

- (1) The minimum lot size for a processing plant shall be one hundred (100) acres. At least 80% of the surface area of the processing plant building (based upon square footage) must be located in an R-A, R-1, and/or I-1 Zoning District(s); however contiguous properties located in either R-A, R-1, and/or I-1 can be combined to meet the minimum acreage requirements; and
- (2) The minimum lot size for a Compressor Station Facility Footprint shall be five (5) acres with a maximum Compressor Station Facility Footprint of ten (10) acres.

C. Setbacks:

- (1) The edge of the main operation facility that houses the compressor engines must be at least one thousand (1,000) feet from an occupied structure;
- (2) Protected Structures: One thousand (1,000) feet from the edge of the facility's developed area (this shall be the main fence line of the site and shall not include the green space used for stormwater management or the toe of the slope for any grading) to the nearest existing protected structure;
- (3) Additional Setbacks: All above-ground equipment, including compressor engines and any structure in which the compressors are enclosed, must be set back a minimum of two hundred (200) feet from any adjacent property lines; and
- (4) Owner Waiver: Applicant must meet the setbacks listed herein unless the owner of a property or occupied and/or protected structure located within the setback limits provides written consent to the proposed use.

D. Screening:

- (1) Compressor station sites shall have a landscaped buffer of six (6) foot high trees placed strategically around the perimeter of the site to screen the location from other properties. The Operator shall provide the Township with a site plan showing the landscape buffer which shall be done to the reasonable satisfaction of the Township; and
- (2) Compressor station sites will be subject to the applicable standards of the respective Zoning District where the proposed site is located.

E. Design Standards:

- (1) The location and design of structures and site improvements shall be integrated with the natural color, form, and texture of the surrounding area to the extent possible;

- (2) Applicable equipment must have remote/local shutdowns; and
- (3) No equipment or surplus materials, including the placement of permanent or moveable storage containers or other portable equipment, shall be stored on the facility. This includes the removal of idle equipment unnecessary for the operation of such facility. These restrictions shall not apply during the construction phase of the site.
- F. Building Approval:** Building plans must be approved by the designated Township Code Enforcement Officer and must meet the minimum safety standards as set forth in the Pennsylvania Uniform Construction Code (UCC) or applicable Code adopted by the Township. The Code Enforcement Officer and/or Board shall have the authority to grant waivers to the requirements if Applicant is able to demonstrate the design and safety measures meet or exceed those of the UCC, etc.
- G. Environmental Study:** A Base Line environmental study shall be conducted by an approved person or firm for air and noise for quality and emissions and approved by the DEP. Operator/Applicant shall provide the Township with a copy of the DEP Permit.
- H. Spill Containment:** A spill containment plan shall be provided and designed by a Registered Design Professional of the Commonwealth of Pennsylvania and provided to and approved by the DEP.
- I. State and Federal Compliance:** The Applicant shall comply with all applicable State and Federal regulations and shall show evidence of obtaining the required State and/or Federal Permits, including proof of insurability, before initiating any work and maintaining the required Permits throughout the duration of all operations. The Applicant shall notify the Township immediately of any suspension or revocation of the required State and/or Federal Permits. Upon notification of said suspension or revocation, the Township-issued Permits will hereby be deemed suspended or revoked until State and/or Federal compliance is reached and State and/or Federal Permits are reinstated.
- J. Expansion:** In the event the facility or project is projected to be expanded in size, scope, use, etc., beyond what was included in the initial approval, the Applicant must submit a written request to the Township. The decision to require a subsequent conditional use hearing will be the sole discretion of the Board and will be announced at a public meeting. The Township shall require hearings on the subsequent conditional use application, and the appropriate information concerning the expansion operations shall also be submitted. This shall include, but not be limited to, additional identification of disturbed areas beyond the scope initially presented, additional facilities being used on the site that were not included in the initial application and/or material changes such as different truck routes, access roads, sound impacts, additional water containment devices, tanks, etc.
- K. Supplemental Regulations:** The facility must meet all of the regulations of the current Township Zoning Ordinance.

SECTION 12. CERTIFIED WATER STORAGE FACILITIES AND MLVTs

Certified Water Storage Facilities and MLVTs shall be subject to:

A. Minimum Lot Area: The minimum lot size shall be two (2) acres, designated on the site plan for said use.

B. Operation Outside of Township: Any Certified Water Storage Facility servicing oil and gas development and/or related operations outside of the Township shall require site specific (name of unit/project outside of Township) conditional use approval. Approval shall automatically expire twelve (12) months from the date said water facility is installed unless extension is given by the Board.

C. Design Criteria:

(1) The Applicant for a Certified Water Storage Facility or MLVTs shall provide:

- a. Proof of certification by the manufacturer and/or appropriate independent testing or laboratory organization; and
- b. If applicable, copies of any required Re-use Tank Permit, WMGR 123-Solid Waste Permits, etc., from the appropriate State, Federal, or independent certifying agency prior to the operation of the Certified Water Storage Facility.

(2) The Applicant for a Certified MLVT shall provide:

- a. Certification that the proposed tanks comply with the design standards set forth in the AWWA B-1039 design manual or provide testimony that equivalent or greater standards are met.
- b. All MLVTs must meet the containment requirements of (110%) of Act 13 and a geo-technical report must be obtained certifying that:
 - i. The site can withstand three thousand (3,000) sq. ft. of pressure;
 - ii. Core Test results; or
 - iii. Tanks are to be placed on cut and/or placed on engineered fill certified by a registered professional geotechnical engineer per the recommendations of the geotechnical report for the site.
- c. If applicable, copies of any required Re-use Tank Permit, WMGR 123-Solid Waste Permits, etc., from the appropriate State, Federal, or independent certifying agency prior to the operation of the Certified Water Storage Facility.

(3) Residual Waste Use and Storage:

- a. Any Certified Water Storage Facility or MLVT that shall be used to hold Residual Waste must meet AWWA D103-9 tank standards or provide testimony that equivalent or greater standards are met.
- D. Site Plan:** A survey/site plan sealed by a Commonwealth of Pennsylvania licensed Professional Engineer or Surveyor shall be provided indicating water storage location, other building, access roads, setbacks from adjoining property lines and structures.
- E. Liners:** All liners must be welded and tested in accordance with the applicable ASTM International Standards. Any repairs to liners must be made using acceptable practices and applicable standards.
- F. Filling:** The Operator or its contractor must supervise initial filling of all water storage operations and inspect for leaks during filling. If leaks are observed, filling must cease, the leaks must be repaired, and the integrity of the tank must be evaluated prior to continuing to fill. Contractors can observe initial and future fillings, provided they are granted the authority to stop work if unsafe or upset conditions are observed.
- G. Setbacks:** Certified Water Storage Facilities and MLVTs shall be twenty (20) feet from a well head, fixed vessel, heater, compressor with a rating of two hundred (200) horsepower or greater; or a separator, well test unit or other non-fired equipment.
- H. Time Frame:** The time period in which the Certified Water Storage Facility or MLVT will be constructed and destructed along with use in between the start/finish dates.
- I. Notice:** At least seven (7) days prior to a new oil and gas well site being serviced by a Certified Water Storage Facility or MLVT, Operator must provide notice to the Township with updated information, including truck traffic information, truck routes, etc.
- J. Surface:** The surface of the Certified Water Storage Facility or MLVT shall be constructed and designed in a manner that would reasonably minimize water runoff in the event of a major leak.
- K. Signage; Tank Identification:** Signs must be posted at the site of any Certified Water Storage Facility or MLVT to indicate the contents of the water storage facilities.
- L. Spill Containment:**
 - (1) A spill containment plan shall be provided;
 - (2) Containment shall be provided for indoor facilities; and

- (3) If a spill, fire, or other violation of any Federal, State or Local law occurs at the drill site or in the Township by the Operator or its Subcontractors, the Operator shall notify the Township immediately, in all circumstances, no later than twenty-four (24) hours after the incident occurred or, if the incident is ongoing, no later than twenty-four (24) hours after it began.

M. Reclamation Procedure: To the best of the Operator/Applicants knowledge, the Operator or Applicant shall provide the time frame for site restoration.

SECTION 13. STORAGE DEPOTS AND TRUCK STAGING AREAS

Storage Depots and/or Truck Staging Areas shall be subject to the following:

- A. Minimum Lot Area:** The minimum lot area required for a site shall be two (2) acres. A certified survey of the site area shall be provided prior to the commencement of operations.
- B. Setback:** The following minimum setbacks must be met from the edge of any truck staging area (measured from the edge of the parking pad) and Storage Depot (measured from the edge of disturbed area not including any fencing) unless waived by the owner of the property adjacent to the delineated setback:
- (1) No part of the parking pad may be located within fifty (50) feet of a public road of public ROW;
 - (2) At least five hundred (500) feet from an occupied structure;
 - (3) At least one thousand (1,000) feet from a protected structure; and
 - (4) At least two hundred (200) feet from a property line.
- C. Surface:** The surface of the staging area/storage depot shall be designed in a manner that would reasonably minimize water, sediment or debris carried onto any public road and/or adjoining properties.
- D. Application Information:** In addition to the application requirements set forth in this Ordinance, the Applicant shall provide:
- (1) A location map showing the location of the site in the Township and the proposed ingress to and egress from the site;
 - (2) The anticipated types of vehicles to be accommodated;
 - (3) Operator/Applicant must provide a list of materials to be stored on site to the best of its ability. This list must be provided to the Township's Emergency Responders in the event of an incident on site; and

- (4) Copies of any State, Federal or Local Permits or approvals required for the construction or operation of the Storage Depot or Truck Staging Area.

E. Site Circulation:

- (1) Ingress, egress and internal traffic circulation shall be designed to ensure safe access by all vehicles; and
- (2) Signs must be posted to direct traffic within the Truck Staging Area.

F. Site reclamation: Operator must reclaim the site in accordance with State, Federal and Local law and within a reasonable period of time.

G. Refuse: No garbage, hazardous materials or hazardous waste, as defined by Federal statute, or other organic waste shall be stored on the premises.

H. Parking: A Truck Staging Area may be located on a parcel with other uses as long as the parcel provides parking for the other uses in accordance with the Township's Zoning Ordinance, Off-Street Parking and Loading provisions.

I. Supplemental regulations: The facility must meet all of the supplemental regulations of this Ordinance. Any and all uses categorized as Conditional Uses shall, in addition to the specific conditions set forth herein and the supplemental regulations as set forth herein, shall also be subject to the general standards contained in the applicable Zoning District(s); and may be further subject to additional applicable conditions and safeguards as deemed necessary and appropriate by the Township.

SECTION 14. RE-ENTRY RELATED OPERATIONS

A. Application: The Operator shall also provide the following:

- (1) Written certification that the Operator is in compliance with the conditions contained in the initial conditional use approval;
- (2) Updated truck routing schedule over Township roads;
- (3) Updated compliance with the Township's Road Maintenance and Bond Agreement for the roads to be utilized;
- (4) Updated drilling and related operations schedule/timeline; and
- (5) Copies of any new or revised Permits and approvals required for the Re-Entry Related Operation.

B. Scope: The conditional use hearing will be limited to testimony and exhibits explaining the specific related operations not covered by the initial conditional or permitted use approval.

C. Standards and Criteria:

- (1) Operator may rely on the conditions set forth in the original conditional use approval. The Township may not change or amend the original conditions or Ordinance terms concerning setback, well site and/or access road location so long as they do not adversely affect the health, welfare and safety of the residents; and
- (2) The Applicant shall demonstrate compliance with the criteria applicable to the specific proposed Re-Entry Related Operation (e.g. Truck Staging Area or Certified Water Storage Facility).

SECTION 15. IMPOUNDMENTS

Impoundments.

In addition to the applicable provisions of this Ordinance, Impoundments shall be subject to:

A. Minimum Lot Size: The minimum lot size for a standalone Impoundment operation shall be five (5) acres and two (2) acres for an Impoundment used as an accessory use.

B. Certification and Permits:

- (1) The Applicant for an Impoundment shall provide:
 - a. Proof of certification by the relevant nationally-recognized laboratory or organization;
 - b. Water Impoundments shall be constructed in compliance with all applicable requirements of the DEP; and
 - c. A copy of any required Permits from the DEP prior to the Impoundment operations occurring.

C. Site Plan: A survey/site plan sealed by a licensed Professional Engineer or Surveyor must be provided indicating water storage location, other buildings, access roads, setbacks from adjoining property lines and structures.

D. Security: Chain-link fencing must be installed around any Impoundment and shall be at least eight (8) feet in height.

E. Setbacks: In addition to the DEP's setbacks regulations:

- (1) Impoundment must be five hundred (500) feet measured horizontally from an occupied structure to the edge of the Impoundment structure;

- (2) One thousand (1,000) feet from a Protected Structure for fresh water Impoundments;
- (3) One thousand five hundred (1,500) feet from a Protected Structure for waste water/re use fluid; and/or
- (4) Owner Waiver: Applicant must meet the setbacks listed herein unless the owner of a property, occupied and/or protected structure located within the setback limits provides written consent to the proposed use.

F. Access Road: All access roads to an Impoundment site must:

- (1) Access road must be designed to accommodate all vehicle truck traffic servicing the site without using any public roadways for idling vehicles waiting to access the Impoundment site; and
- (2) Appropriate signage and idling restriction measures must be in place to comply with Pennsylvania's Diesel-Powered Motor Vehicle Idling Act (Act 124 of 2008).

G. Buffers and Noise: The Impoundment must be constructed in a manner to reduce traffic noise. An Operator may install a sound barrier or implement other mitigation techniques to comply with applicable noise limits.

H. Notice: At least seven (7) days prior to a new oil and gas well site being serviced by a standalone Impoundment, Operator must provide notice to the Township with updated information, including truck traffic information, truck routes, etc.

I. Surface: The surface area immediately surrounding the Impoundment shall be constructed and designed in a manner that would reasonably minimize water/liquid runoff in the event of a major leak.

J. Signage, Identification: Signs must be posted at the site of any Impoundment to indicate the contents of the water/liquid being stored on site.

K. Testing and Still Containment:

- (1) A spill containment plan shall be provided; and
- (2) Testing of the Impoundment must occur every four (4) months with results provided to the Township.

L. Reclamation Procedure: To the best of the Operator/Applicant knowledge, the Operator or Applicant shall provide the time frame for site restoration. The proposed time frame shall be reasonable and shall be done to the sole satisfaction of the Township.

SECTION 16. DEEP INJECTION WELLS/CLASS II WELLS

- A. Minimum Lot Size:** Twenty (20) acres.
- B. Notice:** Operator must provide Township with Notice of any materials being disposed of as part of a Deep Injection Well.
- C. Permits:** Operator must provide Township copies of all State and Federal Permits associated with the proposed use.
- D. Setbacks:** One thousand five hundred (1,500) feet from a protected structure. All other setbacks listed in this Ordinance shall apply unless otherwise regulated by State or Federal law.

SECTION 17. OIL AND GAS PIPELINES AND TEMPORARY WATER PIPELINES

- A. Notice:** A company desiring to construct oil and gas pipelines or temporary water pipelines that are regulated by State or Federal agencies are allowed to do so as a permitted use in the Township, subject to submitting to the Township copies showing evidence that the company has obtained and maintains in good standing all required State and/or Federal Permits, including proof of bonding to operated pipelines, when such bonding is required. In addition to the required permitting documents, Applicant must also submit:

- (1) The origin point and destination of the pipeline to be constructed in the Township including timeframe for activities;
- (2) A description of the substance to be transported through the pipeline and a copy of the material safety data sheet (MSDS);
- (3) Any site reclamation plans and timeframe;
- (4) Location of any pressure relief devices;
- (5) Geographic Information System (GIS) Drawings; and
- (6) Statement concerning method of operation.

SECTION 18. RE-ENTRY DRILLING

- A. Notice:** The Operator shall provide the following notice of Re-Entry Drilling at least thirty (30) days prior to initiating operations at the well site:
 - (1) Written certification that the Operator is in compliance with the conditions contained in the initial conditional use approval;
 - (2) Updated truck routing schedule over Township roads;

- (3) Updated compliance with the Township's Road Maintenance and Bond Agreement for the roads to be utilized;
 - (4) Updated drilling and related operations schedule/timeline; and
 - (5) Copies of any new or revised Permits and approvals required for the Re-Entry Drilling; and
 - (6) Confirmation that Operator is not in breach of current Conditional Use approval.
- B. Approval:** The required information will be reviewed by the Township Engineer and if said Re-Entry Notice is complete the Re-Entry Drilling will be approved in writing without the requirement of a supplemental hearing. The approval shall be a continuance of any previous approval granted for Oil and Gas Development on the subject property.
- C. Supplemental Hearing:** A supplemental hearing will be required if the Re-Entry Drilling includes a material change or includes additional operations not covered for and/or permitted in the initial approval.
- D. Scope:** If required, the Conditional Use hearing will be limited to testimony and exhibits explaining the specific operations not covered by the initial Conditional or Permitted Use approval.
- E. Standards and Criteria:** Operator may rely on the conditions set forth in the original conditional use approval. The Township may not change or amend the original conditions or Ordinance terms concerning setbacks, well site and/or access road location so long as they do not adversely affect the health, welfare and safety of the residents.

SECTION 19. TRAFFIC CONTROL SITE

- A. Notice:** The Operator shall provide the following notice of a Traffic Control Site at least fourteen (14) days prior to initiating the use:
- (1) Updated truck routing schedule over Township roads;
 - (2) Updated compliance with the Township's Road Maintenance and Bond Agreement for the roads to be utilized;
 - (3) A location map showing the location of the site in the Township and the proposed ingress to and egress from the site;
 - (4) The anticipated types of vehicles to be accommodated;
 - (5) The relevant drilling and related operations schedule/timeline, if available; and

(6) Proof of the property owner's consent to the use.

B. Approval: The required information will be reviewed by the Township Engineer and if said Traffic Control Site Notice is complete the Traffic Control Site will be approved in writing.

SECTION 20. APPLICABILITY

This Ordinance applies to all oil and gas sites, natural gas compressor stations, and natural gas processing plants that will be permitted or constructed after the effective date of this Ordinance or during the pendency of the adoption of the Ordinance.

Oil and gas well sites, natural gas compressor stations, and natural gas processing plants that were permitted or constructed prior to the adoption of this Ordinance shall not be required to meet the requirements of this Ordinance; provided that any modification to an existing or permitted oil and gas well site that occurs after the effective date of this Ordinance and materially alters the size, type, location number of wells and other accessory equipment or structures, or any physical modifications to an existing natural gas compressor station or natural gas processing plant shall require compliance with and a Permit under this Ordinance.

Federal or State Law or regulation preempts the Ordinance requirements that conflict with Federal or State statute or regulation. Township acknowledges that it is pre-empted from regulating the operational methods of the oil and gas industry and may only regulate land uses.

SECTION 21. FUTURE DEVELOPMENT ACTIVITIES

The oil and gas industry is constantly changing with new technologies and operations occurring at a rapid pace. The continuous change involved in this industry makes it difficult for the Township to amend its ordinances and regulations to cover every possible activity involved in oil and gas development. The operations and activities related to oil and gas development typically involve the use of hazardous chemicals, heavy industrial equipment, increased truck traffic and noise, which if left unregulated could seriously threaten the public health, safety and welfare of the residents and all premises within the Township. Furthermore, the Township has a duty to regulate oil and gas development in a manner so as to protect local public natural resources (including surface water, ground water and air) as required by the Environmental Rights Amendment. Therefore, the Township believes it to be necessary to enact a provision that requires any oil and gas development and related activities that are not specifically provided for or defined in this Ordinance or in the Township Code to apply for Conditional Use approval subject to the provisions contained in the Ordinance herein, as well as any additional conditions set by the Board.

SECTION 22. PENALTIES

Any Operator/Applicant shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars, plus all court costs, including reasonable attorney's fees incurred by the Township in the enforcement of this Ordinance. No judgement

shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day a violation exists shall constitute a separate offense. Further the appropriate officers or agents of the Township are hereby authorized to issue a cease-and-desist notice and/or seek equitable relief, including injunction to enforce compliance herewith. No bond will be required if injunctive relief is sought by the Township. A person who violates this Ordinance shall also be responsible for the Township's attorney fees, engineering fees, expert fees and court costs associated with enforcement.

SECTION 23. REPEALER

Any Township Ordinances which are inconsistent herewith are hereby repealed to the extent of any such inconsistency.

SECTION 24. SEVERABILITY

If any sentence, clause, section or other part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

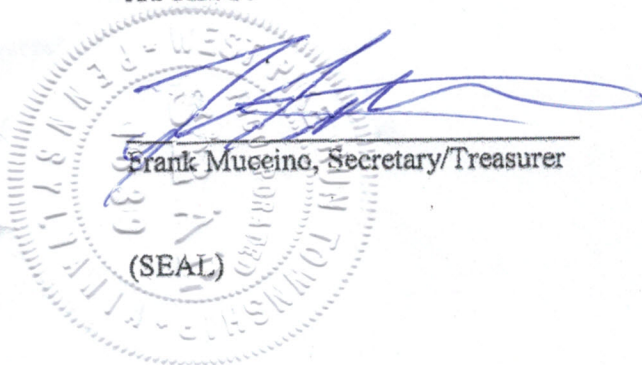
SECTION 25. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after adoption.

ORDAINED BY AND ENACTED INTO LAW by the Board of Supervisors of West

Pike Run Township in lawful session assembled this 30 day of August, 2018.

ATTEST:



**WEST PIKE RUN TOWNSHIP
BOARD OF SUPERVISORS**

By:

Laura H. Hough
Laura H. Hough, Chairwoman

By:

Richard A. Molish
Richard A. Molish, Vice Chairman

By:

Phillip P. Podroskey
Phillip P. Podroskey