

**TOWNSHIP OF CECIL**

**WASHINGTON COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2-2010**

**AN ORDINANCE OF THE TOWNSHIP OF CECIL, WASHINGTON COUNTY, PENNSYLVANIA, PROVIDING FOR THE ZONING OF OIL AND GAS DRILLING OPERATIONS.**

**WHEREAS**, the Cecil Township Supervisors have the power to protect the health, safety, and welfare of people and property in the Township.

**WHEREAS**, the Cecil Township Supervisors believe that it is in the best interest of the residents and citizens that the Township be provided certain information prior to commencement of Oil and Gas drilling operations.

**WHEREAS**, the Cecil Township Board of Supervisors wish to amend their Zoning Ordinance to provide for Oil and Gas Development as a permitted use by right in all Zoning Districts as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** and it is hereby ordained and enacted by the Board of Supervisors of the Township of Cecil, Washington County, Pennsylvania as follows:

**SECTION 1. Purpose.**

It is hereby declared to be the purpose of this chapter to declare the Development of Oil and Gas a permitted use by right in all parts of the Township. Cecil Township recognizes that the regulation of oil and gas operations is the primary responsibility of the regulatory agencies of the Commonwealth of Pennsylvania, but that the Township maintains its Zoning powers as set forth in Pennsylvania Statute Title 53, Municipality Planning Code ("MPC") and through the Township of Cecil Unified Development Ordinance. It is in the Township's best interest to address the Zoning districts where such activities will be permitted and to have information concerning oil and gas exploration, development, and production taking place within the Township and to ensure certain security and safety measures related to oil and gas well drilling are in place in certain areas.

**SECTION 2. Definitions.**

As used in this ordinance, the following terms shall be interpreted or defined as follows:

**Oil and Gas Development or Development.** The well site preparation, well site construction, drilling, hydraulic fracturing, and/or site restoration associated with an Oil and Gas well of any depth; water and other fluid storage, impoundment and

transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of Oil and Gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of Oil and Gas other than Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions that operate as midstream facilities. Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions that operate as midstream facilities are only authorized consistent with Township of Cecil Unified Development Ordinance which currently provide for these functions as a Special Exception, subject to change by additional legislation.

**Township.** Cecil Township, Washington County, Pennsylvania.

**Oil and Gas.** Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling a well of any depth into, through, and below the surface of the earth.

**Operator.** Any person, partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, or transporting Oil or Gas.

**Protected Structure.** Any occupied residence, commercial business, school, religious institution or other public building located within 1,000 feet of the surface location of a well that may be impacted by noise generated from drilling or hydraulic fracturing activity at a Well Site. The term shall not include any structure owned by an oil and gas lessor who has signed a lease with the Operator granting surface rights to drill the subject well or whose owner (or occupants) has (have) signed a waiver relieving the Operator from implementation of the measures established in paragraph 16 of this Ordinance for the owner's (occupants') benefit.

**Well Site.** A graded pad designed and constructed for the drilling of one or more Oil and Gas wells.

**Natural Gas Compressor Station.** A facility designed and constructed to compress natural gas that originates from an Oil and Gas well or collection of such wells operating as a midstream facility for delivery of Oil and Gas to a transmission pipeline, distribution pipeline, Natural Gas Processing Plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

**Natural Gas Processing Plant.** A facility designed and constructed to remove materials such as ethane, propane, butane, and 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 are/is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

**SECTION 3. Zoning.**

Cecil Township hereby declares that Oil and Gas Development is a permitted use by right in all Zoning Districts in the Township subject to the following standards:

1. At least thirty days prior to initial Development activities in the Township, the Operator shall attend a public meeting to present general information about the Operator's Development plans in the Township and allow for questions and answers related thereto. The Operator shall advertise, in a newspaper of general circulation within the Township, the date, time, and location of the meeting and the approximate location of the proposed Well Site or Well Sites at least once not more than 30 days and not less than 7 days in advance of the meeting. If requested by the Township and if drilling activities continue for more than twelve months, the Operator shall attend additional meetings and present information, but shall not be required to do so more often than annually, unless additional Well Sites not previously discussed at a public meeting are proposed.
2. Operator shall comply with any generally applicable bonding and permitting requirements for Township roads that are to be used by overweight vehicles and equipment for Development activities.
3. Operator shall take the necessary safeguards to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from Development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and debris occur.
4. Operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example persons waiting for public or school transportation). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with Development, Operator will provide flagmen to ensure the safety of children at or near schools or school bus stops and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.
5. Operator shall not clear brush or trees by way of burning, and shall chip, grind or remove all tree stumps from properties it clears for Development purposes. However, Operator shall be permitted to, consistent with Cecil Township's relevant outdoor burning ordinance(s), burn any brush, trees, or stumps that have been removed from the ground and collected into a pile or piles on the properties where the Operator is engaging in Development.

6. Prior to Development, Operator shall provide to the Township's First Responders, through its Police Department Coordinator and to the Zoning Officer, a copy of its Preparedness, Prevention and Contingency ("PPC") Plan.
7. Before drilling, the Township shall ascertain whether the Township's First Responders have secured adequate information to deal with any potential dangerous conditions that may result due to development activities. First Responders shall have on site orientation and be provided adequate awareness information. Upon request from the Township, Operator will, prior to drilling of an Oil and Gas well, make available with at least 30 days notice, at its sole cost and expense, an appropriate site orientation for First Responders. Such site orientation shall be made available at least annually during the period when the Operator anticipates drilling activities in the Township.
8. Operator shall take the necessary safeguards to ensure appropriate dust control measures are in place.
9. Recognizing that the specific location of equipment and facilities is an important and integral part of Oil and Gas Development, as part of the planning process. Operator shall strive to consider location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with Township residents enjoyment of their property and future Township development activities as authorized by the Township of Cecil Unified Development Ordinance.
10. Recognizing that adequate and appropriate lighting is essential to the safety of those involved in the Development of Oil and Gas, the Operator shall take steps, to the extent practicable, to direct site lighting downward and inward toward the drillsite, wellhead, or other area being developed so as to attempt to minimize glare on public roads and adjacent buildings within three hundred (300) feet of the drillsite, wellhead, or other area being developed.
11. Prior to drilling an Oil and Gas well or multiple Oil and Gas wells at a location, but no later than two (2) weeks before hand, the Operator shall provide the following information to each resident within 1,000 feet of the planned surface location of the well(s):
  - a. A copy of the well survey plat showing the location(s) of the planned well(s),
  - b. A general description of the planned operations at the planned well(s) and associated equipment used in the Development of the well(s),
  - c. The contact information for the Operator, and
  - d. The availability of the Operator to hold a meeting with such residents to present Operator's plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to Well Site construction.

12. For informational purposes only, the Operator shall provide to the Township Zoning Officer, at least ten days prior to Well Site construction:
  - a. A map showing the planned access route to the Well Sites on public roads,
  - b. Information on the status of road bonding,
  - c. The Operator's Erosion & Sedimentation Plan,
  - d. The well survey plat showing the planned surface location(s) of the well(s), and
  - e. The contact information for the Operator.
13. For informational purposes only, at least ten days prior to commencement of drilling the Operator shall provide to the Township Zoning Officer a copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection ("DEP").
14. In addition to the requirements in subsections 1-13 above, for any Oil and Gas well where the planned surface location of the well will be within 1,000 feet of a Protected Structure, the Operator shall:
  - a. Install temporary safety fencing, at least six (6) feet in height, around drilling and hydraulic fracturing equipment and install permanent fall protection fencing meeting OSHA requirements around any pits that contain or could contain water or other liquids at depths greater than two feet.
  - b. Install warning signs providing notice of the potential dangers at the Well Site.
  - c. Provide at least one security guard 24/7 at all times when a drilling rig or hydraulic fracturing equipment is on the Well Site.
15. Prior to the commencement of drilling activities, no construction activities involving excavation of, alteration to, or repair work on any access road or Well Site shall be performed during the hours of 10:00 p.m. to 6:00 a.m.
16. Township recognizes and acknowledges that Oil and Gas Development is accompanied by inherent noise. However, the Operator shall take the following steps to minimize, to the extent practicable, the noise resulting from the Development:
  - a. Prior to drilling of an Oil and Gas well, the Operator shall establish a continuous seventy-two (72) hour ambient noise level at the nearest Protected Structure property line or one hundred (100) feet from the nearest

Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure or, alternatively, and in lieu of establishing the above 72 hour ambient noise level, the Operator may assume and use, for the purposes of compliance with this ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

- b. The Operator shall provide documentation of any established, seventy-two (72) hour evaluation, relied upon to establish an ambient noise level greater than 55 dBA to the Township's Zoning Officer within three business days of such a request from the Zoning Officer.
- c. The noise generated during drilling and hydraulic fracturing activities when measured at the nearest Protected Structure property line or one hundred (100) feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure, shall not exceed the average ambient noise level (as determined by the seventy-two (72) hour evaluation) or default level, whichever is higher:
  - i. during drilling activities by more than seven (7) decibels during the hours of 6:00 a.m. to 10:00 p.m.;
  - ii. during drilling activities by more than five (5) decibels during the hours of 10:00 p.m. to 6:00 a.m.; or
  - iii. by more than ten (10) decibels during hydraulic fracturing operations.

The Operator shall inform the Township of which level (average ambient noise level or default level) is being used.

- d. Adjustments to the forgoing noise limits may be permitted in accordance with the following:

| Permitted Increase<br>(dBA) | Duration of Increase<br>(minutes)* |
|-----------------------------|------------------------------------|
| 5.....                      | 15                                 |
| 10.....                     | 5                                  |
| 15.....                     | 1                                  |

\*Cumulative minutes during any one hour.

- e. If a complaint is received by the Township from any person, whether a resident or otherwise using the Protected Structure as defined herein for any lawful purpose, regarding noise generated during drilling or hydraulic fracturing activities, the Operator shall, within twenty-four (24) hours of receipt of the complaint from the Township, continuously monitor for a forty-eight (48) hour period at a point which is the closer to the complainant's building of:
  - i. the complainant's Protected Structure property line nearest to the wellsite or equipment generating the noise, or
  - ii. one hundred (100) feet from the Protected Structure.
- f. If the Operator engages in any noise testing as required by this Ordinance, it will provide preliminary data to the Township no later than 10 business days following completion of the noise testing. Once the monitoring is complete, Operator will meet with Township representatives and affected residents to discuss whether possible noise abatement measures are warranted, if the permitted levels set forth herein were exceeded.
- g. Exhaust from any internal combustion engine or compressor used in connection with the drilling of any well or for use on any production equipment or used in Development shall not be discharged into the open air unless it is equipped with (i) an exhaust muffler or (ii) an exhaust box. The exhaust muffler or exhaust box shall be constructed of non-combustible materials designed and installed to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to manufacturer's specifications.
- h. All workover operations shall be restricted to the hours of 6:00 a.m. to 10:00 p.m., except in the extent of an emergency, as reasonably determined by the Operator. "Workover operations" shall mean work performed in a well after its completion in an effort to secure production where there has been none, restore production that has ceased, or increase production.

17. Paragraphs 1, 6, 7, 14 and 16 of this Ordinance shall not apply to coal bed methane and conventional oil and gas well drilling and completion activities, i.e. those wells drilled to depths shallower than the base of the Elk Sandstone or its stratigraphic equivalent, and such oil and gas wells that are planned to involve drilling of a single well on a Well Site for no more than seven consecutive days total in any calendar year.

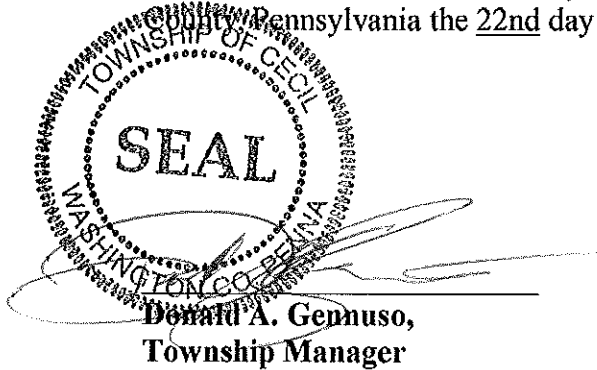
**SECTION 4. Penalties.**

Any Operator or person performing work at their direction who violates or permits a violation of this chapter 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 \$600, plus all court costs, including reasonable attorney's fees incurred by the Township in the enforcement of this chapter. No judgment 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 to 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's fees, engineering fees, expert fees and court costs associated with enforcement.

**SECTION 5. Effective Date.**


This ordinance shall take effect five (5) days after passage.

ORDAINED AND ENACTED by the Supervisors of Cecil Township, Washington County, Pennsylvania the 22nd day of March, 2010.



The seal is circular with a dotted border. The outer ring contains the text "WASHINGTON COUNTY, PENNSYLVANIA" at the top and "CECIL TOWNSHIP" at the bottom. In the center, the word "SEAL" is written in large, bold, capital letters. Below the seal, there is a signature of Donald A. Gemuso, which is a cursive scribble. Below the signature, the text "Donald A. Gemuso, Township Manager" is printed in a standard font.

BOARD OF SUPERVISORS  
CECIL TOWNSHIP

By:   
**Michael T. Debbis**  
Chairman, Board of Supervisors