

OFFICIAL
PETERS TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF PETERS TOWNSHIP,
WASHINGTON COUNTY, PENNSYLVANIA, AMENDING
ORDINANCE No. 657, CHAPTER 27 OF THE TOWNSHIP
CODE OF ORDINANCES, SPECIFICALLY SECTION 201
“DEFINITIONS”, SECTION 300 “DISTRICT
CLASSIFICATIONS” ADDING A “MINERAL
EXTRACTION OVERLAY DISTRICT-MEOD”, SECTION
303 “PERMITTED AND CONDITIONAL USES AND USES
BY SPECIAL EXCEPTION BY ZONING DISTRICT”
TABLE 2: "NON-RESIDENTIAL PERMITTED USE
CHART", AND ADDING SECTION 504 “MINERAL
EXTRACTION OVERLAY DISTRICT” AND SECTION 713
“MINERAL EXTRACTION; CONDITIONAL USES” AND
714 “COMPRESSOR STATIONS AND PROCESSING
PLANTS”.

WHEREAS, the Pennsylvania Municipalities Planning Code, section 601, grants authority to Peters Township to enact zoning ordinances that protect and promote the health, safety, morals, and the general welfare of its residents; and

WHEREAS, Peters Township believes that mineral extraction activity without proper regulation may pose public health and safety hazards to the residents of the Township; and,

WHEREAS, Peters Township deems it appropriate to enact regulations regarding activities associated with mineral extraction which are not otherwise within the jurisdiction of federal and state regulations and from which the Township is not preempted; and,

WHEREAS, the proposed amendment has been reviewed by the Peters Township Planning Commission and the Washington County Planning Commission, with approval being recommended.

NOW, THEREFORE, be it ordained and enacted by the Council of Peters Township in meeting assembled, and it is hereby ordained and enacted by and with the authority of same as follows:

Section 1

§ 201. Definitions.

Shall be amended by adding the following:

Acoustical Blanket – A fabric placed around a site or object that assists in the abatement of noise and acts as an absorbent and noise blocker. The fabric is resin coated to withstand weather, moisture and the more demanding outdoor applications.

Drilling - Means any digging or boring of a new or existing well to explore, develop, or produce oil, gas or other hydrocarbons, or to inject gas, water or any other fluid or substance into the earth.

Drilling Equipment- Means the derrick, all parts and appurtenances to such structure, and every piece of apparatus, machinery, or equipment used, erected, or maintained for use in connection with drilling.

Exhaust Muffler - a tubular acoustic device inserted in the exhaust system that is designed to reduce noise.

Groundwater – Water in that portion of the generally recognized hydrologic cycle which occupies the pore spaces and fractures of saturated subsurface materials. Groundwater often supplies wells and springs and is often withdrawn for agricultural, municipal, industrial, and other beneficial uses.

Lift Compressor – a device that raises the pressure of a compressible fluid (gas) in order to lift gas from the well.

Line Compressor – a device that raises the pressure of a compressible fluid (gas) in order for the gas to be transported through a pipeline.

Mineral Extraction – the removal of any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock

and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracitic and bituminous coal, coal refuse, peat and crude oil and natural gas.

Oil and Gas Drill Site – The oil and gas drill site shall consist of the area occupied by the facilities, structures, and equipment necessary for or incidental to the drilling or operation of an oil or gas well excluding natural gas processing plants and compressor stations.

Operator – Any person, partnership, company, corporation including its subcontractors and agents who have an interest in real estate for the purpose of exploring or drilling for, producing or transporting oil or gas.

Protected Structure – A protected structure is any full-time occupied residence, school, religious institution or other public building that may be impacted by activity associated with oil and gas well development and/or natural gas compressor station or processing plant. This term shall not include any structure (i) owned by a grantor or lessor who has signed an agreement granting surface rights to drill a well and/or erect and maintain a Natural Gas compressor Station or Processing Plant, or (ii) whose owner (or occupants) has (have) signed a waiver relieving the Operator(s) from implementation of the measures established in this Ordinance or the owner's (occupants') benefit.

Natural Gas Compressor Station – A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection for 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.

Natural Gas Liquids (NGL) – Components of natural gas that are liquid at surface in field facilities or in gas-processing plants. Natural gas liquids can be classified according to their vapor pressures as low (condensate), intermediate (natural gasoline) and high (liquefied petroleum gas) vapor pressure. Natural gas liquids include propane, butane, pentane, hexane and heptanes, but not methane and ethane, since these hydrocarbons need refrigeration to be liquefied. The term is commonly abbreviated as NGL.

Sound Wall – A wall constructed around a site or object that assists in the abatement of noise.

Surface Water - Water collecting on the ground or in a creek, stream, river, pond, lake, wetland, or ocean; it is related to water collecting as groundwater or atmospheric water.

Water Supply - A supply of water for human consumption or use, or for agricultural, commercial, industrial, recreational, or other legitimate beneficial uses.

- All other terms will be as defined in Pennsylvania's Oil and Gas Act (Act 223) Title 58. Oil and Gas, Chapter 11, Oil and Gas Act

Section 2

§ 300. District Classifications.

be amended by adding the following:

A.(2) Zoning Overlays.

MEOD Mineral Extraction Overlay District

Section 3

§ 303. Permitted and Conditional Uses and Uses by Special Exception by Zoning District.

be amended by adding the following:

Table 2: Non-Residential Permitted Use Chart

- P Permitted Use
- C Conditional Use
- S Use by Special Exception
- A Accessory Use

	Residential						Non-residential/Industrial					Mixed Use			
	R-1A	R-1B	R-1C	R-2	R-3	PRD	C-1	C-2	C-3	C-4	LI	TC	VNC	MX-VB	MX-WV
	Single Family Conventional	Single-Family Woodland Protection	Single Family Cluster	Multi-Family Residential	Village Residential	Planned Residential Development	Neighborhood Commercial	General Commercial	Business Commercial	Transitional Commercial	Light Industrial	Town Center	Venetia Neighborhood Commercial	Mixed-Use Valley Brook Road Corridor	Mixed Use West Venetia Road Corridor
51	S	S	S	S	S	S	P	P	S	S		S	P	S	S
52	S						S	S	S	S	P	S	S	S	S
53											P			C	C
54								P							
55								P	P			P	P		
56							P	P	P			P	P		
57							P	P	P	C		P	P	P	P
58							P	P	P			P	P		
59	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
60	S					S		P				P			P
61											P				
62								C							
63	A	A	A	A	A	A		A	A		A				
64	A	A	A	A	A	A									
65	S						P	P	P	P	P	P	P	P	P
66								P				P	P		
67											P				C
68							P	P		P	P	P	P	P	P
69											P				
70											S				
71											C				

Section 4

§ 504. Mineral Extraction Overlay District

- A. The intent of the Mineral Extraction Overlay District (MEOD) is to provide areas within the Township where mineral extraction may occur and to enact regulations regarding the activities associated with mineral extraction which are not otherwise within the jurisdiction of federal and state regulations and from which the Township is not preempted by the Pennsylvania Oil and Gas Act. Peters Township believes that mineral extraction activity without proper regulation may pose public health and safety hazards to the residents of the Township. Therefore, the overlay district and associated regulations have been created in order to ensure proper location of mineral extraction activities within the township, minimize impacts on residential neighborhoods, public facilities, township infrastructure, and the environment, and ensure that all operations comply with all federal, state, and local regulations.
- B. For full regulations within the overlay district, refer to §713 Mineral Extraction.

Section 5

§ 713. Mineral Extraction.

be amended by adding the following:

Oil and gas drilling sites shall be evaluated as a Conditional Use subject to the following express standards and criteria:

- A. A Conditional Use application shall be accompanied with written permission from the property owner(s) who has legal or equitable title in and to the surface of the drill site or a court order recognizing the applicant's authority to occupy the surface for the purpose of mineral extraction.
- B. Conditional Use approval is non-transferable without consent from Council, and shall automatically terminate, unless extended, if drilling is not commenced within one (1) year from the date of issuance of the conditional use. The conditional use approval may be extended by Council upon written request by the Operator. The Operator shall provide proof that the requested conditional use permit for such location has not changed.
- C. The oil and gas drill sites shall only be permitted to occur on property that within the Mineral Extraction Overlay District and is a minimum of forty (40) acres or larger. The property must have direct access to state, arterial, or collector roads. The Township reserves the right to increase any setback required by Section 601.205 of the Pennsylvania Oil and Gas Act based on physical characteristics of the site including but not limited to topography, woodlands, and distance from structures, parks, schools, and residential neighborhoods.

- D. As part of the Conditional Use application and prior to beginning the drilling site construction, the applicant shall submit to the Township a copy of all permits (General permits, well permit(s), joint permits, earth disturbance permit, ESCGP-1, etc.) issued by the Pennsylvania Department of Environmental Protection (PA DEP). In addition, the Township shall be provided copies of all plans (erosion and sedimentation control, grading, water management plan, water withdrawal plan, Pollution Prevention Contingency, alternate waste disposal, etc.) required by PA DEP. The Township Engineer shall be provided with a timeline and activity schedule and all required permits shall be maintained throughout the duration of the drilling operation. Any suspension or revocation of permits by PA DEP shall be reported to the Township and shall constitute a violation of Township zoning approval and may result in the suspension of zoning approval.
- E. Pre-Drilling, Post-Hydraulic Fracturing, and Baseline Water Survey Requirements – Prior to drilling and post-hydraulic fracturing, the Operator shall be responsible for testing all existing water supplies (surface and groundwater) within 1,000 feet of the well location. The purpose of testing is to determine the baseline quality and quantity of surface water and groundwater surrounding the proposed well site and address resultant changes that may occur or have an impact on the water supply of the site and surrounding area. If a landowner refuses to allow the Operator access to conduct a survey, the Operator shall show evidence of such refusal in accordance with PA Code Title 25, Chapter 78, §78.52 (f). In addition, prior to drilling, the Operator will be required to drill a test well outside of the limits of the well pad but no more than 750 feet from the well location for the purposes of obtaining a baseline assessment of water quality in the vicinity of the site. All testing shall adhere to the following:
- a. Pre-drilling testing results, both from existing water supplies and from the Operator-drilled test well, shall be submitted as part of the Conditional Use application.
 - b. Post-hydraulic fracturing testing shall be completed no sooner than one (1) month after hydraulic fracturing activities have ceased and no later than two (2) months after hydraulic fracturing activities have ceased.
 - c. The post-hydraulic fracturing test results, both from existing water supplies and from the Operator-drilled test well, shall be submitted to the Township, PA DEP, and residents within 1,000' of the well location in accordance with PA Code Title 25, Chapter 78, §78.52 “Pre-drilling or prealteration survey” within ten (10) days of their receipt.
 - d. The Operator shall be responsible for all costs associated with drilling and testing and testing shall be done by an independent state-certified water testing laboratory agreed upon by the Township.
 - e. Water Quantity Test – The Operator shall hire a consultant (hydrogeologist) agreed upon by the Township to conduct water quantity testing. The consultant shall submit a pre-testing and a pre-drilling plan to be approved by the Township. The consultant shall test for gallons per minute (gpm) flow rates, yield, groundwater levels, and other pertinent information for all water wells via draw down tests or other suitable means. The results shall be certified by the hydrogeologist.

- f. Water Quality Test - Operators shall test for the following list of parameters for all surface water and groundwater. The list is not exhaustive and the Township reserves the right to add additional parameters:

Analyte				
Inorganic	Trace Metal	Organic	Microbiology	Other
Alkalinity	Barium	Ethane	Total Coliform/E.Coli	Volatile Organic Compounds
Chloride	Calcium	Methane		Detergents (MBAS)
Conductivity	Iron			Total Organic Compounds
Hardness	Magnesium			Nitrate
Oil and Grease	Manganese			Radionuclides gross alpha, radium
Ph	Potassium			Radon
Sulfate	Sodium			Lead
Total Dissolved Solids	Strontium			
Residue - Filterable	Arsenic			
Total Suspended Solids				
Residue - Non Filterable				

F. Pre-Drilling and Post-Hydraulic Fracturing Soil Survey Requirements – Prior to drilling and post-hydraulic fracturing, the Operator shall be responsible for testing soil conditions within one-hundred (100) feet of the limits of disturbance as defined by the Erosion and Sedimentation Plan. The purpose of testing is to determine the baseline soil conditions surrounding the proposed well site and address resultant changes that may occur or have an impact on the soils of the site and surrounding area.

- a. Pre-drilling testing results shall be submitted as part of the Conditional Use application.
- b. Post-hydraulic fracturing testing shall be completed no sooner than one (1) month after hydraulic fracturing activities have ceased and no later than two (2) months after hydraulic fracturing activities have ceased.
- c. The results shall be submitted to the Township and PA DEP within ten (10) days of their receipt.
- d. The Operator shall be responsible for all costs associated with testing and testing shall be done by an independent state-certified testing laboratory agreed upon by the Township.

G. Access directly to State roads shall require Pennsylvania Department of Transportation (PADOT) Highway Occupancy Permit approval. Prior to initiating any work at a drill site, the Township shall be provided a copy of the Highway Occupancy Permit.

H. The applicant must provide the Township with a plan showing the proposed truck routes to be utilized during the drilling operation. The proposed hauling routes must be designed to minimize the impact on Township roads. The Township reserves the right to designate reasonable required truck hauling routes consistent with the Pennsylvania Motor Vehicle Code and Pennsylvania Department of Transportation throughout the Township. The Township shall consider all potential routes and, when possible, designate routes that are the least intrusive to the Township, its operation, and the general public. When

determining the least intrusive routes, the Township shall account for roadway jurisdiction, traffic, physical characteristics/conditions, location of school bus stops/routes, and the amount of residential units along potential routes. Routes shall be coordinated with the school district to minimize impact on peak school bus operation hours.

- I. The applicant or owner of the oil or gas well shall execute an excess maintenance agreement with the Township for a Type 2 permit as per the Pennsylvania Code Chapter 189.4(B) Road Bonding, and post a bond at the paved highway rate in favor of the Township in a form acceptable to the Township prior to beginning any work on a drill site. The bond is to guarantee restoration of Township roads and bridges damaged as a result of hauling associated with the drilling operation.
- J. An off-street area, at the entrance to the drill site and outside of the road right-of-way, shall be provided for vehicles to stand while gaining access so that normal flow of traffic on the public street is undisturbed. In accordance with Section 316, Driveways; Peters Township Zoning Ordinance- Driveways accessing the drill site shall be paved with an impervious material from the public street cart way fifty (50) feet into the drill site. The impervious material shall be in place prior to the commencement of the drilling operation. The first fifty (50) feet from existing edge of pavement extending fifty (50) feet into the site shall consist of the following material:
 - Compacted Subgrade
 - PADOT Class 4 Geotextile Fabric
 - 8" AASHTO #1 Crushed Aggregate Base Course
 - 2" PADOT 2A Aggregate (Choke Material)
 - 4" (Compacted) – Superpave 25 mm Binder Course

The remainder of the driveway to the well pad shall be constructed with the following material:

- Compacted Subgrade
- 8" AASHTO #1 Crushed Aggregate Base Course
- 2" – PADOT 2A Aggregate (Choke Material)

Proper and adequate storm water run-off controls for driveways shall be installed to prevent concentration of run-off onto adjacent properties or public streets.

- K. As part of the Conditional Use application, the applicant/owner shall provide the Peters Township Fire Department, with a copy of the PA DEP approved preparedness, prevention and contingency (PPC) plan. The applicant shall prior to drilling its first gas well in the Township make available with at least thirty (30) days notice, at the applicants sole expense one appropriate group training program for emergency responders. Such training shall be made available at least annually during any year that drilling activities take place at approved drill sites.

- L. As part of the Conditional Use application, the Township and emergency management services shall be provided the name of the person supervising the drilling operation and a phone number where such person can be reached twenty-four (24) hours a day. Also, a list of contact information for all sub-contractors associated with the oil and gas drilling operations must be provided. The list shall include verification that all supervisors/operators and sub-contractors at the drill site are aware and understand this ordinance.
- M. The access driveway off the public road to the drill site shall be gated at the entrance to prevent illegal access into the drill site. The drill site assigned address shall be clearly visible on the access gate for emergency 911 purposes. In addition, the sign shall include the well name and number, name of the operator and the telephone number for a person responsible who may be contacted in case of emergency. In lieu of a gate the operator can provide 24/7 security on sites during the drilling operation.
- N. Lighting – No drill site lighting used for or associated with the drilling operation shall be positioned or directed in such a manner so that it shines directly upon public roads, adjacent property or property in the general vicinity of the drill site. Site lighting shall be directed downward and shielded so as to avoid glare on public roads and adjacent properties. Lumen levels shall not exceed zero (0) foot-candle at the property line.
- O. Dust, vibration, odors. – All drilling operations shall be conducted in such a manner to minimize dust, vibration or noxious odors and shall be in accordance with the best accepted practices incident to drilling for oil or gas in urban/suburban areas. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying effects are minimized by the operations carried on at the drill site to avoid injury to or annoyance of persons living in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly or unsafe. Proven technological improvements in industry standards of drilling shall be adopted as they become available if capable of reducing factors of dust vibration and odor, watering, wetting or other methods or materials must be used to control dust adjacent to residential properties.
- P. Noise –The Township may require acoustical blankets, sound walls, mufflers or other alternative methods to ensure compliance depending on the location of a proposed drill site to adjacent residential properties. As part of the Conditional Use application, and prior to beginning the drill operation, the applicant shall establish the residual or background noise level baseline. The baseline shall be established over a seventy-two (72) hour period with at least one (1) twenty four (24) hour reading on a Saturday or Sunday. A noise consultant/engineer mutually agreed upon by the Township and owner/operator will be responsible for determining the residual background noise level baseline. The applicant, owner/operator shall be responsible for all costs associated with noise consultant/engineer.
 - e. The noise generated during drilling and hydraulic fracturing activities when measured at the nearest Protected Structure property line or one hundred feet from

the nearest Protected Structure (as measure 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 hour evaluation:

- i. During drilling activities by more than ten (10) decibels during the hours of 7:00 am to 9:00 p.m.;
 - ii. During drilling activities by more than five (5) decibels during the hours of 9:00p.m. to 7:00 a.m.
- f. Since fluctuations in noise levels are inherent to mineral extraction activities, the Township has created a sliding scale which provides adjustments in the permitted level of noise generated during operations to create flexibility in the regulations and prevent repeated violations. Drilling activities are permitted to generate noise ten (10) decibels higher than the average ambient noise levels (Refer to §713 P.a.i) and the adjustments are in addition to that sound level. Adjustments to the preceding noise limits may only occur during the hours of 7:00 am to 9:00 p.m. and are as follows;

Permitted Increase (dBA)	Duration of Increase (Minutes)
0-5	15
6-10	5
11-15	3
16-20	1
> 20	0

Note: The maximum cumulative time that the permitted increases in dBA may occur in one hour may not exceed fifteen (15) minutes. For instance, an operator shall not be permitted to allow a 10 dBA increase for 5 minutes and then a 5 dBA increase for 15 minutes, within the same hour. If 10 dBA are reached for 5 minutes, then 5 dBA may only occur for 10 minutes.

- g. 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 propose, regarding noise generated during drilling and hydraulic fracturing activities, the Operator shall, within twenty-four hours of the receipt of the complaint from the Township, continuously monitor for a forty-eight 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 well site or equipment generating the noise, or
 - ii. One hundred feet from the Protected Structure, whichever is closer.

If the Operator engages in any noise testing as required by this Ordinance, it will provide preliminary data to the Township no later than ten (10) business days

following completion of the noise testing. Once the monitoring is complete, the Operator will meet with Township representatives and affected residents to discuss whether possible noise abatement measures are warranted if the permitted levels set herein were exceeded. The Township reserves the right to hire a noise consultant to do its own testing and investigation regarding the noise complaint.

Q. All drill site pads and impoundments shall be secured with a temporary fence with a secured gate as follows:

1. The fence shall be a minimum of six (6) feet in height, chain link with green fabric mesh.
2. The fencing shall be in place throughout the drill operation and until the impoundment is removed.
3. The chain link fence shall have a minimum thickness of eleven (11) gauges.

All material and equipment including vehicles necessary to be on-site shall be kept or stored within the fenced area in order to minimize visibility from adjacent properties.

R. At the time of Conditional Use application, a survey of the drill site with all on-site associated gas production equipment (tanks or other surface installations), with locations and distances to property lines shall be filed with the application. All sensitive natural features including but not limited to waterways, wetlands, steep slopes, and floodplains including those 100' outside the limits of disturbance, as defined on the approved PA DEP Erosion and Sedimentation Plan, must also be shown.

S. Prior to drilling an oil and gas well or multiple oil and gas wells at a location, but no later than two (2) weeks beforehand, 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 locations(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. Operators shall test all water supplies within 1,000' of each well site and share the results with landowners and the Township. (Refer to §713 E.)
- d. The contact information of the Operator, and
- e. 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.

T. Any on-site associated gas production equipment (well head, separator, condensate tanks, and pipeline) shall be painted an earth tone color to blend in with the surrounding area. An earth tone color shall be neutral colors and include sand, gray, and unobtrusive shades of brown, or other neutral colors, as approved by the Planning Director.

- U. The Township may, at its sole discretion, require fencing (Refer to §713 P for specifications) and or landscaping to buffer the facilities gas production equipment from adjacent properties. All on-site gas production equipment shall comply with Section 304, I Dimensional Tables – Table 3 Residential District Dimensions; Zoning Ordinance.
- V. After the drilling operation is complete, the drill operator shall clean the site and complete all restoration activities in accordance with Section 601.206 of the Pennsylvania Oil and Gas Act. Any damage to public property caused by such operations must be repaired and restored within sixty (60) days of completing the drilling operation or as agreed to by Peters Township.
- W. After any spill, leak or malfunction, the operator shall remove or cause to be removed to the satisfaction of the Peters Township Fire Chief and the PA DEP inspectors all waste materials from any public or private property affected by such spill, leak or malfunction. Clean-up operations must begin immediately upon knowledge that a spill, leak or malfunction occurs.
- X. The public street entrance and the property on which a drill site is located shall at all times be kept free of mud, debris, trash or other waste materials.
- Y. The facility and/ or its operation shall comply with all applicable permits and requirements of the PA DEP, the United States Environmental Protection Agency, and any other governmental authority having jurisdiction over its operations and with all federal, state and local laws, ordinances and regulations promulgated to protect the environment or otherwise relating to environmental matters.
- Z. The applicant or drill site operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossings and/or adjacent to roadways, during periods of anticipated heavy or frequent truck traffic to and from the drill site. Flagmen shall be present and used to ensure the safety of motorists and pedestrians and take measures that may include adequate signs and/or other warning measures for truck and vehicular traffic.
- AA. All drill site construction (grading, installation of erosion & sedimentation controls, roadway construction, etc.) shall be done in accordance with Township construction hours – 7:00 am to 7:00 pm Monday through Saturday. Any burning of trees or brush shall be done in accordance with burning regulations using an air curtain.
- BB. During the active operation at a drill site Township Staff or consultants designated by the Township Manager shall have access to the site to determine continuing compliance with the conditional use approval.
- CC. Peters Township reserves the right to impose any other additional conditions necessary to protect the public health, safety and welfare of its residents in order to address any unique characteristics of a particular drilling site which are not otherwise within the jurisdiction

of federal and state regulations in accordance with the Pennsylvania Municipalities Planning Code (PAMPC).

DD. Indemnification and Express Negligence Provisions –

The operator shall fully defend, protect, indemnify, and hold harmless Peters Township, its departments, officials, officers, agents, employees and contractors from and against each and every claim, demand, or cause of action and any and all liability, damages, obligations, judgments, losses, fines, penalties, costs, fees, and expenses incurred in defense of Peters Township including, without limitation, personal injuries and death in connection therewith which may be made or asserted by any third parties on account of, arising out of, or in any way incidental to or in connection with the performance by the operator.

Section 6

§ 714. Compressor Stations and Processing Plants

Compressor Stations and Processing Plant sites shall be evaluated as a Conditional Use subject to the following express standards and criteria:

- A. Compressor stations and processing plants shall only be permitted to occur on property that is zoned LI Light Industrial and is a minimum of five (5) acres or larger. The Applicant shall strive to consider locations for 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. The Applicant must present an expert witness testimony to demonstrate the location of the facility will not unreasonably adversely affect any of the following:
 - a. Lawful existing or authorized uses of adjacent properties
 - b. Neighboring flood-prone or landslide prone areas
 - c. Agriculture and farmland
- B. A Conditional Use application for a compressor station and/or processing plant shall be accompanied with written permission from the property owner(s) who has legal or equitable title in and to the surface rights of the property or a court order recognizing the Operator's authority to occupy the surface. If the operator owns the property, proof must be provided.
- C. Conditional Use approval is non-transferable without consent from Council, and shall automatically terminate, unless extended, if construction is not commenced within one (1) year from the date of issuance of the conditional use. The conditional use approval may be extended by Council upon written request by the Operator. The Operator shall provide proof that the requested conditional use permit for such location has not changed.
- D. As part of the Conditional Use application, the Township and emergency management services shall be provided the name of the person supervising the compressor station and/or processing plant and a phone number where such person can be reached twenty-

four (24) hours a day. Also, a list of contact information for all sub-contractors associated with the operations of the station or plant must be provided. The list shall include verification that all supervisors/operators and sub-contractors at the site are aware and understand this ordinance.

- E. All compressor stations and processing plants shall be completely enclosed by a building.
 - a. The building shall be constructed in a manner that the architectural character complements the existing character of the area. The building shall employ architectural features including but not limited to sloped roofs, stone and brick accents, steeples, cupolas, etc.
 - b. The building shall employ sound proof type walls and all equipment associated with the compressor station and/or processing plant shall be enclosed within the building. All acoustical structures shall be constructed of metal, masonry, or other structurally sound material as approved by the Planning Director.
- F. Access directly to state roads shall require Pennsylvania Department of Transportation (PADOT) Highway Occupancy Permit approval. Prior to initiating any work at the station or plant, the Township shall be provided a copy of the Highway Occupancy Permit. Access Roads shall also comply with the following:
 - a. Access roads must be 50' from adjacent property lines unless written consent is given.
 - b. First 50' must be paved. Then 150' must be limestone in a manner that reasonably minimizes water, sediments, or debris carried onto any public road.
 - c. If the access road is less than 200' the entire road must be limestone.
- G. The access driveway off the public road to the station or plant shall be gated at the entrance to prevent illegal access into the site. The site assigned address shall be clearly visible on the access gate for emergency 911 purposes. In addition, the sign shall include the station or plant name and number, name of the operator and the telephone number for a person responsible who may be contacted in case of emergency.
- H. The Operator must provide a plan for the transmission of gas, water, oil, or other substance to and from the station or plant. The Operator shall identify the location of, but not limited to, gathering lines, compressors, and other mid and downstream facilities located within the Township and extending 800 ft. beyond the Township boundary. The Operator shall provide the Township with all state and federal permits that have been acquired, and bonding agreements, and proof of ability to operate such pipelines.
- I. The Township reserves the right to increase any required setback in LI Light Industrial districts based on physical characteristics of the site including but not limited to topography, woodlands, and distance from structures, parks, schools, and residential neighborhoods.
- J. Compressor stations shall utilize electric motors rather than internal combustion motors.

Council may approve the use of internal combustion motors as part of the conditional use approval if deemed necessary. However, any exhaust from any internal combustion engine or compressor used in connection with the station or plant, used by 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.

- K. Noise – The Township may require acoustical blankets, sound walls, mufflers or other alternative methods to ensure compliance depending on the location of a proposed station or plant to adjacent residential properties. As part of the Conditional Use application, and prior to construction, the Operator shall establish the residual or background noise level baseline. The baseline shall be established over a seventy-two (72) hour period with at least one (1) twenty four (24) hour reading on a Saturday or Sunday. A noise consultant/engineer mutually agreed upon by the Township and owner/operator will be responsible for determining the residual background noise level baseline. The Operator shall be responsible for all costs associated with noise consultant/engineer.
- h. The noise generated during operating activities when measured at the nearest Protected Structure property line or one hundred feet from the nearest Protected Structure (as measure 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 hour evaluation:
 - i. During station or plant activities by more than ten (10) decibels during the hours of 7:00 am to 9:00 p.m.;
 - ii. During station or plant activities by more than five (5) decibels during the hours of 9:00p.m. to 7:00 a.m.
 - i. 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 propose, regarding noise generated during station or plant activities, the Operator shall, within twenty-four hours of the receipt of the complaint from the Township, continuously monitor for a forty-eight 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 well site or equipment generating the noise, or
 - ii. One hundred feet from the Protected Structure, whichever is closer.

If the Operator engages in any noise testing as required by this Ordinance, it will provide preliminary data to the Township no later than ten (10) business days following completion of the noise testing. Once the monitoring is complete, the Operator will meet with Township representatives and affected residents to

discuss whether possible noise abatement measures are warranted, if the permitted levels set further herein were exceeded. The Township reserves the right to hire a noise consultant to do its own testing and investigation regarding the noise complaint.

- L. Drip pans must be placed in any location, under equipment, that has the potential to leak.
- M. All condensate tanks shall be equipped with vapor recover and/or vapor destruction units.
- N. All structures including but not limited to pumping units, storage tanks, buildings, and structures shall be painted a neutral color, compatible with the surrounding uses. Neutral colors shall include sand, gray, and unobtrusive shades of brown, or other neutral colors, as approved by the Planning Director.
- O. Compressor stations and processing plants shall be inspected by the fire department prior to operation. During the active operation at the compressor station and/or processing plant, Township Staff or consultants designated by the Township Manager shall have access to the site to determine continuing compliance with the conditional use approval.
- P. Applicant will reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to site inspection, approval process, or for specialized work called for in the permit.
- Q. Peters Township reserves the right to impose any other additional conditions necessary to protect the public health, safety and welfare of its residents in order to address any unique characteristics of a particular drilling site which are not otherwise within the jurisdiction of federal and state regulations in accordance with the Pennsylvania Municipalities Planning Code (PAMPC).
- R. Indemnification and Express Negligence Provisions –
The operator shall fully defend, protect, indemnify, and hold harmless Peters Township, its departments, officials, officers, agents, employees and contractors from and against each and every claim, demand, or cause of action and any and all liability, damages, obligations, judgments, losses, fines, penalties, costs, fees, and expenses incurred in defense of Peters Township including, without limitation, personal injuries and death in connection therewith which may be made or asserted by any third parties on account of, arising out of, or in any way incidental to or in connection with the performance by the operator.

Section 7

That if any section, subsection, sentence, clause phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect validity of the remaining portions thereof.

Section 8

That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 9

That this ordinance shall be in full force and effect from and after its passage and approval.

BE IT ORDAINED AND ENACTED BY the Township of Peters, Washington County,

Pennsylvania this _____ day of _____ 2011.

ATTEST:

TOWNSHIP OF PETERS

Michael A. Silvestri
Township Manager

By: _____
Robert L. Atkison
Chairman of Council