

**MOUNT PLEASANT TOWNSHIP  
ORDINANCE NO. 120**

**AN ORDINANCE OF MOUNT PLEASANT TOWNSHIP, WASHINGTON COUNTY,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING THE MOUNT PLEASANT  
TOWNSHIP ZONING ORDINANCE, CHAPTER 200, OF THE TOWNSHIP CODE OF  
ORDINANCES INCORPORATING OIL AND GAS ACTIVITIES.**

WHEREAS, the Board of Supervisors of Mount Pleasant Township is authorized by the Municipalities Planning Code to regulate land use within the Township;

WHEREAS, the Board of Supervisors of Mount Pleasant Township as authorized by the Municipalities Planning Code may from time to time amend and/or revise its Zoning Ordinance;

WHEREAS, It is in the Township's best interest to address various zoning issues to include where activities will and will not be permitted and to have information available concerning the unique circumstances involving oil and gas exploration, development, production and processing taking place within the Township.

NOW, THEREFORE, be it ordained and enacted by the Board of Supervisors of Mount Pleasant Township and it is hereby ordained and enacted by the Authority of same as follows:

**SECTION 1: Definitions.**

CHAPTER 200, ZONING, ARTICLE II Definitions, Section 200-9, Terms Defined, is hereby amended by adding the following definitions:

Access Road or Access Way—Any road or access way extending from a Township road, Private road or State road.

Best Management Practices—Practices that are designed to prevent or reduce impacts caused to air, water, soil, or biological resources, and to minimize the adverse impacts to public health, safety and welfare, including the environment and wildlife resources.

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

Hazardous Waste - The definition of hazardous waste contained in PA Code Title 25, Chapter 261 (A) – Identification and Listing of Hazardous Waste is hereby adopted by reference.

Industrial, Light – See Light Industrial.

Light Industrial – The processing, fabrication, treatment, or assembly of materials, raw or otherwise, or manufacturing of products that may or may not require additional processing, fabrication, treatment, or assembly, whether or not for ultimate use by the consumer.

Oil and Gas Metering Stations / Gathering Facilities – A system used to measure all oil and/or natural gas entering or exiting the pipeline system to provide accurate and continuous gas measurements and/or regulate gas pressure and delivery volumes.

Oil and Gas Compressor Station—A facility or location that contains a compressor or compressors to facilitate the movement of oil and/or natural gas and/or its byproducts through a pipeline.

Oil and Gas Pipelines—All parts of those physical facilities 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, and fabricated assemblies.

Oil and Gas Processing Facility—A facility that receives oil and/or natural gas and associated hydrocarbons from a truck, railway car, or pipeline system serving one or more wells, which processes, compresses, condenses, pressurizes, deals with Dew Point Control or gas quality related issues or otherwise treats oil and/or natural gas making it suitable for, among other things, pipeline transmission, or which removes and separates or adds other materials, products, and impurities to or from the oil or gas, and which may or may not include compressor stations, cooling facilities, storage tanks and related equipment and facilities.

Pipeline Corridor—The pathway in which the pipelines and facilities of a pipeline operator are located in the jurisdiction of Mount Pleasant Township including public rights-of-way and easements over and through public or private property.

Pollution—Man-made or man-induced contamination or other degradation of the physical, chemical, biological, or radiological integrity of air, water, soil, or biological resource.

Protected Use or Protected Structure—Any Habitable Structure, Religious Institution, Public Building, Healthcare Facility, School, Camp, or Public Park. This term shall not apply to accessory buildings, garages, hangars, or storage buildings.

Public Building—Any Building or Habitable Structure used or designed to and intended to be used for gathering purposes such as deliberation, entertainment, amusement, or health care. Public Buildings include, but shall not be limited to, theaters, assembly halls, auditoriums, mortuary chapels, dance halls, exhibition halls, office buildings, government use facilities, gymnasiums, libraries, restaurants, stores, and healthcare facilities.

Residual Waste – Garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining, drilling or agricultural operations and sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, if it is not hazardous.

Water Impoundment, Fresh - A depression, excavation, pit, or facility situated in or upon the ground, whether natural or artificial and whether lined or unlined, used to store fresh water.

Water Impoundment, Waste - A depression, excavation, pit, or facility situated in or upon the ground, whether natural or artificial and whether lined or unlined, used to store waste water including but not limited to brine, fracturing fluid or residual waste.

Zoning Certificate – A document signed by the Township Zoning Officer which is required by this chapter prior to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or building.

## **SECTION 2: Amendments.**

CHAPTER 200, ZONING, ARTICLE II, Definition, § 200-9, Terms Defined, is hereby amended to delete Light Manufacturing and Manufacturing, Light.

## **SECTION 3: Zoning Districts.**

CHAPTER 200, ZONING, ARTICLES IV, V, VI, VII, VIII, IX, and X, Zoning Districts, is hereby amended as follows:

1. ARTICLE IV, A-1 Agricultural District, Section 200-15, Authorized Uses, is hereby amended, as reflected below:
  - a. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter i, “Oil and Gas Metering Station / Gathering Facilities, subject to Section 200-103.2” is hereby added.
  - b. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter j, “Oil and Gas Pipelines, subject to Section 200-103.3” is hereby added.
  - c. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter e, “Oil and Gas Compressor Station, subject to Section 200-103.1” is hereby added.
  - d. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter f, “Oil and Gas Processing Facility, subject to Section 200-103.4” is hereby added.
  - e. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter g, “Oil and Gas Well, subject to Section 200-103.5” is hereby added.
2. ARTICLE V, R-1 Rural Residential District, Section 200-22, Authorized Uses, is hereby amended, as reflected below:
  - a. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter i, “Oil and Gas Metering Stations / Gathering Facilities, subject to Section 200-103.2” is hereby added.
  - b. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter j, “Oil and Gas Pipelines, subject to Section 200-103.3” is hereby added.
  - c. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter b, “Oil and Gas Compressor Station, subject to Section 200-103.1” is hereby added.
  - d. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter c, “Oil and Gas Well, subject to Section 200-103.5” is hereby added.
3. ARTICLE VI, R-2 Suburban Residential District, Section 200-29, Authorized Uses, is hereby amended as reflected below:
  - a. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter d, “Oil and Gas Metering Stations / Gathering Facilities, subject to Section 200-103.2” is hereby added.

- b. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter e, “Oil and Gas Pipelines, subject to Section 200-103.3” is hereby added.
- c. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter a, “Oil and Gas Compressor Station, subject to Section 200-103.1” is hereby added.
- d. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter b, “Oil and Gas Well, subject to Section 200-103.5” is hereby added.

ARTICLE VII, R-3 Neighborhood Residential District, Section 200-36, Authorized Uses, Is hereby amended as reflected below:

- a. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter e, “Oil and Gas Metering Stations / Gathering Facilities, subject to Section 200-103.2” is hereby added.
- b. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter f, “Oil and Gas Pipelines, subject to Section 200-103.3” is hereby added.
- c. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter g, “Oil and Gas Wells, subject to Section 200-103.5” is hereby added.

ARTICLE VIII, R-4 Neighborhood Core District, Section 200-43, Authorized Uses, Is hereby amended as reflected below:

- a. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter j, “Oil and Gas Wells is hereby removed.
- b. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter c, “Oil and Gas Wells, subject to Section 200-103.5. is hereby added.

4. ARTICLE IX, B-1 Highway Commercial District, Section 200-51, Authorized Uses, is Hereby amended as reflected below:

- a. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter ff, “Oil and Gas Metering Stations / Gathering Facilities, subject to Section 200-103.2” is hereby added.
- b. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter gg, “Oil and Gas Pipelines, subject to Section 200-103.3” is hereby added.
- c. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter c, “Oil and Gas Compressor Station, subject to Section 200-103.1” is hereby added.
- d. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter d, “Oil and Gas Well, subject to Section 200-103.5” is hereby added.

5. ARTICLE X, M-1 Light Industrial District, Section 200-59, Authorized Uses, is hereby amended, as reflected below:

- a. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter q, “Oil and Gas Metering Stations / Gathering Facilities, subject to Section 200-103.2” is hereby added.
- b. Subsection A, Permitted Uses, Item 1, Principal Uses, Letter r, “Oil and Gas Pipelines, subject to Section 200-103.3” is hereby added.
- d. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter c, “Oil and Gas Compressor Station, subject to Section 200-103.1” is hereby added.
- e. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter d, “Oil and Gas Processing Facility, subject to Section 200-103.4” is hereby added.
- f. Subsection B, Conditional Uses, Item 1, Principal Uses, Letter e, “Oil and Gas

Well, subject to Section 200-103.5” is hereby added.

**SECTION 4: CHAPTER 200, ZONING, ARTICLE XII, Express Standards and Criteria for certain Permitted, Conditional and Uses by Special Exception, § 200-103 is hereby amended to add:**

§ 200-103.1 Oil and Gas Compressor Stations; § 200-103.2 Oil and Gas Metering Stations / Gathering Facilities; § 200-103.3 Oil and Gas Pipelines; § 200-103.4 Oil and Gas Processing Facilities and § 200-103.5 Oil and Gas Wells are hereby added as follows:

**§ 200-103.1 Oil and Gas Compressor Stations.**

A company desiring to operate a Compressor Station shall obtain the permits required by this ordinance, which are in addition to, and are not in lieu of, any permit that may be required by any other governmental or regulating agency. The company must adhere to the following regulations:

- 1. Building Permits, Zoning Certificates and Certificates of Occupancy:** Building Permits, Zoning Certificates and Certificates of Occupancy, where applicable, shall be obtained from the Township Zoning Officer and applications must include:
  - a. A description of proposed site or modification to an existing site with identification whether the site is located in a wetland or floodplain;
  - b. Anticipated construction start and completion date;
  - c. A plot plan of the site showing; a clearly marked scale, all property lines, all buildings, water wells, water sources and rights-of-way;
  - d. Applicant shall apply for a Township assigned address at the time of building permit application;
  - e. Any and all additional requirements that may be modified or added by subsequent ordinance or required by Pennsylvania law.
- 2. Grading Permit:** A Grading Permit, if applicable, must be obtained per Section 178-30 of the Subdivision and Land Development Ordinance prior to any grading or earth moving and must include evidence of an approved Soil Erosion and Sedimentation Control Plan.
- 3. 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.

**4. Expert Testimony Required.** The applicant shall present expert testimony to demonstrate that 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.

**5. Setbacks.** The following minimum setback distances must be adhered to:

- a. The minimum distance to any protected use shall be one thousand (1,000) feet;
- b. The minimum distance to any Public or Private School shall be two thousand (2,000) feet;
- c. A Setback Reduction Approval may be authorized by the Mount Pleasant Township Board of Supervisors as part of the Conditional Use approval process, provided that the applicant can submit compelling evidence that such a reduction is absolutely necessary and will not be detrimental to the purposes of this ordinance;
- d. The compressor engines and any structure in which they are enclosed must be set back a minimum of seventy-five (75) feet from any adjacent property lines or rights-of-way.

**6. Screening and Landscaping:** The standards in Section 200-119 shall be determined during the Conditional Use Hearing.

**7. Fence Standards.** A secured entrance gate on the access road shall be required and all gates are to be kept locked when the operator or its employees are not on the premises. All storage tanks, separation facilities, or other mechanical or production equipment on the operation site shall be completely enclosed by a permanent chain link fence. Standards for the chain link fence and secured gate are as follows:

1. The chain link fence shall be at least eight (8) feet in height topped by two (2) strands of barbed wire;
2. Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence;
3. The chain link shall be dark green or black steel wire;
4. The chain link fence shall have, at a minimum, eleven (11) gauge thickness;
5. Posts and rails shall be standard black or dark green welded pipe;
6. Tension rods shall be three-eighths (3/8) inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six (6) inch minimum take-up. Tension bars shall have minimum thickness of one-fourth (1/4) by three-fourths (3/4) inch;

7. All chain link fences shall be equipped with at least two (2) gates. At least one of the gates shall meet the following specifications:
  - a. The gates shall be of black or dark green chain link construction that meets the applicable specifications, or of other approved material that, for safety reasons, shall be at least as secure as the chain link fence;
  - b. The gates shall be equipped with a locking attachment and shall be kept locked except when being used for access to the site;
  - c. Fence screening. Fencing shall be equipped with interlocking opaque slats, mesh, or other screening material approved by township. Color of materials shall be uniform and complementary to the color of the fence and painted equipment. Approved colors shall include, but not be limited to green, brown, tan, and black.
8. **Engines.** Compressors and other power driven equipment shall utilize sparkless electric motors, when practicable, as an alternative to internal-combustion engines, unless the applicant can demonstrate that the alternative engines are not inconsistent with the objectives of this ordinance. All electrical installations and equipment shall conform to Township ordinances and the applicable national codes.
9. **Access Roads:** Access to any facility shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following standards apply:
  1. Any newly established private easements/roadways constructed on the parcel containing the facility shall be located at least fifty (50) feet from any property line unless written consent is obtained from the adjoining property owner(s);
  2. The access road to the facility, beginning with its intersection with a Township road, shall be paved for the first fifty (50) feet and be constructed with an additional one hundred fifty (150) feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or access way is less than two hundred (200) feet in length, the entire access road or access way shall meet these conditions. This shall be in place prior to the commencement of any facility operations;
  3. In certain locations, at the discretion of Mount Pleasant Township, an asphalt surface may be required for the entire road;
  4. All roads and access ways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.
10. **Truck Routes:** 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 and the

estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis, as well as, keep a record / log of actual use which may be requested from time to time by the Board of Supervisors. In conjunction with the Township, applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any excess weight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided.

- 11. Excess Road Maintenance Agreements Required:** The applicant shall apply for an excess road maintenance agreement, the form of such agreement to resemble PennDOT's, pay the prescribed fee, and adhere to all conditions set forth in the agreement.
- 12. Video Documentation:** Prior to commencing operations on a project requiring an excess road maintenance agreement, the applicant shall provide for the inspection and video documentation of proposed truck routes.
- 13. Fee Reimbursement.** The applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including but not limited to, the Township Engineer, Township Solicitor and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit.
- 14. Environmental Pollution Liability Coverage:** The applicant shall purchase and maintain in force insurance for environmental pollution liability applicable to bodily injury, property damage, including loss of use of damaged property or of property that has not been physically injured or destroyed; cleanup costs; and defense, including costs and expenses incurred in the investigation, defense or settlement of claims; all in connection with any loss arising from the insured site. Coverage shall be maintained in an amount of at least Five Million (\$5,000,000) dollars per loss, with an annual aggregate of at least Fifteen Million (\$15,000,000) dollars. In the alternative, applicant may self-insure such losses upon a showing of financial responsibility and capability, the determination by any state appointed auditor to be deemed conclusive. This coverage shall not operate as a limitation of liability on an applicant.
  1. Coverage shall apply to sudden and accidental pollution resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste material or other irritants, contaminants or pollutants in excess of applicable permits;
  2. The applicant shall maintain continuous coverage as long as the facility is in operation.

**15. Signage, Site identification:** The facility signage shall be clearly visible for all 911 Emergency Services, per Chapter 61 of the Township Code of Ordinances, at the location where the access road intersects with the Township or State owned road and at the entrance gate to each facility. In addition to the specifications of Chapter 61, the signage must include:

1. Applicant name
2. Unit name
3. Township assigned address
4. Emergency contact phone number

**16. Lights:** No person shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on a public road, protected use, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.

**17 Emergency Response Plan:** Prior to development, applicant / operator shall provide to the Township Police Department, Fire Department and Zoning Officer, a copy of its Emergency Response Plan. Also, applicant / operator shall, at its sole cost and expense, provide to Emergency Services, appropriate site orientation with adequate information and training on dealing with any potential dangerous conditions that may result from development activities.

**18 Enclosure:** Noise generating equipment, exceeding Township ordinance standards, shall be fully enclosed 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.

**19 Supplemental Regulations:** Facility must meet all of the Supplemental Regulations of Chapter 200, Article XIII, Supplemental Regulations, of the Township Code of Ordinances. Any and all uses categorized as conditional uses, shall, in addition to the specific conditions set forth herein and the supplemental regulations of Chapter 200, will also be subject to additional applicable conditions and safeguards as set forth in §§ 200-77 A(7) (procedure for approval) and §§ 200-78 (general standards) of the Mt. Pleasant Township Zoning Ordinance.

#### **§ 200-103.2 Oil and Gas Metering Stations / Gathering Facilities.**

A company desiring to operate a Metering Station / Gathering Facility shall obtain the permits required by this ordinance, which are in addition to, and are not in lieu of, any permit that may be required by any other governmental or regulating agency. The company must adhere to the following regulations:

- 1. Building Permits, Zoning Certificates and Certificates of Occupancy:** Building Permits, Zoning Certificates and Certificates of Occupancy, where applicable, shall be obtained from the Township Zoning Officer and applications must include:
  - a. A description of proposed site or modification to an existing site with identification whether the site is located in a wetland or floodplain;
  - b. Anticipated construction start and completion date;
  - c. A plot plan of the site showing, a clearly marked scale, all property lines, all buildings, water wells, water sources and rights-of-way;
  - d. Applicant shall apply for a Township assigned address at the time of building permit application;

- e. Any and all additional requirements that may be modified or added by subsequent ordinance or required by Pennsylvania law.

**2. Grading Permit:** A Grading Permit, if applicable, must be obtained per Section 178-30 of the Subdivision and Land Development Ordinance prior to any grading or earth moving and must include evidence of an approved Soil Erosion and Sedimentation Control Plan.

**3. 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.

**4. Setbacks.** The following minimum setback distances must be adhered to:

- a. The minimum distance to any protected use shall be one thousand (1,000) feet;
- b. The minimum distance to any Public or Private School shall be two thousand (2,000) feet;
- c. A Setback Reduction Approval may be authorized by the Mount Pleasant Township Board of Supervisors provided that the applicant can submit, in writing at the time of application, compelling evidence that such a reduction is absolutely necessary and will not be detrimental to the purposes of this ordinance;
- d. The above ground equipment located within the facility must be set back a minimum of seventy-five (75) feet from any adjacent property lines or rights-of-way.

**5. Screening and Landscaping:** Metering Stations / Gathering Facilities must, at a minimum, abide by the standards in Section 200-119 A (3), Buffer Area C.

**6. Fence Standards.** A secured entrance gate shall be required and are to be kept locked when the operator or its employees are not on the premises. Standards for the chain link fence and secured gate are as follows:

- 1. The chain link fence shall be at least eight (8) feet in height topped by two (2) strands of barbed wire;
- 2. Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence;
- 3. The chain link shall be dark green or black steel wire;
- 4. The chain link fence shall have, at a minimum, eleven (11) gauge thickness;
- 5. Posts and rails shall be standard black or dark green welded pipe;

6. Tension rods shall be three-eighths (3/8) inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six (6) inch minimum take-up. Tension bars shall have minimum thickness of one-fourth (1/4) by three-fourths (3/4) inch;
7. All chain link fences shall be equipped with at least two (2) gates. At least one (1) of the gates shall meet the following specifications:
  - a. The gates shall be of black or dark green chain link construction that meets the applicable specifications, or of other approved material that, for safety reasons, shall be at least as secure as the chain link fence;
  - b. The gates shall be equipped with a locking attachment and shall be kept locked except when being used for access to the site;
  - c. Fence screening. Fencing shall be equipped with interlocking opaque slats, mesh, or other screening material approved by township. Color of materials shall be uniform and complementary to the color of the fence and painted equipment. Approved colors shall include, but not be limited to green, brown, tan, and black.

**7. Access Roads:** Access to the site shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following standards shall apply:

1. Any newly established private easements/roadways constructed on the parcel containing the facility shall be located at least fifty (50) feet from any property line unless written consent is obtained from the adjoining property owner(s);
2. The access road to the facility, beginning with its intersection with a Township road, shall be paved for the first fifty (50) feet and be constructed with an additional one hundred fifty (150) feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or access way is less than two hundred (200) feet in length, the entire access road or access way shall meet these conditions. This shall be in place prior to the commencement of any facility operations;
3. In certain locations, at the discretion of Mount Pleasant Township, an asphalt surface may be required for the entire road;
4. All roads and access ways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.

**8. Fee Reimbursement.** The applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including but not limited to, the Township Engineer, Township Solicitor and any other reasonable and direct consultant fees incurred for the review

and approval process, and for any specialized work called for in the permit and its conditions.

**9. Signage, Site identification:** The facility signage shall be clearly visible for all 911 Emergency Services, per Chapter 61 of the Township Code of Ordinances, at the location where the access road intersects with the Township or State owned road and at the entrance gate to each facility. In addition to the specifications of Chapter 61, the signage must include:

1. Applicant name
2. Site name
3. Township assigned address
4. Emergency contact phone number

**10. Lights:** No person shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on a public road, protected use, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.

**11 Emergency Response Plan:** Prior to development, applicant / operator shall provide to the Township Police Department, Fire Department and Zoning Officer, a copy of its Emergency Response Plan. Also, applicant / operator shall, at its sole cost and expense, provide to Emergency Services, appropriate site orientation with adequate information and training on dealing with any potential dangerous conditions that may result from development activities.

**12 Supplemental Regulations:** Facility must meet all of the Supplemental Regulations of Chapter 200. Article XIII, Supplemental Regulations, of the Township Code of Ordinances. Any and all uses categorized as conditional uses, shall, in addition to the specific conditions set forth herein and the supplemental regulations of Chapter 200, will also be subject to additional applicable conditions and safeguards as set forth in §§ 200-77 A(7) (procedure for approval) and §§ 200-78 (general standards) of the Mt. Pleasant Township Zoning Ordinance.

### **§ 200-103.3 Oil and Gas Pipelines.**

A company desiring to construct Oil & Gas Pipelines shall furnish to the Township copies showing evidence that it has obtained and maintains in good standing all required State and/or Federal permits, including proof of bonding to operate pipelines. Any suspension or revocation of any required State or Federal approvals or permits shall be reported to the Township immediately. In addition, the company must adhere to the following regulations:

- 1. Zoning Certificates:** Zoning Certificates for the installation of pipelines must be obtained from the Township Zoning Officer prior to the construction of any such line. A Zoning Certificate will be issued within ten (10) days upon submission of a complete application. Applications, submitted on CD Rom, for such installation must include:

1. The origin point and the destination of the segment of the pipeline to be constructed;
  2. A description of the substance to be transported through the pipeline and a copy of the material safety data sheet (MSDS);
  3. Engineering plans, drawings and/or maps with summarized specifications showing the horizontal pipeline location, pipeline covering depths, and location of shutoff valves (the location of shutoff valves must be known in order for emergency responders to clear area for access valves.) To the extent that information can be readily obtained, drawings shall show the location of other pipelines and utilities that will be crossed or paralleled within five (5) feet of the proposed pipeline;
  4. A description of the avoidance, as far as commercially reasonable, of existing inhabited structures and congregated areas;
  5. Detailed cross section drawings for all public street right-of-way and easement crossings;
  6. The applicant shall provide executed copies of the easements for the areas constructed outside of the road right-of-way to the Zoning Officer;
  7. Must meet all of the Supplemental Regulations of Article XIII, Chapter 200, Zoning, where applicable;
  8. A copy of the site reclamation plans;
  9. The owner-operator must participate in PA One-Call;
  10. Setbacks: Setback requirements from gas pipelines for general residential, commercial, and industrial buildings shall be a minimum of fifty (50) feet. The setback distance shall be measured from the nearest edge of the pipeline corridor. Setback distances shall be a minimum of one hundred (100) feet for all principle buildings used for community recreation services, private or public education, spectator entertainment or sports, exhibition and convention facilities, major health services, religious assemblies, or facilities used for public gatherings.
- 2. Grading Permit:** A Grading Permit, if applicable, must be obtained per Section 178-30 of the Subdivision and Land Development Ordinance, prior to any grading or earth moving and must include evidence of an approved Soil Erosion and Sedimentation Control Plan.
- 3. 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.

**4. Video Documentation:** Prior to commencing the construction of a pipeline, the applicant shall provide for the inspection and video documentation of proposed truck routes.

**5. Supplemental Regulations:** Facility must meet all of the Supplemental Regulations of Chapter 200, Zoning, Article XIII, Supplemental Regulations, of the Township Code of Ordinances. Any and all uses categorized as conditional uses, shall, in addition to the specific conditions set forth herein and the supplemental regulations of Chapter 200, will also be subject to additional applicable conditions and safeguards as set forth in §§ 200-77 A(7) (procedure for approval) and §§ 200-78 (general standards) of the Mt. Pleasant Township Zoning Ordinance.

**§ 200-103.4 Oil and Gas Processing Facilities.**

A company desiring to operate an Oil and Gas Processing Facility shall obtain the permits required by this ordinance, which are in addition to, and are not in lieu of, any permit that may be required by any other governmental or regulating agency. The company must adhere to the following regulations:

1. **Building Permits, Zoning Certificates and Certificates of Occupancy:** Building Permits, Zoning Certificates and Certificates of Occupancy, where applicable, must be obtained from the Township Zoning Officer and applications must include:
  - a. A description of proposed site or modification to an existing site with identification whether the site is located in a wetland or floodplain;
  - b. Anticipated construction start and completion date;
  - c. A plot plan of the site showing, a clearly marked scale, all property lines, all buildings, water wells, water sources, rights-of-way;
  - d. Applicant shall apply for a Township assigned address at the time of building permit application;
  - e. Any and all additional requirements that may be modified or added by subsequent ordinance or required by Pennsylvania law.
2. **Grading Permit:** A Grading Permit, if applicable, must be obtained per Section 178-30 of the Subdivision and Land Development Ordinance, prior to any grading or earth moving and must include evidence of an approved Soil Erosion and Sedimentation Control Plan.
3. **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.

**4. Expert Testimony Required.** The applicant shall present expert testimony to demonstrate that 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.

**5. Setbacks.** The following minimum setback distances must be adhered to:

- a. The minimum distance to any protected use shall be one thousand (1,000) feet;
- b. The minimum distance to any Public or Private School shall be two thousand (2,000) feet;
- c. A Setback Reduction Approval may be authorized by the Mount Pleasant Township Board of Supervisors as part of the Conditional Use approval process, provided that the applicant can submit compelling evidence that such a reduction is absolutely necessary and will not be detrimental to the purposes of this ordinance;
- d. The facility must be set back a minimum of one hundred (100) feet from any adjacent property lines or rights-of-way.

**6. Screening and Landscaping:** The standards in Section 200-119 shall be determined during the Conditional Use Hearing.

**7. Fence Standards.** A secured entrance gate on the access road shall be required and all gates are to be kept locked when the operator or its employees are not on the premises. All storage tanks, separation facilities, or other mechanical or production equipment on the operation site shall be completely enclosed by a permanent chain link fence. Standards for the chain link fence and secured gate are as follows:

1. The chain link fence shall be at least eight (8) feet in height topped by two (2) strands of barbed wire;
2. Support posts shall be set in concrete and shall be imbedded into the ground to a depth sufficient to maintain the stability of the fence;
3. The chain link shall be dark green or black steel wire;
4. The chain link fence shall have, at a minimum, eleven (11) gauge thickness;
5. Posts and rails shall be standard black or dark green welded pipe;
6. Tension rods shall be three-eighths (3/8) inch round steel bolt stock. Adjustable tighteners shall be turnbuckle or equivalent having a six (6) inch minimum take-up. Tension bars shall have minimum thickness of one-fourth (1/4) by three-fourths (3/4) inch;
7. All chain link fences shall be equipped with at least two (2) gates. At least one (1) of the gates shall meet the following specifications:
  - a. The gates shall be of black or dark green chain link construction that meets the applicable specifications, or of other approved material that, for safety reasons, shall be at least as secure as the chain link fence;

b. The gates shall be equipped with a locking attachment and shall be kept locked except when being used for access to the site;

c. Fence screening. Fencing shall be equipped with interlocking opaque slats, mesh, or other screening material approved by township. Color of materials shall be uniform and complementary to the color of the fence and painted equipment. Approved colors shall include, but not be limited to green, brown, tan, and black.

8. **Engines.** Compressors and other power driven equipment shall utilize sparkless electric motors, when practicable, as an alternative to internal-combustion engines, unless the applicant can demonstrate that the alternative engines are not inconsistent with the objectives of this ordinance. All electrical installations and equipment shall conform to Township ordinances and the applicable national codes.

9. **Access Roads:** Access to any facility shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following standards shall apply:

1. Any newly established private easements/roadways constructed on the parcel containing the facility shall be located at least fifty (50) feet from any property line unless written consent is obtained from the adjoining property owner(s);
2. The access road to the facility, beginning with its intersection with a Township road, shall be paved for the first fifty (50) feet and be constructed with an additional one hundred fifty (150) feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or access way is less than two hundred (200) feet in length, the entire access road or access way shall meet these conditions. This shall be in place prior to the commencement of any facility operations;
3. In certain locations, at the discretion of Mount Pleasant Township, an asphalt surface may be required for the entire road;
4. All roads and access ways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.

10. **Truck Routes:** 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 and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis, as well as, keep a record / log of actual use which may be requested from time to time by the Board of Supervisors. In conjunction with the Township, applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any excess weight vehicle travel

upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided.

**11. Excess Road Maintenance Agreements Required:** The applicant shall apply for an excess road maintenance agreement, the form of such agreement to resemble PennDOT's, pay the prescribed fee, and adhere to all conditions set forth.

**12. Video Documentation:** Prior to commencing operations on a project requiring an excess road maintenance agreement, the applicant shall provide for the inspection and video documentation of proposed truck routes.

**13. Fee Reimbursement.** The applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including but not limited to, the Township Engineer, Township Solicitor and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit and its conditions.

**14. Environmental Pollution Liability Coverage:** The applicant shall purchase and maintain in force insurance for environmental pollution liability applicable to bodily injury, property damage, including loss of use of damaged property or of property that has not been physically injured or destroyed; cleanup costs; and defense, including costs and expenses incurred in the investigation, defense or settlement of claims; all in connection with any loss arising from the insured site. Coverage shall be maintained in an amount of at least Five Million (\$5,000,000) dollars per loss, with an annual aggregate of at least Fifteen Million (\$15,000,000) dollars. In the alternative, applicant may self-insure such losses upon a showing of financial responsibility and capability, the determination by any state appointed auditor to be deemed conclusive. This coverage shall not operate as a limitation of liability on an applicant.

1. Coverage shall apply to sudden and accidental pollution resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste material or other irritants, contaminants or pollutants in excess of applicable permits;
2. The applicant shall maintain continuous coverage as long as the facility is in operation.

**15. Signage, Site identification:** The facility signage shall be clearly visible for all 911 Emergency Services, per Chapter 61 of the Township Code of Ordinances, at the location where the access road intersects with the Township or State owned road and at the entrance gate to each facility. In addition to the specifications of Chapter 61, the signage must include:

1. Applicant name
2. Unit name
3. Township assigned address
4. Emergency contact phone number

**16. Lights:** No person shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on a public road, protected use, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally

so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.

**17 Emergency Response Plan:** Prior to development, applicant / operator shall provide to the Township Police Department, Fire Department and Zoning Officer, a copy of its Emergency Response Plan. Also, applicant / operator shall, at its sole cost and expense, provide to Emergency Services, appropriate site orientation with adequate information and training on dealing with any potential dangerous conditions that may result from development activities.

**18 Enclosure:** Noise generating equipment, exceeding Township ordinance standards, shall be fully enclosed 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.

**19 Supplemental Regulations:** Facility must meet all of the Supplemental Regulations of Chapter 200, Zoning, Article XIII, Supplemental Regulations, of the Township Code of Ordinances. Any and all uses categorized as conditional uses, shall, in addition to the specific conditions set forth herein and the supplemental regulations of Chapter 200, will also be subject to additional applicable conditions and safeguards as set forth in §§ 200-77 A(7) (procedure for approval) and §§ 200-78 (general standards) of the Mt. Pleasant Township Zoning Ordinance.

#### **§ 200-103.5 Oil and Gas Wells.**

A company desiring to engage in any oil and/or natural gas well site construction, drilling, hydraulic fracturing, and/or site restoration associated with a gas well of any depth; water impoundment and other fluid storage, and transportation used for such activities shall obtain a Zoning Certificate from the Township. The company must adhere to the following regulations:

1. **Zoning Certificate:** Zoning Certificates must be obtained from the Township Zoning Officer prior to commencement of drilling and applications must include:
  - a. The name and address of the mineral and royalty owner(s), a copy of the oil and gas lease and any drilling permits issued by the Commonwealth of Pennsylvania, or the application, if a state permit has not yet been issued, shall be attached;
  - b. The name and address of the applicant, including the name and telephone number of a local representative;
  - c. The exact description of the location of the proposed well and verification that the site is not located in a wetland or floodplain;
  - d. The name and address of each property owner of all property within one thousand feet (1000) of the proposed well, and verification that all above referenced property owners have been notified in writing of the drilling activity;
  - e. Anticipated construction start and completion date;
  - f. A plot plan of the site showing, a clearly marked scale, all property lines, all buildings, water wells, water sources and rights-of-way.

- 2. Grading Permit:** A Grading Permit, if applicable, must be obtained per Section 178-30 of the Subdivision and Land Development Ordinance prior to any grading or earth moving and must include evidence of an approved Soil Erosion and Sedimentation Control Plan.
- 3. 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.
- 4. Expert Testimony Required.** The applicant shall present expert testimony to demonstrate that 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.
- 5. Setbacks.** The distance to any protected use shall be a minimum of one thousand (1,000) feet with the following exceptions:
  - a. The minimum distance to any Public or Private School shall be two thousand (2,000) feet;
  - b. A Setback Reduction Approval may be authorized by the Mount Pleasant Township Board of Supervisors as part of the Conditional Use approval process, provided that the applicant can submit compelling evidence that such a reduction is absolutely necessary and will not be detrimental to the purposes of this ordinance;
  - c. Any oil and gas activity or facility must be set back a minimum of one hundred (100) feet from any adjacent property lines or rights-of-way.
- 6. Screening:** Temporary screening panels, of a style and material used for noise abatement, shall be erected around the entire drilling site before commencement of the active drilling phase and shall remain in effect until the well is drilled and production has commenced. A waiver of the screening panels can be requested as part of the Conditional Use approval process provided that the applicant can submit compelling evidence that such a waiver is absolutely necessary and will not be detrimental to the purposes of this ordinance.
- 7. Access Roads:** Access to any well site shall be arranged to minimize danger to traffic, nuisance to surrounding properties and to maintain the integrity of Township roads. The following shall apply:
  1. Any newly established private easements/roadways constructed on the parcel containing the well site shall be located at least fifty (50)

feet from any property line unless written consent is obtained from the adjoining property owner(s);

2. The access road to the well site, beginning with its intersection with a Township road, shall be paved for the first fifty (50) feet and be constructed with an additional one hundred fifty (150) feet of limestone in a manner that would reasonably minimize water, sediment or debris carried onto any public road. If the access road or access way is less than two hundred (200) feet in length, the entire access road or access way shall meet these conditions. This shall be in place prior to the commencement of drilling operations;
  3. All roads and access ways shall be constructed and maintained to prevent dust and mud from the surrounding area. A method of dust abatement shall be utilized during dry weather and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.
- 8. Truck Routes:** 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 and the estimated weights of those trucks and the estimated number of trucks entering and exiting the facility on a daily basis, as well as, keep a record / log of actual use which may be requested from time to time by the Board of Supervisors. In conjunction with the Township, applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any excess weight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided.
- 9. Excess Road Maintenance Agreements Required:** The applicant shall apply for an excess road maintenance agreement, the form of such agreement to resemble PennDOT's, pay the prescribed fee, and adhere to all conditions set forth.
- 10. Video Documentation:** Prior to commencing operations on a project requiring an excess road maintenance agreement, the applicant shall provide for the inspection and video documentation of proposed truck routes.
- 11. Fee Reimbursement.** The applicant agrees to reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to the site inspection, including but not limited to, the Township Engineer, Township Solicitor and any other reasonable and direct consultant fees incurred for the review and approval process, and for any specialized work called for in the permit and its conditions.
- 12. Environmental Pollution Liability Coverage:** The applicant shall purchase and maintain in force insurance for environmental pollution liability applicable to bodily injury, property damage, including loss of use of damaged property or of property that has not been physically injured or destroyed; cleanup costs; and defense, including costs and expenses incurred in the investigation, defense or settlement of claims; all in connection with any loss arising from the insured site. Coverage shall be maintained in an amount of at least Five Million (\$5,000,000) dollars per loss, with an annual aggregate of at least Fifteen Million (\$15,000,000) dollars. In the alternative,

applicant may self-insure such losses upon a showing of financial responsibility and capability, the determination by any state appointed auditor to be deemed conclusive. This coverage shall not operate as a limitation of liability on an applicant.

1. Coverage shall apply to sudden and accidental pollution resulting from the escape or release of smoke, vapors, fumes, acids, alkalis, toxic chemicals, liquids or gases, waste material or other irritants, contaminants or pollutants in excess of applicable permits;
2. The applicant shall maintain continuous coverage as long as the facility is in operation.

**13. Signage, Site identification:** The well site signage shall be clearly visible for all 911 Emergency Services, per Chapter 61 of the Township Code of Ordinances, at the location where the access road intersects with the Township or State owned road and at the entrance to each well site. In the event there are multiple well sites accessible from a single entrance point, this information must be clearly posted and visible as to abate possible confusion. In addition to the specifications of Chapter 61, the signage must include:

1. Applicant name
2. Unit name
3. Township assigned address
4. Emergency contact phone number

**14. Lights:** No person shall permit any lights located on any operation site to be directed in such a manner so that they shine directly on public road, protected use, adjacent property or property in the general vicinity of the operation site. To the extent practicable, and taking into account safety considerations, site lighting shall be directed downward and internally so as to avoid glare on public roads, protected uses, and adjacent dwellings and buildings. Exterior lights shall be turned off except when personnel are working on site or motion sensors are activated.

**15 Operating Times:** All site preparation and pre-production operations on the site shall be permissible Mondays through Saturdays (with the exception of federal and/or state holidays) between the hours of 7 AM and 7 PM, or as otherwise authorized by the Board of Supervisors. The active drilling phase is exempt from this paragraph.

**16 Water Flow Test:** The applicant must submit to the Township a copy, if tested, of a water flow test showing evidence of the gallon-per-minute flow rate and the per-minute recovery rate of all water wells, springs or other sources providing water to any protected structure within one thousand (1000) feet of a proposed Oil or Gas Well at the time of registration.

**17 Water Quality Test:** The applicant must submit to the Township a copy, if tested, of a water quality test on all water wells, developed springs, and surface waters, including water sources to supply farm-animal drinking water, within one thousand (1000) feet of a proposed Oil or Gas Well at the time of registration. The Township shall provide a list of the possible contaminants that may be amended from time to time, that each water quality test should address.

**18. Water Impoundments:** Applicant shall register any impoundment with the Township prior to the construction of any fresh water or waste water impoundment. Applicant shall adhere to the following:

1. Impoundment must be five hundred (500) feet from a property line;
2. A copy of the PA DEP permit for approval of impoundment must be provided at the time of application, if applicable;
3. Chain link fencing must be installed around any impoundment and shall be at least eight (8) feet in height topped by two (2) strands of barbed wire;
4. Thirty (30) day advance written notice must be provided when transitioning from a fresh water to a waste water impoundment and applicant must:
  - a. Provide a copy of the revised PA DEP permit;
  - b. Adhere to Chapter 200, Zoning, Article XIII, Supplemental Regulations, Section 200-118, Performance Standards, Subsection A (5), Waste and Spill Handling, where applicable.
5. Utilization of Bird Netting.

**19 Emergency Response Plan:** Prior to development, applicant / operator shall provide to the Township Police Department, Fire Department and Zoning Officer, a copy of its Emergency Response Plan. Also, applicant / operator shall, at its sole cost and expense, provide to Emergency Services, appropriate site orientation with adequate information and training on dealing with any potential dangerous conditions that may result from development activities and shall be made available at least annually during the period when the applicant / operator anticipates drilling activity within the Township.

**20 Supplemental Regulations:** Well sites must meet all of the Supplemental Regulations of Chapter 200, Zoning, Article XIII, Supplemental Regulations, of the Township Code of Ordinances. Any and all uses categorized as conditional uses, shall, in addition to the specific conditions set forth herein and the supplemental regulations of Chapter 200, will also be subject to additional applicable conditions and safeguards as set forth in §§ 200-77 A(7) (procedure for approval) and §§ 200-78 (general standards) of the Mt. Pleasant Township Zoning Ordinance.

**SECTION 5: CHAPTER 200, ZONING, ARTICLE XIII, Supplemental Regulations, § 200-118, Performance Standards, Subsection A, Environmental Performance Standards, is hereby amended to add paragraphs:**

(4) Debris, (5) Waste and Spill Handling and (6) Emissions, which shall read:

**Paragraph (4): Debris:**

All operations shall be conducted in such a manner to minimize the accumulation of debris, pools of water or other liquids, contaminated soil, weeds, brush or other waste materials and shall be in accordance with the best management practices incident to the operations in urban/suburban/rural areas. All equipment used shall be constructed and operated so that dirt, dust, debris or other harmful or annoying effects are minimized by the operations carried on at these facilities to avoid injury to or annoyance to persons living in the vicinity. All owner/operators shall regularly monitor the site and adjacent properties for cleanliness and will remove debris and trash generated at the facility.

When and if any construction activity or operation becomes inactive or abandoned for more than one (1) month, the owner and/or operator shall immediately clean the site of all accumulated debris and trash, and complete the restoration of the site.

**Paragraph (5), Waste and Spill Handling:**

In the event a facility generates hazardous or residual waste as a function of its processes, the Township Supervisors and the Township Fire Department shall be provided a complete detailed list of all chemicals and waste products used, developed or produced by said facility. The following shall also apply:

- a. To the extent that the facility produces or generates hazardous or residual waste or disposal or storage of waste materials, such waste or materials are limited to those produced or generated at the site. No waste materials may be introduced to a facility from a location outside of that specific facility location;
- b. All disposals must be in accordance with the rules and regulations of the DEP and any other applicable local, state, or federal agency, including air pollution control regulations;
- c. Drip pans and other containment devices shall surround or be installed underneath all tanks and containers in excess of fifty five (55) gallons that could potentially leak, discharge or spill hazardous liquids, semi-liquids, or solid waste materials, including hazardous or residual waste inseparable by simple mechanical removal processes, and is made up primarily of natural material and/or man made material that adheres to the best management practices and is acceptable to the Township;
- d. Waste Water Impoundments containing residual waste shall comply with Pennsylvania DEP regulations under PA Code Title 25, Chapter 289 of the Residual Waste Regulations. In addition, the applicant shall:
  1. Register the impoundment with the Township prior to the construction of any such impoundment and all applications shall include a copy of the PA DEP permit approving a residual waste impoundment and a closure plan consistent with PA DEP Residual Waste Regulations section 289.172 which also includes a plan to remove any standing liquids, waste and waste residues, liners and underlying and surrounding contaminated soil, and to dispose of the waste material at a solid waste management facility that is

permitted to accept the waste. Upon completion of the closure plan, the applicant shall provide a copy of the final closure certificate per PA Code Title 25, Chapter 287, Section 342 to the Township;

2. Install warning signs providing notice of potential residual waste dangers;
- e. In the event of any reportable spills, leaks, malfunctions or similar incidents, as defined by the DEP, the facility operator shall notify the DEP and Mount Pleasant Township Local Officials and Police Department immediately, of any spill, leak or malfunction of their processes.

**Paragraph (6), Emissions:**

Should any sites have Condensate Tanks, each tank shall have Vapor Recovery Units or Vapor Destruction Units attached hereto or Best Management Practices must be employed.

**SECTION 6: CHAPTER 200, ZONING, ARTICLE XVIII Administration and Enforcement, § 200-164 Enforcement, is hereby amended to add:**

**Subsection E, Penalties, which shall read:**

Any applicant / operator 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 five hundred (500) dollars, 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 officials 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. Any entity who is found by a court of competent jurisdiction to have violated this Ordinance shall also be responsible for the Township's attorney's fees, engineering fees, expert fees and court costs associated with enforcement.

**SECTION 7: CHAPTER 200, ZONING, ARTICLE XVIII Administration and Enforcement, § 200-164 Enforcement, is hereby amended to add:**

**Subsection F, Savings Clause, which shall read:**

All Ordinances or parts of Ordinances not inconsistent with the provisions of this Ordinance shall be and remain in full force and effect, but any Ordinance inconsistent with the provisions of this Ordinance is hereby amended or repealed to the extent inconsistent with the provisions of this Ordinance.

If any section, clause, phrase or provision of this Ordinance or the application thereof to any person, firm or corporation shall to any extent be held by court of competent jurisdiction to be invalid, the remaining sections and provisions of the ordinance shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

**SECTION 8: Effective Date.**

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

ORDAINED AND ENACTED by the Supervisors of Mount Pleasant Township, Washington County, Pennsylvania this 26 day of January, 2011.

ATTEST

MOUNT PLEASANT TOWNSHIP

\_\_\_\_\_  
Township Secretary

\_\_\_\_\_  
William L. Dinsmore, Chairman

\_\_\_\_\_  
Larry H. Grimm, Vice-Chairman

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Arden B. McCartney, Supervisor