

**INDEPENDENCE TOWNSHIP**  
**WASHINGTON COUNTY, PENNSYLVANIA**

**OIL AND GAS**  
**AMENDED ORDINANCE**

**ORDINANCE: 18-02**

AN ORDINANCE OF THE TOWNSHIP OF INDEPENDENCE, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING THE ZONING ORDINANCE OF THE INDEPENDENCE TOWNSHIP CODE, SPECIFICALLY CHAPTER 410, ARTICLE II, PROVIDING A DEFINITION SUBSECTION FOR “OIL AND GAS DEVELOPMENT, DRILLING AND RELATED OPERATIONS”; AMENDING CHAPTER 410: TO ADD OIL AND GAS PIPELINES, RE-ENTRY DRILLING, TRAFFIC CONTROL SITES, AND CERTIFIED SMALL TEMPORARY WATER FACILITIES AS PERMITTED USES IN THE AGRICULTURAL, INDUSTRIAL AND RURAL RESIDENTIAL ZONING DISTRICTS AND ADDING OIL AND GAS DEVELOPMENT, CERTIFIED WATER STORAGE FACILITIES (SMALL, MEDIUM, LARGE AND MODULAR LARGE VOLUME TANKS), COMPRESSOR STATIONS, PROCESSING PLANTS, STORAGE DEPOTS, TRUCK STAGING AREAS, RE-ENTRY RELATED OPERATIONS AND PUBLIC UTILITY INSTALLATION/SUBSTATIONS AS CONDITIONAL USE(S) AGRICULTURAL, INDUSTRIAL AND RURAL RESIDENTIAL ZONING DISTRICTS; AMENDING ARTICLE 2, SECTION 209 TO ADD REGULATIONS FOR A CONDITIONAL USE APPLICATION FOR OIL AND GAS DEVELOPMENT; AMENDING ARTICLE 2, SECTION 210 TO PROVIDE SPECIFIC STANDARDS FOR OIL AND GAS DEVELOPMENT, CERTIFIED WATER STORAGE FACILITIES (SMALL, MEDIUM, LARGE AND MODULAR LARGE VOLUME TANKS), COMPRESSOR STATIONS, PROCESSING PLANTS, STORAGE DEPOTS, TRUCK STAGING AREAS, RE-ENTRY RELATED OPERATIONS AND PUBLIC UTILITY INSTALLATION/SUBSTATIONS; AMENDING ARTICLE 2, SECTION 203 TO PROVIDE NOTICE AND REGULATION PROVISIONS FOR OIL AND GAS PIPELINES, RE-ENTRY DRILLING, TRAFFIC CONTROL SITES, AND CERTIFIED SMALL TEMPORARY WATER FACILITIES; AND, PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

**WHEREAS**, the Municipalities Planning Code, 53 P.S. §10101 *et seq.* (the “MPC”), authorizes the Township (the “Township”) to create ordinances for the regulation, administration and enforcement of Township zoning ordinances, codes, etc.; and,

**WHEREAS**, pursuant to its authority under the MPC, the Board of Supervisors of the Township (the “Board”) have adopted a Township Code; and,

**WHEREAS**, the Board believes that there is a need to amend Chapter 410 (Zoning) of the Township Code to further regulate the various oil and gas operations occurring in the Township, specifically oil and gas development, compressor stations, processing plants, modular large volume tank farms, impoundments, truck staging area(s) and re-entry gas drilling operations; and

**WHEREAS**, the Board believes that the provisions contained herein will help to address local characteristics and concerns resulting from oil and gas operations in the Township and not covered by the Oil and Gas Act; and,

**WHEREAS**, the Board of Supervisors desires to amend the Township Code by adopting an Ordinance regulating oil and gas drilling, mineral extraction and related operations as set forth below in order to comply with the requirements of Act 13 while also serving to maintain, preserve and protect the public health, safety and welfare of the Township and its residents.

**NOW THEREFORE**, the Board of Supervisors hereby ordains and enacts as follows, incorporating the above recitals by reference:

**SECTION 1. SHORT TITLE.**

This Ordinance shall be known as the Independence Township “Oil and Gas Development, Drilling and Related Operations Amendment Ordinance of 2015”.

**SECTION 2. AMENDMENT TO CHAPTER 410 – ZONING, ARTICLE II - DEFINITIONS.** Chapter 410, Article II §410-8, Particular meanings, is amended by repealing any current definitions that are in conflict with definitions set forth under the sub-title:

“Oil and Gas Development, Drilling and Related Operations”

ACCESS ROAD – Ingress and egress from a Township or state road providing private access to an Oil and Gas Operation and Related Operations.

APPLICANT – An individual, corporation, entity that fills out the application.

CERTIFIED SMALL TEMPORARY WATER FACILITIES - An above ground assembly of fluid storage containers that are each certified by a nationally-recognized testing laboratory or organization such as the ASA, American Petroleum Institute (API), ASTM International, The American Society of Mechanical Engineers, or the American Water Works Association and used to support hydraulic fracturing operations for 4 months or fewer during a 12 month period.



Certified Small Temporary Water Facilities shall not include regular trucking of fluids to or from the storage containers. Only for use in association with Oil and Gas Development and Related Operations.

**CERTIFIED WATER STORAGE FACILITIES, LARGE** - An above ground assembly of fluid storage containers that are each certified by a nationally-recognized testing laboratory or organization such as the ASA, American Petroleum Institute, ASTM International, The American Society of Mechanical Engineers, or the American Water Works Association and used to hold over 100,000 barrels of fresh water and/or re-use water for use in Oil and Gas Development and Related Operations.

**CERTIFIED MODULAR LARGE VOLUME TANKS (MLVTs)** -- For the purposes of this ordinance, MLVTs include any aboveground, fully enclosed tank field assembled from multiple uniform factory prepared components which provides primary containment for 100,000 barrels or more of fluids. By this definition, MLVTS are typically field assembled on an Oil and Gas location for temporary use or are dismantled for movement to a different location following their use. This shall include Modular Large Volume Tanks (MLVTs) that meet American Water Works Association – AWWA - standards or standards deemed to be acceptable by the Township. Only for use in association with Oil and Gas Development and Related Operations.

**CERTIFIED WATER STORAGE FACILITIES, MEDIUM** - An above ground assembly of fluid storage containers that are each certified by a nationally-recognized testing laboratory or organization such as the ASA, American Petroleum Institute, ASTM International, The American Society of Mechanical Engineers, or the American Water Works Association and used to hold between 10,000 barrels to 100,000 barrels of fresh water and/or re-use water for use in Oil and Gas Development and Related Operations.

**CERTIFIED WATER STORAGE FACILITIES, SMALL** - An above ground assembly of fluid storage containers that are each certified by a nationally-recognized testing laboratory or organization such as the ASA, American Petroleum Institute, ASTM International, The American Society of Mechanical Engineers, or the American Water Works Association and used to hold less than 10,000 barrels of fresh water and/or re-use water for use in Oil and Gas Development and Related Operations.

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

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



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

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

**DEP** – The Pennsylvania Department of Environmental Protection (“DEP”), the Commonwealth agency responsible for overseeing and administering environmental laws and regulations within Pennsylvania.

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

**EDGE OF WELL PAD** – This shall mean the edge of the disturbed area associated with the operations.

**EDGE OF MAIN OPERATION FACILITY/DEVELOPED AREA** – This shall mean the edge of the disturbed area associated with the operations.

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

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

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

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



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

**IMPOUNDMENT** – A facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials although it may be lined with synthetic materials, and which is designed to hold an accumulation of liquid wastes or wastes containing free liquids. The term includes holding, storage, settling and aeration pits, ponds and lagoons. The term does not include injection wells.

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

**NATURAL GAS LIQUIDS (NGL)** – Components of natural gas that are liquid at the surface of in-field facilities or in Processing Plants. Natural gas liquids can be classified according to their vapor pressures as low (condensate), intermediate (natural gasoline) and high (liquefied petroleum gas) vapor pressure. Natural gas liquids include ethane, propane, butane, pentane, hexane and heptanes. The term is commonly abbreviated as NGL.

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

**OIL AND GAS PIPELINES** – All parts of those physical facilities regulated by Federal, State or Local agencies such as PHMSA, the Pennsylvania Department of Environmental Protection and/or the Federal Energy Regulatory Commission 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 DEVELOPMENT** - The well site preparation, well site construction, drilling, hydraulic fracturing and/or site restoration associated with an oil and/or gas well of any depth; water and other fluid storage, impoundment located on the same parcel as a well site; and the installment and use of all associated equipment, including tanks, meters and other equipment and structures, whether permanent or temporary. This also includes the site preparation, construction, installment, maintenance and repair of other equipment and activities associated with the exploration for and production of oil and gas. This does not include oil and gas pipelines, compressor stations and natural gas processing plants or facilities performing the equivalent functions that operate as midstream facilities that are only authorized consistent with the Township Zoning Ordinance as a conditional use.



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

PHMSA – Pipeline and Hazardous Materials Safety Administration of the U.S. Department of Transportation that regulates the design and installation of pipelines.

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

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 is designed and constructed primarily to remove water, water vapor, oil, or naturally occurring liquids from the natural gas, including dew point control facilities. When used in this ordinance, the term shall include any similar facilities performing the equivalent or similar functions.

PROTECTED STRUCTURE – Any residential subdivision plan consisting of five or more houses (at a density of at least 1 house per 1 acre) that adjoins a Well Site and any hospital, school, cemetery, religious institution or other public building located within 1,000 feet of an Oil and Gas Development, Drilling or Related Operations site.

PUBLIC UTILITY INSTALLATION/SUBSTATION(S) – Any administrative building, maintenance building, garage or other structure intended for human occupancy or storage of movable equipment or any part of the essential services, as defined herein, other than the general transmission distribution system provided by public utilities, regulated by Public Utilities Commission (PUC) that is used to power, provide transmission lines, switching facilities or similar facilities to any oil and gas drilling, development or related activities.

RELATED OPERATIONS –The activities and operations that are ancillary to oil and gas drilling, such as Processing Plants, Compressor Stations, Certified Water Storage (Small, Medium, Large and MLVTs), Temporary Work and Bunk Trailers, Storage Depots, Traffic Control Sites and Truck Staging Areas.

RE-ENTRY DRILLING - The addition of wells at a Township-approved well site after the previously approved Oil and Gas Development was completed and the site was reclaimed.

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



RESIDENTIAL DWELLING - means a structure or part of a structure that is used as a home or residence by one or more persons who maintain a household, whether single family or multifamily.

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

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

STORAGE DEPOT – A permanent off-street facility designed as a point for collection and/or storage of materials, supplies, equipment, and/or other solid by-products from Oil and Gas Development.

TEMPORARY WATER PIPELINE – A temporary pipeline in place for a period not to exceed 12 months, typically located above ground and used to transport water to and from various Oil and Gas development, drilling and related operations.

TRAFFIC CONTROL SITES – An area used as a stopping place or assembly point designed to accommodate trucks during their course of travel to an Oil and Gas Development and intended to be used for 4 months or fewer during a 12 month period. This definition does not include the transfer of loads to, from or between trucks.

TRUCK STAGING AREA – An off-street facility used for the transfer of loads to, from or between trucks for Oil and Gas Development or a Traffic Control Site intended to be used for more than 4 months out of a 12 month period pursuant to stand-alone agreement with the property owner.

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

WATER PURVEYOR - The owner or operator of a public water system as defined in section 3 of the act of May 1, 1984 (P.L. 206, No. 43), known as the Pennsylvania Safe Drinking Water Act, or any person subject to the act of June 24, 1939 (P.L. 842, No. 365),<sup>2</sup> referred to as the Water Rights Law.

WELL SITE – The area of surface operations surrounding the surface location of a well or wells. The site can include facilities, structures, materials, water containment devices and equipment whether permanent or temporary, necessary for or incidental to the preparation, construction,

drilling, production or operation of an oil or gas well. Such area shall not include an access road to the Well Site.

**SECTION 3. AMENDMENT TO CHAPTER 410 – ZONING, ARTICLE IV: A-1 ZONING DISTRICT AUTHORIZED USES.**

**1. PERMITTED USES.** Chapter 410, Article IV - Agricultural District (A-1), §410-14(A)(1): Permitted Uses (Principal Uses), is amended by adding the following text:

- (f) Oil and gas pipelines and Temporary Water pipelines, subject to §410-83 YY
- (g) Re-Entry Drilling, subject to §410-83 AAA
- (h) Traffic Control Sites subject to notice provision in §410-83 BBB
- (i) Certified Small Temporary Water Facilities, subject to the notice provisions in §410-83 ZZ

**2. CONDITIONAL USES.** Chapter 410, Article IV - Agricultural District (A-1), §410-14(B)(1): Conditional Uses (Principal Uses), is amended by removing the stricken text and adding the following text:

- ~~(d) — Oil and gas wells, subject to §410-83DD~~
- (l) Oil and Gas Development, subject to §410-83 DD
- (v) Certified Water Storage Facilities (Small, Medium, Large and MLVTs), subject to §410-83 ZZ
- (w) Storage Depot(s) and Truck Staging Area(s), subject to §410-83 WW
- (x) Re-Entry Related Operations, subject to §410-83 DDD
- (y) Compressor Station and Processing Plants, subject to §410-83 XX
- (z) Impoundments (Fresh Water), subject to §410-83 EEE

**SECTION 4. AMENDMENT TO CHAPTER 410 – ZONING, ARTICLE V: R-1 ZONING DISTRICT AUTHORIZED USES.**

**1. PERMITTED USES.** Chapter 410, Article V - Rural Residential District (R-1), §410-23(A)(1): Permitted Uses (Principal Uses), is amended by adding the following text:



- (h) Oil and gas pipelines and Temporary Water pipelines, subject to §410-83 YY
- (i) Re-Entry Drilling, subject to §410-83 AAA
- (j) Traffic Control Sites subject to notice provision in §410-83 CCC
- (k) Certified Small Temporary Water Facilities, subject to the notice provisions in §410-83 ZZ

**2. CONDITIONAL USES.** Chapter 410, Article V - Rural Residential District (R-1), §410-23(B)(1): Conditional Uses (Principal Uses), is amended by removing the stricken text and adding the following text:

- ~~(h) Oil and gas wells, subject to §410-83DD~~
- (h) Oil and Gas Development, subject to §410-83 DD
- (m) Certified Water Storage Facilities (Small, Medium, Large and MLVTs), subject to §410-83 ZZ
- (n) Storage Depot(s) and Truck Staging Area(s), subject to §410-83 WW
- (o) Re-Entry Related Operations, subject to §410-83 BBB
- (p) Compressor Stations, subject to §410-83 XX
- (q) Impoundments (Fresh Water), subject to §410-83 EEE

**SECTION 6. AMENDMENT TO CHAPTER 410 – ZONING, ARTICLE VI: R-2 ZONING DISTRICT AUTHORIZED USES.**

**1. PERMITTED USES.** Chapter 410, Article VI – Medium Density Residential District (R-2), §410-32(A)(1): Permitted Uses (Principal Uses), is amended by adding the following text:

- (e) Oil and gas pipelines and Temporary Water pipelines, subject to §410-83 YY

**SECTION 7. AMENDMENT TO CHAPTER 410 – ZONING, ARTICLE VII: V ZONING DISTRICT AUTHORIZED USES.**

1. **PERMITTED USES.** Chapter 410, Article VII – Village District (V), §410-41(A)(1): Permitted Uses (Principal Uses), is amended by adding the following text:

- (e) Oil and gas pipelines and Temporary Water pipelines, subject to §410-83 YY

**SECTION 8. AMENDMENT TO CHAPTER 410 – ZONING, ARTICLE VIII: B ZONING DISTRICT AUTHORIZED USES.**

1. **PERMITTED USES.** Chapter 410, Article VIII – Business District (B), §410-50(A)(1): Permitted Uses (Principal Uses), is amended by adding the following text:

- (cc) Oil and gas pipelines and Temporary Water pipelines, subject to §410-83 YY

**SECTION 9. AMENDMENT TO CHAPTER 410 – ZONING, ARTICLE IX, I-1 ZONING DISTRICT AUTHORIZED USED.**

1. **PERMITTED USES.** Chapter 410, Article IX – Industrial District (I-1), §410-60(A)(1): Permitted Uses (Principal Uses), is amended by adding the following text:

- (f) Oil and gas pipelines and Temporary Water pipelines, subject to §410-83 YY

- (g) Re-Entry Drilling, subject to §410-83 AAA

- (h) Traffic Control Sites subject to notice provision in §410-83 CCC

- (i) Certified Small Temporary Water Facilities, subject to the notice provisions in §410-83 ZZ

2. **CONDITIONAL USES.** Chapter 410, Article IX – Industrial District (I-1), §410-60(B)(1): Conditional Uses (Principal Uses), is amended by adding the following text:

- (i) Oil and Gas Development, subject to §410-83 DD

- (j) Certified Water Storage Facilities (Small, Medium, Large, Impoundments and MLVTs), subject to §410-83 ZZ

- (n) Storage Depot(s) and Truck Staging Area(s), subject to §410-83 WW

- (o) Re-Entry Related Operations, subject to §410-83 BBB

- (p) Compressor Station and Processing Plants, subject to §410-83 XX

- (q) Impoundments (Fresh/Re-use Water), subject to §410-83 EEE



- (r) Deep Injection Wells, subject to §410-83 FFF

**SECTION 10. CONDITIONAL USE APPLICATION.** Chapter 410, Article XI, §410-81(A) Approval for conditional Uses is amended by adding the following subsection:

§410-81(A)8 Application for Oil and Gas Development and Related Operations.

To begin the permitting process for Oil and Gas Development, a Conditional Use Application must be filed with the Township in accordance with (as set forth in Article XI, §410-80 *et seq.*, and Article XII). No hearing will be scheduled until all of the information set forth hereinafter has been received by the Township. In addition to the applicable standards for the Zoning District of the proposed use, the express standards and criteria for granting conditional uses contained in the Township Code, the application must contain the following information:

A. Information:

- (1) The name and address of the Applicant, including the name and telephone number of a local representative;
- (2) The mineral and/or oil and gas/ lease royalty and surface owner(s),
- (3) A copy of the oil and gas or mineral lease (Recorded Memorandum) and any drilling permits issued by the Commonwealth of Pennsylvania, or if a state permit has not yet been issued, the application, if submitted, shall be attached;
- (4) The exact description of the location of the proposed facility/operation;  
and
- (5) Setbacks. Certification that the applicable setbacks will be met.
- (6) The name and address of all property owners within 300 feet of the proposed site along with proof that notice of the proposed use was sent to each property owner.

B. Work Hours. Provide the proposed timeline and hours of development/site work and the use of trucking and heavy equipment during each phase of the process, from initial site preparation to drilling operations and post drilling operations.

C. Road Bonding and Maintenance. The Applicant will review and execute a Joint Road Maintenance Agreement with the Township and provide the appropriate bonding and list of subcontractors.

D. Blast Study. Operator's application shall contain a blast study showing compliance with the standards contained in the American Petroleum Institute's (API) Recommended Practice 752 and 753.

E. PPC Plan. The Operator shall provide to the Township's first responders, including Fire Department, Police Department, ambulance service(s), and to the Zoning Officer/Code Enforcement Officer a copy of its preparedness, prevention and contingency ("PPC") plan. Before drilling, the Applicant shall confirm in writing that the Township's first responders have secured adequate training to deal with any potential dangerous conditions that may result due to construction activities on each site. First responders shall have a minimum of five hours of training per year to meet this standard. Upon request from the Township, the Operator will, prior to drilling of its first oil and gas well in Township, make available, with at least 30 days notice, at its sole cost and expense, one appropriate group training program of up to five hours for first responders. Such training shall be made available at least annually during the period when the Operator anticipates oil and gas related activities in the Township.

F. The Applicant shall provide a schedule indicating the following dates, which the Township acknowledges is subject to change:

- (1) Anticipated site preparation beginnings and endings.
- (2) Anticipated drilling or mining activity beginnings and endings.
- (3) Anticipated completion (perforating) work to begin and end.
- (4) Anticipated stimulation (fracturing) work to begin and end.
- (5) Anticipated production work to begin and end.
- (6) Anticipated plugging date.
- (7) Anticipated site restoration.

G. Permits. All applicable, state, local and federal permits must be attached to the application or provided upon issue.

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



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

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

K. Approval. The procedure for Conditional Use approval is outlined further in the Township Code.

**SECTION 11. OIL AND GAS DEVELOPMENT.** Chapter 410, Article XI §410-83 DD is deleted in its entirety and replaced as follows:

§410-83 DD. Oil and Gas Development.

In addition to the provisions contained in §410-81(A)(8) (Section 10 herein), an Applicant/Operator desiring to engage in any oil and gas development, construction of drill pad(s) and well site(s) and drilling of wells shall be further subject to the following:

A. Minimum Lot Size.

The minimum lot size for an Oil and Gas Development shall be 20 acres. Contiguous properties can be combined to meet the minimum acreage requirements if the properties being combined are adjoining each other. All setbacks shall be measured from the exterior boundary lines of the combined parcel area.

B. Setbacks. The following setbacks shall apply for Oil and Gas Development unless specifically stated otherwise:

(1) Unconventional Well:

- a. 500 feet from the well bore/well head to an existing building, unless the owner of the building provides written consent.
- b. 200 feet from the well bore/well head to any solid blue lined stream, spring or body of water as identified on the most current 7 ½ minute topographic quadrangle map of the United States Geological Survey.
- c. 300 feet from an unconventional well bore/well head to any solid blue lined stream, spring or body of water as identified on the most current 7 ½ minute topographic quadrangle map of the United States Geological Survey.
- d. 300 feet from unconventional well bore/well head to wetlands greater than one acre in area.
- e. 200 feet from the well bore/well head to wetlands greater than one acre in area.
- f. 1000 feet from the well bore/well head to any protected structure, unless owner of the protected structure provides written consent.
- g. 500 feet from the well bore/well head edge of any State or County parks, including but not limited to State Game Lands 232.

h. 300 feet from the edge of the well pad to a residential dwelling.

(2) Conventional Wellhead:

- a. 300 feet from the well bore/well head to an existing building
- b. 200 feet from the well bore/well head to any solid blue-line stream, spring or body of water as identified on the most current 7 ½ minute topographic quadrangle map of the United States Geological Survey.

C. Sound. A sound study may be conducted by the Operator prior to any activity beginning on the site to demonstrate that sound will not exceed the permitted decibel levels for the applicable Zoning District as set by Township Ordinance or the applicable standard imposed by State or Federal law, whichever is less.

In the event of multiple zoning districts within the Township, the more-restrictive sound level standards shall govern. In the event that contiguous properties are combined for the Oil and Gas Development, the permitted decibel levels shall apply at the exterior boundary line of the combined parcel area. In the event Operator is unable to comply with the stated standards, it must put in place measures that may include, but shall not be limited to:

- (1) Sound Walls/ Noise Barriers. The erection of sound walls/noise barriers to bring the dBA within acceptable levels.
- (2) Enclosure. Enclosure of sound-generating equipment in a sound-reduction structure that conforms to the character of the zone in which it exists. All applicable development plans, permits and regulations shall apply to the enclosure. During normal operations, the structure shall remain fully enclosed, with all doors and windows remaining closed unless during times of egress.
- (3) Mufflers. Equipment of internal combustion engine or compressor with an exhaust muffler or an exhaust box. Said muffler/box shall be constructed of noncombustible material designed and installed to suppress sound and disruptive vibrations.
- (4) Obtain a release waiver of the applicable noise requirements from the owners of the impacted property.

D. Lighting. Operator shall place lights, to the extent practicable taking into account safety considerations, at locations so as to avoid shine directed at public roads, protected structures and adjacent dwellings and buildings.

E. Security Measures. Adequate security measures shall be in place at all times to protect Well Sites and may be subject to amendment based upon Township's review and feedback during the course of operations.

F. Access roads. Access to any Oil and Gas Development shall be designed to ensure safety and reduce inconvenience to adjacent properties. The following shall also apply:



- (1) The access road to the Well Site, beginning with its intersection with a paved Township road, shall be paved for the first 100 feet and the remainder constructed with materials that reasonably minimize water, sediment or debris carried onto any public road.
- (2) All access roads shall be constructed and maintained to prevent dust and mud to the surrounding area. Operator, at its discretion, is to implement reasonable dust abatement measures, during dry weather conditions and under no circumstances shall brine water, sulphur water or water in mixture with any type of hydrocarbon be used for dust abatement.

G. Truck routes.

- (1) The Applicant shall submit a road use plan showing the proposed routes of all trucks to be utilized for hauling equipment, supplies and the like and the estimated weights of those trucks and the estimated number of trucks entering and exiting the Well Site on a daily basis. In conjunction with the Township, the Applicant shall design the hauling routes to and from the facility to minimize the impact on local roads. At no time shall any overweight vehicle travel upon any Township roads, or portion thereof, other than the specified portion of Township roads for which security has been provided.
- (2) The Operator shall also coordinate its truck route with the local school bus schedules, which shall be provided to the Township by the Operator.
- (3) The Operator shall provide emergency contact information and/or emergency detour routes in the event of an accident on a roadway in the Township.

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

I. Operating times. All site preparation and preproduction activities on the Well Site, as well as access road maintenance, site reclamation activity and other ongoing ancillary activities shall be permissible Mondays through Saturdays (with the exception of federal and/or state holidays) between the applicable hours of operation as set forth in the Township Code or as otherwise authorized by the Board of Supervisors. The active drilling phase and completions (hydraulic fracturing) are exempt from this subsection.

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

- (1) A copy of the DEP impoundment permit, if applicable, must be provided at the time of application or when available;
- (2) Chain-link fencing must be installed around any impoundment and shall be at least eight feet in height;
- (3) All Impoundments must implement noise reduction measure in addition to those required to meet the applicable noise requirements of the zoning district.

Additional noise reduction measures may include sound walls, earthen barriers, etc.

(4) Thirty-day advance written notice must be provided when transitioning from freshwater to re-use water storage and the Applicant must provide a copy of the revised DEP permit when available;

(5) The Applicant shall provide a copy of the Notice of Termination to the Township upon reclamation of the impoundment;

(6) Any storage of hazardous waste at the impoundment will require signage in accordance with Federal law; and

(7) Any DEP-reportable spills must be reported to the Township within 24 hours of the incident.

(8) Must comply with the applicable provisions contained in Section 410-83 ZZ of the Township Code.

- K. Water Storage. In the event a Certified Water Storage Facility (Small, Medium, Large or MLVT) shall be placed on the site, it shall be subject to the provisions contained in Section 410-83 ZZ. Separate conditional use approval shall not be required for a Certified Water Storage Facility located on site and used as an accessory to an Oil and Gas Development.
- L. Engine and motor enclosures. All engines and motors not involved in the active drilling/fracturing phase but used to facilitate the movement of gas or regulate the pressure of gas must be enclosed.
- M. On site Trailers. Operator must identify the number of temporary trailers at the Well Site that accommodate rest and meals for essential personnel during the drilling phase of operations and such temporary trailers are subject to applicable permit fees. Temporary trailers used to store equipment and used as office space at the Well Site are not subject to fees.
- N. Pipeline Information. Any oil or gas pipelines and/or temporary water pipelines running from the well site shall be subject to the provisions contained in Section 410-83 YY.
- O. State and federal compliance. The Operator shall comply with all applicable state and federal regulations. The Operator shall notify the Township immediately of any suspension or revocation of the required state and/or federal permits associated with the Well Site.
- P. Supplemental regulations. The facility/operations must meet all of the supplemental regulations of the Township Code of Ordinances. Any and all uses categorized as conditional uses, in addition to the specific conditions set forth herein and shall be subject to the general and supplemental standards contained in the applicable zoning district(s); and may be further subject to additional conditions and safeguards as deemed necessary and appropriate by the Township to protect the health, safety and welfare of the Township and its residents.



**SECTION 12. CERTIFIED WATER STORAGE FACILITIES (SMALL, MEDIUM, LARGE, IMPOUNDMENTS AND MLVTS).** Chapter 410, Article XI §410-83 is amended by adding Subsection ZZ as follows:

§410-83 ZZ. Certified Water Storage Facilities (Small, Medium, Large and MLVTs).

In addition to the requirements contained in §410-81(A) (8) and §410-83 DD (Section 10 and 11 herein), any Certified Water Storage Facilities (Small, Medium, Large and MLVTs) to be located in the Township shall be subject to the following:

- A. Minimum Lot Area. The minimum lot size shall be:
  - (1) 2 acres for Small or Medium Certified Water Storage
  - (2) 5 acres for Large or MLVT Certified Water Storage
  
- B. Operations Outside of Township.
  - Any Certified Water Storage Facility servicing Oil and Gas Development and/or Related Operations outside of the Township shall require site specific (name of unit/project outside of Township) conditional use approval. Approval shall automatically expire twelve (12) months from the date said water facility is installed unless extension is given by the Board.
  - Use of Certified Water Storage Facilities servicing Oil and Gas Development and/or Related Operations outside of the Township may only be installed on property located in a designated District and must border a state roadway within the Township unless specifically agreed to by the Township Supervisors.
  
- C. Design Criteria.
  - (1) The Applicant for a Certified Water Storage Facility (Small, Medium, Large or MLVT) shall provide:
    - a. Proof of certification by the relevant nationally-recognized laboratory or organization; and
    - b. If applicable, copies of any required Re-use Tank Permit, WMGR 123-Solid Waste Permits, etc. from the appropriate state, federal, or independent certifying agency prior to the operation of the Certified Water Storage Facility.
  
  - (2) The Applicant for a Certified MLVT shall provide:
    - a. Certification that the proposed tanks comply with the design standards set forth in the American Water Works Association (AWWA) B-1039 design manual.
    - b. All MLVTs must meet the containment requirements (110%) of Act 13 and a geo-technical report must be obtained certifying that:
      - i. The site can withstand 3000 sq ft of pressure
      - ii. Core Test results
      - iii. Tanks to be placed on cut, not on fill or compressible clay lenses, as certified in the geo-technical report

- c. A copy of any required Re-use Tank Permit, WMGR 123-Solid Waste, from the DEP prior to the operation of the Certified MLVT.

(3) Residual Waste Use and Storage:

- a. Any Certified Water Storage Facility (Small, Medium, Large, or MLVT) used to hold Residual Waste/Waster Water can only be permitted in the R-1 or, I-I Zoning Districts.
  - b. Any Certified Water Storage Facility (Small, Medium, Large or MLVT) that shall be used to hold Residual Waste must meet AWWA D103-9 tank standards.
  - c. Any Impoundment used to hold Residual Waste/Waste Water must meet all DEP requirements and be tested on quarterly basis with results sent to the Township.
- D. Site Plan. A survey/site plan sealed by a licensed Professional Engineer or Surveyor must be provided indicating water storage location, other buildings, access roads, setbacks from adjoining property lines and structures.
- E. Liners. All liners must be welded and tested in accordance with the applicable ASTM international Standards. Any repairs to liners must be made using acceptable practices and applicable standards.
- F. Filling. The Operator or its contractor must supervise initial filling of all water storage operations and inspect for leaks during filling. If leaks are observed, filling must cease, the leaks must be repaired, and the integrity of the tank must be evaluated prior to continuing to fill. Contractors can observe all future fillings, provided they are granted the authority to stop work if unsafe or upset conditions are observed.
- G. Setbacks.
- (1) Freshwater Storage: shall be twenty (20) feet from a wellhead, fired vessel, heater, compressor with a rating of 200 horsepower or greater; a separator, well test unit or other non-fired equipment.
  - (2) Waste Water: shall be 50 feet from a wellhead, fired vessel, heater, compressor with a rating of 200 horsepower or greater; a separator, well test unit or other non-fired equipment.
- H. Time frame. The time period in which the Certified Water Storage (Small, Medium, Large, or MLVT) will be constructed and destructed along with use in between the start/finish dates.
- I. Notice. At least seven (7) days prior to a new oil and gas well site being serviced by a standalone Certified Water Storage (Small, Medium, Large or MLVT), Operator must provide notice to the Township with updated information, including truck traffic information, truck routes, etc.



- J. Surface. The surface of the Certified Water Storage (Small, Medium, Large or MLVT) shall be constructed and designed in a manner that would reasonably minimize water runoff in the event of a major leak.
- K. Signage, Tank Identification. Signs must be posted at the site of any Certified Water Storage (Small, Medium, Large or MLVT) to indicate the contents of the water storage facilities.
- L. Spill Containment.
  - (1) A spill containment plan shall be provided.
  - (2) Containment shall be provided for indoor facilities.
  - (3) If a spill, fire, or other violation of any Federal, State or Local Law occurs at the drill site or in the Township by Operator or its Subcontractors, Operator shall notify the Township immediately, in all circumstances, no later than 24 hours after the incident occurred or, if the incident is ongoing, no later than 24 hours after it began.
- M. Reclamation procedure. To the best of the Operator/Applicants knowledge, the Operator or Applicant shall provide the time frame for site restoration.
- N. Supplemental regulations. In addition to the specific conditions set forth herein said use shall also be subject to additional conditions and safeguards as determined by the Township at the Conditional Use hearing and the applicable regulations of the Township Code, the specific zoning districts and the supplemental standards, including but not limited to those contained in Articles XI through XVII of the Township Code.

**SECTION 13. STORAGE DEPOT(S) AND TRUCK STAGING AREA(S).**

Chapter 410, Article XI §410-83 is amended by adding Subsection WW as follows:

§410-83 WW. Storage Depot(s) and Truck staging area(s).

In addition to the provisions contained in §410-81(A) (8) and §410-83 DD (Section 10 and 11 herein), Truck Staging Areas and storage Depots shall be further subject to the following:

- A. Minimum Lot Area. The minimum lot area required for a site shall be 2 acres. A certified survey of the site area must be provided prior to operations commencing.
- B. Setbacks. The following minimum setbacks must be met from the edge of any truck staging area (measured from the edge of the parking pad) unless waived by the owner of the property adjacent to the delineated setback:
  - (1) No part of a the pad's designated parking area may be located within 20 feet of a public road or public right of way;
  - (2) At least 200 feet from an occupied structure;

- (3) At least 1,000 feet from a protected structure
- C. Surface. The surface of the staging area/storage depot shall be designed in a manner that would reasonably minimize water, sediment or debris carried onto any public road.
- D. Application Information. In addition to the application requirements set forth in Section 410-81(A)8, the Applicant shall provide:
  - (1) A location map showing the location of the site in the Township and the proposed ingress to and egress from the site.
  - (2) The anticipated types of vehicles to be accommodated.
  - (3) Applicant/Operator must provide a list of materials to be stored on site to the best of its ability. This list must be provided to the Township's Emergency Responders in the event of an incident on site.
  - (4) Copies of any permits or approvals required for the construction or operation of the Storage Depot or Truck Staging Area
- E. Site Circulation.
  - (1) Ingress, egress and internal traffic circulation shall be designed to ensure safe access by all vehicles.
  - (2) The site must be designed so that there is plenty of parking/staging in order to prevent traffic backing up on public roadways.
  - (3) Signs must be posted to direct traffic within the Truck Staging Area.
- F. Operator must reclaim the site in accordance with State and Federal law.
- G. No garbage, hazardous materials or hazardous waste, as defined by Federal statute, or other organic waste shall be stored on the premises.
- H. A Truck Staging Area may be located on a parcel with other uses as long as the parcel provides parking for the other uses in accordance with the Township's Zoning Ordinance, Off-Street Parking and Loading provisions.
- I. Supplemental regulations. In addition to the specific conditions set forth herein said use shall also be subject to additional conditions and safeguards as determined by the Township at the Conditional Use hearing and the applicable regulations of the Township Code, the specific zoning districts and the supplemental standards, including but not limited to those contained in Articles XI through XVII of the Township Code.

**SECTION 14. COMPRESSOR STATIONS; PROCESSING PLANTS.** Chapter 410, Article XI §410-83 is amended by adding Subsection XX as follows:

§410-83 XX. Compressor Stations, Processing Plants.



In addition to the requirements contained in §410-81(A)(8) and §410-83 DD, Compressor Stations, Processing Plants shall be further subject to the following:

A. Written Summary. Applicant must include a written summary of how the compressor station or processing plant will operate.

- (1) Information on the method of transportation for the processed gas/liquids to market (pipelines, township roads, etc.)
- (2) Overall site development time frame and calendar.
- (3) Detailed plans regarding construction phase, including information on shipment of equipment, materials, etc. to the site.

B. Minimum Lot Size.

- (1) The minimum lot size for a processing plant shall be 80 acres. At least 80% of the overall surface area of the Processing Plant (based upon square footage) must be located in an I-1 Zoning District; however contiguous properties located in (A-1, R-1 or I-1) can be combined to meet the minimum acreage requirements.
- (2) Compressor Stations.
  - i) Compressor Station shall not be placed on a lot less than five (5) acres.
  - ii) Compressor Station shall not disturb a surface area greater than 700,000 sq. ft.
  - iii) Compressor Station shall not disturb more than 90% of the total surface area of a lot.

C. Setbacks.

- (1) 500 feet from the edge of the facility's developed area from an occupied structure.
- (2) Protected Structures. 1,000 feet from the edge of the facility's developed area to the nearest existing protected structure.
- (3) Additional Setbacks. All aboveground equipment including compressor engines and any structure in which the compressors are enclosed must be set back a minimum of 200 feet from any adjacent property lines.
- (4) A setback reduction variance may be authorized by the 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 and includes the necessary waivers from the impacted property owner(s).

D. Screening.

- (1) Compressor station sites shall have a landscaped buffer area placed strategically around the perimeter of the site to screen the location from other properties to be determined on a site specific basis.
- (2) Operations will be subject to the applicable standards of the Zoning District the proposed use is located in.

E. Design Standards.

- (1) The location and design of structures and site improvements shall be integrated with the natural color, form, and texture of the surrounding area to the extent possible.
- (2) No equipment or surplus materials, including the placement of permanent or moveable storage containers or other portable equipment, shall be stored on the facility. This includes the removal of idle equipment unnecessary for the operation of such facility.
- (3) Applicable equipment must have remote/local shutdowns.

F. Building Approval. Building plans must be approved by the designated Code Inspection Department of the Township and must meet the minimum safety standards as set forth in the International Building Code (“IBC”), Pennsylvania Uniform Construction Code (“UCC”) or applicable Code adopted by the Township. The Code Enforcement Officer and/or Township Board of Supervisors shall have the authority to grant waivers to the requirements if Applicant is able to demonstrate the design and safety measures meet or exceed those of the IBC, UCC, etc.

G. Environmental Study. Operator/Applicant shall provide Township with a copy of the DEP permit.

H. Spill Containment.

- (1) A spill containment plan shall be provided and designed by a Registered Design Professional of the Commonwealth of Pennsylvania and approved by the DEP.

I. State and federal compliance. The applicant shall comply with all applicable state and federal regulations and shall show evidence of obtaining the required state and/or federal permits, including proof of insurability, before initiating any work and maintaining the required permits throughout the duration of all operations. The applicant shall notify the Township immediately of any suspension or revocation of the required state and/or federal permits. Upon notification of said suspension or revocation, the Township-issued permits will hereby be deemed suspended or revoked until state and/or federal compliance is reached.

J. Expansion.

In the event the facility or project is expanded in size, scope, use, etc. beyond what was included in the initial approval, the Applicant must submit a written request to the Township. The decision to require a subsequent Conditional Use Hearing will be in the sole discretion of the Board of Supervisors and will be announced at a public meeting. Although the Township may not require hearings on the subsequent Conditional Use application, and the appropriate information concerning the expansion operations must be submitted. This shall include, but not be limited to



additional identification of disturbed areas beyond the scope initially presented, additional facilities being used on the site that were not included in the initial application and/or material changes such as different truck routes, access roads, sound impacts, additional water containment devices, tanks, etc.

- K. Supplemental regulations. The facility must meet all of the supplemental regulations of the Township Code of Ordinances. Any and all uses categorized as conditional uses, in addition to the specific conditions set forth herein and shall be subject to the general and supplemental standards contained in the applicable zoning district(s); and may be further subject to additional conditions and safeguards as deemed necessary and appropriate by the Township to protect the health, safety and welfare of the Township and its residents.

**SECTION 15. OIL AND GAS PIPELINES.** Chapter 410, Article XI §410-83 is amended by adding Subsection YY as follows:

§410-83 YY. Oil and Gas Pipelines.

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

- (1) The origin point and destination of the pipeline to be constructed in the Township including timeframe for activities; and
- (2) A description of the substance to be transported through the pipeline and a copy of the material safety data sheet (MSDS); and
- (3) Any site reclamation plans and timeframe; and
- (4) A copy of the Road Bond and Maintenance Agreement, along with any/all road cut/bore permits.
- (5) Location of any pressure relief devices
- (6) GIS Drawings
- (7) Statement concerning method of operation

**SECTION 16. RE-ENTRY DRILLING.** Chapter 410, Article XI §410-83 is amended by adding Subsection AAA as follows:

§410-83 AAA. Re-Entry Drilling.

- A. Notice. The Operator shall provide the following notice of Re-Entry Drilling at least 90 days prior to initiating operations at the well site:

- (1) Written certification that the Operator is in compliance with the conditions contained in the initial conditional use approval;
- (2) Updated truck routing schedule over Township roads;
- (3) Updated compliance with the Township's Road Maintenance and Bond Agreement for the roads to be utilized;
- (4) Updated drilling and related operations schedule/timeline; and
- (5) Copies of any new or revised permits and approvals required for the Re-Entry Drilling.
- (6) Confirmation that Operator is not in breach of current Conditional Use approval.

B. Approval. The required information will be reviewed by the Township Engineer and if said Re-Entry Notice is complete the Re-Entry Drilling will be approved in writing without the requirement of a supplemental hearing. The approval shall be a continuance of any previous approval granted for Oil and Gas Development on the subject property.

C. Supplemental Hearing. A supplemental hearing will be required if the Re-Entry Drilling includes a material change or includes additional operations not covered for and/or permitted in the initial approval.

D. Scope. If required, the conditional use hearing will be limited to testimony and exhibits explaining the specific operations not covered by the initial conditional or permitted use approval.

E. Standards and Criteria. Operator may rely on the conditions set forth in the original conditional use approval. The Township may not change or amend the original conditions or ordinance terms concerning setbacks, well site and/or access road location so long as they do not adversely affect the health, welfare and safety of the residents.

**SECTION 17. RE-ENTRY RELATED OPERATIONS.** Chapter 410, Article XI §410-83 is amended by adding Subsection BBB as follows:

§410-83 BBB. Re-Entry Related Operations.

- A. Application In addition to the requirements contained in §410-81(A)(8) and §410-83 DD the Operator shall provide the following:
- (1) Written certification that the Operator is in compliance with the conditions contained in the initial conditional use approval;
  - (2) Updated truck routing schedule over Township roads;
  - (3) Updated compliance with the Township's Road Maintenance and Bond Agreement for the roads to be utilized;
  - (4) Updated drilling and related operations schedule/timeline; and



(5) Copies of any new or revised permits and approvals required for the Re-Entry Related Operation.

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

C. Standards and Criteria.

(1) Operator may rely on the conditions set forth in the original conditional use approval. The Township may not change or amend the original conditions or ordinance terms concerning setbacks, well site and/or access road location so long as they do not adversely affect the health, welfare and safety of the residents.

(2) The Applicant shall demonstrate compliance with the criteria applicable to the specific proposed Re-Entry Related Operation (e.g. Truck Staging Area or Certified Water Storage Facility).

**SECTION 18. TRAFFIC CONTROL SITES.** Chapter 410, Article XI §410-83 is amended by adding Subsection CCC as follows:

§410-83 CCC Traffic Control Sites.

A. Notice. The Operator shall provide the following notice of a Traffic Control Site at least 14 days prior to initiating the use:

- (1) Updated truck routing schedule over Township roads;
- (2) Updated compliance with the Township's Road Maintenance and Bond Agreement for the roads to be utilized;
- (3) A location map showing the location of the site in the Township and the proposed ingress to and egress from the site;
- (4) The anticipated types of vehicles to be accommodated;
- (5) The relevant drilling and related operations schedule/timeline, if available;  
and
- (6) Proof of the property owner's consent to the use.

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

**SECTION 19. IMPOUNDMENTS.** Chapter 410, Article XI §410-83 is amended by adding Subsection DDD as follows:

§410-83 DDD Impoundments.

In addition to the requirements contained in §410-81(A) (8) and §410-83 DD (Section 10 and 11 herein), any standalone Impoundments shall be subject to the following:

- A. Minimum Lot Size. The minimum lot size for a standalone Impoundment operation shall be 5 acres.
- B. Certification and Permits.
  - (1) The Applicant for an Impoundment shall provide:
    - a. Proof of certification by the relevant nationally-recognized laboratory or organization; and
    - b. Water impoundments shall be constructed in compliance with all applicable requirements of the Pennsylvania Department of Environmental Protection (PA DEP)
    - c. A copy of any required Permits from the DEP prior to the impoundment operations occurring.
- C. Site Plan. A survey/site plan sealed by a licensed Professional Engineer or Surveyor must be provided indicating water storage location, other buildings, access roads, setbacks from adjoining property lines and structures.
- D. Security. Chain-link fencing must be installed around any impoundment and shall be at least eight (8') feet in height.
- E. Setbacks. In addition to the DEP's setbacks regulations:
  - (1) Impoundment must be 500 feet measured horizontally from an occupied dwelling to the edge of the Impoundment structure, unless the owner thereof has provided a written waiver consenting to the impoundment being closer than 500 feet.
  - (2) 1,000 feet from a Protected Structure for fresh water impoundments
  - (3) 1,500 feet from a Protected Structure for waste water/re use fluid impoundments
- F. Access Road. In addition to the provisions contained in the Oil and Gas Drilling and Development Section, all access roads to an impoundment site must:
  - (1) Access road must be designed to accommodate all vehicle truck traffic servicing the site without using any public roadways for idling vehicles waiting to access the impoundment site.
  - (2) Appropriate signage and idling restriction measures must be in place to comply with Pennsylvania's Diesel-Powered Motor Vehicle Idling Act (Act 124 of 2008)
- G. Buffers and Noise. The Impoundment must be constructed in a manner to reduce truck traffic noise. The appropriate sound barriers shall be installed at the discretion of the Township.



- H. Notice. At least seven (7) days prior to a new oil and gas well site being serviced by a standalone Impoundment, Operator must provide notice to the Township with updated information, including truck traffic information, truck routes, etc.
- I. Surface. The surface area immediately surrounding the Impoundment shall be constructed and designed in a manner that would reasonably minimize water/liquid runoff in the event of a major leak.
- J. Signage, Identification. Signs must be posted at the site of any Impoundment to indicate the contents of the water/liquid being stored on site.
- K. Testing and Spill Containment.
  - (1) A spill containment plan shall be provided.
  - (2) Testing of the Impoundment must occur every four (4) months with results provided to the Township
- L. Reclamation procedure. To the best of the Operator/Applicants knowledge, the Operator or Applicant shall provide the time frame for site restoration.

**SECTION 20. DEEP INJECTION WELLS / CLASS II WELLS.** Chapter 410, Article XI §410-83 is amended by adding Subsection DDD as follows:

§410-83 EEE Deep Injection Well Sites.

In addition to the requirements contained in §410-81(A) (8) and §410-83 DD (Section 10 and 11 herein), any Deep Injection Wells/ Class II Wells, shall be subject to the following:

- A. Minimum Lot Acreage: 20 acres.
  - i) Contiguous properties in other zoning districts can be combined to meet the minimum acreage requirements if the properties being combined are adjoining each other and the injection well site is physically located in the Industrial district. Any property line setbacks shall be measured from the exterior boundary lines of the combined parcel area.
- B. Notice. Operator must provide Township with Notice of any materials being disposed of as part of a Deep Injection Well.
- C. Permits. Operator must provide Township copies of all State and Federal Permits associated with the proposed use.
- D. Setbacks. 1,500 feet from a protected structure and 1,000 feet from an occupied structure, unless all impacted owners within the setback limits sign a waiver.

**SECTION 21. FUTURE DEVELOPMENT ACTIVITIES.**

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

## **SECTION 22. FEES.**

Any fees and costs associated with any activity contained herein shall be set from time to time by Resolution and incorporated into the Township's Schedule of Fees.

## **SECTION 23. PENALTIES.**

Any Operator/Owner shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600.00, plus all court costs, including reasonable attorney's fees incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day a violation exists shall constitute a separate offense. Further the appropriate officers or agents of the Township are hereby authorized to issue a cease-and-desist notice and/or to seek equitable relief, including injunction to enforce compliance herewith. No bond will be required if injunctive relief is sought by the Township. A person who violates this ordinance shall also be responsible for the Township's attorney fees, engineering fees, expert fees and court costs associated with enforcement.

**SECTION 24. REPEALER.** Any Township Ordinances or provisions of the Township Code, which are inconsistent herewith, are hereby repealed to the extent of any such inconsistency. This shall include Ordinance 12-01.

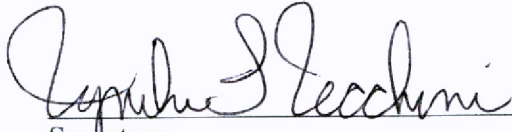
**SECTION 25. SEVERABILITY.** If any sentence, clause, section or other part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.



**SECTION 26. EFFECTIVE DATE.** This ordinance shall become effective immediately upon adoption.

ENACTED AND ORDAINED this 21<sup>st</sup> day of December, 2018.

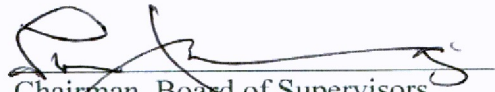
ATTEST:

  
Secretary


(SEAL)



BOARD OF SUPERVISORS  
INDEPENDENCE TOWNSHIP

  
Chairman, Board of Supervisors

  
Supervisor

  
Supervisor