

Article VIII, section 2 of the Constitution of Pennsylvania provides that the General Assembly may, by law, establish standards and qualifications for agricultural reserves. Agriculture in many parts of the Commonwealth is under urban pressure from expanding metropolitan areas. This urban pressure takes the form of scattered development in wide belts around urban areas, and brings conflicting land uses into juxtaposition, creates high costs for public services, and stimulates land speculation. When this scattered development extends into good farm areas, ordinances inhibiting farming tend to follow, farm taxes rise, and hopes for speculative gains discourage investments in farm improvements. Many of the agricultural lands in the Commonwealth are in jeopardy of being lost for any agricultural purposes. Certain of these lands constitute unique and irreplaceable land resources of Statewide importance. It is the purpose of this act to provide means by which agricultural land may be protected and enhanced as a viable segment of the Commonwealth's economy and as an economic and environmental resource of major importance.

It is further the purpose of this act to:

- (1) Encourage landowners to make a long-term commitment to agriculture by offering them financial incentives and security of land use.
- (2) Protect farming operations in agricultural security areas from incompatible nonfarm land uses that may render farming impracticable.
- (3) Assure permanent conservation of productive agricultural lands in order to protect the agricultural economy of this Commonwealth.
- (4) Provide compensation to landowners in exchange for their relinquishment of the right to develop their private property.
- (5) Leverage State agricultural easement purchase funds and protect the investment of taxpayers in agricultural conservation easements.
- (6) Encourage financial partnerships between State and local governments with nonprofit entities in order to increase the funds available for agricultural conservation easement purchases.

§ 903. Definitions

The following words and phrases when used in this act shall have the meanings given to them in this section, unless the context clearly indicates otherwise:

"ADVISORY COMMITTEE." An Agricultural Security Area Advisory Committee.

"AGRICULTURAL CONSERVATION EASEMENT." An interest in land, less than fee simple, which interest represents the right to prevent the development or improvement of a parcel for any purpose other than agricultural production. The easement may be granted by the owner of the fee simple to any third party or to the Commonwealth, to a county governing body or to a unit of local government. It shall be granted in perpetuity as the equivalent of covenants running with the land. The exercise or failure to exercise any right granted by the easement shall not be deemed to be management or control of activities at the site for purposes of enforcement of the act of October 18, 1988 (P.L. 756, No. 108), known as the "Hazardous Sites Cleanup Act."

"AGRICULTURAL PRODUCTION." The production for commercial purposes of crops, livestock and livestock products, including the processing or retail marketing of such crops, livestock or livestock products if more than 50% of such processed or merchandised products are produced by the farm operator. The term includes use of land which is devoted to and meets the requirements of and qualifications for payments or other compensation pursuant to a soil conservation program under an agreement with an agency of the Federal Government.

OFFICIAL
PETERS TOWNSHIP
WASHINGTON COUNTY, PENNSYLVANIA
ORDINANCE NO. _____

AN ORDINANCE OF PETERS TOWNSHIP,
WASHINGTON COUNTY, PENNSYLVANIA, AMENDING
CHAPTER 27 ZONING ORDINANCE OF THE TOWNSHIP
CODE OF ORDINANCES, SPECIFICALLY SECTION 201
"DEFINITIONS", SECTION 300 "DISTRICT
CLASSIFICATIONS" ELIMINATING "MINERAL
EXTRACTION OVERLAY DISTRICT - MEOD", SECTION
303 "PERMITTED AND CONDITIONAL USES AND USES
BY SPECIAL EXCEPTION BY ZONING DISTRICT"
TABLE 2: "NON-RESIDENTIAL PERMITTED USE
CHART", AND ELIMINATING SECTION 504 - A AND B
"MINERAL EXTRACTION OVERLAY DISTRICT" AND
SECTION 713 "MINERAL EXTRACTION; CONDITIONAL
USES" AND SECTION 714 "COMPRESSION STATIONS"
AND SECTION 715 "PROCESSING PLANTS".

WHEREAS, Peters Township has the duty and obligation to enact ordinances to protect the health and safety of its residents; and

WHEREAS, the Pennsylvania Municipalities Planning Code, Section 601, grants authority to Peters Township to enact Zoning Ordinances that protect and promote the health, safety and the general welfare of its residents; and,

WHEREAS, Peters Township believes that Mineral Extraction activity without proper regulation may pose hazards to the health, safety and general welfare of the residents of the Township; and

WHEREAS, Peters Township Council on August 14, 2014 adopted Resolution No. 08-01-14 declaring Chapter 27, Section 713 entitled "Mineral Extraction", Section 714 entitled

"Compressor Stations" and Section 715 entitled "Processing Plants" of the Peters Township Code of Ordinances, and related Mineral Extraction Overlay Map invalid based on the December 19, 2013 Pennsylvania Supreme Court Decision which declared a number of Provisions of Pennsylvania State Law Act 13 of 2012 to be unconstitutional including provisions related to Zoning of Oil and Gas Operations; and

WHEREAS, the Peters Township Council wish to repeal and replace Ordinance No. 737 and Sections 1 – 4 of Ordinance No. 767; and

WHEREAS, the Peters Township Council wish to amend the Township Zoning Ordinance, Chapter 27 to provide for oil and gas development as a Conditional Use in the Township Light Industrial (L – I) Zoning District; and

WHEREAS, the proposed Amendment has been reviewed by the Peters Township Planning Commission.

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

Section 1

§ 201. Definitions.

Shall be amended by adding the following:

Fresh Water – Water obtained from a potable water source of the Commonwealth such as a hydrant, stream, lake, water well, spring or other source, that has not been treated or utilized in commercial or industrial operations.

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

Water Impoundment Fresh – A lined depression excavation pit or facility situated in or upon the ground whether natural or artificial used to store fresh water

Water Impoundment Waste – A lined depression excavation pit or facility situated in or upon the ground, whether natural or artificial, used to store waste water fluid including but not limited to brine, fracturing fluid, produced water, recycled water, impaired water, flowback water, or any other fluid that does not satisfy the definition of “fresh water”.

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

Section 2

§ 300. District Classifications.

Shall be amended by eliminating the following:

A. (2) Zoning Overlays.

MEOD Mineral Extraction Overlay District

Section 3

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

Shall be amended by adding the following:

Table 2: Non-Residential Permitted Use Chart

	Residential						Non-residential/Industrial						Mixed Use			
	R-1A Single Family Conventional	R-1B Single Family Conventional	R-1C Single Family Cluster	R-2 Medium Density Residential	R-3 Planned Residential Development	PRD Planned Residential Development	C-1 Neighborhood Commercial	C-2 General Commercial	I-1 Business Professional Office	I-2 Business Professional Office	I-3 Business Professional Office	I-4 Business Professional Office	VNC Veneza Neighborhood Commercial	V-1 Veneza Neighborhood Commercial	V-2 Veneza Neighborhood Commercial	V-3 Veneza Neighborhood Commercial
P Permitted Use																
C Conditional Use																
S Use by Special Exception																
A Accessory Use																
49 Post Office							P	P	P		P		P	P	P	P
50 Private Club	S				S	S	S	P			P			S		
51 Private Residence Garage	A	A	A	A	A	A				A						
52 Public, Private and Semi-Private Recreation Facilities	S	S	S	S	S	S	P	P	S	S			S	P	S	S
53 Public Works Facility	S						S	S	S	S	P		S	S	S	S
54 Research and Development											P				C	C
55 Restaurant, High Turnover with Drive-Thru								P								
56 Restaurant, High Turnover w/out Drive-Thru								P	P				P	P		
57 Restaurant, Medium Turnover w/out Drive-Thru							P	P	P				P	P		
58 Restaurant, Low Turn Over							P	P	P	C			P	P	P	P
59 Retail Stores							P	P	P				P	P		
60 Satellite Dish/ Antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
61 School	S					S		P					P			P
62 Self-Storage Facility											P					
63 Sexually-Oriented Establishment								C								
64 Shed	A	A	A	A	A	A		A	A		A					
65 Single-Family Res. Rec. Facility	A	A	A	A	A	A										
66 Studio/Academies	S						P	P	P	P	P		P	P	P	P
67 Theatre/Auditorium								P					P	P		
68 Wholesale Landscaping Service											P					C
69 Veterinary Services							P	P		P	P		P	P	P	P
70 Warehouse											P					
71 All Other Uses											S					
72 Compressor Station											C					
73 Processing Plant											C					
74 Unconventional Gas Drilling											C					
75 Conventional Gas Drilling	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Section 4

Shall be amended by eliminating the following:

§ 504. Mineral Extraction Overlay District

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

Section 5

§ 713. Mineral Extraction.

Shall be amended by repealing §713 and replacing with the following:

Oil and gas drilling sites shall be evaluated as a Conditional Use in the Light Industrial (L - I) Zoning District subject to the following express standards and criteria:

- A. A Conditional Use application shall be accompanied with written permission from the property owner(s) who has legal or equitable title in and to the surface of the drill site or a-demonstrable documentation of the applicant's authority to occupy the surface for the purpose of mineral extraction. In addition, the application shall include the proposed pipeline route from the oil and gas drill site to the transmission line and how fluids will be brought to and from the site.
- B. Conditional Use approval is non-transferable without consent from Council, and shall automatically terminate, unless extended, if drilling is not commenced within one (1) year from the date of issuance of the conditional use. The conditional use approval may be extended by Council upon written request by the Operator. The Operator shall provide proof that the requested conditional use permit for such location has not changed.

- C. The drilling pad shall maintain a minimum seven hundred fifty (750) foot distance from protected structures. The Township reserves the right to increase any setback based on physical characteristics of the site and evidence received at a hearing necessitating an increase in the minimum setback, including but not limited to topography, wind conditions, air modeling studies, woodlands, hydrogeological studies, and distance from structures, parks, schools, and residential neighborhoods.
- D. As part of the Conditional Use application, the Applicant shall have submitted all necessary applications for permits and plan approvals to the PA DEP. Prior to beginning the drilling site construction, the applicant shall submit to the Township a copy of all permits (General permits, well permit(s), joint permits, earth disturbance permit, ESCGP-1, etc.) issued by the PA DEP. In addition, the Township shall be provided copies of all plans (erosion and sedimentation control, grading, water management plan, water withdrawal plan, Pollution Prevention Contingency, alternate waste disposal, etc.) required and approved by the PA DEP. The Township Engineer shall be provided with a timeline and activity schedule and all required permits shall be maintained, commencing at site construction and continuing throughout the duration of drilling and production testing (hydraulic fracturing) operations. Any suspension or revocation of permits by PA DEP shall be reported to the Township and shall constitute a violation of Township zoning approval and may result in the suspension of zoning approval.
- E. Pre-Drilling, Post-Hydraulic Fracturing, and Baseline Water Survey Requirements – Prior to drilling and post-hydraulic fracturing, the Operator shall be responsible for testing all existing water supplies (surface and groundwater) within 1,000 feet of the surface location of the well. The purpose of testing is to determine the baseline quality and quantity of surface water and groundwater in the immediate vicinity of the proposed well site and to evaluate resultant changes that may occur or have an impact on the water supply of the site and surrounding area. If a landowner refuses to allow the Operator access to conduct a survey, the Operator shall show evidence of such refusal in accordance with PA Code Title 25, Chapter 78, §78.52 (f). In addition, prior to drilling, the Operator will be required to drill a test well outside of the limits of the well pad but no more than 750 feet from the well location to a depth that intersects all known or viable aquifers for the purposes of obtaining a baseline assessment of water quality in the vicinity of the site. The test well shall be located such that it is part of the hydrologic system of the drill site. All testing shall adhere to the following:
- a. Pre-drilling testing results, both from existing water supplies and from the Operator-drilled test well, shall be submitted as part of the Conditional Use application.
 - b. Post-hydraulic fracturing testing shall be completed no sooner than one (1) month after hydraulic fracturing activities have ceased and no later than two (2) months after hydraulic fracturing activities have ceased.
 - c. The post-hydraulic fracturing test results, both from existing water supplies and from the Operator-drilled test well, shall be submitted to the Township, PA DEP, and residents within 1,000 feet of the surface location of the well in accordance

with PA Code Title 25, Chapter 78, §78.52 "Predrilling or prealteration survey" within ten (10) days of their receipt.

- d. The Operator shall be responsible for all costs associated with drilling and testing and testing shall be done by an independent state-certified water testing laboratory agreed upon by the Township.
- e. Water Quantity Test – The Operator shall hire a consultant (hydrogeologist) agreed upon by the Township to conduct water quantity testing. The consultant shall submit a pre-testing and a pre-drilling plan to be approved by the Township. The consultant shall test for gallons per minute (gpm) flow rates, yield, groundwater levels, and other pertinent information for all viable aquifer zones via draw down tests or other suitable means. The consultant shall measure and record flow rates in gallons per minute (gpm) for all surface water sources. Groundwater levels and other pertinent information via draw down tests or other suitable means shall be measured from all available wells. Also, GPS coordinate information shall be recorded for all surface water and groundwater sites. The results shall be certified by the hydrologist.
- f. Water Quality Test - Operators shall test for the following list of parameters for all surface water and groundwater. The list is not exhaustive and the Township reserves the right to add additional parameters:

Analyte				
Inorganic	Trace Metal	Organic	Microbiology	Other
Alkalinity	Barium	Ethane	Total Coliform/E.Coli	Volatile Organic Compounds
Chloride	Calcium	Methane		Detergents (MBAS)
Conductivity	Iron	Propane		Total Organic Carbon
Hardness	Magnesium	Total Petroleum Hydrocarbons		Nitrate
Oil/Grease/Bromide	Manganese			Radionuclides gross alpha, radium
Ph	Potassium			Radon
Sulfate	Sodium			Lead
Total Dissolved Solids	Strontium			Total Coliform Bacteria
Residue - Filterable	Arsenic			
Total Suspended Solids	Zinc			
Residue - Non Filterable	Aluminum			
Turbidity	Lithium			
Ethylene Glycol	Selenium			
Acetone	Boron			

F. Pre-Drilling and Post-Hydraulic Fracturing Soil Survey Requirements – Prior to drilling and post-hydraulic fracturing, the Operator shall be responsible for testing soil conditions within the area of the drill site but no greater than 500 feet from the surface location of the well. The purpose of testing is to determine the baseline soil conditions in the immediate vicinity of the proposed well site and evaluate resultant changes that may occur or have an impact on the soils of the site and surrounding area.

- a. Pre-drilling testing results shall be submitted as part of the Conditional Use application.
- b. Post-hydraulic fracturing testing shall be completed no sooner than one (1) month after hydraulic fracturing activities have ceased and no later than two (2) months after hydraulic fracturing activities have ceased.

- c. The results shall be submitted to the Township and PA DEP within ten (10) days of their receipt.
- d. The Operator shall be responsible for all costs associated with sample collection and testing and testing shall be done by an independent state-certified testing laboratory agreed upon by the Township.
- e. Operators shall test for the following list of parameters for soils. The list is not exhaustive and the Township reserves the right to add additional parameters:

Analyte			
Inorganic	Trace Metal	Microbiology	Other
Alkalinity	Barium	Total Coliform/E.Coli	Volatile Organic Compounds
Chloride	Calcium		Nitrate
Hardness	Iron		Radionuclides gross alpha, radium
Oil and Grease	Magnesium		Lead
Ph	Manganese		
Sulfate	Potassium		
Residue - Filterable	Sodium		
Residue - Non Filterable	Strontium		
Bromide	Arsenic		
	Zinc		
	Aluminum		
	Lithium		
	Selenium		
	Boron		

- G. Access directly to State roads shall require Pennsylvania Department of Transportation (PA DOT) Highway Occupancy Permit approval. Prior to initiating any work at a drill site, the Township shall be provided a copy of the Highway Occupancy Permit.
- H. The applicant must provide the Township with a plan showing the proposed truck routes to be utilized during the drilling operation. The proposed hauling routes must be designed to minimize the impact on Township roads. The Township reserves the right to designate reasonable required truck hauling routes consistent with the Pennsylvania Motor Vehicle Code and Pennsylvania Department of Transportation throughout the Township. The Township shall consider all potential routes and, when possible, designate routes that are the least intrusive to the Township, its operation, and the general public. When determining the least intrusive routes, the Township shall account for roadway jurisdiction, traffic, physical characteristics/conditions, location of school bus stops/routes, and the amount of residential units along potential routes. Routes shall be coordinated with the school district to minimize impact on peak school bus operation hours. Operators shall be responsible for clearly posting designated routes with identification signs in a manner (style and location) approved by the Township.
- I. The applicant or owner of the oil or gas well shall execute an excess maintenance agreement with the Township for a Type 2 permit as per the Pennsylvania Code Chapter 189.4(B) Road Bonding, and post a bond at the paved highway rate in favor of the

Township in a form acceptable to the Township prior to beginning any work on a drill site. The bond is to guarantee restoration of Township roads and bridges damaged as a result of hauling associated with the drilling operation.

- J. An off-street area, at the entrance to the drill site and outside of the road right-of-way, shall be provided for vehicles to stand while gaining access so that normal flow of traffic on the public street is undisturbed. In accordance with Section 316, Driveways; Peters Township Zoning Ordinance - Driveways accessing the drill site shall be paved with an impervious material from the public street cart way fifty (50) feet into the drill site. The impervious material shall be in place prior to the commencement of the drilling operation. The first fifty (50) feet from existing edge of pavement extending fifty (50) feet into the site shall consist of the following material:

- Compacted Subgrade
- PADOT Class 4 Geotextile Fabric
- 8" AASHTO #1 Crushed Aggregate Base Course
- 2" PADOT 2A Aggregate (Choke Material)
- 4" (Compacted) – Superpave 25 mm Binder Course

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

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

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

- K. As part of the Conditional Use application, the applicant/owner shall provide the Peters Township Fire Department, with a copy of the PA DEP approved preparedness, prevention and contingency (PPC) plan. The applicant shall prior to drilling its first gas well in the Township make available with at least thirty (30) days notice, at the applicants sole expense one appropriate group training program for emergency responders. Such training shall be made available at least annually during any year that drilling activities take place at approved drill sites.
- L. As part of the Conditional Use application, the Township and emergency management services shall be provided the name of the person supervising the drilling operation and a phone number where such person can be reached twenty-four (24) hours a day. Also, a list of contact information for all sub-contractors associated with the oil and gas drilling operations must be provided. The list shall include verification that all supervisors/operators and sub-contractors at the drill site are aware and understand this ordinance.
- M. The access driveway off the public road to the drill site shall be gated at the entrance to prevent illegal access into the drill site. The drill site assigned address shall be clearly

visible on the access gate for emergency 911 purposes. In addition, the sign shall include the well name and number, name of the operator and the telephone number for a person responsible who may be contacted in case of emergency. In lieu of a gate the operator can provide 24/7 security on sites during the drilling operation.

- N. Lighting – No drill site lighting used for or associated with the drilling operation shall be positioned or directed in such a manner so that it shines directly upon public roads, adjacent property or property in the general vicinity of the drill site. Site lighting shall be directed downward and shielded so as to avoid glare on public roads and adjacent properties. Lumen levels shall not exceed zero (0) foot-candle at the property line.
- O. Dust, vibration, odors. – All drilling operations shall be conducted in such a manner to minimize dust, vibration or noxious odors. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying effects are minimized by the operations carried on at the drill site to avoid injury to or annoyance of persons living in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly or unsafe.
- P. Noise –The Township may require acoustical blankets, sound walls, mufflers or other alternative methods as proposed by the Operator to ensure compliance depending on the location of a proposed drill site to adjacent residential properties. As part of the Conditional Use application, and prior to beginning the drill operation, the applicant shall establish the residual or background noise level baseline. The baseline shall be established over a seventy-two (72) hour period with at least one (1) twenty four (24) hour reading on a Saturday or Sunday. A noise consultant/engineer mutually agreed upon by the Township and owner/operator will be responsible for determining the residual background noise level baseline. The applicant, owner/operator shall be responsible for all costs associated with noise consultant/engineer.
- a. The noise generated during drilling and hydraulic fracturing activities when measured at the nearest Protected Structure property line or one hundred feet from the nearest Protected Structure (as measure to the closest exterior point of the building), whichever is closer to the Protected Structure, shall not exceed the average ambient noise level as determined by the seventy-two hour evaluation:
 - i. During drilling activities by more than ten (10) decibels during the hours of 7:00 a.m. to 9:00 p.m.;
 - ii. During drilling activities by more than five (5) decibels during the hours of 9:00 p.m. to 7:00 a.m.
 - b. Since fluctuations in noise levels are inherent to mineral extraction activities, the Township has created a sliding scale which provides adjustments in the permitted level of noise generated during operations to create flexibility in the regulations and prevent repeated violations. Drilling activities are permitted to generate noise ten (10) decibels higher than the average ambient noise levels (Refer to §713 P.a.i) and the adjustments are in addition to that sound level. Adjustments to the

preceding noise limits may only occur during the hours of 7:00 a.m. to 9:00 p.m. and are as follows;

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

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

- c. If a complaint is received by any person using a Protected Structure for a lawful purpose, within a reasonable vicinity of a drill site, regarding noise generated during drilling and hydraulic fracturing activities, the Township will conduct a sound test to verify that a viable complaint exists. Upon confirmation by the Township that a possible noise violation exists, the Operator shall, within twenty-four hours of the receipt of the complaint from the Township, continuously monitor for a forty-eight hour period at a point which is the closer to the complainant's building of:

- i. The complainant's Protected Structure property line nearest to the well site or equipment generating the noise, or
- ii. One hundred feet from the Protected Structure, whichever is closer.

If the Operator engages in any noise testing as required by this Ordinance, it will provide preliminary data to the Township no later than ten (10) business days following completion of the noise testing. Once the monitoring is complete, the Operator will meet with Township representatives and affected residents to discuss whether possible noise abatement measures are warranted if the permitted levels set herein were exceeded. The Township reserves the right to hire a noise consultant to do its own testing and investigation regarding the noise complaint.

- Q. Impoundments shall be allowed only on the parcel/property where drilling site is occurring. No off-site impoundments, drill cuttings pits/reserve pits shall be permitted. Impoundments shall not use surface aerators. All drill site impoundments shall be secured with a temporary fence with a secured gate as follows:

1. The fence shall be a minimum of six (6) feet in height and chain link.

2. The fencing shall be in place throughout the drill operation and until the impoundment is removed.
 3. The chain link fence shall have a minimum thickness of eleven (11) gauges.
 4. Impoundments must comply with all state and federal laws in regards to leak detection and monitoring and must comply with EPA 9090 or any regulation that supersedes it.
 5. Upon review of the application, Council may in its discretion require air modeling and monitoring of emissions coming off of impoundments.
- R. At the time of Conditional Use application, a survey of the drill site showing the general area where associated gas production equipment (tanks or other surface installations) will be located and locations and distances to property lines shall be filed with the application. All sensitive natural features including but not limited to waterways, wetlands, steep slopes, and floodplains including those 100' outside the limits of disturbance, as defined on the approved PA DEP Erosion and Sedimentation Plan, must also be shown.
- S. Prior to drilling an oil and gas well or multiple oil and gas wells at a location, but no later than two (2) weeks beforehand, the Operator shall provide the following information to each resident within 1,000 feet of the planned surface location of the well(s):
- a. A copy of the well survey plat showing the locations(s) of the planned well(s),
 - b. A general description of the planned operations at the planned well(s) and associated equipment used in the development of the well(s)
 - c. Operators shall test all water supplies within 1,000' of each well site and share the results with landowners and the Township. (Refer to §713 E.)
 - d. The contact information of the Operator, and
 - e. The availability of the Operator to hold a meeting with such residents to present Operator's plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to well site construction.
- T. Any on-site associated gas production equipment (well head, separator, condensate tanks, and pipeline) shall be painted an earth tone color to blend in with the surrounding area. An earth tone color shall be neutral colors and include sand, gray, green and unobtrusive shades of brown, or other neutral colors, as approved by the Planning Director.
- U. The Township may, at its sole discretion, require permanent fencing (Refer to §713 Q for specifications) and or landscaping to buffer the post-drilling facilities or gas production equipment from adjacent properties. All on-site gas production equipment shall comply with Section 304, I Dimensional Tables – Table 4 Non-Residential District Dimensions; Zoning Ordinance.

- V. Any damage to public property caused by such operations must be repaired and restored within sixty (60) days of completing the drilling operation or as agreed to by Peters Township. The repairs shall meet or exceed prior conditions.
- W. After any spill, leak or malfunction, the operator shall remove or cause to be removed to the satisfaction of the Peters Township Fire Chief and the PA DEP inspectors all waste materials from any public or private property affected by such spill, leak or malfunction. Clean-up operations must begin immediately upon knowledge that a spill, leak or malfunction occurs and alert the Township of any spills, leaks or malfunctions.
- X. The public street entrance at the property on which a drill site is located shall at all times be kept free of mud, debris, trash or other waste materials. Refer to Peters Township Code of Ordinances, Chapter 21 Streets and Sidewalks, Part 3 Unlawful Deposits.
- Y. The facility and/or its operation shall comply with all applicable permits and requirements of the PA DEP, the United States Environmental Protection Agency, and any other governmental authority having jurisdiction over its operations and with all federal, state and local laws, ordinances and regulations promulgated to protect the environment or otherwise relating to environmental matters. The applicant shall demonstrate that the drill site operations will not violate the citizens of Peters Township's right to clean air and pure water as set forth in Art. 1 Sec. 27 of the Pennsylvania Constitution. (The Environmental Rights Amendment). The applicant will have the initial burden to demonstrate that its operations will not affect the health, safety or welfare of the citizens of Peters Township or any other potentially affected landowner. The application submittal shall include reports from qualified Environmental individuals attesting that the proposed location will not negatively impact the Township residents' Environmental Rights and will include air modeling and hydrogeological studies as potential pathways that a spill or release of fluid may follow.
- Z. The applicant or drill site operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossings and/or adjacent to roadways, during periods of anticipated heavy or frequent truck traffic to and from the drill site. Flagmen shall be present and used to ensure the safety of motorists and pedestrians and take measures that may include adequate signs and/or other warning measures for truck and vehicular traffic.
- AA. All drill site construction (grading, installation of erosion & sedimentation controls, roadway construction, etc.) shall be done in accordance with Township construction hours - 7:00 am to 7:00 pm Monday through Saturday. Any burning of trees or brush shall be done in accordance with burning regulations using an air curtain.
- BB. During the active operation at a drill site Township Staff or consultants designated by the Township Manager shall have access to the site to determine continuing compliance with the conditional use approval.

CC. Peters Township reserves the right to impose any other additional conditions necessary to protect the public health, safety and welfare of its residents in order to address any unique characteristics of a particular drilling site which are not otherwise within the jurisdiction of federal and state regulations in accordance with the Pennsylvania Municipalities Planning Code (PAMPC).

DD. Indemnification and Express Negligence Provisions –

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

Section 6

Shall be amended by repealing §714 and replacing with the following:

§ 714. Compressor Stations

Compressor stations sites shall be evaluated as a Conditional Use in the Light Industrial (LI) Zoning District subject to the following express standards and criteria:

- A. Compressor stations shall only be permitted to occur on property that is zoned LI Light Industrial and is a minimum of five (5) acres or larger. The Applicant shall strive to consider locations for its temporary and permanent operations where prudent and possible so as to minimize interference with Township residents' enjoyment of their property and future Township development activities. The Applicant must present an expert witness testimony to demonstrate the location of the facility will not unreasonably adversely affect any of the following:
 - a. Lawful existing or authorized uses of adjacent properties
 - b. Neighboring flood-prone or landslide prone areas
 - c. Agriculture and farmland
- B. A Conditional Use application for a compressor station shall be accompanied with written permission from the property owner(s) who has legal or equitable title in and to the surface rights of the property or a court order recognizing the Operator's authority to occupy the surface. If the operator owns the property, proof must be provided.
- C. Conditional Use approval is non-transferable without consent from Council, and shall automatically terminate, unless extended, if substantial construction is not commenced and sustained within one (1) year from the date of issuance of the conditional use. The conditional use approval may be extended by Council upon written request by the

Operator. The Operator shall provide proof that the requested conditional use permit for such location has not changed.

- D. As part of the Conditional Use application, the Township and emergency management services shall be provided the name of the person supervising the compressor station and a phone number where such person can be reached twenty-four (24) hours a day. Also, a list of contact information for all sub-contractors associated with the operations of the station must be provided. The list shall include verification that all supervisors/operators and sub-contractors at the site are aware and understand this ordinance.
- E. All compressor stations shall be completely enclosed by a building.
 - a. The building shall be constructed in a manner that the architectural character complements the existing character of the area. The building shall employ architectural features including but not limited to sloped roofs, stone and brick accents, steeples, cupolas, etc.
 - b. The building shall employ sound proof type walls and all equipment associated with the compressor station shall be enclosed within the building. All acoustical structures shall be constructed of metal, masonry, or other structurally sound material as approved by the Planning Director.
- F. Access directly to state roads shall require Pennsylvania Department of Transportation (PADOT) Highway Occupancy Permit approval. Prior to initiating any work at the station, the Township shall be provided a copy of the Highway Occupancy Permit. Access Roads shall also comply with the following:
 - a. Access roads must be 50' from adjacent property lines unless written consent is given.
 - b. First 50' must be paved. Then 150' must be limestone in a manner that reasonably minimizes water, sediments, or debris carried onto any public road.
 - c. If the access road is less than 200' the entire road must be limestone.
- G. The access driveway off the public road to the station shall be gated at the entrance to prevent illegal access into the site. The site assigned address shall be clearly visible on the access gate for emergency 911 purposes. In addition, the sign shall include the station name and number, name of the operator and the telephone number for a person responsible who may be contacted in case of emergency.
- H. The Operator must provide a plan for the transmission of gas, water, oil, or other substances to and from the station. The Operator shall identify the location of, but not limited to, gathering lines, compressors, and other mid and downstream facilities located within the Township and extending 800 ft. beyond the Township boundary. The Operator shall provide the Township with all state and federal permits that have been acquired, and bonding agreements, and proof of ability to operate such pipelines.

- I. The Township reserves the right to increase any required setback in LI Light Industrial districts based on physical characteristics of the site including but not limited to topography, woodlands, and distance from structures, parks, schools, and residential neighborhoods.
- J. Compressor stations shall utilize electric motors rather than internal combustion engines. Council may approve the use of internal combustion engines as part of the conditional use approval if deemed necessary. However, any exhaust from any internal combustion engine or compressor used in connection with the station, used by any production equipment, or used in development shall not be discharged into the open air unless it is equipped with (i) an exhaust muffler or (ii) an exhaust box. The exhaust muffler or exhaust box shall be constructed of non-combustible materials designed and installed to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to manufacturer's specifications.
- K. Noise – The Township may require acoustical blankets, sound walls, mufflers or other alternative methods to ensure compliance depending on the location of a proposed station to adjacent residential properties. As part of the Conditional Use application, and prior to construction, the Operator shall establish the residual or background noise level baseline. The baseline shall be established over a seventy-two (72) hour period with at least one (1) twenty four (24) hour reading on a Saturday or Sunday. A noise consultant/engineer mutually agreed upon by the Township and owner/operator will be responsible for determining the residual background noise level baseline. The Operator shall be responsible for all costs associated with the noise consultant/engineer.
 - a. The noise generated during operating activities when measured at the nearest Protected Structure property line or one hundred feet from the nearest Protected Structure (as measure to the closest exterior point of the building), whichever is closer to the Protected Structure, shall not exceed the average ambient noise level as determined by the seventy-two hour evaluation:
 - i. During station or plant activities by more than ten (10) decibels during the hours of 7:00 a.m. to 9:00 p.m.;
 - ii. During station or plant activities by more than five (5) decibels during the hours of 9:00 p.m. to 7:00 a.m.
 - b. If a complaint is received by any person using a Protected Structure for a lawful purpose, within a reasonable vicinity of a compressor station, regarding noise generated by compressor station operations, the Township will conduct a sound test to verify that a viable complaint exists. Upon confirmation by the Township that a possible noise violation exists, the Operator shall, within twenty-four hours of the receipt of the complaint from the Township, continuously monitor for a forty-eight hour period at a point which is the closer to the complainant's building of:

- i. The complainant's Protected Structure property line nearest to the well site or equipment generating the noise, or
- ii. One hundred feet from the Protected Structure, whichever is closer.

If the Operator engages in any noise testing as required by this Ordinance, it will provide preliminary data to the Township no later than ten (10) business days following completion of the noise testing. Once the monitoring is complete, the Operator will meet with Township representatives and affected residents to discuss whether possible noise abatement measures are warranted, if the permitted levels set further herein were exceeded. The Township reserves the right to hire a noise consultant to do its own testing and investigation regarding the noise complaint.

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

account of, arising out of, or in any way incidental to or in connection with the performance by the operator.

- S. The facility and/or its operation shall comply with all applicable permits and requirements of the PA DEP, the United States Environmental Protection Agency and any other governmental authority having jurisdiction over its operations and with all federal, state and local laws, ordinances and regulations promulgated to protect the environment or otherwise relating to environmental matters. The applicant shall demonstrate that the compressor stations will not violate the citizens of Peters Township's right to clean air and pure water as set forth in Art 1. Sec. 27 of the Pennsylvania Constitution (The Environmental Rights Amendment). The applicant will have the initial burden to demonstrate that its operations will not affect the health, safety or welfare of the citizens of Peters Township or any other potentially affected landowner. The application submittal shall include reports from qualified Environmental individuals attesting that the proposed location will not negatively impact the Township residents' Environmental Rights and will include air modeling and hydrogeological studies as potential pathways that a spill or release of fluid may follow.
- T. The operator shall be required to provide notice of any spills and/or releases to the Township.

Section 7

§ 715. Processing Plants

Shall be amended by repealing §715 and replacing with the following:

Processing plant sites shall be evaluated as a Conditional Use in the Light Industrial (LI) Zoning District subject to the following express standards and criteria:

- A. Processing plants shall only be permitted to occur on property that is zoned LI Light Industrial and is a minimum of five (5) acres or larger. The Applicant shall strive to consider locations for its temporary and permanent operations where prudent and possible so as to minimize interference with Township residents' enjoyment of their property and future Township development activities. The Applicant must present an expert witness testimony to demonstrate the location of the facility will not unreasonably adversely affect any of the following:
 - a. Lawful existing or authorized uses of adjacent properties
 - b. Neighboring flood-prone or landslide prone areas
 - c. Agriculture and farmland
- B. A Conditional Use application for a processing plant shall be accompanied with written permission from the property owner(s) who has legal or equitable title in and to the surface rights of the property or a court order recognizing the Operator's authority to occupy the surface. If the operator owns the property, proof must be provided.

- C. Conditional Use approval is non-transferable without consent from Council, and shall automatically terminate, unless extended, if substantial construction is not commenced and sustained within one (1) year from the date of issuance of the conditional use. The conditional use approval may be extended by Council upon written request by the Operator. The Operator shall provide proof that the requested conditional use permit for such location has not changed.
- D. As part of the Conditional Use application, the Township and emergency management services shall be provided the name of the person supervising the processing plant and a phone number where such person can be reached twenty-four (24) hours a day. Also, a list of contact information for all sub-contractors associated with the operations of the plant must be provided. The list shall include verification that all supervisors/operators and sub-contractors at the site are aware and understand this ordinance.
- E. Access directly to state roads shall require Pennsylvania Department of Transportation (PADOT) Highway Occupancy Permit approval. Prior to initiating any work at the plant, the Township shall be provided a copy of the Highway Occupancy Permit. Access Roads shall also comply with the following:
 - a. Access roads must be 50' from adjacent property lines unless written consent is given.
 - b. First 50' must be paved. Then 150' must be limestone in a manner that reasonably minimizes water, sediments, or debris carried onto any public road.
 - c. If the access road is less than 200' the entire road must be limestone.
- F. The access driveway off the public road to the plant shall be gated at the entrance to prevent illegal access into the site. The site assigned address shall be clearly visible on the access gate for emergency 911 purposes. In addition, the sign shall include the plant name and number, name of the operator and the telephone number for a person responsible who may be contacted in case of emergency.
- G. The Operator must provide a plan for the transmission of gas, water, oil, or other substances to and from the plant. The Operator shall identify the location of, but not limited to, gathering lines, compressors, and other mid and downstream facilities located within the Township and extending 800 ft. beyond the Township boundary. The Operator shall provide the Township with all state and federal permits that have been acquired, and bonding agreements, and proof of ability to operate such pipelines.
- H. The Township reserves the right to increase any required setback in LI Light Industrial districts based on physical characteristics of the site including but not limited to topography, woodlands, and distance from structures, parks, schools, and residential neighborhoods.
- I. Processing plants shall utilize electric motors rather than internal combustion engines. Council may approve the use of internal combustion engines as part of the conditional use approval if deemed necessary. However, any exhaust from any internal combustion

engine or compressor used in connection with the plant, used by any production equipment, or used in development shall not be discharged into the open air unless it is equipped with (i) an exhaust muffler or (ii) an exhaust box. The exhaust muffler or exhaust box shall be constructed of non-combustible materials designed and installed to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to manufacturer's specifications.

J. Noise – The Township may require acoustical blankets, sound walls, mufflers or other alternative methods to ensure compliance depending on the location of a proposed plant to adjacent residential properties. As part of the Conditional Use application, and prior to construction, the Operator shall establish the residual or background noise level baseline. The baseline shall be established over a seventy-two (72) hour period with at least one (1) twenty four (24) hour reading on a Saturday or Sunday. A noise consultant/engineer mutually agreed upon by the Township and owner/operator will be responsible for determining the residual background noise level baseline. The Operator shall be responsible for all costs associated with noise consultant/engineer.

a. The noise generated during operating activities when measured at the nearest Protected Structure property line or one hundred feet from the nearest Protected Structure (as measure to the closest exterior point of the building), whichever is closer to the Protected Structure, shall not exceed the average ambient noise level as determined by the seventy-two hour evaluation:

- i. During station or plant activities by more than ten (10) decibels during the hours of 7:00 a.m. to 9:00 p.m.;
- ii. During station or plant activities by more than five (5) decibels during the hours of 9:00 p.m. to 7:00 a.m.

b. If a complaint is received by any person using a Protected Structure for a lawful purpose, within a reasonable vicinity of a processing plant, regarding noise generated by processing plant operations, the Township will conduct a sound test to verify that a viable complaint exists. Upon confirmation by the Township that a possible noise violation exists, the Operator shall, within twenty-four hours of the receipt of the complaint from the Township, continuously monitor for a forty-eight hour period at a point which is the closer to the complainant's building of:

- i. The complainant's Protected Structure property line nearest to the well site or equipment generating the noise, or
- ii. One hundred feet from the Protected Structure, whichever is closer.

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

levels set further herein were exceeded. The Township reserves the right to hire a noise consultant to do its own testing and investigation regarding the noise complaint.

- K. Drip pans must be placed in any location, under equipment, that has the potential to leak.
- L. All condensate tanks shall be equipped with vapor recovery and/or vapor destruction units.
- M. All structures including but not limited to pumping units, storage tanks, buildings, and structures shall be painted a neutral color, compatible with the surrounding uses. Neutral colors shall include sand, gray, green and unobtrusive shades of brown, or other neutral colors, as approved by the Planning Director.
- N. Processing plants shall be inspected by the fire department prior to operation. During the active operation at the processing plant Township Staff or consultants designated by the Township Manager shall have access to the site to determine continuing compliance with the conditional use approval.
- O. Applicant will reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to site inspection, approval process, or for specialized work called for in the permit.
- P. Peters Township reserves the right to impose any other additional conditions necessary to protect the public health, safety and general welfare of its residents in order to address any unique characteristics of a particular processing plant site which are not otherwise within the jurisdiction of federal and state regulations in accordance with the Pennsylvania Municipalities Planning Code (PAMPC).
- Q. Indemnification and Express Negligence Provisions –
The operator shall fully defend, protect, indemnify, and hold harmless Peters Township, its departments, officials, officers, agents, employees and contractors from and against each and every claim, demand, or cause of action and any and all liability, damages, obligations, judgments, losses, fines, penalties, costs, legal and expert fees, and expenses incurred in defense of Peters Township including, without limitation, personal injuries and death in connection therewith which may be made or asserted by any third parties on account of, arising out of, or in any way incidental to or in connection with the performance by the operator.
- R. The facility and/or its operation shall comply with all applicable permits and requirements of the PA DEP, the United States Environmental Protection Agency and any other governmental authority having jurisdiction over its operations and with all federal, state and local laws, ordinances and regulations promulgated to protect the environment or otherwise relating to environmental matters. The applicant shall demonstrate that the compressor stations will not violate the citizens of Peters Township's right to clean air and pure water as set forth in Art 1. Sec. 27 of the

Pennsylvania Constitution (The Environmental Rights Amendment). The applicant will have the initial burden to demonstrate that its operations will not affect the health, safety or welfare of the citizens of Peters Township or any other potentially affected landowner. The application submittal shall include reports from qualified Environmental individuals attesting that the proposed location will not negatively impact the Township residents' Environmental Rights and will include air modeling and hydrogeological studies as potential pathways that a spill or release of fluid may follow.

Section 8

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

Section 9

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

Section 10

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

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

Pennsylvania this xxxx_ day of _xxxx_ 2015.

ATTEST:

PETERS TOWNSHIP

Michael A. Silvestri
Township Manager

By: _____
James F. Berquist
Chairman of Council