

BILL NO. 617
ORDINANCE NO. 617
INTRODUCED BY: GEORGE A. MARTIN
FIRST READING: JUNE 1, 2011
FINAL READING: WAIVED
ADOPTED: JUNE 1, 2011

**AN ORDINANCE OF THE TOWNSHIP OF ROSTRAVER,
WESTMORELAND COUNTY, PENNSYLVANIA,
AMENDING ORDINANCE NO. 300, CHAPTER 195 – ZONING**

BE IT ORDAINED AND ENACTED by the Board of Commissioners of Rostraver Township, Westmoreland County, Pennsylvania that the Zoning Ordinance for the Township known as Ordinance No. 300, adopted July 25, 1995, be amended in the following particulars:

DEFINITIONS

Add a definition for DERRICK:

DERRICK - Any portable framework, tower, mast and/or structure which is required or used in connection with drilling or re-working a well for the production of oil and gas, i.e. Rig.

Add a definition for DRILLING:

DRILLING -Means specifically, any digging or boring of a new well to explore, develop, or produce oil, gas or other hydrocarbons, or to inject gas, water or any other fluid of substance into the earth and in all cases any redialing therein. This term shall not include any surveying or staking related thereto of any property prior to any drilling as defined herein.

Add a definition for DRILLING EQUIPMENT:

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

Add a definition for NATURAL GAS COMPRESSOR STATION:

NATURAL GAS COMPRESSOR STATION -A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells operating as a midstream facility for delivery of oil and gas to a transmission pipeline, distribution pipeline, natural gas processing plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

Add a definition for NATURAL GAS FACILITIES:

NATURAL GAS FACILITIES -Any facilities not mentioned herein and related to natural gas development must comply with the special exception requirements herein.

Add a definition for NATURAL GAS PROCESSING PLANT:

NATURAL GAS PROCESSING PLANT -A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that are/is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

Add a definition for OIL AND GAS:

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

Add a definition for OIL AND GAS DRILL SITE:

OIL AND GAS DRILL SITE -The oil and gas drill site shall consist of the area occupied by the facilities, structures, and equipment necessary for or incidental to the drilling, production or operation of an oil or gas well.

Add a definition for STAGING FACILITY:

STAGING FACILITY - A facility or location on a permitted site for the storage of equipment and vehicles used to support development activities at other permitted sites.

Add a definition for OIL AND GAS WATER STORAGE FACILITY:

OIL AND GAS WATER STORAGE FACILITY - Tanks of any construction (metal, fiberglass, concrete, etc.), ponds and impoundments used for the storage of water and/or water that has been used and is being reused, including but not limited to brine and frac water.

Amend the definition of STRIP MINING:

STRIP MINING – Surface mining of coal, earth removal, stone removal or quarrying and/or procedures that are normally conducted for profit wherein soil and/or its contents are removed as a business activity.

195-12(C.)(20)

Add (20) with the following language:

(20) Oil and Gas Drill Site.

195-14(K.)(1)

Amend (1) with the following language:

(1) A special exception shall be obtained for surface extraction (strip mining). All applications submitted for consideration of the Zoning Hearing Board shall include, at a minimum, the following documentation and all other pertinent data deemed necessary to process the applications:

195-14(S.)

Add (S.) with the following language and subsections:

S. Oil and Gas Drill Site.

- (1) A special exception shall be obtained for all oil and gas drill sites. All applications submitted for consideration of the Zoning Hearing Board shall include, at a minimum, the following documentation and all other pertinent data deemed necessary to process the application:
 - (a.) Copy of the notification sent to the surface owner of the drill site.
 - (b.) A written description of the character of the proposed operation, its proposed timing and duration, together with duplicates of maps and plans to submitted to state and federal regulatory agencies or authorities for the issuance of necessary permits.
 - (c.) A calendar concerning well site development and drilling activities that indicates the following:
 - (i) Site preparation beginnings and endings.
 - (ii) Anticipated drilling activity beginnings and endings.
 - (iii) Anticipated completion (perforating) work to begin and end.
 - (iv) Anticipated stimulation (fracturing) work to begin and end.
 - (v) Anticipated production work to begin and end.
 - (vi) Anticipated discontinued use date.
 - (d.) A narrative including the number of wells, including DEP permit number(s) for any or all wells if available at the time of submittal and provided when issued later and the location, number, and description of equipment and structures to the extent known. The narrative shall also include an overview of the project as it relates to natural gas compressor stations or natural gas processing plants.
 - (e.) The applicant shall provide a plan for the transmission of gas from the site. The plan will identify but not be limited to gathering lines, compressors and other mid and downstream facilities located within the Township and extending 800 ft beyond the Township boundary.

- (f.) The applicant must provide the Township with an anticipated list and description of all types of equipment weighing in excess of ten (10) tons and identification of the proposed routing of vehicles on Township roads. The proposed hauling routes must be designed to minimize the impact on collector, connector and local streets within the Township. The Township reserves the right to designate required truck hauling routes throughout the Township.
 - (i.) Vehicular access to a site solely via a local residential street is prohibited.
 - (ii.) Vehicular access to a site via a collector street is permitted.
- (g.) The applicant shall provide the Township with 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 for each day of the week. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Township.
- (h.) The applicant shall provide the Township with a copy of the Preparedness Prevention and Contingency Plan (PPC), as required by and filed with the PA DEP, and a copy of the SARA Title III Tier II Chemical Inventory submitted to PENNSAFE.
- (i.) The applicant shall provide an outline of training program for Township's first responders.
- (j.) A survey of the property showing the drill site(s) with all permanent facilities (tanks or other surface installations) with locations and distances to property lines, the approximate number of acres to be disturbed for development, and identifying the floodway of the property(ies) as identified in the Flood Insurance Study (FIS) prepared and approved by the Federal Emergency Management Agency (FEMA).
- (k.) A complete drainage and stormwater drainage plan, which includes all storm sewers and appurtenances, along with an approved best management practice method of disposal of all stormwater collected, that will verify the peak post-development release rate of runoff shall comply with the stormwater management districts established in Chapter 164 of the Code of the Township of Rostraver, including but not limited to any necessary agreements and/or bonding.

[1] If the stormwater drainage plan proved that a detention structure is needed to maintain the peak post-development release runoff rate for that stormwater management district in Chapter 164 of the Code of the Township of Rostraver, agreements will need to be done to confirm that the detention structure will remain intact after the project is complete. The Township shall obtain a bond from the responsible party to insure compliance with this provision.

[2] In the event the Township determines that the public interest is best served by mandating that the pond be filled in at a reasonable time after land disturbance activities have been substantially completed, the landowner/developer shall complete the same at a time and in a manner required by the Township. The Township shall obtain a bond from the responsible party to insure compliance with this provision.

(l.) Information on lighting at the drill site and wellhead or any other area being developed.

(m.) Information on anticipated noise levels at drill site.

(n.) The applicant shall provide plans for the restoration or reclamation of all land affected by the operation.

(2.) The oil and gas drill sites shall only be permitted to occur on property with a minimum of ten (10) contiguous acres or larger. Multiple property owners can combine adjoining parcels to achieve the minimum ten (10) acres required. A well survey plat showing the planned surface location of the wells and a list of the property owners in the well unit, and acreage participation by each landowner.

(3.) Water storage facilities and staging facilities shall be considered an accessory use to property only where an oil and gas drill site is to be located.

(4.) Access directly to State roads shall require Pennsylvania Department of Transportation (Penn DOT) Highway Occupancy Permit (HOP) approval and access directly to County roads shall require HOP approval. Prior to initiating any work at a drill site, the Township shall be provided a copy of the HOP prior to commencing site development to access the site and for overweight vehicles.

- (5.) In compliance with section 187-16, the applicant of the oil or gas well and any or all subcontractors shall execute an excess maintenance agreement with the Township for a permit 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 damaged as a result of hauling associated with the drilling operation.
- (6.) In accordance with the appropriate Township ordinance, as amended, driveways accessing the drill site shall be paved with an impervious material from the paved public street for a distance of fifty (50) feet into the drill site. The impervious material shall be in place prior to the commencement of the drilling operation.
- (7.) All drill site pads, and on-site accessory water storage facilities shall be secured with a fence, in compliance with section 195-72, with a secured gate as follows:
 - (a.) The fence shall be a minimum of six (6) feet in height, chain link with green fabric mesh.
 - (b.) The fencing shall be in place throughout the drill operation and until the water storage facility is removed or filled in.
 - (c.) The chain link fence shall have a minimum thickness of eleven (11) gauge.
 - (d.) Warning signs shall be installed at one hundred (100) foot spacing to provide notice of the potential dangers.
 - (e.) The drill site assigned address shall be clearly visible on the access gate for emergency 911 purposes.
 - (f.) A 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, pursuant to the Pennsylvania Oil and Gas Act (PA Act 223).
 - (g.) For each entrance gate, the Operator shall provide the Township with a "lock box and key" to access the well site in case of emergency. The location of said gate(s) shall be to the satisfaction of the Township.

- (8.) Lighting -No drill site lighting used for 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. All lighting shall be designed and utilized in compliance with section 195-81.2
- (9.) Dust, vibration, odors. -All drilling operations shall be conducted in such a manner to minimize dust, vibration or noxious odors and shall be in compliance with section 195-74. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful effects are minimized by the operations carried on at the drill site to avoid injury to persons living in the vicinity and are in compliance with section 195-74.
- (10.) Noise -The Township may require acoustical blankets, sound walls, mufflers or other alternative methods to ensure compliance depending on the location of a proposed drill site to adjacent residential properties and as more specifically set forth section 195-74.
- (11.) Exhaust from any internal combustion engine or compressor used in connection with the drilling of any well or for use on any production equipment or used in development shall not be discharged into the open air unless it is equipped with (i) an exhaust muffler or (ii) an exhaust box. The exhaust muffler or exhaust box shall be constructed of noncombustible 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.
- (12.) All permanent facilities shall be painted an earth tone color to blend in with the surrounding area. The Township may require fencing and or landscaping to buffer the facilities from adjacent properties in accordance with section 195-75(G.)
- (13.) Top soil must remain on site so it can be put back during the restoration of the site.
- (14.) All grading and filling shall be designed in compliance with section 195-70.
- (15.) The public street entrance and the property on which a drill site is located shall at all times be kept free of mud, debris, trash or other waste materials.

- (16.) A Zoning Permit shall not be issued for any well to be drilled within any floodway identified in the Flood Insurance Study (FIS) prepared and approved by Federal Emergency Management Agency (FEMA). Oil and gas activities in the 100 year floodplain is discouraged but may be permitted if the following provisions are met:
- (a.) Earth moving activities that do not materially change the contour of the land are permitted for the purpose of pipeline installation.
 - (b.) There is compliance with Chapter 97 of the Code of the Township of Rostraver.
 - (c.) If no other area provides access to the oil or gas deposit, then oil and gas drilling may be permitted in the floodplain. The applicant must provide conclusive documentation that no other location allows access to the oil or gas deposits other than a location within the floodplain.
 - (d.) No storage of chemicals shall be permitted within the floodplain.
 - (e.) Only necessary and needed structures will be permitted within the floodplain.
 - (f.) All structures within the flood zone shall be designed to withstand a 100-year storm event.
 - (g.) An Engineer registered in Pennsylvania and qualified to present such documentation that structures will not cause additional flooding on adjacent, upstream and/or downstream properties shall provide such documentation to the Township.
 - (h.) A closed loop system for drill cutting is preferred within the 100 year flood fringe
- (17.) Height. The height of the drilling rig and facilities on site such as drying tanks, etc. are exempt from the height limits found in this Zoning Ordinance. Permanent structures whether principal or accessory must comply with the maximum height regulation per subsequent zoning district and shall be in compliance with section 195-73.
- (18.) Setbacks. The well bore (centered on the derrick drilling rig) shall be located a minimum setback distance, 200 feet from any existing structure or water well and 150 feet from any body of water and wetland larger than one acre as listed in the Pennsylvania Oil and Gas Act (PA Act 223).

- (19.) Signal Interference. The applicant shall make reasonable efforts to avoid and/or mitigate any disruption or loss of radio, telephone, cellular phone, television or similar signals, and shall mitigate any harm caused by the oil and gas use in a timely manner.
- (20.) The applicant shall not clear brush or trees by way of burning, and shall chip, grind or remove all tree stumps from properties it clears for development purposes. However, the applicant shall be permitted to burn any brush, trees, or stumps that have been removed from the ground and collected into a pile or piles on the properties while the applicant is engaging in development. The applicant shall notify the Township Emergency Management Coordinator prior to burning.
- (21.) Prior to drilling, the applicant shall provide the Township's First Responders, through its Emergency Management Coordinator and Zoning Officer, a copy of its Preparedness, Prevention and Contingency (PPC) Plan. Included with the PPC Plan shall be the SARA Title III Tier II Chemical Inventory submitted to PENNSAFE.
- (a.) Upon review of the PPC Plan, a meeting between all parties will be held to discuss Emergency and First Response procedures; and determine which First Response personnel have secured adequate training (5 hours minimum per year) to deal with any potential dangerous conditions that may result due to development activities. The applicant shall arrange a visit to site by Township emergency service providers for the purpose of orientation to the location of equipment and materials.
- (b.) Should First Response training become necessary, prior to drilling, the applicant will make available an appropriate training program for First Responders. This training program will be at the sole expense of the Applicant, and shall be made available annually for the duration of the drilling activities in the Township, and shall be in coordination with Westmoreland County Public Safety.
- (c.) The cost and expense of the orientation and training shall be sole responsibility of the applicant. The applicant shall not be required to hold more than one site orientation and training course annually under this section.

- (22.) The Applicant shall maintain at the property and on file with the Township Emergency Management Coordinator a current list and the Material Safety Data Sheets (MSDS) for all hazardous chemicals used in the drilling operations (including but not limited to type of additives, polymers, salts, surfactants and solvents) and in any hydraulic fracturing operations.
- (23.) Junk, refuse, trash or abandoned material shall not be disposed of on-site. All refuse stored on site for final off-site disposal shall be located within a building, covered dumpster or other enclosure designed and constructed for the proper storage of such material. This does not include drill cuttings.
- (24.) Prior to beginning any work on a drill site, (excluding staking, surveying, and matters related thereto) the applicant shall submit to the Township a copy of all permits issued by the Pennsylvania Department of Environmental Protection (PA DEP). All required permits shall be maintained throughout the duration of the drilling operation. Any suspension or revocation of permits by PA DEP shall be reported to the Township and shall constitute a violation of Township zoning approval and shall constitute an automatic revocation of the Zoning/Development Permit.
- (25.) The facility and/or its operation shall comply with all applicable permits and requirements of the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, and any other governmental authority having jurisdiction over its operations and with all federal, state and local laws, ordinance and regulations promulgated to protect the environment or otherwise relating to environmental matters.
- (26.) All applicants for a special exception shall reimburse Rostraver Township for necessary and reasonable professional consultant fees incurred by the Township related to application for activities authorized by this ordinance. Additionally, all applicants shall reimburse the Township for consulting fees and cost incurred in enforcing this ordinance upon a finding of violation by a District Justice.
- (27.) The Applicant shall grant the right of inspection to the Township for all phases of construction and during drilling production and in the reclamation, both in relation to the enforcement of this ordinance and pursuant to the Township of Rostraver's enforcement rights under 58 P.S.

601.504(b) of Pennsylvania's Oil and Gas Act and any other relevant Pennsylvania Statute.

- (28.) Federal or state law or regulation preempts ordinance requirements that conflict with federal or state statute or regulation. Township acknowledges that it is pre-empted from regulating the operational methods of the oil and gas industry and may only regulate land uses.

195-15 *Add to Chart under Special Exception:*

Gas & Oil Drill Site Subject to the requirements of 195-14(S)

195-40C.(12) *Add (12) with the following language*
(12) Gas and Oil Drill Site

195-40C.(13) *Add (13) with the following language:*
(13) Natural Gas Compressor Station

195-40C.(14) *Add (14) with the following language:*
(14) Natural Gas Processing Plant

195-40C.(15) *Add (15) with the following language:*
(15) Staging Facility

195-40C.(16) *Add (16) with the following language:*
(16) Oil and Gas Water Storage Facility

195-42(K.) *Add (K.) with the following language:*
(K.) Gas and Oil Drill Site, subject to the standards and criteria of Article VI, 195-14S of this chapter.

195-42(L.) *Add (L.) with the following language and subsections:*
(L.) Natural Gas Compressor Station

- (1) A special exception shall be obtained for all natural gas compressor stations. All applications submitted for consideration of the Zoning Hearing Board shall include, at a minimum, the following documentation and all other pertinent data deemed necessary to process the application:

- (a.) Written permission from the property owner(s).
- (b.) A written description of the character of the proposed operation, its timing and proposed duration, together with duplicates of maps and plans to submitted to state and federal regulatory agencies or authorities for the issuance of necessary permits.
- (c.) The applicant shall provide a plan for the transmission of gas from the site. The plan will identify but not be limited to gathering lines, compressors and other mid

and downstream facilities located within the Township and extending 800 ft beyond the Township boundary.

- (d.) The applicant shall provide the Township with the name of the person supervising the compressor operation and a phone number where such person can be reached twenty-four (24) hours a day for each day of the week. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Township.
- (e.) The applicant shall provide the Township with a copy of the Preparedness Prevention and Contingency Plan, as required by and filed with the PA DEP and a copy of the SARA Title III Tier II Chemical Inventory submitted to PENN SAFE.
- (f.) The applicant shall provide an outline of training program for Township's first responders.
- (g.) A survey of the property showing all permanent facilities (tanks, buildings, pads or other surface installations) with locations and distances to property lines, the approximate number of acres to be disturbed for development, and identifying the floodway of the property(ies) as identified in the Flood Insurance Study (FIS) prepared and approved by the Federal Emergency Management Agency (FEMA).
- (h.) A complete drainage and stormwater drainage plan, which includes all storm sewers and appurtenances, along with an approved best management practice method of disposal of all stormwater collected, that will verify the peak post-development release rate of runoff shall comply with the stormwater management districts established in Chapter 164 of the Code of the Township of Rostraver, including but not limited to any necessary agreements and/or bonding.

[1] If the stormwater drainage plan proved that a detention structure is needed to maintain the peak post-development release runoff rate for that stormwater management district in Chapter 164 of the Code of the Township of Rostraver, agreements will need to be done to confirm that the detention structure will remain intact after the project is complete. The Township shall obtain a bond from the responsible party to insure compliance with this provision.

[2] In the event the Township determines that the public interest is best served by mandating that the pond be filled in at a reasonable time after land disturbance activities have been substantially completed, the landowner/developer shall complete the same at a time and in a manner required by the Township. The Township shall obtain a bond from the responsible party to insure compliance with this provision.

- (2.) Natural gas compressor stations shall only be permitted to occur on property with a minimum of five (5) contiguous acres or larger.
- (3.) In accordance with the appropriate Township ordinance, as amended, driveways accessing the compressor station shall be paved with an impervious material from the paved public street for a distance of fifty (50) feet into the site. The impervious material shall be in place prior to the commencement of the compressor station.
- (4.) All traffic shall enter and exit the site via designated driveway access points that connect with adjacent public right-of-ways. Said access points shall be approved by local, county, and PennDOT officials. Prior to initiating any work, the Township shall be provided a copy of the Highway Occupancy Permit prior to commencing site development to access the site and for overweight vehicles.
- (5.) All facilities including the access road shall be secured with a fence, in compliance with section 195-72, with a secured gate as follows:
 - (a.) The fence shall be a minimum of six (6) feet in height, chain link with green fabric mesh.
 - (b.) The chain link fence shall have a minimum thickness of eleven (11) gauge.
 - (c.) Warning signs shall be install at one hundred (100) foot spacing to provide notice of the potential dangers.
 - (d.) The site assigned address shall be clearly visible on the access gate for emergency 911 purposes.
 - (e.) The sign shall include the name of the operator and the telephone number for a person responsible who may be contacted in case of emergency pursuant to the Pennsylvania Oil and Gas Act (PA Act 223).

- (f.) For each entrance gate, the Operator shall provide the Township with a “lock box and key” to access the well site in case of emergency. The location of said gate(s) shall be to the satisfaction of the Township.
- (6.) All lighting shall be designed and utilized in compliance with section 195-81.2
- (7.) Dust, vibration, odors. -All activities/operations shall be conducted in such a manner to minimize dust, vibration or noxious odors and shall be in accordance with section 195-74. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful effects are minimized by the operations carried on at the site to avoid injury to persons living in the vicinity and are in compliance with section 196-74.
- (8.) Noise -The Township may require acoustical blankets, sound walls, mufflers or other alternative methods to ensure compliance depending on the location of the operation/facility(ies) to adjacent residential properties and as more specifically set forth in section 195-74.
- (9.) Exhaust from any internal combustion engine or compressor used or on any production equipment or used in Development shall not be discharged into the open air unless it is equipped with (i) an exhaust muffler or (ii) an exhaust box. The exhaust muffler or exhaust box shall be constructed of noncombustible 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.
- (10.) The compressors are required to be enclosed in a building with doors.
- (11.) All permanent facilities shall be painted an earth tone color to blend in with the surrounding area. The Township may require fencing and or landscaping to buffer the facilities from adjacent properties in accordance with section 195-75(G.)
- (12.) All grading and filling shall be designed in compliance with section 195-70.
- (13.) A Zoning Permit shall not be issued for any structure located within any floodway identified in the Flood Insurance Study (FIS) prepared and approved by Federal Emergency Management Agency (FEMA). Oil and gas activities in the 100 year floodplain is discouraged but may be permitted if the following provisions are met:

- (a.) Earth moving activities that do not materially change the contour of the land are permitted for the purpose of pipeline installation.
 - (b.) There is compliance with Chapter 97 of the Code of the Township of Rostraver.
 - (c.) If no other area provides access to the oil or gas deposit, then oil and gas drilling may be permitted in the floodplain. The applicant must provide conclusive documentation that no other location allows access to the oil or gas deposits other than a location within the floodplain.
 - (d.) No storage of chemicals shall be permitted within the floodplain.
 - (e.) Only necessary and needed structures will be permitted within the floodplain.
 - (f.) All structures within the flood zone shall be designed to withstand a 100-year storm event.
 - (g.) An Engineer registered in Pennsylvania and qualified to present such documentation that structures will not cause additional flooding on adjacent, upstream and/or downstream properties shall provide such documentation to the Township.
- (14.) Permanent structures whether principal or accessory must comply with the maximum height regulation of 40 feet and be in compliance with section 195-73.
- (15.) A natural gas compressor station, ancillary equipment and facilities shall be setback 600 feet from any existing structure, and 200 feet from the nearest property line.
- (16.) The applicant shall provide the Township's First Responders, through its Emergency Management Coordinator and Zoning Officer, a copy of its Preparedness, Prevention and Contingency (PPC) Plan. Included with the PPC Plan shall be the SARA Title III Tier II Chemical Inventory submitted to PENNSAFE.
- (a.) Upon review of the PPC Plan, a meeting between all parties will be held to discuss Emergency and First Response procedures; and determine which First Response personnel have secured adequate training (5 hours minimum per year) to deal with any potential dangerous conditions that may result due to development activities. The applicant shall arrange a

visit to site by Township emergency service providers for the purpose of orientation to the location of equipment and materials.

- (b.) Should First Response training become necessary, the Applicant will make available an appropriate training program for First Responders in coordination with Westmoreland County Public Safety.
 - (c.) The cost and expense of the orientation and training shall be sole responsibility of the applicant. The applicant shall not be required to hold more than one site orientation and training course annually under this section.
- (17.) The facility and/or its operation shall comply with all applicable permits and requirements of the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, and any other governmental authority having jurisdiction over its operations and with all federal, state and local laws, ordinance and regulations promulgated to protect the environment or otherwise relating to environmental matters.
- (18.) All applicants for a special exception shall reimburse Rostraver Township for necessary and reasonable professional consultant fees incurred by the Township related to application for activities authorized by this ordinance. Additionally, all applicants shall reimburse the Township for consulting fees and cost incurred in enforcing this ordinance upon a finding of violation by a District Justice.
- (19.) Federal or state law or regulation preempts ordinance requirements that conflict with federal or state statute or regulation. Township acknowledges that it is pre-empted from regulating the operational methods of the oil and gas industry and may only regulate land uses.

195-42(M.)

Add (M.) with the following language and subsection:

(M.) Natural Gas Processing Plant

- (1) A special exception shall be obtained for all natural gas processing plants. All applications submitted for consideration of the Zoning Hearing Board shall include, at a minimum, the following documentation and all other pertinent data deemed necessary to process the application:
 - (a.) Written permission from the property owner(s).

- (b.) A written description of the character of the proposed operation, its timing and proposed duration, together with duplicates of maps and plans to submitted to state and federal regulatory agencies or authorities for the issuance of necessary permits.
- (c.) The applicant shall provide a plan for the transmission of gas from the site. The plan will identify but not be limited to gathering lines, compressors and other mid and downstream facilities located within the Township and extending 800 ft beyond the Township boundary.
- (d.) The applicant shall provide the Township with 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 for each day of the week. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Township.
- (e.) The applicant shall provide the Township with a copy of the Preparedness Prevention and Contingency Plan, as required by and filed with the PA DEP, and a copy of the SARA Title III Tier II Chemical Inventory submitted to PENNSAFE.
- (f.) The applicant shall provide an outline of training program for Township's first responders.
- (g.) A survey of the property showing all permanent facilities (tanks, buildings, pads, or other surface installations) with locations and distances to property lines, the approximate number of acres to be disturbed for development, and identifying the floodway of the property(ies) as identified in the Flood Insurance Study (FIS) prepared and approved by the Federal Emergency Management Agency (FEMA).
- (h.) A complete drainage and stormwater drainage plan, which includes all storm sewers and appurtenances, along with an approved best management practice method of disposal of all stormwater collected, that will verify the peak post-development release rate of runoff shall comply with the stormwater management districts established in Chapter 164 of the Code of the Township of Rostraver, including but not limited to any necessary agreements and/or bonding.

[1] If the stormwater drainage plan proved that a detention structure is needed to maintain the peak post-development release runoff rate for that stormwater management district in Chapter 164 of the Code of the Township of Rostraver, agreements will need to be done to confirm that the detention structure will remain intact after the project is complete. The Township shall obtain a bond from the responsible party to insure compliance with this provision.

[2] In the event the Township determines that the public interest is best served by mandating that the pond be filled in at a reasonable time after land disturbance activities have been substantially completed, the landowner/developer shall complete the same at a time and in a manner required by the Township. The Township shall obtain a bond from the responsible party to insure compliance with this provision.

- (2.) Natural gas processing plant shall only be permitted to occur on property with a minimum of five (5) contiguous acres or larger.
- (3.) In accordance with the appropriate Township ordinance, as amended, driveways accessing the processing plant shall be paved with an impervious material from the paved public street for a distance of fifty (50) feet into the site. The impervious material shall be in place prior to the commencement of the processing plant.
- (4.) All traffic shall enter and exit the site via designated driveway access points that connect with adjacent public right-of-ways. Said access points shall be approved by local, county, and PennDOT officials. Prior to initiating any work, the Township shall be provided a copy of the Highway Occupancy Permit prior to commencing site development to access the site and for overweight vehicles.
- (5.) All facilities including the access road shall be secured with a fence, in compliance with Section 195-72, with a secured gate as follows:
 - (a.) The fence shall be a minimum of six (6) feet in height, chain link with green fabric mesh.
 - (b.) The chain link fence shall have a minimum thickness of eleven (11) gauge.

- (c.) Warning signs shall be install at one hundred (100) foot spacing to provide notice of the potential dangers.
 - (d.) The site assigned address shall be clearly visible on the access gate for emergency 911 purposes.
 - (e.) The sign shall include the name of the operator and the telephone number for a person responsible who may be contacted in case of emergency pursuant to the Pennsylvania Oil and Gas Act (PA Act 223).
 - (f.) For each entrance gate, the Operator shall provide the Township with a “lock box and key” to access the well site in case of emergency. The location of said gate(s) shall be to the satisfaction of the Township.
- (6.) All lighting shall be designed and utilized in compliance with section 195-81.2
 - (7.) Dust, vibration, odors. -All activities/operations shall be conducted in such a manner to minimize dust, vibration or noxious odors and shall be in accordance with section 195-74. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful effects are minimized by the operations carried on at the site to avoid injury to persons living in the vicinity and are in compliance with section 195-74.
 - (8.) Noise -The Township may require acoustical blankets, sound walls, mufflers or other alternative methods to ensure compliance depending on the location of the operations/facility(ies) to adjacent residential properties and as more specifically set forth in this ordinance section 195-74.
 - (9.) Exhaust from any internal combustion engine or compressor used or on any production equipment or used in Development shall not be discharged into the open air unless it is equipped with (i) an exhaust muffler or (ii) an exhaust box. The exhaust muffler or exhaust box shall be constructed of noncombustible 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.
 - (10.) Compressors are required to be enclosed in a building with doors.

- (11.) All permanent facilities shall be painted an earth tone color to blend in with the surrounding area. The Township may require fencing and or landscaping to buffer the facilities from adjacent properties in accordance with section 195-75(G.)
- (12.) All grading and filling shall be designed in compliance with section 195-70.
- (13.) A Zoning Permit shall not be issued for any structure located within any floodway identified in the Flood Insurance Study (FIS) prepared and approved by Federal Emergency Management Agency (FEMA). Oil and gas activities in the 100 year floodplain is discouraged but may be permitted if the following provisions are met:
 - (a.) Earth moving activities that do not materially change the contour of the land are permitted for the purpose of pipeline installation.
 - (b.) There is compliance with Chapter 97 of the Code of the Township of Rostraver.
 - (c.) If no other area provides access to the oil or gas deposit, then oil and gas drilling may be permitted in the floodplain. The applicant must provide conclusive documentation that no other location allows access to the oil or gas deposits other than a location within the floodplain.
 - (d.) No storage of chemicals shall be permitted within the floodplain.
 - (e.) Only necessary and needed structures will be permitted within the floodplain.
 - (f.) All structures within the flood zone shall be designed to withstand a 100-year storm event.
 - (g.) An Engineer registered in Pennsylvania and qualified to present such documentation that structures will not cause additional flooding on adjacent, upstream and/or downstream properties shall provide such documentation to the Township.
- (14.) Permanent structures whether principal or accessory must comply with the maximum height regulation of 40 feet and in compliance with section 195-73.

- (15.) A natural gas processing plant, ancillary equipment and facilities shall be setback 600 feet from existing structure, and 200 feet from the nearest property line.
- (16.) The applicant shall provide the Township's First Responders, through its Emergency Management Coordinator and Zoning Officer, a copy of its Preparedness, Prevention and Contingency (PPC) Plan. Included with the PPC Plan shall be the SARA Title III Tier II Chemical Inventory submitted to PENNSAFE.
- (a.) Upon review of the PPC Plan, a meeting between all parties will be held to discuss Emergency and First Response procedures; and determine which First Response personnel have secured adequate training (5 hours minimum per year) to deal with any potential dangerous conditions that may result due to development activities. The applicant shall arrange a visit to site by Township emergency service providers for the purpose of orientation to the location of equipment and materials.
- (b.) Should First Response training become necessary, the Applicant will make available an appropriate training program for First Responders in coordination with Westmoreland County Public Safety.
- (c.) The cost and expense of the orientation and training shall be sole responsibility of the applicant. The applicant shall not be required to hold more than one site orientation and training course annually under this section.
- (17.) The facility and/or its operation shall comply with all applicable permits and requirements of the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, and any other governmental authority having jurisdiction over its operations and with all federal, state and local laws, ordinance and regulations promulgated to protect the environment or otherwise relating to environmental matters.
- (18.) All applicants for a special exception shall reimburse Rostraver Township for necessary and reasonable professional consultant fees incurred by the Township related to application for activities authorized by this ordinance. Additionally, all applicants shall reimburse the Township for consulting fees and cost incurred in enforcing this ordinance upon a finding of violation by a District Justice.

- (19.) Federal or state law or regulation preempts ordinance requirements that conflict with federal or state statute or regulation. Township acknowledges that it is pre-empted from regulating the operational methods of the oil and gas industry and may only regulate land uses.

195-42(N.) *Add (N.) with the following language and subsections:*

(N.) Staging Facility

- (1.) A special exception shall be obtained for all staging facilities. All applications submitted for consideration of the Zoning Hearing Board shall include, at a minimum, the following documentation and all other pertinent data deemed necessary to process the application:
 - (a.) Written permission from the property owner(s).
 - (b.) A written description of the character of the proposed operation, its timing and proposed duration, together with duplicates of maps and plans to submitted to state and federal regulatory agencies or authorities for the issuance of necessary permits.
 - (c.) The applicant shall be provided a list of all chemicals or waste products that will be stored on site.
 - (d.) The applicant shall provide the Township with 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 for each day of the week. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the Township.
 - (e.) A survey of the property showing all permanent facilities (tanks, buildings, pads, or other surface installations) with locations and distances to property lines, the approximate number of acres to be disturbed for development, and identifying the floodway of the property(ies) as identified in the Flood Insurance Study (FIS) prepared and approved by the Federal Emergency Management Agency (FEMA).
 - (f.) No activities or substances of a hazardous safety or environmental nature shall be employed, carried or utilized as part of any operations conducted on the site unless specifically provided for as part of the special exception application.

(g.) The applicant must provide the Township with a list and description of all equipment weighing in excess of ten (10) tons and identification of the proposed routing of vehicles on Township roads. The proposed hauling routes must be designed to minimize the impact on collector, connector and local streets within the Township. The Township reserves the right to designate required truck hauling routes throughout the Township.

(i.) Vehicular access to a site solely via a local residential street is prohibited.

(ii.) Vehicular access to a site via a collector street is permitted.

(h.) A complete drainage and stormwater drainage plan, which includes all storm sewers and appurtenances, along with an approved best management practice method of disposal of all stormwater collected, that will verify the peak post-development release rate of runoff shall comply with the stormwater management districts established in Chapter 164 of the Code of the Township of Rostraver, including but not limited to any necessary agreements and/or bonding.

[1] If the stormwater drainage plan proved that a detention structure is needed to maintain the peak post-development release runoff rate for that stormwater management district in Chapter 164 of the Code of the Township of Rostraver, agreements will need to be done to confirm that the detention structure will remain intact after the project is complete. The Township shall obtain a bond from the responsible party to insure compliance with this provision.

[2] In the event the Township determines that the public interest is best served by mandating that the pond be filled in at a reasonable time after land disturbance activities have been substantially completed, the landowner/developer shall complete the same at a time and in a manner required by the Township. The Township shall obtain a bond from the responsible party to insure compliance with this provision.

- (2.) Staging Facilities shall only be permitted to occur on property with 32,000 square feet.
- (3.) In accordance with the appropriate Township ordinance, as amended, driveways accessing the site shall be paved with an impervious material from the paved public street for a distance of fifty (50) feet into the site. The impervious material shall be in place prior to the commencement of the facilities.
- (4.) All traffic shall enter and exit the site via designated driveway access points that connect with adjacent public right-of-ways. Said access points shall be approved by local, county, and PennDOT officials. Prior to initiating any work at a site, the Township shall be provided a copy of the Highway Occupancy Permit prior to commencing site development to access the site and for overweight vehicles.
- (5.) In compliance with section 187-16, the applicant of the facility and any or all subcontractors shall execute an excess maintenance agreement with the Township for a permit 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 damaged as a result of hauling associated with the facility.
- (6.) No storage or parking shall be permitted in the required front, rear or side yard area.
- (7.) All lighting shall be designed and utilized in compliance with section 195-81.2
- (8.) Dust, vibration, odors. -All activities/operations shall be conducted in such a manner to minimize dust, vibration or noxious odors and shall be in accordance with section 195-74. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful effects are minimized by the operations carried on at the site to avoid injury to persons living in the vicinity and are in compliance with section 195-74.
- (9.) Noise -The Township may require acoustical blankets, sound walls, mufflers or other alternative methods to ensure compliance depending on the location of the operations/facility(ies) to adjacent residential properties and as more specifically set forth in this ordinance section 195-74.

- (10.) The facility and/or its operation shall comply with all applicable permits and requirements of the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, and any other governmental authority having jurisdiction over its operations and with all federal, state and local laws, ordinance and regulations promulgated to protect the environment or otherwise relating to environmental matters.
- (11.) All applicants for a special exception shall reimburse Rostraver Township for necessary and reasonable professional consultant fees incurred by the Township related to application for activities authorized by this ordinance. Additionally, all applicants shall reimburse the Township for consulting fees and cost incurred in enforcing this ordinance upon a finding of violation by a District Justice.
- (12.) Federal or state law or regulation preempts ordinance requirements that conflict with federal or state statute or regulation. Township acknowledges that it is pre-empted from regulating the operational methods of the oil and gas industry and may only regulate land uses.

195-42(O.) *Add (O.) with the following language and subsection:*

(O.) Oil and Gas Water Storage Facility

- (1.) A special exception shall be obtained for all water storage facilities that will contain frac/brine water. All applications submitted for consideration of the Zoning Hearing Board shall include, at a minimum, the following documentation and all other pertinent data deemed necessary to process the application:
 - (a.) Written permission from the property owner(s).
 - (b.) A written description of the character of the proposed operation, its timing and proposed duration, together with duplicates of maps and plans to submitted to state and federal regulatory agencies or authorities for the issuance of necessary permits.
 - (c.) A survey of the property showing all permanent facilities (tanks, ponds, or other surface installations) with locations and distances to property lines, the approximate number of acres to be disturbed for development, and identifying the floodway of the property(ies) as identified in the Flood Insurance Study (FIS) prepared and approved by the Federal Emergency Management Agency (FEMA).

- (d.) No activities or substances of a hazardous safety or environmental nature shall be employed, carried or utilized as part of any operations conducted on the site unless specifically provided for as part of the special exception application.
- (e.) The applicant must provide the Township with a list and description of all equipment weighing in excess of ten (10) tons and identification of the proposed routing of vehicles on Township roads. The proposed hauling routes must be designed to minimize the impact on collector, connector and local streets within the Township. The Township reserves the right to designate required truck hauling routes throughout the Township.
 - (i.) Vehicular access to a site solely via a local residential street is prohibited.
 - (ii.) Vehicular access to a site via a collector street is permitted.
- (f.) A complete drainage and stormwater drainage plan, which includes all storm sewers and appurtenances, along with an approved best management practice method of disposal of all stormwater collected, that will verify the peak post-development release rate of runoff shall comply with the stormwater management districts established in Chapter 164 of the Code of the Township of Rostraver, including but not limited to any necessary agreements and/or bonding.
 - [1] If the stormwater drainage plan proved that a detention structure is needed to maintain the peak post-development release runoff rate for that stormwater management district in Chapter 164 of the Code of the Township of Rostraver, agreements will need to be done to confirm that the detention structure will remain intact after the project is complete. The Township shall obtain a bond from the responsible party to insure compliance with this provision.
 - [2] In the event the Township determines that the public interest is best served by mandating that the pond be filled in at a reasonable time after land disturbance activities have been substantially completed, the landowner/developer shall complete the same at a time and in a

manner required by the Township. The Township shall obtain a bond from the responsible party to insure compliance with this provision.

- (2.) Water storage facilities shall only be permitted to occur on property with 20,000 square feet.
- (3.) In accordance with the appropriate Township ordinance, as amended, driveways accessing the site shall be paved with an impervious material from the paved public street for a distance of fifty (50) feet into the site. The impervious material shall be in place prior to the commencement of the facilities.
- (4.) All traffic shall enter and exit the site via designated driveway access points that connect with adjacent public right-of-ways. Said access points shall be approved by local, county, and PennDOT officials. Prior to initiating any work at the site, the Township shall be provided a copy of the Highway Occupancy Permit prior to commencing site development to access the site and for overweight vehicles.
- (5.) In compliance with section 187-16, the applicant of the water storage facility and any or all subcontractors shall execute an excess maintenance agreement with the Township for a permit 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 damaged as a result of hauling associated with the facility.
- (6.) Dust, vibration, odors. -All activities/operations shall be conducted in such a manner to minimize dust, vibration or noxious odors and shall be in accordance with section 195-74.
- (7.) Complete site restoration within one year following the termination of the use of a facility for water storage in accordance with PA DEP regulations. Top soil must remain on site so it can be put back during the restoration of the site.
- (8.) All impoundments shall be secured with a fence, in compliance with section 195-72, with a secured gate as follows:
 - (a.) The fence shall be a minimum of six (6) feet in height, chain link with green fabric mesh.

- (b.) The fencing shall be in place throughout the drill operation and until the impoundment pond is removed.
- (c.) The chain link fence shall have a minimum thickness of eleven (11) gauge.
- (9.) The facility and/or its operation shall comply with all applicable permits and requirements of the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency, and any other governmental authority having jurisdiction over its operations and with all federal, state and local laws, ordinance and regulations promulgated to protect the environment or otherwise relating to environmental matters.
- (10.) All applicants for a special exception shall reimburse Rostraver Township all reasonable and necessary professional consultant fees incurred by the Township related to application for activities authorized by this ordinance. Additionally, all applicants shall reimburse the Township for consulting fees and cost incurred in enforcing this ordinance upon a finding of violation by a District Justice.
- (11.) Federal or state law or regulation preempts ordinance requirements that conflict with federal or state statute or regulation. Township acknowledges that it is pre-empted from regulating the operational methods of the oil and gas industry and may only regulate land uses.

195-43

Add to the Chart Under Special Exception:

Gas & Oil Drill Site	Subject to the requirements of 195-14(S)						
Natural Gas Compressor Station	Subject to the requirements of 195-42(L.)						
Natural Gas Processing Plant	Subject to the requirements of 195-42(M.)						
Staging Facility	32,000	150	50	25	25	40	50%
Oil and Gas Water Storage Facility	20,000	75	50	25	25	40	60%

195-44(A.)(7)

Amend (7) with the following language:

(7) Transportation Terminal

195-44C. (17) Add

(17) *with the following language*
 (17) Gas and Oil Drill Site

- 195-44C. (18)** *Add (18) with the following language:*
 (18) Natural Gas Compressor Station
- 195-44C. (19)** *Add (19) with the following language:*
 (19) Natural Gas Processing Plant
- 195-44C. (20)** *Add (20) with the following language:*
 (20) Staging Facility
- 195-44C. (21)** *Add (21) with the following language:*
 (21) Oil and Gas Water Storage Facility
- 195-46(P.)** *Add (P.) with the following language:*
 (P.) Gas and Oil Drill Site, subject to the standards and criteria of Article VI, 195-14S of this chapter.
- 195-46(Q.)** *Add (Q.) with the following language:*
 (Q.) Natural Gas Compressor Station, subject to the standards and criteria of Article XIII, 195-42L of this chapter.
- 195-46(R.)** *Add (R.) with the following language:*
 (R.) Natural Gas Processing Plant, subject to the standards and criteria of Article XIII, 195-42M of this chapter.
- 195-46(S.)** *Add (S) with the following language:*
 (S.) Staging Facility, subject to the standards and criteria of Article XIII, 194-42N of this chapter.
- 195-46(T.)** *Add (T.) with the following language:*
 (T.) Oil and Gas Water Storage Facility, subject to the standards and criteria of Article XIII, 195-42O of this chapter.

195-47 *Amend the Chart Under Permitted Use:*

Rename Truck Terminal to Transportation Terminal

Rename Contractor's Plant to Contractor's Yard

Add to the Chart Under Special Exception:

Gas & Oil Drill Site	Subject to the requirements of 195-14(S)						
Natural Gas Compressor Station	Subject to the requirements of 195-42(L.)						
Natural Gas Processing Plant	Subject to the requirements of 195-42(M.)						
Staging Facility	32,000	150	50	25	25	40	50%
Oil and Gas Water Storage Facility	20,000	75	50	25	25	40	60%

- 195-50(P.)** *Add (P.) with the following language:*
 (P.) Gas and Oil Drill Site, subject to the standards and criteria of Article VI, 195-14S of this chapter.

- 195-50(Q.)** *Add (Q.) with the following language:*
(Q.) Natural Gas Compressor Station, subject to the standards and criteria of Article XIII, 195-42L of this chapter.
- 195-50(R.)** *Add (R.) with the following language:*
(R.) Natural Gas Processing Plan, subject to the standards and criteria of Article XIII, 195-42M of this chapter.
- 195-50(S.)** *Add (S.) with the following language:*
(S.) Staging Facility, subject to the standards and criteria of Article XIII, 195-42N of this chapter.
- 195-50(T.)** *Add (T.) with the following language:*
(T.) Oil and Gas Water Storage Facility, subject to the standards and criteria of Article XIII, 195-42O of this chapter.
- 195-51** *Add to the Chart Under Special Exception:*
- | | | | | | | | |
|------------------------------------|---|-----|----|----|----|----|-----|
| Gas & Oil Drill Site | Subject to the requirements of 195-14(S) | | | | | | |
| Natural Gas Compressor Station | Subject to the requirements of 195-42(L.) | | | | | | |
| Natural Gas Processing Plant | Subject to the requirements of 195-42(M.) | | | | | | |
| Staging Facility | 32,000 | 150 | 50 | 25 | 25 | 40 | 50% |
| Oil and Gas Water Storage Facility | 20,000 | 75 | 50 | 25 | 25 | 40 | 60% |
- 195-59(A) (2)** *Amend (2) with the following language:*
(2) Signs specified under sections 195-54A (1) (a), (2), (5), (6) and (7)
- 195-75(F) (4)** *Add (4) with the following language:*
(4) Owner of camping and recreational equipment shall reside on the same lot.

ORDAINED AND ENACTED as an Ordinance of the Township of Rostraver this 1st day of June, 2011.

BOARD OF COMMISSIONERS
TOWNSHIP OF ROSTRAVER

BY: _____
George A. MARTIN, President

ATTEST:

Pamela S. BEARD, Township Secretary