

OFFICIAL

TOWNSHIP OF SCOTT

ORDINANCE NO. _____ - 11

AN ORDINANCE OF THE TOWNSHIP OF SCOTT, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, AMENDING THE SCOTT TOWNSHIP ZONING ORDINANCE TO PROVIDE FOR OIL AND GAS EXTRACTION AND NATURAL GAS PROCESSING PLANTS AND COMPRESSOR STATIONS AS CONDITIONAL USES IN THE FOLLOWING ZONING DISTRICTS IN THE TOWNSHIP: C-1, C-2, C-3, C-4 and I.

WHEREAS, the Township of Scott ("Township") has the power to protect the health, safety, and welfare of people and property in the Township; and

WHEREAS, the Township believes that it is in the best interest of its residents and citizens that the Township be provided certain information prior to commencement of Oil and Gas drilling, production and operations and further, that the Township regulate Oil and Gas Extraction as permitted by the Pennsylvania Municipalities Planning Code and the Pennsylvania Oil and Gas Act, 58 P.S. §§601.101, et seq.; and

WHEREAS, the Township of Scott seeks to amend its Zoning Ordinance, Ordinance No. 937-75, as amended, to permit Oil and Gas Extraction as a Conditional Use in the following Zoning Districts of the Township: C-1, C-2, C-3, C-4 and I.

NOW THEREFORE, the Board of Commissioners of the Township of Scott hereby ordains as follows:

Section 1.

The following shall be added as new Section 3-112 of Ordinance No. 937-75, as amended, the Zoning Ordinance of the Township of Scott:

3-112 Oil and Gas Extraction

3-112.1 Purpose

It is hereby declared to be the purpose of this section to declare Oil and Gas Extraction a use permitted by Conditional Use in the following Zoning Districts of the Township: C-1, C-2, C-3, C-4 and I. The Township of Scott recognizes that the regulation of Oil and Gas Extraction is the primary responsibility of the regulatory agencies of the Commonwealth of Pennsylvania, but that the Township maintains its zoning powers as set forth in the Pennsylvania Municipalities Planning Code ("MPC") and through the Township of Scott Zoning Ordinance. It is in the Township's best interest to have information concerning oil and gas exploration, extraction, and production taking place within the Township and to ensure certain security and safety measures related to oil and gas well drilling are in place.

3-112.2 Definitions

As used in this Ordinance, the following terms shall be interpreted or defined as follows:

Oil and Gas Extraction or Extraction. The well site preparation, well site construction, drilling, hydraulic fracturing, and/or site restoration associated with an Oil and Gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of Oil and Gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of Oil and Gas other than Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions that operate as midstream facilities.

Township. Scott Township, Allegheny County, Pennsylvania.

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.

Well Operator. Any person, partnership, company, corporation or other entity, including their subcontractors and agents, who have an interest in real estate for the purpose of exploring or drilling for, producing, or transporting Oil or Gas.

Protected Structure. Any residence, commercial business, or other public building located within 1,000 feet (or a school, hospital or religious institution located within 2,500 feet) of the surface location of a well that may be impacted by noise generated from drilling or hydraulic fracturing activity at a Well Site. The term shall not include any structure owned by an oil and gas lessor who has signed a lease with the Well Operator granting surface rights to drill the subject well or whose owner or occupants have signed a waiver relieving the Well Operator from implementation of the measures established in Paragraph 10 of this Ordinance for the owners' or occupants' benefit.

Well Site. A graded pad designed and constructed for the drilling of one or more Oil and Gas wells.

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.

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.

3-112.3 Zoning

The Township of Scott hereby declares that Oil and Gas Extraction may be authorized by Conditional Use in the following Zoning Districts of the Township: C-1, C-2, C-3, C-4 and I., where said Extraction meets the following conditions:

1. Well Operator shall comply with any generally applicable bonding and permitting requirements for Township roads that are to be used by overweight vehicles and equipment for Extraction activities. For state roads located within the Township, Well Operator shall provide a copy of the Highway Occupancy Permit for overweight vehicles to Township.
2. Well Operator shall take the necessary safeguards to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from Extraction activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and/or debris occur.
3. Well Operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with Extraction , Well Operator will provide flagmen to ensure the safety of children at or near schools or school bus stops and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.
4. Well Operator shall not clear brush or trees by way of burning, and shall chip, grind or remove all tree stumps from properties it clears for Extraction purposes. However, Well Operator shall be permitted to, consistent with any relevant outdoor burning ordinance(s), laws and regulations, burn any brush, trees, or stumps that have been removed from the ground and collected into a pile or piles on the properties where the Well Operator is engaging in Extraction.
5. Well Operator shall provide an appropriate and adequate off-street area within the development site for vehicles to stand while gaining access to the Well Site so that the normal flow of vehicular traffic on nearby public streets is undisturbed and public safety is maintained.
6. Prior to Extraction, Well Operator shall provide to the Township's Police Department and Fire Company ("First Responders") and to the Township Zoning Officer, a copy of its Preparedness, Prevention and Contingency ("PPC") Plan.
7. Before drilling, the Township shall ascertain whether the Township's police and fire departments have secured adequate information to deal with any potential dangerous conditions that may result due to Extraction activities. First Responders shall have on-site orientation and be provided adequate awareness information. Upon request from the Township, Well Operator will, prior to drilling of an Oil and Gas well, make available with at least thirty (30) days' notice, at its sole cost and expense, an appropriate site orientation for First Responders. Such site orientation shall be made available immediately after any substantial modification to the Extraction or Well Site, or not less than annually during the period when the Well Operator anticipates drilling activities in the Township.

8. Well Operator shall take the necessary safeguards to ensure appropriate dust control measures are in place.
9. Recognizing that the specific location of equipment and facilities is an important and integral part of the Extraction of Oil and Gas, as part of the planning process, Well Operator shall make a good faith effort to locate its temporary and permanent operations so as to minimize interference with Township residents' enjoyment of their property and future Township development activities.
10. Recognizing that adequate and appropriate lighting is essential to the safety of those involved in the Extraction of Oil and Gas, the Well Operator shall direct site lighting downward and inward toward the drill site, wellhead, or other area being developed so as to minimize glare on public roads and adjacent buildings within three hundred (300) feet of the drill site, wellhead, or other area being developed.
11. At least two (2) weeks prior to drilling an Oil and Gas well or multiple Oil and Gas wells at a location, the Well Operator shall provide the following information to each resident within one thousand (1,000) feet of the planned surface location of the well(s):
 - a. A copy of the well survey plat submitted to the Department of Environmental Protection by Well Operator with Well Operator's permit application,
 - b. A general description of the planned operations at the planned well(s) and associated equipment used in the Extraction of the well(s),
 - c. The contact information for the Well Operator, and
 - d. The availability of the Well Operator to hold a meeting with such residents to present Well Operator's plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to drilling.
12. Upon the filing of an Application for Conditional Use under this Section, the Well Operator shall provide:
 - a. A site plan showing the proposed location of all Structures on the site and in relation to one another, including existing and proposed elevations; traffic circulation features within the site; the location of vehicular access into the site; the heights and bulk of Structures; the provision of automobile parking space; the provision of other open space on the site; all proposed draining, paving, fences and walls on the site; the display of Signs and a map showing the planned access route to the Well Sites on public Streets. The site plan shall also show the location of all Protected Structures.
 - b. Information on the status of road bonding,
 - c. The Well Operator's Erosion & Sedimentation Plan,
 - d. The well survey plat showing the planned surface location(s) of the well(s), and
 - e. The contact information for the Well Operator.

13. At least ten (10) days prior to commencement of drilling, the Well Operator shall provide to the Township Zoning Officer a copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection (“DEP”). The Well Operator shall also provide a copy of the recorded subdivision plan or land development plan.
14. For any Oil and Gas well where the planned surface location of the well will be within one thousand (1,000) feet of a Protected Structure, the Well Operator shall:
 - a. Install permanent fall protection fencing meeting OSHA requirements around any pits that contain or could contain water or other liquids at depths greater than two feet.
 - b. Install an adequate number of trespass warning signs at the perimeter of the Well Site providing notice of the dangers caused by the location of drilling sites.
15. During drilling and hydraulic fracturing:
 - a. Clearly visible trespass warning signs shall be posted at the Well Site.
 - b. Provide a guard station with staffing 24 hours per day/7 days per week when a drilling rig or hydraulic fracturing equipment is on the Well Site.
16. Prior to the commencement of drilling activities, no construction activities involving excavation of, alteration to, or repair work on any access road or Well Site shall be performed during the hours of 10:00 p.m. to 7:00 a.m.
17. The Township recognizes and acknowledges that Oil and Gas Extraction is accompanied by inherent noise. However, the Well Operator shall take the following steps to minimize, to the extent practicable, the noise resulting from the Extraction:
 - a. Prior to drilling of an Oil and Gas well, the Well Operator shall establish a continuous seventy-two (72)-hour ambient noise level at the nearest Protected Structure property line or one hundred (100) feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure or, alternatively, and in lieu of establishing the above seventy-two (72)-hour ambient noise level, the Well Operator may assume and use, for the purposes of compliance with this ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute’s standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
 - b. The Well Operator shall provide documentation of any established, seventy-two (72)-hour evaluation relied upon to establish an ambient noise level greater than 55 dBA to the Township’s Zoning Officer within three (3) business days of such a request from the Zoning Officer.
 - c. The noise generated during construction, drilling and hydraulic fracturing activities when measured at the nearest Protected Structure property line or one hundred (100) feet from the nearest Protected Structure (as measured 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 (72) hour evaluation) or default level, whichever is higher:

- i. during drilling activities by more than seven (7) decibels during the hours of 7:00 a.m. to 10:00 p.m.;
- ii. during drilling activities by more than five (5) decibels during the hours of 10:00 p.m. to 7:00 a.m.; or
- iii. by more than ten (10) decibels during construction or hydraulic fracturing operations.

The Well Operator shall inform the Township of which level (average ambient noise level or default level) is being used.

- d. Adjustments to the forgoing noise limits may be permitted in accordance with the following:

Permitted Increase (dBA)	Duration of Increase (minutes)*
5.....	15
10.....	5
15.....	1
20.....	1

*Cumulative minutes during any one hour.

- e. If a complaint is received by the Township from any person, whether a resident or otherwise using the Protected Structure as defined herein for any lawful purpose, regarding noise generated during construction, drilling or hydraulic fracturing activities, the Well Operator shall, within twenty-four (24) hours of receipt of the complaint from the Township, continuously monitor for a forty-eight (48) 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 Wellsite or equipment generating the noise, or
 - ii. one hundred (100) feet from the Protected Structure.
- f. If the Well 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, Well Operator will meet with Township representatives and affected residents to

discuss whether possible noise abatement measures are warranted, if the permitted levels set forth herein were exceeded.

- g. 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 Extraction 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.
- h. All workover operations shall be restricted to the hours of 7:00 a.m. to 10:00 p.m., except in the extent of an emergency, as reasonably determined by the Well Operator. "Workover operations" shall mean work performed in a well after its completion in an effort to secure production where there has been none, restore production that has ceased, or increase production.
- i. The noise restrictions contained in this Paragraph 15 shall also apply to Natural Gas Compressor Stations and Natural Gas Processing Plants.

18. Well Operator shall take all reasonable measures to prevent the emission of offensive odors from the Extraction and from Natural Gas Compressor Stations and Natural Gas Processing Plants.

19. To the extent reasonably possible, natural screening shall be maintained around Well Sites.

20. Well Operator shall maintain a copy of the approved Conditional use application on site at all times and shall make such application available to the Township or its agents upon request.

21. Revocation of any federal, state, municipal or other permit or approval shall constitute an immediate automatic revocation of the Township's zoning/development permit.

22. Applicant shall meet all other conditions and criteria set forth in this Ordinance for Conditional Uses.

3-113 Natural Gas Processing Plants and Natural Gas Compressor Stations

3-113.1 Definitions

As used in this Ordinance, the terms shall be the same as set forth in Section 3-112.2 of the Ordinance

3-112.2 Zoning

The Township of Scott hereby declares that Natural Gas Processing Plants and Natural Gas Compressor Stations may be authorized by Conditional Use in the following Zoning Districts of the Township: C-1, C-2, C-3, C-4 and I, where said Plants and Stations meets the following conditions:

1. Upon application for Conditional Use under this Section, the applicant shall submit a site plan showing the proposed location of all Structures on the site and in relation to one another, including existing and proposed elevations; traffic circulation features within the site; the location of vehicular access into the site; the height and bulk of Structures; the provision of automobile parking space; the provision of other open space on the site; all proposed draining, paving, fences and walls on the site; the display of Signs and a map showing the planned access route to the Well Sites on public Streets. The site plan shall also show the location of all Protected Structures.
2. Applicant shall meet all other conditions and criteria set forth in this Ordinance for Conditional Uses.

Section 2. The Township's Zoning Ordinance shall be amended so that "Oil and Gas Extraction" and "Natural Gas Processing Plants and Natural Gas Compressor Stations" are added as a Conditional Use in the following Zoning Districts of the Township: C-1, C-2, C-3, C-4 and I.

Section 3. If a decision of a court of competent jurisdiction holds any individual provision of this Ordinance or the application of any individual provision of this Ordinance to any circumstance to be illegal or unconstitutional, the other provisions of this Ordinance and the application of such provisions to other circumstances shall remain in full force and effect. The intention of the Board of Commissioners of the Township of Scott is that the provisions of this Ordinance shall be severable and that this Ordinance would have been adopted if any such illegal or unconstitutional provision had not been included.

Section 4. All prior ordinances and resolutions of the Township of Scott which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. The provisions of this Ordinance shall become effective upon adoption by the Board of Commissioners.

BE IT ORDAINED AND ENACTED, this ____ day of _____, 2011, by
the Board of Commissioners of the Township of Scott at its regular scheduled meeting.

ATTEST:

TOWNSHIP OF SCOTT

Township Manager/Secretary

President, Board of Commissioners

APPROVED TO AS TO FORM:

Township Solicitor

BE:301462-5 010983-104264