

ZONING ORDINANCE AMENDMENT
ON OIL AND GAS OPERATIONS

I. Section 1000-108 Definitions and Word Usage is hereby amended by the addition and amendment of the following definitions:

A, "OIL AND GAS OPERATIONS." The term includes the following:

- (1) well location assessment, including seismic operations, well site preparation, construction, drilling, hydraulic fracturing and site restoration associated with an oil or gas well of any depth, except for a CONVENTIONAL OIL AND GAS WELL which does not utilize hydraulic fracturing;
- (2) water and other fluid storage or impoundment areas used exclusively for oil and gas operations;
- (3) construction, installation, use, maintenance and repair of:
 - (i) oil and gas pipelines;
 - (ii) natural gas compressor stations; and
 - (iii) natural gas processing plants or facilities performing equivalent functions; and
- (4) construction, installation, use, maintenance and repair of all equipment directly associated with activities specified in paragraphs (1), (2) and (3), to the extent that:
 - (i) the equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and gas pipeline, natural gas compressor station or natural gas processing plant; and
 - (ii) the activities are authorized and permitted under the authority of a Federal or Commonwealth agency.
- (5) the term does not include Public/Private Works Facility and no OIL AND GAS OPERATIONS shall be approved as such.

B. OIL AND GAS WELL is hereby relabeled CONVENTIONAL OIL AND GAS WELL.

II. Section 1000-203 Permitted Uses and Uses by Special Exception is hereby amended by adding to Table 1 Non-residential the following OIL AND GAS OPERATIONS uses by special exception:

Use	A-1	R-A	R-1	R-2	C	B-1	B-2	M-1	M-2	AH
Subsurface Pipeline	S	S	S	S	S	S	S	S	S	S
Above Surface Pipeline and Equipment	S							S	S	S
Compressor Station	S							S	S	S
Processing Plant								S	S	S
Gas Well	S				S	S	S	S	S	S
Fracturing										
Fluid Storing, Blending, and Cleaning								S	S	S
Well	S				S	S	S	S	S	S

III. Section 1000-503 Noise (A) is hereby amended by the renumbering of subsection (A) to (A)(1) and the insertion of a new subsection (A)(2) as follows:

(A)(2) – Oil and Gas Operations

Except during the well drilling process, noise generated by any OIL AND GAS OPERATIONS as measured on a decibel or sound level meter of standard quality and design operated on the A-weighted scale at the nearest property line in excess of (i) sixty (60) decibels is prohibited. Noise from pressure release valves and the like and testing of the same shall not be exempt pursuant to Section 1000-503(B) and all testing and maintenance, except for emergency work, shall be done during daylight hours.

IV. Section 1000-800 Uses by Special Exception is hereby amended by the addition of a new special exception OIL AND GAS OPERATIONS as follows:

Section 1000-879 OIL AND GAS OPERATIONS shall be a permitted Special Exception subject to the following conditions and/or standards:

A. Except for underground pipeline pipes or facilities, no OIL AND GAS OPERATIONS facilities shall be located closer to a building occupied by humans, or residences capable of being occupied whether vacant or occupied, or farm animals than one thousand (1,000) feet. An underground pipeline shall be no closer than five hundred (500) feet.

B. All Oil and Gas Operations shall be subject to the provisions of § 1000-207 and the dimensional requirements of Table 3 shall be based upon the M-2, Heavy Industrial District. Where the setback requirements of this section exceed those of § 1000-207, the provisions of this section shall be met.

C. All Oil and Gas Operations shall be subject to § 1000-212 and all such uses shall be deemed industrial uses for the purpose of Table 4. The Zoning Hearing Board shall determine the appropriate location for the bufferyard which will minimize the visual impact of the structures and exposed piping as viewed from adjacent properties and maximize the noise attenuation from oil and gas operations with an emphasis on protecting existing residential uses.

D. Prior to the first hearing by the Zoning Hearing Board the applicant shall provide, copies of all other federal, state or local permits, including without limitation, highway occupancy permits, weight limit bonds, sewer tap approval, water tap approval and PUC certificates of approval.

E. A traffic access plan detailing the number, type and anticipated timing of vehicles projected to come to and depart from the property and a routing from the property to the nearest major arterial street or limited access highway.

F. A traffic access plan detailing the number, type and anticipated timing of vehicles projected to come to and depart from the property and a routing from the property to the nearest major arterial street or limited access highway from which these vehicles are anticipated to come from or go to.

G. Where the equipment contains brine tanks, slug collectors, or the like or any other containers that require servicing and the hauling away of liquids or solids from time to time, a statement of the content of the liquids or solids and how and where they will be disposed of. If the liquids or solids or any part of them would be classified as hazardous under any Commonwealth or Federal law or regulation, a hazardous waste plan which shall include hauling routes which shall be designed to minimize travel through populated areas.

H. A fire safety plan for the continued use and operation of the facility once general operation begins and

initial construction ends with a written acknowledgement by the fire company that will be the first responder that it has reviewed the fire safety plan and the hazardous waste plan, if applicable, and can properly provide the service required.

I. All flaring operations from equipment that emits flammable vapors shall be shielded so that the flare will not be visible from adjacent properties.

J. The initial blending and use of hydraulic fracturing fluids for use at a Well site and the storage of flow back hydraulic fluids in impoundment ponds or in storage tanks is an accessory use only while an active drilling program is in process and must be removed within sixty (60) days of cessation of drilling.

K. No hydraulic fracturing fluids may be stored on a well site for use off-site.

L. The Zoning Hearing Board may attach additional conditions pursuant to this section, in order to protect the public's health safety and welfare. These conditions may include but are not limited to increased setbacks, hours of operation, increased visual screening, enclosure of noise generating equipment and noise abatement building design.

V. Article XI – Appeals is hereby amended by the addition of a new Section 1000 – 1110 as follows:
Section 1000 – 1110 Continuation of Hearings

Where a hearing on a Conditional Use, a Special Exception or Variance is sought by an Applicant, all the material which the applicant believes necessary to justify the relief and approval of the appeal and which it intends to enter into evidence shall be submitted to the decision maker at least two (2) weeks prior to the first hearing. Such material shall be public and notice of receipt shall be posted on the County's web site. In the event the applicant desires to supplement such material at the first hearing the approving body may on its own motion or upon the motion of a party in the hearing determine that the material is of such scope and size that the applicant's initial application was incomplete and continue the hearing to another date certain allowing such time as it deems necessary for the approving body or a party to properly review the material and prepare for the hearing. The applicant shall state at the beginning of such hearing whether it will be submitting additional material and prior to the first testimony being taken produce the same. The time for action on an application shall be tolled for the period between the date of the first hearing and the date of continuation.

VI. Article X – Administration and Enforcement is hereby amended by the addition of a new Section 1000 – 1011 as follows:

Section 1000-1011 If the county is required, either by statute, Code of Regulations, or Technical Guidance of PaDEP to receive notification of permit applications to PaDEP regarding OIL AND GAS OPERATIONS, the county shall:

i.) Publish such notification to the public on its web site within 5 days of receipt.

ii.) Review such notification for compliance with any and all county planning and zoning ordinances.

Where notification is for a permit to modify an existing OIL AND GAS OPERATIONS facility, and that facility has received a Special Exception, Variance, or Conditional Use permit imposing conditions on the facility, this review shall include determination that the modification for which a permit is sought does not

violate such conditions.

iii.) Upon determination by such review of any discrepancies with any and all county planning and zoning ordinances, respond to PaDEP in a timely fashion utilizing any statutory or regulatory county Comment Period provided under the terms of notification