



**SOUTH FAYETTE TOWNSHIP  
ALLEGHENY COUNTY, PENNSYLVANIA**

**OIL and GAS WELL DEVELOPMENT**

**Ordinance No. 5 of 2010**

AN ORDINANCE OF THE TOWNSHIP OF SOUTH FAYETTE, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 240, "ZONING", OF THE SOUTH FAYETTE TOWNSHIP CODE. AMENDING THE FOLLOWING ARTICLES:

- ARTICLE II "DEFINITIONS", ADDING OR REVISING THE DEFINITIONS RELATED TO OIL AND GAS DEVELOPMENT, OUTLINED HEREIN;
- ARTICLE VIII "C-1 LIMITED COMMERCIAL DISTRICT", SECTION 43, B, ADDING OIL AND GAS DEVELOPMENT AS A CONDITIONAL USE, SUBJECT TO SPECIFIC CRITERIA AND STANDARDS;
- ARTICLE IX "C-2 HIGHWAY COMMERCIAL DISTRICT", SECTION 50, B, ADDING OIL AND GAS DEVELOPMENT AS A CONDITIONAL USE, SUBJECT TO SPECIFIC CRITERIA AND STANDARDS;
- ARTICLE X "PED PLANNED ECONOMIC DEVELOPMENT DISTRICT", SECTION 57, B, ADDING OIL AND GAS DEVELOPMENT AS A CONDITIONAL USE, SUBJECT TO SPECIFIC CRITERIA AND STANDARDS;
- ARTICLE XI "I-P PLANNED INDUSTRIAL PARK DISTRICT", SECTION 64, B, ADDING OIL AND GAS DEVELOPMENT AS A CONDITIONAL USE, SUBJECT TO SPECIFIC CRITERIA AND STANDARDS;
- ARTICLE XII "I-1 GENERAL INDUSTRIAL DISTRICT", SECTION 71, B, ADDING OIL AND GAS DEVELOPMENT AS A CONDITIONAL USE, SUBJECT TO SPECIFIC CRITERIA AND STANDARDS;
- ARTICLE XIII "B-1 BUSINESS DISTRICT", SECTION 76.2, B, ADDING OIL AND GAS DEVELOPMENT AS A CONDITIONAL USE, SUBJECT TO SPECIFIC CRITERIA AND STANDARDS;
- AS SPECIFIC CRITERIA AND STANDARDS ARE NECESSARY FOR THE EVALUATION AND ORDERLY DEVELOPMENT OF OIL AND GAS RESOURCES IN SOUTH FAYETTE TOWNSHIP.

WHEREAS, the Board of Commissioners of the Township of South Fayette, after consultation with the Township Zoning Administrator and Solicitor have determined that the health, safety and welfare of the general public and residents of the Township of South Fayette will be promoted and protected by permitting the existence of oil and gas wells in areas of the Township which are less residential and amenable to oil and gas exploration; and

WHEREAS, the Commissioners of the Township of South Fayette, after consultation with and review by the Township Planning Commission and the Township's Code Officials and Solicitor's office and under the authority of the MPC, at 53 P.S. §10603(c)(2) have determined that the health, safety and welfare of the public will be promoted and protected by allowing this development as a conditional land use in certain defined non-residential areas; and

WHEREAS, the MPC, AT 53 P.S. §10603(c)(3) states that the zoning ordinances may contain provisions for the administration and enforcement of such ordinances to protect the health, safety and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of the Township of South Fayette and it is hereby ordained as follows:

**SECTION I: Amendments & Changes**

**1. Chapter §240, Article II "Definitions, Section 9 "Particular Meanings" is hereby amended and revised by the addition and revision of the following definitions:**

**ABANDONMENT** – The plugging of the well and the restoration of any well site as required by this Ordinance.

**AMBIENT NOISE LEVEL** – The all encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location, constituting the normal or existing level of environmental noise at a given location.

**ALLOWABLE DRILLING AREA:** The area within the well pad that is approved for wells to be drilled.

**DECIBEL (db)** – A unit for measuring the intensity of a sound/noise and is equal to 10 times the logarithm to the base 10 of the ratio of the measured sound pressure squared to a reference pressure which is 20 micropascals.

**DEMOBILIZATION** – Those activities when the drilling has ceased and the rig equipment and related pad site equipment is being dismantled for the purpose of moving off the drill pad site.

**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 gas.

**DRILLING** – Digging or boring a new well for the purpose of exploring for, developing or producing gas or other hydrocarbons, or for the purpose of injecting gas, water or any other fluid or substance into the earth.

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

**FACILITY** – The primary building(s), support structure(s) and associated appurtenances designed, constructed and maintained to operate a Natural Gas Well Pad, Compressor Station or Processing Plant.

**FACILITY OPERATOR** - Any person or entity partnership, company, corporation and its subcontractors and agents who has a desire to install and/or operate a Natural Gas Compressor Station.

**FACILITY WORK** - The construction of, alteration, improvement, upgrade, or expansion to a Natural Gas Compressor Station or Processing Plant that results in a increase of the gross floor area of the primary building and the paved area of the pad area which, in combination, totals 2,000 s.f. or more. The term "Facility Work" shall include the initial construction of the facility, but shall not include typical maintenance to or operation of an existing facility. Any construction of, alteration, improvement, upgrade, or expansion to a facility that results in a less than s.f. figure presented shall not be considered Facility Work.

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

**FRACTURE OR FRACTURING** – The process of injecting water, sand, customized fracking fluid, steam, or gas into a gas well allow or to improve gas recovery of a rock formation.

**FRESHWATER FRACTURE PIT** – A pit used for the collection and storage of Fresh Water for the purpose of fracture stimulation of Gas Wells.

**GAS** - Any fluid, either combustible or noncombustible which is produced in a natural state from the earth and which maintains a gaseous or rarified state.

**GAS WELL** – Any well drilled, to be drilled, or used for the intended or actual production of natural gas.

**LIFT COMPRESSOR** – A device that raises the pressure of a compressible fluid (gas) in order to lift gas from the well.

**LINE COMPRESSOR** – A device that raises the pressure of a compressible fluid (gas) in order for the gas to be transported through a pipeline.

**MINERAL REMOVAL** - Any extraction of any mineral for sale or other commercial purpose, other than incidental mineral removal, as defined herein, which involves removal of the surface of the earth or exposure of the mineral or subsurface of the earth to wind, rain, sun or other elements of nature. The term "mineral" includes, but is not limited to, anthracite and bituminous coal, lignite, limestone and dolomite, sand, gravel, rock, stone, earth, slag, ore, vermiculite, clay and other mineral resources, excluding mining activities carried out beneath the surface of the earth by means of shafts, tunnels or other underground mine openings. This definition specifically excludes “Oil and Gas Development”.

**MOBILIZATION** – Those activities when the drilling rig and related equipment and personnel arrive at the well site and are conducting activities to rig up or position the rig equipment at the well and prepare for drilling. This includes all activities and services prior to the drill bit being lowered below the rotary table and entering the conductor pipe in an attempt to make hole (“spud in”) for the first time at the pad site.

**MULTIPLE WELL SITE PERMIT** – The permit issued for the sole purpose of allowing future wells to be drilled on an existing pad site and within six hundred (600) of Protected Uses without obtaining waivers and/or variances.

**NATURAL GAS COMPRESSOR STATION** – A facility designed and constructed to compress natural gas that originates from an Oil and Gas well or a collection of such wells operating as a midstream facility for continued 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 designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

**OIL AND GAS DEVELOPMENT** - 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, but excluding any

structure, facility or use constituting a Natural Gas Compressor Station or a Natural Gas Processing Plant.

**OPERATOR or WELL OPERATOR** - Any person or entity partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, or transporting Oil or Gas. It is also the person or entity designated as the operator on the applicable permit application or well/facility registration.

**OUTER BOUNDARY SURFACE PROPERTY LINE** – The outer boundary of any property for which a preliminary plat or concept plan has been filed with South Fayette Township.

**PIPELINE** – All parts of those physical facilities through which gas, hazardous liquids, Fresh Water, salt water, or chemicals move in transportation, including but limited to, pipe, valves and other appurtenance attached to pipe, whether or not laid in public or private easement or public or private right-of-way within the Township, including but not limited to gathering lines, production lines and transmission lines. This definition does not include pipelines associated with franchise utilities.

**PIPELINE CONSTRUCTION** – The initiation of any excavation or other disturbance of property for the purpose of installation, construction, maintenance, repair, replacement, modification or removal of a pipeline.

**PIPELINE PERMIT** – A permit for the movement of gas, oil, water or other products through pipelines issued by the federal government, state, local or other applicable authority.

**PIPELINE OPERATOR** – Any person owning, operating or responsible for operating a pipeline.

**PROTECTED STRUCTURE** – Any full-time occupied residence, commercial business, school, religious institution or other public building that may be impacted by noise generated from activity associated with Oil and Gas Well Development and/or Natural Gas Compressor Station or Processing Plant. This term shall not include any structure (i) owned by a grantor or lessor who has signed an agreement granting surface rights to drill a well and/or erect and maintain a Natural Gas Compressor Station or Processing Plant, or (ii) whose owner (or occupants) has (have) signed a waiver relieving the Operator(s) from implementation of the measures established in this Ordinance for the owner's (occupants') benefit.

**OPERATOR or WELL OPERATOR** - Any person or entity partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, or transporting Oil or Gas. It is also the person or entity designated as the operator on the applicable permit application or well/facility registration.

**WELL** - A bore hole drilled or being drilled for the purpose of or to be used for producing extracting or injecting any gas, petroleum or other liquid related to oil or gas production or storage, including brine disposal, but excluding bore holes drilled to produce potable water to be used as such.

WELL SITE - A graded pad designed and constructed for the drilling of one or more Oil and Gas wells.

2. **Chapter §240 Zoning, Article VIII “C-1 Limited Commercial District”, Section 43, B “Conditional Uses” is hereby amended and the following use(s) are added:**
  - (1) Principal uses.
    - Oil and Gas Development, subject to §240-95A (54)
    - Natural Gas Compressor Station and Natural Gas Processing Plant, subject to §240-95A (55)
  
3. **Chapter §240 Zoning, Article IX “C-2 Highway Commercial District”, Section 50, B “Conditional Uses” is hereby amended and the following use(s) are added:**
  - (1) Principal uses.
    - Oil and Gas Development, subject to §240-95A (54)
    - Natural Gas Compressor Station and Natural Gas Processing Plant, subject to §240-95A (55)
  
3. **Chapter §240 Zoning, Article X “PED Planned Economic Development District”, Section 57, B “Conditional Uses” is hereby amended and the following use(s) are added:**
  - (1) Principal uses.
    - Oil and Gas Development, subject to §240-95A (54)
  
4. **Chapter §240 Zoning, Article XI “I-P Industrial Park District”, Section 64, B “Conditional Uses” is hereby amended and the following use(s) are added:**
  - (1) Principal uses.
    - Oil and Gas Development, subject to §240-95A (54)
    - Natural Gas Compressor Station and Natural Gas Processing Plant, subject to §240-95A (55)
  
5. **Chapter §240 Zoning, Article XII “I-1 General Industrial District”, Section 71, B “Conditional Uses” is hereby amended and the following use(s) are added:**
  - (1) Principal uses.
    - Oil and Gas Development, subject to §240-95A (54)
    - Natural Gas Compressor Station and Natural Gas Processing Plant, subject to §240-95A (55)
  
6. **Chapter §240 Zoning, Article XIIA “B-1 Business District”, Section 76.2, B “Conditional Uses” is hereby amended and the following use(s) are added:**
  - (1) Principal uses.
    - Oil and Gas Development, subject to §240-95A (54)

**7. Chapter §240 Zoning, Article XV “Express Standards and Criteria for Granting Conditional Uses and Uses by Special Exception”, Section 95, A “Standards for Specific Uses” is hereby amended by the addition of the following use(s):**

(54) Oil and Gas Development, subject to:

a) Application Requirements:

1. A conditional use application in accordance with South Fayette Township regulations. The application will include a survey of the proposed well site showing all permanent structures and facilities (including locations and distances) within 1,000 feet of the site. Upon approval of the conditional use application, the Operator will be required to obtain a ‘Land Operations Permit’ for each well proposed on the Well Site.
2. The Well Operator desiring approval of a conditional use application pursuant to this ordinance shall submit a written application. The application shall not be considered to be complete and properly filed unless and until all items required by this section, including the application fee, have been received. Such application shall include the following information and plans:
  - a. Payment of an application fee of \$5,000. The applicant shall also provide to the Township the sum of \$25,000.00 to be deposited into an escrow account from which the Township may draw from/be reimbursed for administrative expenses and engineering costs and fees for review and inspections to ensure compliance with this ordinance. The Township may adjust the escrow amount from time to time as may reasonably be required to cover administrative and engineering expenses. The Township shall be reimbursed for any costs over and above the escrow amount along with a ten percent administrative and overhead charge within thirty days of invoicing by the Township.
  - b. Fourteen (14) paper copies and one electronic copy of the completed application form supplied by the Township along with supporting documentation as identified in this section.
  - c. Copies of any and all permits and applications submitted to the various local, county, state and federal agencies. Permits and plans shall include but not be limited to the Pennsylvania Department of Environmental Protection well application and permit, ESCGP-1 or other erosion and sedimentation permits and all air, water and waste management permits.

- d. Applicant shall comply with all applicable Township codes including but not limited the subdivision and land development code.
- e. Written authorization from the property owner(s) who has legal or equitable title in and to the surface of the proposed Development or Facility.
- f. A site plan prepared by a licensed engineer shall be provided to establish compliance with all applicable regulations. All drilling and production operations, including derricks, vacuum pumps, storage tanks, vehicle parking, structures, machinery, temporary housing, ancillary equipment and Facilities shall be located not less than 600 feet from any Protected Structure and not less than 200 feet from the nearest property line.
- g. Traffic Impact Study - The applicant shall provide a traffic impact study as defined in Chapter 240, Article II, subsection 240-9 of the South Fayette Code and shall include particular emphasis on the following:
  - A description of plans for the transportation and delivery of equipment, machinery, water, chemicals, products, materials and other items to be utilized in the sitting, drilling stimulating, completion, alteration and operation of the Development or Facility. Such description shall include a map showing the planned vehicular access route to the development site, indicating all state, county, and local roads, and transportation infrastructure that may be used and the type, weight, number of trucks and delivery schedule necessary to support each phase of the development.
  - An inventory, analysis, and evaluation of existing road conditions on Township roads along the proposed transportation route identified by the applicant, including photography, video and core boring as determined to be necessary by the Township Engineer.
- h. The applicant shall provide a water withdrawal plan for the Development identifying the source of water, how many gallons will be used and withdrawn each day, the origination of the water, proposed truck routes and all permits issued by the State of Pennsylvania or any other governmental body. The site for the treatment and disposal of the water will also be identified.
- i. The applicant shall identify the means and availability of the site for disposal of cuttings, fracturing fluids, oil, toxic materials, hazardous materials and other waste products.

- j. The applicant shall provide a plan for the transmission of gas from the Development. 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.
- k. The applicant shall provide to the Township a Preparedness, Prevention and Contingency (“PPC”) Plan as defined in the PADEP document Guidelines for the Development and Implementation of Environmental Emergency Response Plans or the most recent applicable guidance document.
- l. The applicant shall provide the GIS location and 911 address of the Well Site.
- m. Noise Management Plan - The Noise Management Plan shall detail how the equipment used in connection with the Development or Facility, including but not limited to the drilling, completion, transportation, or production of a well complies with the maximum permissible noise levels as defined by the applicable codes. The Noise Management Plan must:
  - Identify the sound power level of all major equipment and/or processes including the identification of maximum sound power levels at all points designated by the Township.
  - Provide documentation establishing the Ambient Noise Level, as defined in Section I.
  - Provide documentation including computer modeling in form and substance satisfactory to the Township and performed by a qualified person approved by the Township, establishing compliance with this section during the construction and operation of the applicable Development or Facility.
  - Detail how noise impacts will be mitigated. In determining noise mitigation, specific site characteristics shall be considered, including but not limited to the following:
    - i. Nature and proximity of adjacent development, location, and type;
    - ii. Seasonal and prevailing weather patterns, including wind directions;
    - iii. Vegetative cover on or adjacent to the site;
    - iv. Topography;

- v. Operation and site noise management measures, which may include, but not be limited to: Use of critical grade mufflers on generators and motors; equipment or process substitution with a lower sound power level; use of structural noise curtains, walls, or enclosures; and best management practices by utilizing best available control technology to limit or eliminate noisier operations, such as tripping, deliveries of pipe, casing and heavy loads, use of horns for communication, and operation of vehicle audible back-up alarms at night.
  - vi. Ability to increase setbacks;
  - vii. Erection of sound barriers; and
  - viii. Altering the direction, size, proximity, duration and extent of the operations associated with the applicable Development or Facility.
- n. Community and Environmental Impact Analysis - An environmental impact analysis statement shall be submitted to the Township prior to approval of any Development or Facility. The person(s) drafting the statement shall be qualified and have prior approval by the Township. The purpose of the statement is to determine the impact of the project on the environment of the existing site and the resultant changes the proposal will have on the immediate site and surrounding area. This information will allow the Township to make more informed decisions relating to the proposed action. At a minimum, the statement shall provide of the following information:
- A description of the proposed Development or Facility, its purpose, a schedule of construction and length of operation and its interrelationship with other oil and gas developments within the Township. This information and technical data must be sufficient to allow a thorough assessment of the proposed Development or Facility's environmental impact.
  - A comprehensive description of baseline environmental conditions identified before any activities associated with the Development or Facility and then probable environmental impacts both during and after complete build out of the proposed Development or Facility. This description should focus both on the environmental details most likely to be affected by the Development or Facility proposal and on

the broader regional aspects of the environment, including ecological interrelationships.

- A description of the environmental impacts of the proposed Development or Facility. These impacts are defined as direct or indirect changes in the existing environment, either beneficial or detrimental. Whenever possible, these impacts should be quantified. This discussion should include the impact not only upon the natural environment, but upon land use as well. Provide separate discussion for such potential impacts as man-caused accidents and natural catastrophes and their probabilities and risks with supporting statistics developed by an analysis of similar Developments or Facilities in similar locations. Specific mention should also be made of partially understood impacts.
- A discussion of measures which are required to or may enhance, protect, or mitigate impacts upon the environment, including any associated research or monitoring. Include sufficient documentation and supporting material to demonstrate that the proposed measures will function as expected.
- A discussion of the unavoidable adverse impacts described in Sections b, c, and d above, the relative values placed upon those impacts, and an analysis of who or what is affected and to what degree affected.
- A discussion of the short term impacts (i.e. those occurring during build out of the Development or Facility), long term impacts and cumulative impacts to the environment. Particular attention should be paid to the Development or Facility's relationship to trends of similar Developments or Facilities (i.e. cumulative noise degradation poised by similar Developments or Facilities).
- A discussion, quantified where possible, of any irrevocable uses of resources, including such things as resource extraction, erosion, destruction of archaeological or historical sites, elimination of endangered species' habitat, and significant changes in land use.
- A description of the environmental impacts, both beneficial and adverse, of the various alternatives considered.
- Hydrologic analysis and information, including but not limited to a description, inventory, analysis, and evaluation of the existing

groundwater conditions. This analysis must be focused in terms of both surface water and groundwater quality and quantity, a discussion of likely and possible changes to these resources and a discussion of measures to reduce or mitigate the identified impacts.

- n. The applicant shall provide any and all waivers from owners of Protected Structures.
- b) Oil and Gas Development Well Sites shall be permitted to occur on property that is a minimum of ten (10) acres or larger. Multiple property owners can combine adjoining parcels to achieve the minimum acreage required.

Recognizing that the specific location of equipment and facilities is an important and integral part of Oil and Gas Development, as part of the planning process, Operator shall locate the temporary and permanent operations so as to minimize interference with Township residents, and future Township development activities as authorized by the Township’s Board of Commissioners. Reference is made to the table below which lists the minimum offset distance from the well to the protected structure.

| <b>MINIMUM OFFSET DISTANCE FROM OIL AND GAS DEVELOPMENT WELL TO PROTECTED STRUCTURES</b> |            |                             |          |
|--|------------|-----------------------------|----------|
| <b>RESIDENTIAL USES</b>  |            | <b>NON-RESIDENTIAL USES</b> |          |
| R-1  | 1,500 FEET | R-1                         | 500 FEET |
| R-2  | 1,250 FEET | R-2                         | 500 FEET |
| R-3  | 1,000 FEET | R-3                         | 500 FEET |
| R-4  | 1,000 FEET | R-4                         | 500 FEET |
| C-1  | 1,000 FEET | C-1                         | 500 FEET |
| C-2  | 1,000 FEET | C-2                         | 500 FEET |
| B-1  | 1,000 FEET | B-1                         | 500 FEET |
| PED  | 1,000 FEET | PED                         | 500 FEET |
| I  | 1,000 FEET | I                           | 300 FEET |
| I-P  | 1,000 FEET | I-P                         | 300 FEET |
| CD-1   | 1,000 FEET | CD-1                        | 500 FEET |
| <b>SPECIAL USES</b>  |            |                             |          |

|                      |            |                 |            |
|----------------------|------------|-----------------|------------|
| SCHOOL               | 2,500 FEET | HOSPITAL        | 2,500 FEET |
| STREAM               | 1,500 FEET | POND/LAKE       | 1,500 FEET |
| WETLAND ><br>5 ACRES | 1,500 FEET | NURSING<br>HOME | 1,250 FEET |
| GAS STATION          | 1,500 FEET | DAY CARE        | 1,500 FEET |
| MOBILE PARK<br>HOME  | 1,000 FEET |                 |            |

- c) Oil and Gas Development in the floodway of the regulated floodplain and within the remainder of the 100 year floodplain is prohibited.
- d) As part of the Land Operations Permit, the Operator shall submit the following to the Township for review:
  - 1) A copy of all permits (General, ESCGP-1, etc.) required and issued by the Pennsylvania Department of Environmental Protection (PADEP) and Allegheny County Conservation District (ACCD);
  - 2) A map showing the planned access routes to the Well Site(s);
  - 3) A completed 'Excess Maintenance Agreement' for the particular well site; or bonding of roads in an amount acceptable to the Township;
  - 4) The well survey plat showing the planned surface location(s) of the well(s);
  - 5) All applicable contact information for the Operator, including phone number of supervisor that can be reached twenty-four (24) hours a day.
- e) Mobilization/Demobilization of equipment for development of an Oil or Gas Well site(s) shall be subject to all regulations (i.e. roadway bonding, etc.) adopted by South Fayette Township and Pennsylvania Department of Transportation (PennDOT). Access of a well site directly onto a state road(s) shall require the issuance of a Highway Occupancy Permit from PennDOT.
- f) The Operator shall take the necessary safeguards to ensure that the roads utilized, be it PennDOT or Township owned, remain free of dirt, mud and debris; and/or are promptly swept or cleaned if dirt, mud and debris occur. In addition, prior to start of development of the well site, the Operator shall execute an 'Excess Maintenance Agreement' with South Fayette Township. The agreement is to guarantee restoration of state and township roads damaged as a result of Oil and Gas Development traffic.
- g) To assist in ensuring the roads remain free of dirt and mud, the contractor will be required to construct an asphalt paved access road not less than one hundred (100) feet in length. The subject access road is to be designed to withstand the repeated equipment loads required for the development process, and must be approved by the Township Engineer. Additionally, the width of the access must

be such to permit two-way traffic. A rock construction entrance, in accordance with PADEP regulations, is to be constructed at the end of the access road and maintained for the duration of the development process.

- h) The access drive shall be gated at the entrance. The well site address shall be clearly visible on a sign posted on the access gate for emergency 911 purposes. In addition, the subject sign shall include the well name/number and an emergency contact telephone number.
- i) The Operator shall take all necessary precautions to ensure the safety of all pedestrians in road crossing areas and/or adjacent to roadways. When deemed necessary, or at the direction of the Township, the 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.
- j) Prior to drilling, the Operator shall provide a copy of its Preparedness, Prevention and Contingency (“PPC”) Plan to the Township’s Fire, Emergency Medical Service, and Police Department, for review. Included with the PPC Plan shall be a list of all chemicals or waste products to be used or produced during development procedures.

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

Should First Response training become necessary, prior to drilling, the Operator will make available an appropriate training program for First Responders. This training program will be at the sole expense of the Operator, and shall be made available annually for the duration of the drilling activities in the Township.

- k) The Operator 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 South Fayette’s enforcement rights under 58 P.S. 601.504(b) of Pennsylvania’s Oil and Gas Act and any other relevant Pennsylvania Statute.
- l) Recognizing that adequate and appropriate lighting is essential to the safety of those involved in the Development of Oil and Gas, the Operator shall take steps, to the extent practicable, to direct site lighting to minimize glare on public roads

and adjacent buildings within three hundred (300) feet of the drill site, wellhead, or other area being developed.

- m) Prior to the commencement of drilling activities, all construction activities involving any facet of excavation or preparation of the Well Site shall be performed in accordance with the normal construction activity hours as outlined in the Township Construction Standards.
- n) Prior to any Oil and Gas Development well(s) at a location, the Operator shall provide the following information to each resident within 1,000 feet of the planned surface location:
  - A copy of the well survey plat showing the location(s) of the planned well(s);
  - A general description of the planned operations and associated equipment;
  - All applicable contact information for the Operator;
  - If requested by the Township, the Operator will hold a meeting with such residents to present Operator's various plans for the well(s), and to allow for questions and answers.
- o) All well sites and off-site fracture ponds shall be screened, fenced and secured with a gate as follows:
  - All well sites are to be constructed to minimize disturbance and maintain as much "natural" screening as possible.
  - Temporary chain link fencing at least six (6) feet in height with eleven (11) gauge minimum thickness. Support posts must be set in concrete and imbedded into the ground to a depth sufficient to maintain stability.
  - Screening shall be green fabric mesh, or other material type approved by the Township.
  - Each gate opening shall be not less than twelve (12) feet wide and be comprised of two (2) separate gates, each of which is not less than six (6) feet wide. All gates shall be latched and locked at the center.
  - 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.
  - Warning signs shall be install at one hundred (100) foot spacing to provide notice of the potential dangers.
  - Operator shall provide at least one security guard at all times (i.e. 24 hours per day, 7 days per week) when a drilling rig or hydraulic fracturing equipment is on the Well site.
- p) Township recognizes and acknowledges that Oil and Gas Development is accompanied by inherent noise. However, the Operator shall take the necessary steps to minimize, to the extent practicable, the noise resulting from the Oil and Gas Development. Be advised that – when requested by the Township – the Operator shall install sound attenuation devices such as acoustical blankets, sound walls, mufflers, etc. to ensure compliance with the Township noise

regulations, especially when well sites are located adjacent to residential developments and public facilities.

If a public complaints regarding noise are received by the Township, the Operator shall, within twenty-four (24) hours of receipt of the direction from the Township, continuously monitor the noise levels for a forty-eight (48) hour period at a point acceptable to the Township.

- q) Exhaust from any internal combustion engine or compressor used in connection with any Development operation shall not be discharged into the open air unless it is equipped with (1) an exhaust muffler, or (2) 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.
- r) Paragraphs a), g), h), n), and o) of this Ordinance shall not apply to conventional oil and gas well drilling and completion activities. Examples of conventional oil and gas drilling activities are:
  - Oil and gas wells drilled to depths shallower than the base of the Elk Sandstone or its stratigraphic equivalent;
  - Oil and gas wells that are planned to involve drilling of a single well on a site for no more than seven (7) consecutive days total in any calendar year.
- s) Upon completion of the development operations, the Operator will be required to restore the site area in a manner acceptable to the Township. This may include one or more of the following:
  - The submission of a landscaping plan, to be reviewed and approved by the Township, which outlines the proposed methods of restoration.
  - The installation of Buffer Areas in accordance with Article 240-98 of the Township Code.
  - Construction of other similar restoration measures either requested during the Conditional Use Application process, or deemed necessary by the Township at the time of final restoration.
- t) All other criteria, standards and regulations of oil and gas exploration and production are under the control of the Department of Environmental Resources and subject to the Oil and Gas Act Sections 601.101 through 601.605 as amended and other relevant Commonwealth of Pennsylvania Statutes.
- u) The Applicant shall provide to the Township a plan identifying the proposed truck routes to be utilized during operations. The proposed 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 routes throughout the Township.

4. The proper officials of South Fayette Township are hereby authorized and directed to do all things necessary to effectuate the purpose of this Ordinance.

5. All ordinances and parts of ordinances inconsistent with the terms of this Ordinance are hereby repealed, provided, however, that such repeals shall only be to the extent of such inconsistency and in all other aspects, this Ordinance shall be cumulative with the other ordinances regulating and governing the subject matter covered by this Ordinance.

6. If any clause or provision of this Ordinance is illegal, invalid or unenforceable under present or future laws effective during the term hereof, then the remainder of this Ordinance shall not be affected thereby. In lieu of each clause or provision of this Ordinance which is deemed to be illegal, invalid or unenforceable, there shall be added, as part of this Ordinance, a clause or provision as similar in terms to the unenforceable term as may be possible and as may be legal, valid and enforceable. In case any one or more of the provisions contained in this Ordinance shall for any reason be held to be invalid, illegal, or unenforceable in any respect, the invalidity, illegality, or unenforceability shall not affect any other provision thereof.

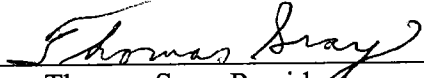
7. This Ordinance shall be in full force and effect from and after its passage and publication as required.

ORDAINED AND ENACTED INTO LAW, this 15 day of Nov., 2010.

Attest:

  
Township Secretary

TOWNSHIP OF SOUTH FAYETTE

By:   
Thomas Sray, President  
Board of Commissioners