

 **§117 Oil and Gas Development NEW**

Oil and gas development shall comply with this §117.

A. Pre-drilling Requirements. Prior to the commencement of drilling:

- (1) The operator shall comply with any applicable bonding and permitting requirements for Borough roads that are to be used by overweight vehicles and equipment for development activities. Notwithstanding the foregoing, the operator/applicant shall take all necessary corrective action and measures as directed by the Borough to ensure the roadways are repaired within seven days of partial damage or destruction.
- (2) The operator shall provide to the Borough's first responders, including fire departments, Fire Commission, Police Department, ambulance, and The Borough Emergency Management Officer, a comprehensive hazard analysis report prepared by a qualified professional using generally accepted hazard analysis software as determined by the Borough. The report shall include, but not be limited to, the following:
  - (a) The applicable state and federal regulations and how the proposed facility will comply.
  - (b) A description of the facility and community and environmental characteristics of the proposed corridor and areas within 1,000 feet of the centerline of the proposed facility.
  - (c) Unusually Sensitive Areas as identified by the National Pipeline Mapping System (NPMS) Pipeline Information Management and Mapping Application (PIMMA).

- (d) The frequency of community and environmental hazards associated with the type of facility proposed.
  - (e) The probable consequences of an accidental release for both leaks and ruptures for community and environmental effects.
  - (f) The community and environmental risk of well leakage, an accidental spill, defective casing or cementing, and vandalism creating unknown conditions.
  - (g) Measures for risk mitigation and the likelihood and consequences of community and environmental effects and plans for emergency response.
- (3) The Borough shall ascertain whether the Borough's emergency responders have secured adequate training to deal with any potential dangerous conditions that may result due to development activities. Emergency responders shall have a minimum of five hours of training per year to meet this standard. Upon request from the Borough, the operator will, prior to drilling of its first oil and gas well in the Borough, make available with at least 30 days' notice, at its sole cost and expense, one appropriate group training program of a minimum of five hours for first responders. Such training shall be made available by the operator at least annually during the period when the operator anticipates drilling activities in the Borough.
- (4) Prior to drilling an oil and gas well or multiple oil and gas wells at a location, the operator shall provide the following information to each resident within 1,000 feet of the planned surface location of the well(s):
- (a) A copy of the well survey plan showing the location(s) of the planned well(s);
  - (b) A general description of the planned operation at the planned well(s) and associated equipment used in the development of the well(s);
  - (c) The contact information for the operator; and
  - (d) The availability of the operator to hold a meeting with such residents to present operator's plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to well site construction.
- (5) Domestic Wells. Prior to operation, the applicant/operator shall be required to conduct, at no cost to affected well owners, a pre-extraction survey of each domestic well situate on each adjoining property and on each property located within 1,000 feet of each site property line.
- (a) The survey will consist of collecting baseline data from well logs, where available, measurement of water level and well depth and standard water quality testing measuring among other factors, including hardness, color, odor, pH, bacteria, nitrates, sulfates, petroleum, and total dissolved solids (tds).
  - (b) The survey will be limited to those domestic well owners who provide consent to the survey within 30 days of receiving a certified letter request from the applicant.
  - (c) These tests shall determine the baseline data for comparison with similar data to be monitored during extraction operations.
  - (d) Copies of existing well logs for all wells located within 1,000 feet of the site.

- (6) A well complaint resolution program shall be prepared and submitted to the Borough, which specifies the procedures the applicant is committed to follow in resolving any domestic water well complaints. The Borough shall review the program and, if necessary, require amendments to the program prior to acceptance.
  - (7) At least seven days prior to commencement of drilling, the operator shall provide to the Borough Zoning Officer a copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection (DEP).
  - (8) The Borough fire departments shall be provided a list of all chemical or waste products used or produced by the oil or gas drilling operation.
  - (9) The Borough shall be provided the name of the person supervising the drilling operation and a phone number where such person can be reached 24 hours a day.
  - (10) The applicant shall provide:
    - (a) A survey of the drill site with all permanent facilities (tanks or other surface installations) with locations and distances to property lines shall be filed with the application.
    - (b) An environmental impact statement per §81.
    - (c) A traffic impact statement per §78 which also includes description of plans for the transportation of materials and equipment to construct the facility and measures that will be taken to maintain all roads within the Borough that are used to transport materials and equipment and to repair any damages to the roads that may occur as a result.
    - (d) Information on the status of road bonding.
    - (e) A security plan per §75.
  - (11) The applicant shall provide certification that a bond is held by the PA DEP (Pennsylvania Department of Environmental Protection) to ensure proper plugging when the well is classified as inactive by the PA DEP.
  - (12) The applicant shall provide a schedule indicating the following dates:
    - (a) Site preparation beginnings and endings.
    - (b) Anticipated drilling activity beginnings and endings.
    - (c) Anticipated completion (perforating) work to begin and end.
    - (d) Anticipated stimulation (fracturing) work to begin and end.
    - (e) Anticipated production work to begin and end.
    - (f) Anticipated plugging date.
  - (13) In addition to complying with this chapter and Chapter 390 (Subdivision and Land Development) the operator/applicant shall appear at a public meeting of the Borough Council at least 30 days prior to the commencing of drilling activities to inform the Borough of its intention to commence drilling.
- B. Site Requirements. During the process of oil and gas development, the following site standards shall be maintained by the operator at all times:

- (1) The minimum parcel size shall be 10 acres.
- (2) Multiple well pad sites on any one property shall be prohibited, unless the underlying geology makes using a single well pad impossible.
- (3) Drilling will be limited to the ground surface area designated by the applicant as part of its application. Any expansion of the ground surface area used and/or devoted towards drilling operations requires further conditional use approval.
- (4) No portion of any drilling device, equipment or facility of any kind, including storage, shall be closer than 1,000 feet to an adjacent property line.
- (5) The operator shall take all necessary safeguards as directed by the Borough to ensure the Borough roads utilized remain free of dirt, mud and debris resulting from development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and debris occur.
- (6) Any material stored outside an enclosed structure being used as an incidental part of the primary operation shall be screened by opaque ornamental fencing, walls, or evergreen plant material in order to minimize visibility if the storage area is readily visible from adjoining occupied residential properties. Such materials shall not include operable vehicles.
- (7) The 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). As directed by the Borough, during periods of anticipated heavy or frequent truck traffic associated with development, 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.
- (8) At the operator's expense, annual well testing shall be performed on domestic and monitoring wells in accordance with standards jointly established by the Borough's designated expert and the operator's expert, taking into consideration the type and level of extractive activities which have taken place on the site during the preceding year. The results of the testing shall be filed with the Borough Council within 60 days of the date of testing. The parameters must be tested annually, and a comparison made with the baseline water quality data. Additional testing at the operator's expense shall be required by the Borough to better assess any potential risks if concerns regarding water quality or quantity are raised by or uncovered in the annual testing.
- (9) 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 11:00 p.m. to 7:00 a.m.
- (10) All operations or activities and action to address noise complaints shall comply with §65. The Borough reserves the right to require the temporary or permanent erection and use of reasonable sound barriers.
- (11) Lighting shall comply with §67.
- (12) The access driveway off the public road to the drill site shall be gated at the entrance to prevent illegal access into the drill site. The drill site assigned address shall be clearly visible on the access gate for emergency 911 purposes. In addition, the sign shall include the well name and number, name of the operator and the telephone number for a responsible person who may be contacted in case of emergency.

It shall be illegal for any person, owner or operator to park or store any vehicle or item of machinery on any street, right-of-way or in any driveway, alley or upon any operation or drilling site which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires except that equipment which is necessary for the maintenance of the well site or for gathering or transportation of hydrocarbon substances from the site.

- (13) All drilling operations shall be conducted in such a manner to minimize dust, vibration or noxious odors and shall be in accord with this chapter and the best accepted practices incident to drilling for oil or gas in urban/suburban and rural areas. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying effects are minimized by the operations carried on at the drill site to avoid injury to or annoyance of persons living in the vicinity. (See also §66, §68 and §69.)
- (14) All drill site pads and off-site fracture ponds shall be secured with a temporary fence with a secured gate as follows:
  - (a) The fence shall be a minimum of six feet in height, chain link with green fabric mesh.
  - (b) The fencing shall be in place throughout the drill operation and until the fracture pond is removed.
  - (c) The chain link fence shall have a minimum thickness of 11 gauge.
- (15) After any spill, leak or malfunction, the operator shall remove or cause to be removed to the satisfaction of the Borough officials and the PA DEP inspectors, all waste materials from any public or private property affected by such spill, leak or malfunction. Clean-up operations must begin immediately upon knowledge that a spill, leak or malfunction occurs.
- (16) The access road to the well site shall be improved with a dust-free, all-weather surface in such a manner that no water, sediment or debris will be carried onto any public street.
- (17) 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. Use of streets serving exclusively residential neighborhoods is prohibited.
- (18) An off-street area for maintenance vehicles to stand while gaining entrance to the access road shall be provided that does not disrupt the normal flow of traffic on the public street.
- (19) All permanent facilities shall be painted an earth-tone color to blend in with the surrounding area. The Borough may require fencing and/or landscaping to buffer the facilities from adjacent properties.
- (20) The facility and/or its operation shall comply with all applicable permits and requirements of the PA DEP, the United States Environmental Protection Agency, and any other governmental authority having jurisdiction over its operations and with all federal, state, and local laws, ordinances and regulations promulgated to protect the environment or otherwise relating to environmental matters.
- (21) 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 be equipped with an exhaust muffler or 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.

- (22) The operator shall provide and maintain a fund to the Borough, the sum of \$5,000, which represents an account from which the Borough may draw or be reimbursed for the administrative inspection and engineering costs and fees for review and inspections to ensure compliance with this chapter. This amount may be adjusted from time to time by resolution of the Borough Council. Any costs over and above the aforesaid initial fund incurred by the Borough shall be reimbursed to the Borough along with a ten-percent administrative and overhead charge within 30 days of invoicing by the Borough. The fund shall require remittances within 10 days of issuance of written notice from the Borough to maintain a balance of \$5,000.
- (23) All activities conducted in association with, and as a part of oil and gas wells, shall be in accordance with the Commonwealth of Pennsylvania Oil and Gas Act, as amended, and by any other applicable federal, state, county and Borough statutes.
- C. Post-Drilling Requirements. After drilling is complete, the operator shall clean the site, complete all restoration activities and repair any damage to public property caused by such operations within 60 days. A detailed reclamation plan shall be provided showing that the entire property will be left in a form for development with uses that are permitted in the district, relating the reuse to existing uses or probable uses for surrounding properties and shall provide:
- (1) Proposed topography at contour intervals to provide adequate grading information, subject to the Borough Engineer's recommendation at the pre-application meeting, with five feet being the minimum.
  - (2) Schedule of Progressive Rehabilitation.
    - (a) After mining is completed on one specified area, quadrant, or cell, reclamation shall follow progressively in reasonable stages set forth in the plan before mining continues on other areas of the site. Extraction areas which are inactive for over one year must be stabilized and slopes reduced to one vertical foot to seven horizontal feet, if feasible.
    - (b) All rehabilitation activity shall be in compliance with soil erosion and sedimentation requirements of the Environmental Protection Act, MCL 394.9101 et seq., Part 91 as defined.
  - (3) Proposed ground cover and other plantings to stabilize the soil surface and to beautify the restored area, as well as to protect from erosion and siltation.
  - (4) Concept Plans.
    - (a) Concept plan(s) for the proposed end use of the site when restored, drawn to scale and prepared by a professional engineer, licensed architect, or licensed landscape architect. The concept shall include:
      - [1] The proposed circulation system, including the location of internal roads and connection to the external road network.
      - [2] Delineation of drainage patterns, identification of lakes, floodplains, and wetlands.
      - [3] A description of the provisions for obtaining necessary permits and approvals for the future use(s).

- (b) The use proposed in the concept plan must be acceptable to the Borough Council based on the recommendation of the Planning Commission and a review of the zoning district, Borough Comprehensive Plan, surrounding land uses, and site characteristics.
  - (c) A landfill or other disposal or refuse site will not be considered a suitable or satisfactory use.
- (5) When the proposed future use, as deemed appropriate by the Borough Council, includes residential units or other uses requiring the use of septic fields, the applicant shall provide a description of the construction and rehabilitation techniques that will be met, including:
- (a) A description of methods and materials to be used in restoring the site.
  - (b) The proposed date for completing all extraction operations and handling of all spoils and extraneous materials.
  - (c) The date for completing the final restoration.
  - (d) A list of all seeding and planting materials, which must be of native stock.