

TOWNSHIP OF COLLIER
ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF COLLIER AMENDING THE TOWNSHIP ZONING ORDINANCE, ORDINANCE NO. 592, AS AMENDED, TO LIMIT GAS AND OIL WELL USE TO NON-RESIDENTIALLY ZONED AREAS OF THE TOWNSHIP AND TO OTHERWISE ESTABLISH ZONING REGULATIONS APPLICABLE TO MINERAL REMOVAL AND DEFINING AND PERMITTING NATURAL GAS PROCESSING PLANTS, NATURAL GAS COMPRESSOR STATIONS AND REFINERY USES, SUBJECT TO CERTAIN LIMITATIONS

I. Legislative Findings.

- A. The Board of Commissioners of Collier Township finds that the proposed amendments will promote the public health, safety and welfare and practical community development in Collier Township and will provide for gas and oil drilling to take place in areas of the Township in locations which will allow extraction of gas and oil with the least detrimental impact on residentially zoned property, historic or recreational resources and schools. As such, the proposed amendments will further the goals of the Comprehensive Plan to preserve agriculture and the single family character of the Township, to manage future growth and to protect historic sites.
- B. Information provided to the Board of Commissioners and Planning Commission by property owners, Department of Environmental Protection and gas experts indicates that horizontal drilling techniques allow for gas to be extracted at distances of up to 8,000 feet from the wellsite,. The regulation of wellsites herein will permit reasonable access to all or nearly all of the gas resources in the Township, while protecting certain other uses and by regulating gas and oil well use in a manner similar to other permitted mineral removal without regulating the technical aspects of oil and gas well functioning and matters ancillary thereto.
- C. The Board of Commissioners has been informed through photographic evidence, inspection and the advice of the Township Engineer that heavy truck traffic generated by mineral removal activities can severely damage Township roads, creating safety hazards to the travelling public and imposing great repair and reconstruction costs upon the Township. Therefore, to protect the safety of the public and the Township's sound fiscal operation, it is necessary that advance secured arrangements for repair or replacement of such roads damaged by mineral removal generated traffic be required as a condition of approval.
- D. The Township's experience with mineral removal activity is that extensive engineering and legal resources are consumed in the review process. Due to the number and complexity of land use issues to be addressed and required interaction

with other regulatory agencies, a higher application fee and review fee deposit is warranted.

- E. The Board of Commissioners has given due public notice, held the requisite hearing and duly notified the Allegheny County Department of Economic Development as pertains to the proposed rezoning and the Planning Commission has made a recommendation.

II. Amendments. The Board of Commissioners of Collier Township ordains that the Zoning Ordinance of the Township of Collier is hereby amended, as follows:

- A. Section 200, Definitions, is amended to provide as follows for the following defined terms:

- 1. The term “Oil and Gas Well” is added to be defined as follows:

Oil and Gas Wells: The drilling and operation of oil or gas wells. The Oil and Gas Well use shall be deemed to be located at the wellsite. For the purposes of this Ordinance, a “wellsite” shall consist of the graded pad and appurtenant area occupied by the facilities, structures and equipment necessary for or incidental to the drilling, production or operation of an Oil or Gas Well at the site, including well site preparation, well site construction, drilling, hydraulic fracturing, site restoration, water and other fluid storage, impoundment and transportation located at the site and used for such activities and installation of associated equipment, the site preparation, construction and installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities at the site associated with drilling 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 or any other facility used primarily to refine or process gas or oil.

- 2. The term “Mineral Removal” is amended by adding the following sentence thereto:

The term mineral removal shall include the drilling and operation of Oil or Gas Wells and Conventional Oil and Gas Wells as defined herein. The underground activities and processes used and the migration of gas or oil from a subsurface area to a gas or oil wellsite at the surface shall not in and of themselves constitute mineral removal and are allowed to occur in all zoning districts.

- 3. The terms “Natural Gas Compressor Station” and “Natural Gas Processing Plant” are added as terms defined as follows:

Natural Gas Compressor Station. A facility designed and constructed to compress natural gas that originates from an Oil or 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 used to remove materials such as ethane, 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 used primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

4. The term “Refinery” is added as a term defined as follows:

Refinery. A building and equipment for refining or processing oil or gas or similar products.

5. The term “Operator” is added as a term defined as follows:

Operator. The applicant for a conditional use approval for mineral removal and also any “well operator” or “operator” as defined in the Oil & Gas Act.

6. The term “Conventional Gas Well” is added as a term defined as follows:

Conventional Gas Well. An oil or gas well that consists of a single well on a Well Site where drilling does not exceed seven consecutive days in any twelve month period.

- B. Section II.B., Article XVII, Express Standards on Criteria for Granting for Conditional Uses and Uses by Special Exceptions, as amended, in that Section 1703 is amended as follows:

1. Section 1703.29.d is revised, to read in its entirety, as follows:

- d. (1) No mineral removal shall be conducted within 300 feet of the property line, or upon the property of any residential or public building, church, community or institutional building, commercial building, public park or private recreation area without the written consent of the owner; provided, however, that the following requirements shall be

in effect as to Public or Private School or day Care Center uses:

- (a) No mineral removal shall be conducted within 1,000 feet of the property line or upon the property of such uses, except that Conventional Gas Wells may be located within 300 feet of the property line of such uses with the consent of the property owner.
- (2) No mineral removal shall be permitted within 300 feet of the Panhandle Trail.

2. Section 1703.29.j is revised to read in its entirety as follows:

- j. The Applicant shall show the proposed routes of all trucks to be utilized for hauling and the estimated weights of those trucks. The Applicant shall show evidence of compliance with designated weight limits on Township streets, unless bond and an excess maintenance agreement to assure road damage repair is provided, and shall design the hauling routes for the mineral removal operation to minimize the use of an impact upon Township streets wherever feasible.

The Applicant shall also show evidence satisfactory to the Township Engineer that intersections along proposed hauling routes provide a sufficient turning radius for trucks to be utilized for hauling, such that all turns can be safely made without damage to vehicles, sidewalks or curbs.

3. Section 1703.29.k is revised to read, in its entirety, as follows:

- k. The Applicant or Operator shall post a bond or other financial security in favor of the Township and in a form acceptable to the Township prior to beginning operations to guarantee restoration of Township streets which may be determined in the reasonable opinion of the Township Engineer to be damaged as a result of traffic generated by the mineral removal operations. In addition, if the Township Engineer concludes that mineral removal generated traffic will cause substantial damage to a Township road, then the Applicant must, before operations begin, enter into an agreement with the Township undertaking the responsibility to repair the road to the extent determined in the reasonable discretion of the Township Engineer, which agreement may provide for bond to be posted in excess of otherwise applicable PennDOT limits when the Township Engineer has reasonably estimated that the cost of repair will exceed the PennDOT limits.

In addition, should the Township Engineer reasonably determine that preventive measures, such as shoring of bridges or putting protective mats over utility lines, should be taken to prevent damage to Township roads, bridges or utilities, then the Applicant shall install such protective measures as directed by the Township Engineer, prior to beginning operations.

4. Section 1703.29 is amended by adding thereto a new Section 1703.29.q, to read as follows:

q. Prior to the commencement of Oil or Gas Well drilling activities, or in the case of other mineral removal, the actual commencement of mining activity, no construction activities involving excavation of, alteration to or repair work on any access road to the site of the mineral removal or upon an Oil or Gas Well site, other site of mineral removal, shall be performed during the hours of 7:00 p.m. to 7:00 a.m.

5. Section 1703.29 is amended by adding thereto a new Section 1703.29.r, to read as follows:

r. The Township recognizes and acknowledges that oil and gas Development is accompanied by inherent noise. The regulations in this section are intended and shall be interpreted and applied to establish a process for reasonable noise control, that provides for response to individual complaints, and requires that undue noise be addressed, where feasible, without the Township dictating the particular operational steps that must be taken.

The Operator shall take the following steps to minimize, to the extent practicable, the noise resulting from the Development:

(1). Prior to drilling of an Oil and Gas Well, the Operator shall establish a continuous 72 hour ambient noise level at the nearest Protected Structure property line or 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 72 hour ambient noise level, the 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 Institutes standard for sound meters or an instrument and

the associated recording and analyzing equipment which will provide equivalent data.

For the purposes of this section, a “Protected Structure” shall be any occupied residence, commercial business, school or church located within 1,000 feet of the surface location of an Oil or Gas Well that may be impacted by noise generated from drilling or hydraulic fracturing activity at an Oil or Gas Well, excluding any structure owned by an oil and gas lessor who has signed a lease with the Operator granting surface drilling rights to drill the subject well or whose owner (or occupants) or have signed a waiver relieving the Operator from implementation of the measures established in Section 1703.29(r) of this Ordinance for the owner’s or occupant’s benefit.

- (2). The Operator shall provide documentation of any established, 72 hour evaluation, relied upon to establish an ambient noise level greater than 55 dBA, to the Township’s zoning officer within three business days of such a request from the Zoning Officer.
- (3). The noise generated during drilling and hydraulic fracturing activities when measured at the nearest Protected Structure property line or 100 feet from the nearest Protected Structure (as measured to the closet exterior point of the building), whichever is closest to the Protected Structure, shall not exceed the average ambient noise level (as determined by the 72 hour evaluation) or default level, whichever is higher:
 - i. during drilling activities, by more than 7 decibels during the hours of 7:00 a.m. to 9:00 p.m.
 - ii. during drilling activities, by more than 5 decibels during the hours of 9:00 p.m. and 7:00 a.m.; or
 - iii. by more than 10 decibels during hydraulic fracturing operations.

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

The Operator shall provide for ongoing regular noise level monitoring at a station to be located at or near the nearest

Protected Structure property line or 100 feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure. The noise monitoring data acquired at this station shall be made available to the Township upon request.

- (4). Adjustments to the foregoing 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.	

- (5). If a complaint is received by the Township from any person, whether a resident or otherwise using the Protected Structure for any lawful purpose, within 1,000 feet from the wellhead or equipment generating noise during drilling or hydraulic fracturing activities, the Operator shall, within 24 hours of receipt of the complaint from the Township, continuously monitor for a 48 hour period at a point which is the closer 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.

- (6). Once the monitoring is complete, Operator will provide monitoring data to the Township and will meet with Township representatives and affected property owners and will provide a noise abatement plan to effectively mitigate any noise exceeding the permitted levels. In determining the noise mitigation measures to be installed, the Township may, at the expense of the Operator, utilize the services of a consultant with expertise in noise measurement, noise remediation and in gas and oil well drilling and operation.

- (7). 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 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.

- (8). All workover operations shall be restricted to the hours of 7:00 a.m. to 7:00 p.m., except as necessary, as reasonably determined by the 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.
 - (9). In cases where noise has exceeded permitted levels and gas and oil well drilling rigs can be outfitted with acoustic barrier insulation blankets, or sound walls can be erected, such barriers and walls shall be installed in accordance with best management practices in the industry provided, however, that no such acoustic barrier shall be required where its use would be contrary to applicable state or federal regulations, or where its use would create a safety hazard in the opinion of the Township Engineer or of any regulatory agency with jurisdiction. Any sound walls shall be removed within 30 days after notification of removal is issued by the Township.
6. Section 1703.29.r shall not apply to Conventional Oil and Gas Wells.
 7. In order for the Township to appropriately enforce the conditions imposed by this Ordinance, to make certain that the health, safety and welfare of its citizens are met and to determine if the use remains compatible with various zoning districts in the Township, if the Operator engages in any noise testing as required by this Ordinance, it will provide the final results to the Township within 2 business days of the Operator's receipt of those final results.
 8. A new Section 1703.29.s shall be added, to read as follows:
 - s. Notwithstanding any other provision in this Ordinance, parking areas mineral removal activities shall provide sufficient parking to allow all vehicles associated with the mineral removal operation to be parked off-street. Parking areas shall provide a slag or stone or other surface designed to minimize dust or, alternatively, dust reduction measures such as water sprinkling whenever necessary

9. Section 1703.29 is amended by adding thereto Section 1703.29.t, to read as follows:
 - t. Operator shall take all necessary steps to ensure that public roads remain free of dirt, mud or debris resulting from mineral removal traffic or activities, including road sweeping and tire washing if needed. Where traffic generated by the mineral removal is heavy in the proximity of school bus stops, the Operator will provide flagmen to ensure the safety of children waiting for or leaving school buses.

10. Section 1703.29 is amended thereto by adding a new Section 1703.29.u, to read as follows:
 - u. The Operator shall provide an opportunity for Township emergency services providers to arrange visits to the site of mineral removal for the purpose of being oriented to the location, equipment and layout of the site. Such orientation visits shall be mutually arranged between the Operator and the chief officer of any given emergency provider service. The Operator shall provide appropriate maps, emergency plan documents and any other information relevant to provision of emergency services to such chief officers. The Operator will reimburse each volunteer emergency company for reasonable expenses incurred in orientation and training.

11. Section 1703.29 is amended thereto by adding thereto Section 1703.29.v to read as follows:
 - v. Each application for a conditional use under this section shall have attached thereto a Site Plan. The Proposed Site Development Plan shall be a topographic plan, prepared by a professional engineer registered in the Commonwealth of Pennsylvania, to a scale no greater than 1 inch = 200 feet, on a standard sheet size of 24”H x 36”W, to include the following:
 - (i) Title block giving name of development, property owner, developer, north point, key location map, registration stamp, date and scale, with index;
 - (ii) Property lines, zoning ordinance district boundary lines and total acreage of parcel proposed for development;
 - (iii) All existing streets, right of ways, and easements related to the development;

- (iv) Owners of adjacent properties, including the location of any existing structures and driveway locations;
- (v) The location of relevant natural features on site, including, but not limited to, streams or other natural water courses and adjacent areas which are subject to flooding, and significant stands of existing trees;
- (vi) The location of relevant natural features abutting properties within 300 feet, including, but not limited to, streams or other natural water courses and adjacent areas which are subject to flooding, and significant stands of existing trees;
- (vii) The location of structures on abutting property within 300 feet of common property lines and the location of any Protected Structures as described in § 1703.29.r.1.
- (viii) The location of all mineral removal structures, facilities, equipment or buildings.
- (ix) The location of existing structures, buildings and accessory uses on site;
- (x) The location of vehicle and equipment cleaning and tire cleaning areas. A program for removing mud and other site debris from the municipal streets.
- (xi) The location of proposed access roads and proposed haul roads;
- (xii) The location of stormwater and sediment controls or any water impoundment facilities.
- (xiii) An Environmental Impact Statement, which shall include the following:
 - A description of existing conditions in the area and the land use history of the property;
 - A description of the proposed mineral removal operations, and associated facilities;
 - An assessment of the proposed mineral removal operations on abutting, surrounding uses.
 - A historical record of previous mineral removal operations at the site; and
 - A description of existing conditions, including mineral removal facilities, structures, buildings or equipment.

- A plan for compliance with the noise limitations set forth in this Ordinance, including but not limited to identifying the location, design and height of sound walls.
 - A description of the method for disposal of any radioactive tailings or substances.
 - A description of all project site restoration activities and the timetable for same, including but not limited to a description of restoration plantings by location, number, species, and size of trees or other plantings.
- (xiv) A copy of any permit or permit application issued by or submitted to the Pennsylvania Department of Environmental Protection.
- (xv) The location, depth and profile of any proposed pipelines for water, gas, oil or other substance to be installed within the Township in connection with the proposed use.
- (xvi) A lighting plan, demonstrating maximum feasible reduction of glare into adjacent properties in accordance with § 1801.6.A of this Ordinance.
- (xvii) A plan for water usage and disposal, identifying any water source or disposal point within the Township, proposed method of transport within the Township, including truck or pipeline routes, and a schedule for daily inspection of surface water transport lines.
- (xviii) Such other information pertinent to the proposed mineral removal as may be requested by the Township Engineer or Zoning Officer.
12. Section 1703.29 is amended thereto by adding thereto Section 1703.29.w to read as follows:
- w. The Operator shall remove and dispose of all unrooted trees, stumps, brush, rubbish, construction materials and debris promptly in the interest of public safety. No on-site burial of pond liners, drilling residuals or hydraulic fracturing residuals is permitted.
13. Section 1703.29 is amended by adding thereto Section 1703 20.x to read as follows:

- x. The Applicant or Operator shall accompany the conditional use application with a nonrefundable application fee of \$1,000 and an initial review fees escrow deposit of \$5,000.
14. Section 1703.29 is amended by adding a new Section 1703.29.y to read:
- y. Gas and Oil operations shall meet the following air quality/odor requirements:
 - (1). The Operator shall take all necessary precautions to properly operate and maintain a vapor recovery unit, vapor destruction unit, or the best available and feasible technology at any condensate tanks at the wellsite.
 - (2). The Operator shall take all precautions to minimize odors perceptible on nearby property during the drilling and the hydraulic fracturing process. Upon complaint by any person residing or working upon nearby property regarding odors generated from the wellsite, the operator will meet with the Township and complainant to establish an effective odor control plan. The operator will reimburse the Township for the cost of consultants or other investigation that may be needed to determine the nature and origin of odors generated from the wellsite. For purposes of this Section, “nearby properties” are properties within 500 feet of the wellsite.
15. Section 1703.29 is amended by adding a new Section 1703.29.z, to read:
- z. The Operator shall provide and maintain a local or toll free telephone access line that will be available for the general public to lodge complaints 24 hours a day, 7 days per week. The Operator will provide the Township Manager and Township Zoning Officer with a local or toll free telephone access line that will be available for the Township Manager, Zoning Officer or other Township designated representative to contact the Operator 24 hours a day, 7 days a week, along with the name and location of a specified individual or individuals who will be responsible for responding to Township calls.
 - (1) The Operator shall respond to any call from the general public within 24 hours and shall notify the Township of the call from the general public and the response.

- (2) The Operator shall respond to any call from Township personnel by 4:00 p.m. on the same business day.
 - (3) The Operator shall, at the request of the Township, make a representative available at the Township Municipal Building to address specific concerns about the wellsite for at least one hour during each week at a time to be designated by the Township during standard Township office hours and/or during a Township Board of Commissioners public meeting.

- 16. Section 1703.29 is amended by adding a new Section 1793.29.aa, to read:
 - aa. (1) Any pond or impoundment installed in connection with a wellsite to contain liquids shall be secured with a six foot high chain link security fence or equivalent approved by the Township. Gaps in the fence for access shall be controlled by a gate. During the drilling and fracturing process, the drilling pad shall be secured with a security fence and gate.
 - (2) During the time any pond or impoundment contains non-potable water or other liquids, such ponds shall be covered with netting as feasible to keep birds and animals out.

- C. Article IV, S-C, Special Conservation District, Section 401.B.1 is amended to add the following conditional use:
 - h. Oil and Gas Well, subject to § 1703.29.

- D. Article V, R-1, Rural Residential District, Section 501.B.1.k is amended as follows:
 - k. Mineral Removal, subject to § 1703.29, except that Oil and Gas Well is not permitted.

- E. Article X, B-1, Planned Shopping Center District, Section 1001.B.1, is amended to add the following conditional use:
 - e. Oil and Gas Wells, subject to § 1703.29.

- F. Article IX, B-1-A, Highway Interchange District, § 1101.B.1, is amended by adding the following conditional use:

- j. Oil and Gas Wells, subject to § 1703.29.
 - G. Article XII, B-2, Highway Commercial District, § 1201.B.1, is amended to add the following conditional use:
 - i. Oil and Gas Wells, subject to § 1703.29.
 - H. Article XIII, B-3, Special Commercial District, § 1301.B.1, is amended to add the following conditional use:
 - i. Oil and Gas Wells, subject to § 1703.29.
 - I. Article XVI, I-1, Industrial District,
 - 1. § 1501.A-1 is amended to add the following permitted uses:
 - o. Natural Gas Processing Plants
 - p. Natural Gas Compressor Stations
 - q. Refineries, for oil, gas or similar products.
 - 2. § 1501.B.1, is amended to add the following conditional use:
 - g. Oil and Gas Wells, subject to § 1703.29; and
- III. Interpretation and Severability. This Ordinance is interpreted to be applied so that it meets all federal and state constitutional and statutory requirements. This Ordinance is to be interpreted and applied to impose zoning regulations indentifying where mineral removal uses are permitted in the Township and not to regulate technical aspects of mineral removal, including technical aspects of oil and gas well functioning and matters ancillary thereto governed by the Oil & Gas Act and regulations adopted pursuant thereto. The provisions of this Ordinance are severable. If any provision or part thereof is held to be illegal or invalid, the remaining provisions shall remain in full force and effect. If any provision hereof is held to be pre-empted by the Oil & Gas Act, then such provision and all remaining provisions shall be applicable to the extent it is consistent with and not pre-empted by the Oil & Gas Act.
- IV. Repeal. Any ordinance or part of any ordinance conflicting with this Ordinance is repealed to the extent of such conflict.
- V. Effective Date. This Ordinance shall be effective immediately as a pending ordinance.

ORDAINED AND ENACTED INTO LAW by the Board of Commissioners at a public meeting this _____ day of _____, 2011.

ATTEST: TOWNSHIP OF COLLIER

Secretary

By: _____
President, Board of Commissioners

This Ordinance recorded in the Township Ordinance book at Volume/Page _____, on _____, 2011, by the undersigned.

Township Secretary