

TOWNSHIP OF CECIL

WASHINGTON COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF CECIL, WASHINGTON COUNTY, PENNSYLVANIA, PROVIDING FOR THE ZONING OF OIL AND GAS DRILLING OPERATIONS.

WHEREAS, the Cecil Township Supervisors have the power to protect the health, safety, and welfare of people and property in the Township.

WHEREAS, the Cecil Township Supervisors believe that it is in the best interest of the residents and citizens that the Township be provided certain information prior to commencement of Oil and Gas drilling operations.

WHEREAS, the Cecil Township Board of Supervisors wish to amend their Zoning Ordinance to provide for Oil and Gas drilling as a permitted use by right in all Zoning Districts subject to appropriate conditions.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Board of Supervisors of the Township of Cecil, Washington County, Pennsylvania as follows:

SECTION 1. Purpose.

It is hereby declared to be the purpose of this chapter to declare the development of Oil and Gas a permitted use by right in all parts of the Township. Cecil Township recognizes that the regulation of oil and gas operations is the responsibility of the regulatory agencies of the Commonwealth of Pennsylvania, but that the Township maintains its Zoning powers as set forth in Pennsylvania Statute Title 53, Municipality Planning Code ("MPC") and through the Township of Cecil Unifide Development Ordinance. It is in the Township's best interest to address the Zoning districts where such activities will be permitted and to have information concerning oil and gas exploration, development, and production taking place within the Township and to require certain security and safety measures for oil and gas well drilling in certain areas.

SECTION 2. Definitions.

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

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 structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of Oil and Gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of Oil and Gas other than compressors and/or compressor stations and Dew Point Control facilities, Processing Plants or facilities performing the equivalent functions. Dew Point Control facilities, Processing Plants, Compressor Stations or facilities performing the equivalent functions are not permitted uses in the Township and are only authorized consistent with Township of Cecil Unified Development Ordinance which currently provide for these functions as a Special Exception, subject to change by additional legislation.

Township. Cecil Township, Washington County, Pennsylvania.

Oil and Gas. Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and any other constituents or similar substances that are produced by drilling a well of any depth into, through, and below the surface of the earth.

Operator. Any person, 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.

Protected Structure. Any occupied residence, commercial business, school, religious institution or other public building located within 1,000 feet of the surface location of a well that may be impacted by noise generated from Development. The term shall not include any well owned by an oil and gas lessor who has signed a lease with the Operator granting surface rights to drill the subject well.

SECTION 3. Zoning.

Cecil Township hereby declares that Oil and Gas Development is a permitted use by right in all Zoning Districts in the Township subject to the following conditions:

1. At least thirty days prior to development activities in the Township, the Operator shall attend a public meeting to present general information about the Operator's Development plans in the Township and to allow for questions and answers related thereto. The Operator shall advertise, in a newspaper of general circulation within the Township, the date, time, and location of the meeting and proposed drill site at least once not more than 30 days and not less than 7 days in advance of the meeting.
2. Operator shall comply with any generally applicable bonding and permitted requirements of Township roads used by overweight vehicles and equipment.
3. Operator shall take the necessary safeguards to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from development activities.

4. Operator shall take all necessary precautions to ensure the safety of pedestrians and children on roadways utilized by, or at the direction of Operator. Where necessary and permitted, Operator will provide flagmen to ensure the safety of children traveling to and from school or bus stops and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.
5. Operator shall not clear brush or trees by way of burning, and shall remove all tree stumps from properties it clears for drilling purposes.
6. Prior to Development, Operator shall provide to the Township's First Responders, including Fire Department, Police Department and Ambulance, and to the Zoning Officer, a copy of its Preparedness, Prevention and Contingency ("PPC") Plan.
7. Before drilling, the Township shall ascertain whether the Township's First Responders have secured adequate training to deal with any potential dangerous conditions that may result due to development activities. First Responders shall have a minimum of 5 hours of training per year to meet this standard. Upon request from the Township, Operator will, prior to drilling of an Oil and Gas well, make available with at least 30 days notice, at its sole cost and expense, the necessary training of the First Responders. Such training shall be made available at least annually during the period when the Operator anticipates development activities in the Township unless the Township Zoning Officer and or First Responders agree that such additional training is not needed.
8. Operator shall take the necessary safeguards to ensure appropriate dust control measures are in place, including using water to minimize dust.
9. As part of the planning process, Operator shall strive to minimize any negative impact to the Township and where possible, will place its temporary and permanent operations in places that serve to minimize interference with Township residents enjoyment of their property and future Township development activities as authorized by the Township of Cecil Unified Development Ordinance.
10. 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 downward and inward toward the drillsite, wellhead, or other area being developed so as to minimize glare on public roads and adjacent buildings within three hundred (300) feet of the drillsite, wellhead, or other area being developed.
11. 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 plat showing the location(s) of the planned well(s),

- b. A general description of the planned operations 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 those residents to present its plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to well site construction.
12. For informational purposes only, the Operator shall provide to the Township Zoning Officer, at least ten days prior to well site construction:
- a. A map showing the planned access route to the well sites on public roads,
 - b. Information on the status of road bonding,
 - c. The Operator's Erosion & Sedimentation Plan,
 - d. The well survey plat showing the planned surface location(s) of the well(s), and
 - e. The contact information for the Operator.
13. For informational purposes only, at least ten days prior to commencement of drilling the Operator shall provide to the Township Zoning Officer a copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection ("DEP").
14. In addition to the requirements in subsections 1-13 above, for any Oil and Gas well where the planned surface location of the well will be within 1,000 feet of a Protected Structure, the Operator shall:
- a. Install temporary safety fencing, at least six (6) feet in height, around drilling and hydraulic fracturing equipment and install permanent fall protection fencing meeting OSHA requirements around any pits that contain or could contain water or other liquids at depths greater than two feet.
 - b. Install warning signs providing notice of the potential dangers at the development.
 - c. Operator shall provide at least one security guard 24/7 beginning with mobilization of drilling equipment until the completion of all drilling and hydraulic fracturing activities.

15. Prior to the commencement of drilling activities, no construction activities involving excavation of, alteration to, or repair work on any access road or drillsite shall be performed during the hours of 7:00 a.m. to 6:00 p.m.
16. Township recognizes and acknowledges that Oil and Gas Development is accompanied by inherent noise. However, the Operator shall take the following steps to minimize, to the extent practicable, the noise resulting from the Development:
 - a. Prior to Development of a well, the Operator shall establish a continuous seventy-two (72) hour ambient noise level at the nearest Protected Structure property line or one hundred (100) feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure,. The sound level meter used in conducting this evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
 - b. The Operator shall maintain documentation of this seventy-two (72) hour evaluation at its offices. This documentation shall be made available to the Township's Zoning Officer within three business days upon request.
 - c. The noise generated during Development, when measured at the nearest Protected Structure property line or one hundred (100) feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure , shall not exceed the average ambient noise level (as determined by the seventy-two (72) hour evaluation):
 - i. by more than seven (7) decibels during the hours of 6:00 a.m. to 10:00 p.m.;
 - ii. by more than five (5) decibels during the hours of 10:00 p.m. to 6:00 a.m.; or
 - iii. by more than ten (10) decibels during fracing or flowback operations.
 - d. Adjustments to the forgoing noise limits may be permitted in accordance with the following:

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

*Cumulative minutes during any one hour.

- e. If a complaint is received by the Township from any person, whether a resident or otherwise using the Protected Structure for any lawful purpose, within one thousand (1,000) feet from the wellhead or equipment generating noise, the Operator shall, within twenty-four (24) hours of receipt of the complaint from the Township, continuously monitor for a forty-eight (48) hour period at a point which is the closer to the complainant's building of:
 - i. the complainant's Protected Structure property line nearest to the wellsite or equipment generating the noise, or
 - ii. one hundred (100) feet from the Protected Structure.

- f. If the proposed Oil and Gas Development is within 1000 feet of any Protected Structure, the Operator shall submit to the Township a noise abatement study prior to commencement of Development of any well. That study shall have been conducted by a qualified noise consultant/engineer. The study shall include:
 - i. A description of the proposed Development.
 - ii. A determination of the seventy-two (72) hour average ambient noise level determined as per the evaluation in subsection 16.a. above.
 - iii. An analysis of any significant sources of noise, including noise that will be generated during the drilling, fracing and gas compression, and operations phases of the Development. This analysis must include a comparison of the potential noise general with the applicable noise standards.
 - iv. An analysis of any abatement measures necessary to bring the proposed Development into compliance with the noise limits set out in subsections 16.c. and 16.d. above. If the analysis indicates

that abatement measures are required to meet the standards, then the Operator must submit a detailed plan that describes the specific measure that will be utilized. This shall include product information and a location diagram. All soundproofing shall comply with accepted industry standards. The abatement measures shall be installed prior to the commencement of the Development aspect that will cause the noise that is required to be abated.

- g. Exhaust from any internal combustion engine or compressor used in connection with the drilling of any well or for use on any production equipment 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 sufficient to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to manufacturer's specifications.
- h. All workover operations shall be restricted to the hours of 7:00 a.m. to 8:00 p.m., except during emergencies, 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.

SECTION 4. Penalties.

Any person who violates or permits a violation of this chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$600, plus all court costs, including reasonable attorney's fees incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized, to issue a cease and desist notice and/or to seek equitable relief, including injunction, to enforce compliance herewith. No Bond will be required if injunctive relief is sought by the Township. A person who violates this Ordinance shall also be responsible for the Township's attorneys fees, engineering fees, expert fees and court costs associated with enforcement.