

ZONING

330 Attachment 1

Township of Franklin

Standards and Criteria Governing the Grant of a Conditional Use for Extraction of Minerals

In additional to the general standards and criteria for the granting of conditional uses under Chapter 330, Zoning, of this Code, the following specific standards and criteria shall govern the granting of a conditional use permit for mineral extraction and oil and gas drilling.

1. Special requirements for application. The application for a conditional use to extract minerals and/or drill for oil and gas, in addition to the other requirements of this chapter, shall contain the following:
 - A. A copy of the well location plat submitted to the Pennsylvania Department of Environmental Protection showing the location of the planned wells.
 - B. A general description of the planned operation of the planned wells and associated equipment used in the development of the wells, including a site plan prepared a licensed engineer showing compliance with all applicable regulations.
 - C. A copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection.
 - D. Planned hours of construction activities involving excavation of or alteration to repair work on any access road or well site.
 - E. Procedure and method of compliance with the noise control provisions of this chapter.
 - F. The name of the person supervising the drilling operations and a toll-free number where such person can be reached 24 hours a day.
 - G. A traffic impact study with emphasis on the following:
 - (1) A description of the plans for the transportation and delivery of equipment machinery, water, chemicals, and other items to be used in the gas drilling facility. The description shall include a map showing the planned access routes with all local, county, and state roads identified along with the type, weight, number of trucks and delivery schedule necessary to support each phase of the development of the facility.
 - (2) An inventory, analysis and evaluation of the existing road conditions on the Township roads, including photography, core boring and inspection as determined by the Township engineer.
2. Roads, bridges, traffic and parking. The following standards shall apply to the grant of conditional use under this chapter:

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- A. The applicant shall provide the Township with road bonds in the amount approved by the Township Engineer and with sufficient security which meets the requirements for the bonding of the project to DEP under the Pennsylvania Oil and Gas Act.¹
 - B. The township reserves the right to designate alternate routes in the event that the routes selected by the operator deemed inadequate, unsafe, or disruptive to normal traffic.
 - C. All vehicles associated with the operation shall be parked off-road/street. Also, an off-road/street area for vehicles to wait while gaining access to the well site shall be provided so that normal traffic is undisturbed.
 - D. Operator shall take the necessary safeguards to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from the development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and debris occur. Beginning with the intersection with a public street or road, any access road shall be paved for the first 50 feet and improved with limestone for the next 100 feet in a manner such that no water, sediment, or debris will be carried onto any public street/road.
 - E. 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). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with development, 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.
 - F. The access drive 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 toll-free telephone number for a person responsible who may be contacted in case of emergency. The emergency contact information shall also be provided to the Township Board, the local police and fire departments.
 - G. Access directly to state roads shall require Pennsylvania Department of Transportation (PADOT) highway occupancy permit approval. Prior to initiating any work at a drill site, the Township shall be provided a copy of the highway occupancy permit.
3. Site requirements. The following special standards and criteria for site requirements shall apply to the granting of a conditional use under this chapter:
- A. Minimum area. Oil and gas drilling surface activity shall only be permitted to be conducted on property that is a minimum of 10 acres or larger on the surface.

¹ Editor's Note: The Oil and Gas Act was repealed 2-14-2012, P.L. 87, No. 13. See now Title 58 of Pa.C.S.A., particularly 58 Pa.C.S.A. § 3201 et seq. (Development) and 58 Pa.C.S.A. § 3301 et seq. (Local Ordinances Relating to Oil and Gas Operation).

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- B. Lighting. 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 drill site, wellhead or other area being developed so as to attempt to minimize glare on public roads and adjacent buildings within 300 feet of the drill site, wellhead or other area being developed.
- C. Warning signs. The operator shall install warning signs providing notice of the potential dangers of the well site.
- D. Security guard. The operator shall provide at least one security guard 24 hours per day, seven days per week at all times when a drilling rig or hydraulic tractor equipment is on the well site.
- E. Hours of operation.
- F. Noise requirements. The Township recognizes and acknowledges that oil and gas development is accomplished by inherent noise. However, 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 seventy-two-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 seventy-two-hour ambient noise level, the operator may assume and use, for the purposes of compliance with this chapter, a default ambient noise level of 55 DBA. The sound level meter used in conducting any 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.
- G. Housing and surface facilities. All permanent surface facilities shall be painted an earth tone color to blend in with the surrounding area. The Township may require fencing and/or landscaping to buffer adjacent properties. All temporary housing shall likewise be constructed in a manner that blends in with the surrounding area. All temporary housing must be removed not more than 30 days after the completion of construction work on the drilling site.
- H. Waste disposal. junk, refuse, waste, trash, or abandoned material shall not be disposed of on site. All such matter shall be stored indoors, in a dumpster, or other enclosure. operator shall take the necessary safeguard to ensure appropriate control measures are in place for dust, odors, fluids, or gases.
- I. Inspection. The Township, through the Board of Supervisors, and/or the Township Zoning Officer shall have the right to enter on to the property all times to conduct such inspections as are necessary to ensure compliance with this chapter.

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4. Emergency management.

The following specific standards and criteria govern emergency management services for oil and gas drilling and extraction of minerals:

- A. The operation shall with the Township a plan to control, spills, leaks or malfunctions and to remove and cause to remove all waste materials from any public or private property affected by such spill, leaks or malfunction.
- B. Prior construction, the operator shall provide to the Township's first responder, the Zoning Officer, a copy of its preparedness, prevention and contingency plan.
- C. Before drilling, the Township shall ascertain whether the Township's first responders have secured adequate information to deal with any potential dangerous conditions that may result due to development activities. First responders shall have on site orientation and be provided adequate awareness information. 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, an appropriate site orientation for First Responders. Such site orientation shall be made available at least annually during the period when the Operator anticipates drilling activities in the Township.

E Fees for conditional use and special exceptions for permits for surface activities.

Each applicant for a conditional use or special exception under this chapter shall deposit with Franklin Township \$5,000 to be held in a fund to be drawn from for administrative costs, inspections, legal and engineering fees.

5. Definitions.

The words and terms used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

ACCESS ROAD OR ACCESS WAY - Any road or access way extending from a public road or private road or car way to a well site, transmission line, treatment facility or any other improvement used or associated with drilling operations, proposed or existing.

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 noise at a given location without extreme weather conditions such as wind greater than six miles per hour or precipitation.

BOARD OF SUPERVISORS or BOARD - The Board of Supervisors of the Township of Franklin, Beaver County, Pennsylvania, or their designees.

CLOSED LOOP SYSTEM - A system utilized while drilling so that various types of pits are not used and instead steel bins and/or tanks or closed containers are used to collect all drilling waste.

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COMPLETION OF DRILLING, REDRILLING, AND REWORKING - The date within 60 days of the completion of the drilling, redrilling, or reworking of the well site.

DISPOSAL WELL - A nonproducing gas well used for the storage of waste water.

DRILLING OPERATION or OPERATIONS - The use, development, construction and/or maintenance of any and all facilities used to drill for or otherwise, regardless of formation, used in the extraction of oil, natural gas, methane gas or other similar products (regardless of formation, including the installation and utilization of access ways for equipment and the construction and maintenance of oil and gas transportation lines. This term shall also be deemed to include the construction of treatment and/or other facilities where oil, natural gas, or its byproducts are cleaned or processes.

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

EXPLORATION - Temporary geologic or geophysical activities such as drilling or seismic surveys related to the search for natural gas or other subsurface hydrocarbons.

FRACTURE or FRACKING - The process of injecting water, customized fluid, steam or gas into a gas well under pressure to improve gas recovery.

OIL AND GAS - Any crude oil, natural gas, whether contained in coal beds or otherwise, including methane gas, propane, butane, ethane and/or any other constituents, hydrocarbons or any other similar substances removed or removable from sub-surface seams through conventional drilling operations, air, explosives, hydro-fracturing or any other method used to transmit such gas to the surface for transmission off the property.

GAS WELL - Any well drilled for the intent of extracting as or other hydrocarbons from beneath the surface of the earth.

GATHERING SYSTEM FACILITY - A facility associated with a gathering system or water collection line such as a drip station, vent station, pigging station, chemical injection station, or transfer pump station.

NATURAL GAS COMPRESSOR STATION - A facility designed and construed to compress natural gas that originates from an oil and 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 designed and constructed to remove materials such as ethane, propane 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/is designed

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and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

OIL AND GAS DEVELOPMENT AND PRODUCTION - 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 other than natural gas compressor stations and natural gas processing plants or facilities performing the equivalent functions that operate as midstream facilities are only authorized consistent with this chapter.

OIL AND GAS DRILLING SUBSURFACE FACILITIES - Activities performed under the surface of the ground that are part of the operation of oil and gas drilling, as defined herein, located on properties within the unit for a particular drill site, but that are not included in the drill site, including, but not limited to: horizontal drilling and hydraulic fracturing zones, underground gathering and transmission pipelines and similar underground facilities incidental to oil and gas drilling.

OIL AND GAS DRILLING SURFACE FACILITIES - The conduct on a property of oil and gas drilling, as defined herein, that structures, operation of the drilling rig construction of an access drive and above ground storage and/or treatment of water and fluids used in the drilling process and which also includes related activities performed under the surface of the ground, such as horizontal drilling and hydrofrac zones, underground gathering and transmission pipelines and similar underground facilities related to oil and gas drilling, when they are located on the same property where the surface facilities are located.

OIL AND GAS DRILL SITE - The oil and gas drill site shall consist of the area occupied by the facilities, structures and equipment necessary for or incidental to the drilling, fracturing, production or operation of an oil or gas well. If multiple areas are used, then the total combined areas shall be considered the well site.

OWNER - A person who owns, manages, leases, controls or possesses a well, right to oil and/or natural gas, whether same are separate from the surface owner or otherwise.

PRIVATE WATER SUPPLY - Any water supply that is not a public water supply.

PRODUCTION FACILITY - A facility related to the production of gas which used motors and/or engines.

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 drilling or hydraulic fracturing activity at a well site. The term shall not include any structure owned by an oil and gas lessor who has signed a lease or agreement with the operator granting surface rights to drill the subject well or whose owner

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(or occupants) has (have) signed a waiver relieving the operator from implementation of the measures established in this ordinance for the owner's (occupants') benefit.

PUBLIC WATER SUPPLY - Any water system that is subject to the Pennsylvania Safe Drinking water Act (35 P.S. §§ 721.1 through 721.17).

REDRILL - Deepening or side track/horizontal drilling of the existing well bore extending more than 159 feet from said well bore.

REWORK - Reentry of existing well within the existing bore hole or by deepening or sidetrack/horizontal operations (which do not extend more than 150 feet horizontally from existing ell bore) or replacement of well lines or casings.

SURFACE OWNER - Any person having legal title in and to the surface of real estate subject to an existing oil and/or gas lease or oil and gas reserves subject to a drilling operation.

TOWNSHIP - The Township of Franklin, Beaver County, Pennsylvania.

TRANSPORTATION LINE - Any pipeline or conduct used to transport oil, gas and/or any waste or by-product, from a well site, to location on or off the property.

WATER SUPPLY - A supply of water for human consumption or use, or for agricultural, commercial, industrial or other legitimate beneficial uses.

WELL OPERATOR or OPERATOR - Any person, corporation, partnership, firm or other business entity designed as the well operator or operator on the permit application or well registration with the Commonwealth of Pennsylvania, Department of Environmental Protection. If a permit or registration was not issued, this term shall mean a person, partnership, company, corporation and its subcontractors and agents that locates, drills, operates, alters or plugs a well or reconditions a well with the purpose of production or transporting oil or gas therefrom. In cases where a well is well with the purpose of production or transporting oil or gas therefrom. In cases wherein a well is used in connection with the underground storage of gas, the term also means a storage operator.

WELL SITE - The area over which any equipment or facilities, necessary for or incidental to the drilling, production or plugging of a well.