

WASHINGTON TOWNSHIP
ERIE COUNTY, PENNSYLVANIA
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April 5, 2012

Pennsylvania Public Utility Commission
Secretary's Bureau
P. O. Box 3265
Harrisburg, Pennsylvania 17105-3265

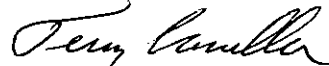
Re: Request for Advisory Opinion of Ordinance

Public Utility Commission,

Washington Township requests an advisory opinion of section 150-32 regarding Resource Extraction found in the code of Washington Township. The amended and draft revisions of section 150-32 found in the code were reviewed by the Washington Township Planning Commission at the regular meeting in March and officially recommended pending legal review by the Township Solicitor and comments from the Public Utility Commission.

If you have any questions concerning the history of the ordinance please do not hesitate to me at the office at 814-734-3117.

Sincerely,



Terry Carcella,
Zoning Administrator, Enforcement Officer
Washington Township

SECRETARY'S BUREAU

2012 APR -9 AM 10:49

150-32

C. Development of Oil and Gas as defined herein shall be a permitted use in all zoning districts.

1. The Township recognizes that statutorily oil and gas exploration and extraction are the primary responsibilities of the regulatory agencies of the Commonwealth of Pennsylvania. However the Township maintains its zoning powers as set forth in the Municipalities Planning Code (“MPC”) and through the Township’s Zoning Ordinance for the health, safety and welfare of the Township’s residents. As hereinafter provided oil and gas exploration will be a permitted use and operators shall comply with the same standards found in the Code of Washington Township for all commercial and industrial developers.

2. Compressor stations and natural gas processing plants shall be a Conditional Use in the R-1, R-2, R-3, RC-1, C-1 and C-2 zoning districts.

3. Compressor stations and natural gas processing plants shall be a permitted use in the I-1 and A-1 zoning districts.

4. Oil and Gas Development:

- a. Any drilling device, equipment or facility of any kind, including storage, shall comply with all setback and buffer requirements as found in their respective zoning districts.
- b. Operator shall comply with any and all permitting requirements for the protection of Township roads including a traffic study and analysis of the design of the existing Township roads found in section 119-34. The proposed use of heavy equipment and excessive loads on Township roads must be examined by Township staff before development begins in the oil and gas exploration project. Operators shall take all necessary corrective action and measures as directed by the Township staff to ensure the roadways are repaired or upgraded prior to or after development if required by the Township.
- c. Operator shall take all necessary safeguards as directed by the Township staff to ensure that Township roads utilized by the developer and its contractors and employees to remain free of dirt, mud and debris resulting from development activities and/or shall ensure such roads are promptly swept or cleaned of dirt, mud and debris, as directed by the Township. Land developers shall enter into an excessive road use maintenance agreement

with the Township upon the recommendation of the Township Engineer and follow section 119-34 H [6] (e) for additional pavement design requirements set forth in the Code of Washington Township.

- d. Prior to Development, Operator shall provide to the Township's First Responders, including the Fire Department and Ambulance personnel along with the Zoning Officer and Emergency Management Coordinator, a copy of its ("PPC") Preparedness, Prevention and Contingency Plan.
- e. The Township recognizes 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, Operators may locate temporary structures, including security and temporary housing units as noted in section 150-23 of the Code of Washington Township, and provide adequate sanitary facilities as required by the Erie County Health Department and the Pennsylvania Department of Environmental Protection.
- f. The Township recognizes that adequate and appropriate lighting is essential to the safety of those involved in the Development of Oil and Gas. The Operator shall direct site lighting downward (as required in section 150-54.1 of the Code) and inward toward the drill site, wellhead, or other areas being developed, so as to minimize glare on public roads and adjacent buildings within three hundred (300) feet of the drill site, wellhead, or other area being developed.
- g. As part of the initial application, the Operator / Applicant shall provide to the Township the following:
 - 1. A site plan submission as required in section 119-25 of the code.
 - 2. Information on the status of road usage that may require an excessive use maintenance agreement, a description of planned operations and start and completion dates along with a list of equipment used in the development of the well (s) and the well site.
 - 3. Contact information for the Operator
 - 4. A copy of the NPDES and storm water and E & S approved plans or permit as issued by the Department of Environmental Protection.
 - 5. A copy of the well permit issued by the DEP shall be provided during the application process and submitted to the Township at least 10 days before operations begin.
- h. Noise. No operation or activity shall cause or create noise in excess of the sound levels prescribed in section 150-60:

1. **For the A-1, RC-1, R-1, R-2,R-3, C-1,C-2, Zoning Districts:** at no point beyond the boundary of any lot within these districts shall the exterior noise level resulting from any use or activity located on such lot exceed a maximum of 60 decibels or greater at the property line as noted in section 150-60 C in the code of Washington Township.
 2. **For the I-1 zoning district:** at no point on or beyond the boundary of any lot within this district shall the exterior noise level resulting from any use or activity located on the lot exceed a maximum of 80 decibels or greater at the property line as noted in section 150-53 B. (2) of the code of Washington Township.
 3. **Where two or more zoning districts in which different noise levels are prescribed share a common boundary, the more restrictive noise level standards shall govern.**
 4. **Washington Township may require the temporary or permanent erection and use of sound barriers.**
 5. **In addition to the above regulations, all uses and activities within Washington Township shall conform to all applicable County, State and Federal regulations. If a conflict arises between other lawfully adopted rules or regulations, the more restrictive rules shall govern.**
- i. **The operator shall sign the land developer's agreement and open a land development account with Washington Township and provide the minimum initial deposit of \$5,000 dollars to the developer's fund from which the Township may draw from / be reimbursed for administrative inspection and engineering fees for review and inspections as enacted by the Township in its annual resolution to ensure compliance with the code of Washington Township. Any costs over and above the aforesaid initial amount shall be reimbursed to the Township within thirty (30) days of invoicing by the Township.**
1. **The land development application shall provide a 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 Township that are used to transport materials and equipment.**
- j. **Access roads to the well site shall be improved with a dust-free surface to prevent water, sediment or debris from being carried onto any public road.**
- k. **If needed an off-road 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 road.**

D. Commercial Logging or Timber Harvesting.

- 1. All commercial logging operations will require a zoning permit and may require a right-of-way encroachment permit.**
- 2. All log and timber piles and logging debris shall be kept off all public roads and right of ways and shall be at least twenty (20) feet from the public right-of-way.**
- 3. A zoning permit for the commercial hauling of logs shall be obtained according to section 131-25 "A" of the code of Washington Township. In addition to the right-of-way encroachment permit the applicant shall acknowledge seasonal conditions for the protection of Township roads, bridges and culverts.**

131-25. Permits for commercial and delivery vehicles. (AMENDING)

A. Zoning permits required for resource extraction activities found in 150-32 of the code shall be conditioned upon seasonal or geographic conditions of Township roads that may limit the operations for gravel, timber, and oil and gas exploration and development activities upon inspection by Township staff.

150-9 Definitions: Add

COMMERCIAL LOGGING OR TIMBER HARVESTING OPERATIONS:

The cutting or commercial dealing in tree trunks that have been cut down and stripped of all branches and the removing of trees from a site or parcel for commercial purposes where the root mass is left intact.

COMPRESSOR STATION - A facility designed and constructed to compress natural gas and / or oil that originates from a gas and /or oil well, or collection of such wells, operating as a midstream facility for delivery of gas and /or oil to a transmission pipeline, distribution pipeline, processing plant or underground storage field, including one or more natural gas and /or oil 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 / or gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and, the installment and use of all associated equipment, including tanks, meters and other equipment and structures, whether permanent or temporary. This also includes the site preparation, construction, installment, 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. This does not include compressor stations and natural gas processing plants or facilities performing the equivalent functions that operate as midstream facilities that are only authorized by Washington Township as a conditional use.

DELETE Private Oil & Gas Well: A well for oil and gas extraction drilled exclusively for a private property owner for the purpose of providing energy for a home, business or commercial or industrial entity that is owned by the property owner, and the oil and gas product is used exclusively on a lot or lots of record by the same property owner, and the oil and gas product is not for sale, assignment, or trade to others of the extracted resources.

DELETE -- PROTECTED STRUCTURE – Any occupied residence, commercial, business, school, religious institution or other public building located within 1,000 feet of the surface location of an oil or gas well, including structures such as garages and barns or other accessory buildings and structures which 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 or gas lessor who has signed a lease with the operator granting surface rights to drill the subject well, or whose owner (or occupants) has (have) signed a waiver relieving the operator from implementation of the measures established in section 150-32 of the Washington Township Code for the owner's (occupant's) benefit.

WELL SITE – A graded pad designed and constructed for the drilling of one or more oil and/ or gas wells.

Washington Township
Zoning Administrator
11800 Edinboro Road
Edinboro, Pennsylvania 16412



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