

BOROUGH OF OAKMONT

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF OAKMONT AMENDING THE BOROUGH ZONING ORDINANCE, CHAPTER 205 OF THE CODE OF THE BOROUGH OF OAKMONT, TO PERMIT GAS AND OIL WELL USE IN CERTAIN AREAS OF THE BOROUGH AS A CONDITIONAL USE SUBJECT TO CERTAIN RESTRICTIONS AND DEFINING AND PERMITTING NATURAL GAS PROCESSING PLANTS AND NATURAL GAS COMPRESSOR STATIONS AS A CONDITIONAL USE, SUBJECT TO CERTAIN RESTRICTIONS

I. Legislative Findings.

- A. The Borough Council of OAKMONT BOROUGH (“Borough”) finds that the proposed amendments will promote the public health, safety and welfare and practical community development in the Borough and will provide for gas and oil drilling to take place in areas of the Borough in locations which will allow for significant opportunities for extraction of gas and oil with the least detrimental impact on residentially zoned property, municipal, historic or recreational facilities and resources and schools.
- B. Information provided to the Borough Council and Planning Commission by property owners; Pennsylvania Department of Environmental Protection, by and through its publications, regulations and other guidance; and other interested parties and 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 a significant portion of the gas resources in the Borough, while protecting certain other uses and by regulating gas and oil well use in a manner consistent with traditional zoning regulations without primarily regulating the technical aspects of oil and gas well functioning and matters ancillary thereto.
- C. Borough Council has analyzed available scientific and policy related resources to develop sound standards and practices that reflect a balanced approach between the environmental, the citizenry of Oakmont and corporate interests in natural resource exploration and development. Significant public input was encouraged and synthesized in the development of this ordinance.
- D. Guiding legal principles include the following: Pennsylvania Constitution, Article 1, Section 27; *Robinson Township v. Commonwealth of Pennsylvania* (PA 2013); *Environmental Defense Foundation v. Commonwealth of Pennsylvania* (PA 2017).

E. Consideration was given to the relative to the following academic studies: *Potential Public Health Impacts of Natural Gas Development and Production in the Marcellus Shale in Western Maryland*, Maryland Institute for Applied Environmental Health, School of Public Health, University of Maryland, July 2014; *Adequacy of Current State Setbacks for Directional High-Volume Hydraulic Fracturing in the Marcellus, Barnett, and Niobrara Shale Plays*, National Institute of Environmental Health Sciences, United States National Institute of Health, 2016; *Low Birth Weight Study*, Energy Policy Institutes, University of Chicago and Princeton University, 2017.

E. Borough Council 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 Borough Council of the Borough of Oakmont ordains that the Zoning Ordinance of the Borough of Oakmont, Chapter 205 of the Code of the Borough of Oakmont, is hereby amended, as follows:

A. Section 205-201, Definitions, is amended to provide as follows for the following defined terms:

1. The term “Oil Well” is removed in its entirety and “Oil and Gas Well” is added to be defined as follows:

Oil and Gas Well: The drilling and operation of oil and/or natural gas well(s). The Oil and Gas Well use shall be deemed to be located at the wellsite. Oil and Gas Wells are an industrial use for area, yard and height requirements under this Ordinance.

For purposes of this Ordinance, the following types of wells and drilling activities are subsumed in the definition of Oil and Gas Wells:

- a. **High Volume (Slick-Water) Hydraulic Fracturing (HVHF).** Fracturing of subsurface rock formations by pumping large quantities of fluids at high pressure down a wellbore and into a target rock formation for the purpose of removing subsurface oil and/or gas below the wellsite and horizontally/directionally therefrom. This process is also referred to as Unconventional Natural Gas Development and Production (UNGDP).
- b. **Injection Wells and/or Drilling.** Those wells and activities used to place fluids and/or gases underground into porous geologic formations. These underground

formations may range from deep sandstone or limestone, to a shallow soil layer. Injected fluids and/or gases may include carbon dioxide, fresh water, waste water, brine (saltwater), or water mixed with chemicals. Injections wells include all EPA classes of injection wells.

- c. **Conventional Oil and Gas Drilling.** Petroleum and raw natural gas extracted from the ground using traditional drilling, pumping and compression techniques without additional stimulation to facilitate to oil/gas flow at atmospheric temperature and conditions. Conventional Oil and Gas Drilling does not include HVHF methods or processes.

The underground activities and processes used and the migration of gas or oil from a subsurface area to a gas or oil well site at the surface shall not in and of themselves constitute an Oil or Gas Well and are subject to all applicable federal, state and local laws and regulations.

- 2. 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 or upstream 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 Compressor Stations are an industrial use for area, yard and height requirements under this Ordinance.

Natural Gas Processing Plant. A midstream facility, supporting more than one or more wellsite, 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. Natural Gas Processing Plants are an industrial use for area, yard and height requirements under this Ordinance.

3. The term “Oil/Gas Operator” is added as a term defined as follows:

Oil/Gas Operator. The applicant for a conditional use approval for oil and gas wells or natural gas compressor station and also any “well operator” or “operator” as defined in the Oil & Gas Act.

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

Protected Structure. Any leased or owner-occupied residence, leased or owner occupied commercial business, school, religious institution or other public building that may be impacted by noise and other external impact generated from activity associated with oil and gas well development and/or natural gas compressor station or natural gas processing plant. This term shall not include any structure:

- A. Owned by a grantor or lessor who has signed an agreement granting surface rights to drill a well and/or erect and maintain a natural gas compressor station or processing plant; or
- B. Whose owner and/or occupants has or have signed a waiver relieving the operator(s) from implementation of the measures established in this chapter for the owner’s and/or occupants’ benefits.

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

Drilling. Any vertical or horizontal digging or boring of a new well or re-working of an existing well with the intention to explore, develop or produce oil, gas or other hydrocarbons or to inject gas, water or other fluids or substances into the earth.

6. The following terms are added as defined terms as follows:

Well. A bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or, a dug hole whose depth is greater than the largest surface dimension; or, an improved sinkhole; or, a subsurface fluid distribution system.

Wellsite. 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.

Fresh water. Water obtained from a potable water source of the Commonwealth such as a hydrant, municipal water system, lake, water well, spring or other source that has not been treated or utilized in commercial or industrial operations.

Groundwater. Water in that portion of the generally recognized hydrologic cycle which occupies and pore spaces and fractures of saturated subsurface materials. Groundwater often supplies wells, spring and natural water courses and is often withdrawn for domestic, agricultural, municipal, industrial and other beneficial uses.

Fresh Water Impoundment. A lined depression excavation pit of a facility situated in or upon the ground, whether natural or man-made, used to store fresh water used in connection with Oil and Gas Drilling, Natural Gas Compression Stations, Natural Gas Processing Plants, or other related process or structure relating to the extraction, storage, processing or transmission of oil or natural gas.

Waste Water Impoundment. A lined depression excavation pit or facility situated in or upon the ground, whether natural or man-made, used to store waste water, used in connection with Oil and Gas Drilling, Natural Gas Compression Stations, Natural Gas Processing Plants, or other related process or structure relating to the extraction, storage, processing or transmission of oil or natural gas. Waste water shall include but not be limited to brine, fracturing fluid, produced water, recycled water, impaired water, flow back water or any other fluid that does not satisfy the definition of fresh water.

- B. Section 205, Attachment 3, Principal Land Use Table, is amended by replacing the description of Land Use Item 59 and retitling it “Oil and Gas Well.”
- C. Section 205, Attachment 3, Principal Land Use Table, is amended by adding Land Use Item 59.1 as follows:

	Land Use	R1	R2	R3	C	I	LI	MXD	MXD2
--	----------	----	----	----	---	---	----	-----	------

59.1	Natural Gas Compressor Station and Natural Gas Processing Plant					C			
------	---	--	--	--	--	---	--	--	--

D. Section 205-401, Conditional Uses, is amended by removing Section 205-443 in its entirety and replacing it as follows, Oil and Gas Wells:

1. Section 205-443. Oil and Gas Wells.
 - A. Oil and Gas Wells shall be permitted to occur on a property whose overall acreage is a minimum of ten (10) acres or larger (“Property”). Multiple property owners can combine adjoining parcels to achieve the minimum acreage required.
 - B. The well-site shall maintain a minimum distance from Protected Structures, as set forth in the table below. The Borough reserves the right to increase any setback based on physical characteristics of the site and evidence received at a hearing necessitating an increase in the minimum setback, including but not limited to topography, wind conditions, air modeling studies, woodlands, wetlands, hydrogeological studies, and distance from structures, parks, schools and residential neighborhoods as part of the condition use review process.
 - C. Conversion of existing, operational, abandoned or otherwise, oil and gas wells for injection wells shall be prohibited as a matter of right. Such conversions first require the conditional use application and approvals for Oil and Gas Wells adopted by this Ordinance.
 - D. Oil and Gas Wells shall be located with minimum setbacks from Protected Structures as follows:

Minimum Set Back Distances (Feet) from Protected Structures			
Residential Uses		Non-Residential Uses	
R1	2000	R1	1500
R2	2000	R2	1500
R3	2000	R3	1000
C	2000	C	500
I	2000	I	0
LI	2000	LI	0

E. The conditional use application shall not be considered to be complete and properly filed unless and until all items required by this Subsection, including the application fee, have been received. The conditional use application shall include the following:

1. Evidence of ownership and/or legal authority to occupy and utilize the surface Property for Oil and Gas Well development;

2. A Proposed Site Development Plan as described more fully herein;
3. A plan describing the route and method for other truck traffic as described more fully herein;
4. A lighting plan, demonstrating maximum feasible reduction of glare onto adjacent properties, that meets or exceeds Borough adopted performance standards relative to lighting and glare;
5. A plan for fresh water usage and impoundment as well as waste water impoundment and disposal, identifying the source and amount of water to be used at or withdrawn from the wellsite, the proposed method of transport, treatment and/or disposal of waste water, including truck routes or pipeline routes, and the destination of any water to be tested or disposed of.
6. A timetable for commencing and ending site preparation, drilling, hydraulic fracturing activities, oil and gas production, site restoration and well plugging.
7. A Ten-Year Master Plan for Oil and Gas Development in Oakmont Borough and adjacent communities within a twenty (20) air mile radius. Such Ten-Year Master Plan shall describe and plot all well-pads, transmission lines, compression stations, processing plants, storage facilities, transportation facilities and other related infrastructure built, planned and anticipated by Applicant or related third-parties of Applicant.
8. Plans for grading, revegetation, landscaping, buffer areas, stormwater control and other restoration activities at wellsite that meets or exceeds Borough adopted performance standards relative to each;
9. An Environmental Impact Statement, which shall include the following:
 - A description of existing conditions relative to flora, fauna, air quality, groundwater locations and qualities, and notable geological features in the area of the Property;
 - A description of existing conditions, including Gas or Oil Well facilities, structures, buildings or equipment.
 - A historical record of previous Gas or Oil Well operations of the Property;
 - A description of the proposed Gas or Oil Well operations, and associated facilities on the Property;
 - An assessment of the proposed Gas and Oil Well operations on the Property, abutting properties and surrounding uses; and
 - An assessment of the proposed Gas and Oil Well operations on the Property relative to flora, fauna, air

- quality, groundwater locations and qualities, and notable geological features in the area of the Property;
- Anticipated or projected impacts of the Gas or Oil Well at the time of installation, at one year post installation, at full production, at ten (10) years post installation and following the cessation of operations at the Property.
10. A copy of any permit and/or permit application issued by or submitted to the Pennsylvania Department of Environmental Protection (“DEP”) in connection with the Oil and Gas Well development on the Property;
 11. Copies of any other permit and/or permit application required by law for operation of the Property for Oil or Gas Well development on the Property;
 12. A plan identifying the means for disposal of cuttings, fracturing fluids, oil, toxic materials, hazardous materials and other waste products and providing for Borough access to any waste manifest for emergency management, police and fire safety purposes;
 13. An odor control plan which shall demonstrate technology and controls that shall be provided to eliminate odors if perceptible on nearby occupied properties during the drilling and fracturing process;
 14. Reports from a qualified environmental engineer attesting that the proposed location and operation will not negatively impact the Borough residents’ environmental rights and will include air modeling and hydrogeological studies as potential pathways that a spill or release of fluid may follow. These reports will be evaluated consistent with Subsection W.
 15. Such other information pertinent to the proposed Gas and Oil Well as may be requested by the Borough Engineer or Zoning Officer.
 16. Copy of all annual Security and Exchange Commission (SEC) Form 10-K filings for the last three (3) years relating to Applicant and contracted or related partners for Oil and Gas Well development of the Property.

F. Public Right of Ways

1. The Applicant shall show the proposed routes of all trucks to be utilized for hauling to and from the Gas and Oil Well site and the estimated weights of those trucks. Proposed routes shall be designed to minimize the impact on streets within the Borough. The Borough reserves the right to designate alternate routes in the event that the Applicant’s proposed routes are deemed inadequate, unsafe or overly disruptive to normal vehicular traffic by the Borough Engineer.

2. The Applicant shall show evidence of compliance with designated weight limits on Borough streets, unless a bond and an excess maintenance agreement to assure road damage repair is provided, and shall design the hauling routes to minimize the use of an impact upon Borough streets wherever feasible.
3. The Applicant shall also show evidence satisfactory to the Borough 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.
4. The Applicant or Oil/Gas Operator shall post a bond or other financial security in favor of the Borough and in a form acceptable to the Borough prior to beginning operations to guarantee maintenance and repair during construction/drilling/fracturing and post-operation restoration of Borough streets which may be determined in the reasonable opinion of the Borough Engineer to be damaged as a result of traffic generated by Gas and Oil Well use generated traffic. In addition, if the Borough Engineer concludes that Gas and Oil Well generated traffic will cause substantial damage to a Borough road, then the Applicant must, before operations begin, enter into an agreement with the Borough undertaking the responsibility to repair the road to the extent determined in the reasonable discretion of the Borough Engineer, which agreement may provide for bond to be posted in excess of otherwise applicable PennDOT limits when the Borough Engineer has reasonably estimated that the cost of repair will exceed the PennDOT limits.
5. In addition, should the Borough 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 Borough roads, bridges or utilities, then the Applicant shall install such protective measures as directed by the Borough Engineer, prior to beginning operations.
6. The Oil/Gas Operator shall take all necessary steps to ensure that public roads remain free of dirt, mud or debris resulting from Gas and Oil Well traffic or activities, including road sweeping and tire/wheel well/undercarriage washing if needed. Where traffic generated by the Gas and Oil Well is heavy in the proximity of school bus stops or well-traveled pedestrian crossing areas, the Oil/Gas Operator will provide flagperson to

ensure the safety of children waiting for or leaving school buses.

7. Applicant shall be responsible for all studies, professional fees and costs associated with the establishment of any Excess Road Maintenance Agreements and weight restriction postings and signage.
- G. Construction Hours of Operation. Prior to the commencement of Oil or Gas Well drilling activities, no construction activities involving excavation of, alteration to or repair work on any access road to an Oil or Gas Well site, shall be performed during the hours of 9:00 p.m. to 6:00 a.m.
- H. Noise. The Borough recognizes and acknowledges that oil and gas use 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, provides for response to individual complaints, and requires that undue noise be addressed, where feasible, without the Borough dictating the particular operational steps that must be taken.

The Oil/Gas Operator shall take the following steps to minimize, to the extent practicable, the noise resulting from the Oil and Gas Well use:

1. Prior to drilling of an Oil and Gas Well, the Oil/Gas 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 Oil/Gas 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.
2. The Oil/Gas Operator shall provide documentation of any established, 72 hour evaluation, relied upon to establish an ambient noise level greater than 55 dBA, to the Borough'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 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 72 hour evaluation) or default level, whichever is higher:
 - a. during drilling activities, by more than 7 decibels during the hours of 7:00 a.m. to 9:00 p.m.
 - b. during drilling activities, by more than 5 decibels during the hours of 9:00 p.m. and 7:00 a.m.; or
 - c. by more than 10 decibels during hydraulic fracturing operations.

The Oil/Gas Operator shall inform the Borough in writing of which level (average ambient noise level or default level) is being used.

4. The Oil/Gas 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 Borough upon request.
5. 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.	

6. If a complaint is received by the Borough from any person, whether a resident or otherwise using the Protected Structure for any lawful purpose, within 2,000 feet from the wellhead or equipment generating noise during gas and/or oil well production, drilling or hydraulic fracturing activities, the Oil/Gas Operator shall, within 24 hours of receipt of the complaint from the Borough, continuously monitor for a 48 hour period at a point which is the closer the complainant's building of:
 - a. the complainant's Protected Structure property line nearest to the well site or equipment generating the noise; or
 - b. one hundred (100) feet from the Protected Structure.

7. Once the monitoring is complete, Oil/Gas Operator will provide the monitoring data to the Borough within two (2) business days and will meet with Borough representatives and affected property owners and will within one week of the meeting submit a noise abatement plan to effectively mitigate any noise exceeding the permitted levels. In determining the noise mitigation measures to be employed, the Borough may, at the expense of the Oil/Gas Operator, utilize the services of a consultant with expertise in noise measurement, noise abatement and gas and oil well drilling and operation.

8. 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.

9. All workover operations shall be restricted to the hours of 6:00 a.m. to 9:00 p.m., except as necessary, as reasonably determined by the Oil/Gas 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.
10. In cases where noise has exceeded permitted levels and it is economically feasible for gas and oil well drilling rigs to be outfitted with acoustic barrier insulation blankets, such barriers 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 a pre-empted applicable state or federal regulations, or where its use would create a safety hazard in the opinion of the Borough Engineer or of any regulatory agency with jurisdiction.
 - I. Parking. Notwithstanding any other provision in this Ordinance, the Oil/Gas Operator shall provide sufficient parking to allow all vehicles associated with the Gas and Oil Well operation to be parked off-street. Parking areas within 200 feet of an occupied building not associated with the gas and oil well operation shall provide a slag or stone or other surface designed to minimize dust or, alternatively, dust reduction measures such as water sprinkling whenever necessary.
 - J. Emergency Management. The Oil/Gas Operator shall, prior to drilling and at least once per year thereafter, provide an opportunity for Borough emergency services providers to arrange visits to the well site for the purpose of being oriented to the location, equipment, materials used at 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.
 1. The Oil/Gas Operator shall provide appropriate maps, material data safety sheets, and emergency plan documents to such chief officers and to the Borough Manager, including a copy of a current Preparedness, Prevention and Contingency Plan ("PPC") as defined by the Pennsylvania Department of Environmental Protection. This information shall be kept up to date at all times.

2. The Oil/Gas Operator shall provide 24/7 emergency contact information, including a supervisor's name and a toll free phone number, to all borough emergency service providers and to the Borough Manager, as well as on signage at the well site. A list of contact information for all sub-contractors associated with the operations shall be provided to the Borough Manager along with verification that the sub-contractors and the named supervisor are aware of and understand this ordinance.

K. Property Security. The Oil/Gas Operator shall:

1. Install both temporary safety and security fencing at least six feet (6') high around water impoundments, drilling, fracturing and hydraulic equipment and install permanent fall protection fencing meeting OSHA requirements around any permanent pit for impoundment of liquid at a depth greater than two (2) feet. Security glass shall be provided to the Chief of Police for review.
2. Install warning signs at the well site; and
3. Provide at least one (1) on-site security guard 24/7 when a drilling rig or hydraulic fracturing equipment is on the well site.

L. Site Plan. Each application for a conditional use under this section shall have attached thereto a Site Plan. The Site Plan shall be provided both in hard copy and electronically in a format prescribed by the Borough Engineer. The Proposed Site Development Plan shall be a stamped 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:

1. Title block giving name of development, property owner, developer, north point, key location map, registration stamp, date and scale on a standard sheet size of 24"H x 36"W, with index;
2. Property lines, zoning ordinance district boundary lines and total acreage of parcel proposed for development;
3. All existing streets, right of ways, and easements related to the development and any acreage leased in connection with the proposed well;

4. Owners of adjacent properties, including the location of any existing structures and driveway locations;
 5. 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;
 6. 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;
 7. The location of structures on abutting property within 300 feet of common property lines, the location of any Protected Structures, the setback distances of Protected Structures from the Oil and Gas Well site and copies of any waivers from owners of such Protected Structures;
 8. The location of all gas and oil well structures, facilities, equipment or buildings, existing or proposed within 2,000 feet of the wellsite;
 9. The location of existing structures, buildings and accessory uses on site;
 10. The location of vehicle and equipment cleaning and tire cleaning areas and a description of the proposed program for removing mud and other well site generated debris from public streets;
 11. The location of proposed access roads;
 12. The location of stormwater and sediment controls or any fresh water and waste water impoundment facilities;
 13. The location, depth and profile of any proposed pipelines for water, gas, oil or other substance;
 14. The location, depth and profile of any existing or proposed transmission lines within 1,000 feet of the wellsite;
- M. During construction, the Oil/Gas Operator shall remove and dispose of all uprooted trees, stumps, brush, rubbish, construction materials and debris promptly in the interest of public safety.

- N. No employees, subcontractors or other persons shall be housed on the well site.
- O. The Oil/Gas Operator shall operate and maintain a vapor recovery unit or vapor destruction unit, or other available and feasible means to eliminate vapors emitted from any condensation tanks at the wellsite.
- P. During the time any pond or impoundment contains anything other than fresh water, such impoundment shall be fully covered with bird netting and fully comply with all applicable state and federal law.
- Q. No on-site burial or other disposal of drilling residuals or hydraulic fracturing chemicals or residuals is permitted.
- R. Upon complaint by the occupants of a nearby property of odors generated at the wellsite, the Oil/Gas Operator will meet with the Borough and the complainant or his/her representative within three (3) days of receipt of the complaint to establish a feasible and effective way of controlling any such odors. The Oil/Gas Operator will reimburse the Borough for the cost of consultants or other investigation needed to address odor complaints. For the purposes of this section, “nearby properties” shall be properties located within 1000 feet of the wellsite.
- S. Air containment emissions, particulate and otherwise, shall be in compliance with all County Health Department, state and federal regulations.
- T. The Applicant shall provide certification that a bond or other security is held by the Pennsylvania Department of Environmental Protection to ensure proper plugging when the well is classified as inactive by the Pennsylvania Department of Environmental Protection.
- U. All permits issued by DEP shall be maintained, commencing at site construction and continuing throughout the duration of drilling and production testing operations. Any suspension, or revocation of permits or other penalties by DEP shall be immediately reported to the Borough and shall constitute a violation of Borough zoning approval and may result in the suspension of zoning approval.
- V. Applicant shall comply with all applicable permits and requirements of the Pennsylvania Department of Environmental Protection, the United States Environmental Protection Agency,

and any other governmental authority having jurisdiction over its operations and with all federal, state and local laws, ordinance and regulations promulgated to protect the environment, including but not limited to the Clean Air Act, 42 U.S.C. §7401 et seq., the Clean Water Act, 33 U.S.C. §1251, and the Allegheny County Health Department Air Pollution Control Rules and Regulations, Allegheny County Ordinance No. 16782,

- W. Applicant shall demonstrate that its operations will not violate the citizens of Oakmont Borough's right to clean air and pure water as set forth in Article 1, Section 27, The Environmental Rights Amendments, of the Pennsylvania Constitution. Applicant shall demonstrate that its operations will not affect the health, safety or welfare of the citizens of Oakmont Borough or any other potentially affected landowner shall apply relative to the constitutional review process:
1. Applicant shall submit reports from a qualified environmental engineer attesting that the proposed location and operation will not negatively impact the Borough residents' environmental rights and will include air modeling and hydrogeological studies as potential pathways that a spill or release of fluid may follow.
 2. The Planning Commission shall review the submittals and hold a public hearing pursuant to the Local Agency Law.
 3. The Planning Commission shall make its recommendations and the record available to Council at least fourteen (14) days in advance of any conditional use hearing before Council.
 4. Applicant has the burden of proof and production relative to this item.
- X. Any material stored outside an enclosed structure in connection with well drilling or operation shall be screened by opaque ornamental fencing, walls or evergreen planting to minimize visibility of the storage area from residentially occupied properties.
- Y. Applicant shall provide adequate financial security, as determined by the Borough Engineer, to ensure restoration of the oil and gas well site once operations cease for 18 months or more.

Reapplication for conditional use/approval is required after discontinuance of operations of 18 months or more.

- Z. Conditional Use approval is non-transferable without consent from the Borough, and shall automatically terminate, unless extended, if drilling is not commenced within one (1) year from the date of issuance of the conditional use. The conditional use approval be extended by the Borough upon written request by the Oil/Gas Operator, after notice and public hearing.
 - AA. The application shall be accompanied by a non-refundable application fee of \$5,000.00 or such other amount as may be set by resolution of the Borough Council from time to time.
 - BB. Applicant shall separately be responsible for any other professional review fees or costs incurred by the Borough in connection with its review of the Conditional Use Application or its component parts, which may be required to be escrowed at the Borough's sole election.
 - CC. Applicant and any subcontractors associated with the development of the oil and gas well operation shall be required to sign upon receiving Conditional Use approval, a Developers Agreement, prepared by the Municipal Solicitor. Such Developers Agreement shall contain the conditions of approval as granted by Council and hold all parties responsible for compliance with those conditions.
- E. Section 205-401, Conditional Uses, is amended by adding thereto the following new Section 205-443.1, Natural Gas Compressor Stations and Natural Gas Processing Plants, to read as follows:
- 1. Section 205-443.1 Natural Gas Compressor Stations and Natural Gas Processing Plants.
 - A. Natural Gas Compressor Stations (Station) and Natural Gas Processing Plants (Plant) shall be permitted to occur on property whose overall acreage is a minimum of five (5) acres or larger ("Property").
 - B. The Natural Gas Compressor Station or Natural Gas Processing Plant shall maintain a minimum distance from Protected Structures, as set forth in the table below. The Borough reserves the right to increase any setback based on physical characteristics of the site and evidence received at a hearing necessitating an increase in the minimum setback, including but not limited to topography, wind conditions, air modeling studies, woodlands,

wetlands, hydrogeological studies, and distance from structures, parks, schools and residential neighborhoods as part of the condition use review process.

- C. Natural Gas Compressor Stations and Natural Gas Processing Plants shall be located with minimum setbacks from Protected Structures as follows:

Minimum Set Back Distances (Feet) from Protected Structures			
Residential Uses		Non-Residential Uses	
R1	1000	R1	750
R2	1000	R2	750
R3	1000	R3	750
C	1000	C	500
I	1000	I	0

- D. The application shall include all items identified under § 205-443(D) herein, except that information pertaining to natural gas compressor stations and plants and related operations, structures or facilities, shall be provided in lieu of information pertaining to gas and oil wells.

- E. Applicant shall demonstrate that its operations will not violate the citizens of Oakmont Borough’s right to clean air and pure water as set forth in Article 1, Section 27, The Environmental Rights Amendments, of the Pennsylvania Constitution. Applicant shall demonstrate that its operations will not affect the health, safety or welfare of the citizens of Oakmont Borough or any other potentially affected landowner shall apply relative to the constitutional review process:

1. Applicant shall submit reports from a qualified environmental engineer attesting that the proposed location and operation will not negatively impact the Borough residents’ environmental rights and will include air modeling and hydrogeological studies as potential pathways that a spill or release of fluid may follow.
2. The Planning Commission shall review the submittals and hold a public hearing pursuant to the Local Agency Law.

3. The Planning Commission shall make its recommendations and the record available to Council at least fourteen (14) days in advance of any conditional use hearing before Council.
 4. Applicant has the burden of proof and production relative to this item.
- G. Compressors shall be located within a completely enclosed building, with doors, windows and other openings usually remaining closed to reduce noise heard offsite.
- G. The design and color of structures and improvements shall be chosen to be compatible with and blend in with the surrounding area. All adjacent property zoned “residential” shall be screened by buffer areas planted on the station or plant site so as to maximize year round vegetative screening, or utilizing existing natural vegetation to achieve a visual screen. The minimum size of evergreen trees planted in a buffer shall be eight (8) feet and deciduous/shade trees shall be at least a two and one-half (2½) inch caliper diameter at breast height. All buffer areas shall be continuously maintained and dead plantings shall be replaced.
- H. No outdoor storage of materials or equipment is permitted.
- I. The site shall be secured with gates, fencing and security personnel, and security plans shall be provided to the Chief of Police designated by the Borough for review. Access to the site shall be limited to posted times when security personnel are on duty.
- J. The minimum distance between any Natural Gas Compressor Stations shall be one (1) mile.
- K. The Station or Plant may not be primarily powered by diesel, oil or gasoline fueled generators.
- L. The application shall include a Proposed Site Plan containing all of the information required for a site plan submitted for a gas and oil well use application under § 205-443(M) herein, except that information pertaining to natural gas compressor stations and plants and related operations, structures or facilities, shall be provided in lieu of information pertaining to gas and oil wells.
- M. Applicant shall, at its sole expense, provide site orientation and associated training to Borough emergency services to all Borough

emergency services providers before operation begins and once per year thereafter. An emergency preparedness plan shall be submitted, prepared by an expert in emergency/hazardous materials response, which plan shall be reasonably satisfactory to the Borough Police Chief, the Fire Chief of the fire company closest to the plant locations and the Borough Emergency Management Coordinator.

- N. Noise. The Borough recognizes and acknowledges that oil and gas use 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 Borough dictating the particular operational steps that must be taken.

The Oil/Gas Operator shall take the following steps to minimize, to the extent practicable, the noise resulting from the Oil and Gas Well use:

1. Prior to drilling of an Oil and Gas Well, the Oil/Gas 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 Oil/Gas 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.
2. The Oil/Gas Operator shall provide documentation of any established, 72 hour evaluation, relied upon to establish an ambient noise level greater than 55 dBA, to the Borough'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 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 72 hour evaluation) or default level, whichever is higher:

- a. during drilling activities, by more than 7 decibels during the hours of 7:00 a.m. to 9:00 p.m.
- b. during drilling activities, by more than 5 decibels during the hours of 9:00 p.m. and 7:00 a.m.; or
- c. by more than 10 decibels during hydraulic fracturing operations.

The Oil/Gas Operator shall inform the Borough in writing of which level (average ambient noise level or default level) is being used.

4. The Oil/Gas 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 Borough upon request.
5. 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.	

6. If a complaint is received by the Borough from any person, whether a resident or otherwise using the Protected Structure for any lawful purpose, within 2,000 feet from the wellhead or equipment generating noise during gas and/or oil well production, drilling or hydraulic fracturing activities, the Oil/Gas Operator shall, within 24 hours of receipt of the complaint from the Borough, continuously monitor for a 48 hour period at a point which is the closer the complainant's building of:
 - a. the complainant's Protected Structure property line nearest to the well site or equipment generating the noise;
 - or
 - b. one hundred (100) feet from the Protected Structure.

7. Once the monitoring is complete, Oil/Gas Operator will provide the monitoring data to the Borough within two (2) business days and will meet with Borough representatives and affected property owners and will within one week of the meeting submit a noise abatement plan to effectively mitigate any noise exceeding the permitted levels. In determining the noise mitigation measures to be employed, the Borough may, at the expense of the Oil/Gas Operator, utilize the services of a consultant with expertise in noise measurement, noise abatement and gas and oil well drilling and operation.

8. 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.

9. All workover operations shall be restricted to the hours of 6:00 a.m. to 9:00 p.m., except as necessary, as reasonably determined by the Oil/Gas 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.
 10. In cases where noise has exceed permitted levels and it is economically feasible for gas and oil well drilling rigs to be outfitted with acoustic barrier insulation blankets, such barriers 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 a pre-empted applicable state or federal regulations, or where its use would create a safety hazard in the opinion of the Borough Engineer or of any regulatory agency with jurisdiction.
 11. The performance standards at Article XI shall all be met, except where otherwise provided in Section 205-443; including Section 205-1105 and the Ordinance No. 042-2010, as may be amended. It shall be a condition of approval that the Borough may, before or after the operation commences, require acoustical blankets, sound walls, mufflers or alternative methods to mitigate noise impact on residentially zoned property. The Borough may retain a noise expert to assist in achieving such noise mitigation, the cost of which shall be paid by the applicant or Oil/Gas Operator.
- O. Off-street parking and loading requirements of Article VIII shall apply, provided that the number of parking spaces shall be determined as follows:

Compressor Station -	Minimum of five (5) spaces for visitors and maintenance vehicles
Natural Gas Processing Plant -	One (1) space for each employee on a peak shift plus a minimum of five (5) spaces designated for visitors.

- P. Applicant shall provide adequate financial security, as determined by the Borough Engineer, to ensure restoration of the Natural Gas Compressor Station and/or Natural Gas Processing Plant once operations cease for 18 months or more. Reapplication for conditional use approval is required after a discontinuance of operations of 18 months or more.
- Q. The application shall be accompanied by a non-refundable application fee of \$5,000.00 or such other amount as may be set by resolution of Borough Council.
- R. Applicant shall separately be responsible for any other professional review fees or costs incurred by the Borough in connection with its review of the Conditional Use Application or its component parts, which may be required to be escrowed at the Borough's sole election.
- S. Applicant and any subcontractors associated with the development of a Natural Gas Compressor Station or Natural Gas Processing Plant shall be required to sign upon receiving Conditional Use approval, a Developers Agreement, prepared by the Municipal Solicitor. Such Developers Agreement shall contain the conditions of approval as granted by Council and hold all parties responsible for compliance with those conditions.

- 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 identifying where gas and oil well uses, as herein defined, are permitted in the Borough and not to regulate technical aspects of gas and oil well operation, 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..

ORDAINED AND ENACTED INTO LAW by the Borough Council at a public meeting
this _____ day of _____, 2018.

ATTEST: BOROUGH OF OAKMONT

Secretary

By: _____
President

This Ordinance recorded in the Borough Ordinance book on _____,
2018, by the undersigned.

Borough Secretary/Ma

