

ORDINANCE NO 65
TOWNSHIP OF HANOVER
BEAVER COUNTY, PENNSYLVANIA

**AN ORDINANCE OF HANOVER TOWNSHIP,
A SECOND CLASS TOWNSHIP OF THE COUNTY OF BEAVER,
COMMONWEALTH OF PENNSYLVANIA
FOR THE PURPOSE OF AMENDING ORDINANCE #59
(THE HANOVER TOWNSHIP ZONING ORDINANCE)
FOR THE PURPOSE OF REGULATING CERTAIN OIL AND
GAS RESOURCES DEVELOPMENT AND PROVIDING FOR
SEVERABILITY AND REPEAL OF PRIOR INCONSISTENT
ORDINANCES.**

WHEREAS, the Township of Hanover zoning ordinance encourages the most appropriate use of land throughout the Township and promotes the safety, health, convenience and general welfare of its resident;

WHEREAS, Oil and Gas resources exist throughout Western Pennsylvania, including Beaver County and the Township of Hanover;

WHEREAS, Oil and Gas exploration, drilling and extraction operations involve activities that may impact the Township's environment, infrastructure, and related public health, safety, and welfare;

WHEREAS, the Board of Supervisors finds it necessary to adopt requirements for oil and gas resources development so that these resources can be utilized in a manner that minimizes potential impacts;

WHEREAS, the Board of Supervisors of the Township of Hanover held a public hearing on 14 March, 2011 on the proposed zoning amendment, which was properly advertised according to the Pennsylvania Municipalities Planning Code and the Pennsylvania 2nd Class Township Code; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Township of Hanover, Beaver County, Pennsylvania that Ordinance #59 (The Hanover Township Zoning Ordinance) is amended as follows:

SECTION 1. Definitions

Article 7, Definitions, is modified by adding the following:

DRILLING. Means any digging or boring of a new well to explore, develop or produce oil, gas or other hydrocarbons, or to inject gas, water or any other fluid or substance into the earth.

DRILLING EQUIPMENT. Means 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.

NATURAL GAS COMPRESSOR STATION. A facility designed and constructed 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 oil or natural gas and which may allow such oil or 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 and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

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

OIL AND GAS DEVELOPMENT AND PRODUCTION. The well site testing and 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 or 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 Ordinance.

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, production or operation of an oil or gas well.

OIL AND GAS DRILLING SURFACE FACILITIES. The conduct of oil and gas drilling, as defined herein, that involves activities performed on or above the surface of the ground, including but not limited to: location of the well head and accessory 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 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.

OPERATOR. Any person, partnership, company, corporation and its subcontractors and agents who have an interest in or a right to develop, explore or drill for, produce or transport 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 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 has signed a waiver relieving the Operator from implementation of the measures established, in this Ordinance for the owner' s benefit.

TOWNSHIP. TOWNSHIP OF HANOVER, BEAVER COUNTY, PENNSYLVANIA

WELL SITE. A graded pad designed and constructed for the drilling of one or more Oil and Gas wells

SECTION 2. Zoning

Hanover Township hereby declares that Oil and Gas Development and Production is authorized in the Township, subject to the following prohibitions, conditions and standards:

1. Oil and Gas drilling surface facilities and activities shall only be permitted to be drilled on property that is a minimum of ten (10) acres or larger on the surface.
2. Oil and Gas drilling surface facilities and activities are prohibited in the R-1 and R-2 Zoning Districts; Oil and Gas drilling surface facilities and activities are permitted use in the A-1, C-1, I-1 Zoning Districts.
3. Oil and Gas drilling subsurface facilities and activities are authorized in all zoning districts.
4. Natural gas compressor stations are authorized as conditional uses in the A-1, C-1 and I-1 Zoning Districts pursuant to the criteria set forth in this Ordinance.
5. Natural gas processing facilities are authorized as conditional uses in the I-1 Zoning District pursuant to the criteria set forth in this Ordinance.

SECTION 3. Zoning Permits

1. At least thirty (30) days prior to the any oil and gas drill site or well site development or construction activities within the Township, the operator shall submit an application for a zoning permit, with the required fee, on a form prescribed by the Township, to include but not be limited to, the following information:
 - a. A copy of the well location plat submitted to the Pennsylvania Department of Environmental Protection showing the location(s) of the planned wells;
 - b. A general description of the planned operation of the planned well(s) and associated equipment used in development of the well(s);
 - c. A copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection (DEP);
 - d. Written permission, *i.e.*, lease or agreement, from the property owners who have legal or equitable title in and to the surface property of the drill site;
 - e. A map showing the planned access route(s) to the well sites on public roads;
 - f. Information on the status of road bonding;
 - g. The Operator's Erosion and Sedimentation Plan;
 - h. Planned hours of construction activities including but not limited to excavation, construction, or alteration or repair work on or to any access road or well site;

- i. Procedure and method of compliance with the noise control provisions of this Ordinance;
- j. Plan to control spill, leak or malfunction and to remove or cause to be removed all waste materials from any public or private property affected by such spill, leak or malfunction;
- k. The name of the person supervising the drilling operation and toll free number where such person can be reached twenty-four (24) hours a day;
- l. The identity, address and contact numbers for all subcontractors associated with the development or production facility. The Township will be notified by the Operator within 48 hours of any subcontractor changes;
- m. Verification that the Operator has provided all subcontractors with a copy of this Ordinance. Operator and all subcontractors will comply with all provisions of this Ordinance.

SECTION 4. Conditions/Standards

1. A least thirty (30) days prior to initial 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 allow for questions and answers related thereto. The Operator shall notify, in writing, by U.S. Mail, or personal service, owners of real estate within 1000' of contemplated drilling within the Township, the date, time and location of the meeting, and the approximate location of the proposed Well Site, Well Sites and Stations at least once, not more than 30 days and not less than seven (7) days in advance of the meeting. If requested by Township, and if drilling activities continue for more than twelve (12) months, the Operator shall attend additional meetings and present information, but shall not be required to do so more often than annually, unless additional Well Sites not previously discussed at a public hearing are proposed.
2. Operator shall comply with any general applicable bonding and permitting requirements for Township roads that are to be used by overweight vehicles and equipment for Development activities.
3. Operator shall take the necessary safeguards to ensure that the Township roads and other public streets remain free of dirt, mud and debris resulting from the Development activities and shall ensure such roads are promptly swept or cleaned of dirt, mud and debris. Beginning with its intersection with a public street, any access road for the development shall be paved or improved with limestone or other material in a manner that no water, mud, sediment, or debris will be carried onto any public street.
4. At least 30 days prior to any oil and gas drill site or well site development or construction activities, Operator shall take all necessary public safety precautions including but not limited to Operator providing flagmen, signage and other warning measures to ensure the safety of children and other persons at or near schools, churches, public and school transportation stops, public buildings, parks and road crossings.
5. The access driveway 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 telephone number for a person responsible who may be contacted in case of emergency.
6. 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.
7. Prior to Development, Operator shall provide to the Township's First Responders, the Township Secretary, and Zoning Officer, a copy of its Preparedness, Prevention and Contingency ("PPC") Plan.
8. Before drilling, Operator shall provide Township's First Responders with 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 the initiating of drilling of an Oil or Gas Well, make available with at least thirty (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 anticipated drilling activities in the Township.

9. Operator shall take the necessary safeguards to ensure appropriate dust control measures are in place.
10. Recognizing that the specific location of equipment and facilities is an important and integral part of the Oil and Gas Development, and as part of the planning process, Operator shall strive to consider location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with Township residents' enjoyment of their property and future Township Development activities as authorized by the Township of Hanover Zoning Ordinance and Subdivision and Land Development Ordinance.
11. 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, adjacent buildings and property within five hundred (500) feet of the drill site, wellhead or their area being developed.
12. Prior to the initiation of drilling an Oil and Gas well or multiple Oil and Gas wells at a location, but no later than two weeks before hand, the Operator shall provide, in writing, by US Mail or by personal service the following information to both the Township Zoning Officer and each resident within 1000 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 such residents to present Operator's plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to beginning Well Site construction.
13. In addition to the requirements in subsections 1-12 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 the established drilling pad containing drilling and hydraulic fracturing equipment or provide at least one (1) security guard 24/7 at all times when a drilling rig or hydraulic fracturing equipment is on the Well Site;
AND

- b. 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 (2) feet; AND
 - c. Install warning signs providing notice of the potential dangers at the Well Site
- 14. In addition to the requirements in subsection 1-13 above, prior to drilling an Oil and Gas well or multiple Oil and Gas Well at a location, no later than two (2) weeks beforehand, the Operator shall notify each resident and property owner where horizontal drilling will take place under their property for informational purposes.
- 15. Prior to the commencement of drilling activities, no construction activities involving excavation of, construction of, alteration to, or repair work on or to any access road or Well Site shall be performed during the hours of 9:00 pm. to 6:00 a.m.
- 16. The 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 drilling of an Oil and Gas 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 or, alternatively, and in lieu of establishing the above 72 hour ambient noise level, the Operator may assume and use, for the purposes of compliance with this Ordinance, a default ambient noise level fifty-five (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;
 - b. The Operator shall provide documentation of any established, seventy-two (72) hour evaluation, relied upon to establish an ambient noise level greater than 55 dBA to the Township's Zoning Officer within three (3) business days of such a request from the Zoning Officer;
 - c. The noise generated during drilling and hydraulic fracturing activities when measured at the nearest Protected Structure property line or one hundred (100) feet from the nearest Protected Structure property (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 or default level, whichever is higher:
 - i. During drilling activities by more than seven (7) decibels during the hours of 6:00 a.m. to 9:00 p.m.;
 - ii. During drilling activities by more than five (5) decibels during the hours of 9:00 pm to 6:00 am; or
 - iii. By more than ten (10) decibels during hydraulic fracturing operations.

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

In addition, the Township may require acoustical blankets, sound walls, mufflers or other alternative methods to ensure compliance depending on the location of a proposed drill site to adjacent residential properties or other Protected Structures;

- d. 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.

- e. If a complaint is received by the Township from any person, whether a resident or otherwise using the Protected Structure as defined herein for any unlawful purpose, regarding noise generated during drilling, hydraulic fracturing activities, or other oil or gas development or production activity, 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 closer to the complainant's building of:
 - i. The complainant's Protected Structure property line nearest to the well site or equipment generating the noise; or
 - ii. One hundred (100) feet from the Protected Structure.
- f. If the Operator engages in any noise testing as required by this Ordinance, it will provide preliminary data to the Township no later than ten (10) business days following completion of the noise testing. Once the monitoring is complete, Operator will meet with Township's representatives and affected residents to discuss whether possible noise abatement measures are warranted, if the permitted levels set forth herein were exceeded.
- 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 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

SECTION 5. Application Procedure for Conditional Uses

All applications for conditional uses for natural gas compressor stations and natural gas processing plants and facilities shall be submitted to the Township Secretary, and shall be subject to the standards and criteria listed below. All applications for conditional use approval shall be submitted in writing on forms provided by the Township and shall include the required fee, a land development plan, and a written statement indicating compliance with the applicable expressed standards and criteria of this Ordinance. Public hearings shall be conducted in accordance with the procedures set forth in the Pennsylvania Municipalities Planning Code.

Standards and Criteria

1. The minimum site required for a Natural Gas Processing Plant and facilities shall be fifty (50) acres and site location limited to the I-1 Zoning Districts.
2. Natural Gas Compressor Stations shall be limited to the A-1, C-1 and I-1 Zoning Districts, and shall have a minimum site five (5) acres.
3. Compressors shall be located within a completely enclosed building. During periods of normal operations, doors, windows and similar operations shall remain closed to ensure maximum noise suppression.
4. Compressors and other power driven equipment shall utilize electric motors, where feasible, rather than internal combustion engines. No electric power shall be generated on the site. All electrical installations shall conform to local, State and National Codes.
5. Any materials, equipment, or structure outside an enclosed building being used as part of the primary operation of the conditional use being sought shall be screened by opaque ornamental fencing, walls or evergreen plant material in order to minimize visibility from any adjacent property.
6. First responders shall be provided with a complete, detailed list of all gases, chemicals and waste products produced, stored or distributed on the site.
7. All waste disposal and storage of gases or by-products shall be in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection (PA DEP) and any other applicable Federal, State or local agency.
8. No person shall place, deposit, discharge or cause to be placed, deposited or discharged any oil, petroleum, asphalt, tar hydrocarbon substances or any refuse including wastewater or brine from any natural gas processing facility or well into or on any public right-of-way, alley, street, lot, storm drain, ditch, sewer, sanitary drain, well, lake, pond, creek or similar body of water or any property without permits from the appropriate regulatory agencies within Hanover Township.
9. Drip pans and other containment devices shall be placed or installed underneath all tanks, containers, pumps, lubricating oil systems, engines, fuel and chemical storage tanks, system valves, connections and any other areas or structures that could potentially

leak, discharge or spill hazardous liquids, semi-liquids or solid waste materials, including hazardous waste that is inseparable by simple mechanical removal processes and is made up primarily of natural material.

10. All chemicals and/or hazardous materials shall be stored in such a manner as to prevent, contain and facilitate rapid remediation and clean up of any accidental spill, leak or discharge of a hazardous material. The operator shall have all material safety data sheets (MSDSs) for all hazardous materials on site. All applicable Federal and State regulatory requirements for the proper labeling of container shall be followed. Appropriate pollution prevention actions shall be required and include, but are not limited to: chemicals and materials raised from the ground (e.g. pallets), bulk storage, installation and maintenance of secondary containment systems, and protection from storm water and weather elements.
11. All equipment and facilities shall comply with the noise standards of Section 4, Paragraph 16 of this Ordinance.

SECTION 6. Penalties

Any Operator or person performing work at their direction who violates or permits a violation of this chapter shall, upon being found liable therefore in an enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$500.00 plus all court costs, including reasonable attorney's fees incurred by the Township. No judgment shall be commenced or imposed, levied or payable until the date of the determination of a violation by the District Justice. 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 and to seek any remedy, which may be cumulative, as may be provided by the Laws of the Commonwealth of Pennsylvania. No Bond will be required if injunction relief is sought by the Township.

SECTION 7. Repealer.

Any ordinance, chapter section, subsection paragraph, sentence or phrase of any ordinance conflicting with the provisions of this ordinance shall and the same is hereby repealed to the extent of such conflict.

SECTION 8. Severability.

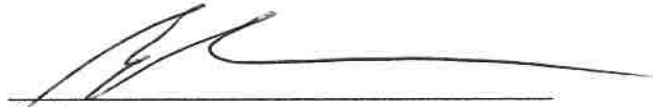
If any section, subsection, sentence clause, phrase, or portion of this document is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

SECTION 9. Effective Date.

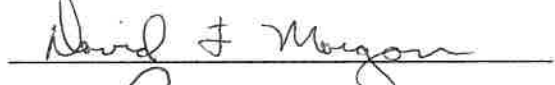
This ordinance shall take effect upon adoption.

ORDAINED AND ENACTED into law by the Board of Supervisors of Hanover Township, Beaver County, Pennsylvania, The 13th day of JUNE, 2011.

Hanover Township Board of Supervisors




Chairman







ATTEST:



Township Secretary