

Proposed Revisions

TOWNSHIP OF CECIL

WASHINGTON COUNTY, PENNSYLVANIA

ORDINANCE NO. _____ -2024

AN ORDINANCE OF THE TOWNSHIP OF CECIL, WASHINGTON COUNTY, PENNSYLVANIA, AMENDING THE FOLLOWING SECTION OF THE CECIL TOWNSHIP ZONING ORDINANCE, AS AMENDED: SECTION 240-61, TO ADD AND CLARIFY RELEVANT DEFINITIONS, AND TO ADD AND CLARIFY CONDITIONAL USE CRITERIA REGARDING OIL AND GAS DEVELOPMENT WITHIN CECIL TOWNSHIP.

WHEREAS, the Cecil Township Board of Supervisors (“**Board**”) has the power to protect the health, safety, and welfare of the people and property in Cecil Township (“**Township**”); and

WHEREAS, the Board finds that it is in the best interest of the residents and citizens of the Township to amend Section 240-61 of the Cecil Township Zoning Ordinance, as amended; and

WHEREAS, the Township seeks to amend the Cecil Township Zoning Ordinance as set forth herein; and

WHEREAS, the Amendment was reviewed by the Township Planning Commission at a public meeting held on _____, 2024 after which the Township Planning Commission recommended adoption to the Board; and

WHEREAS, the Amendment was sent to the Washington County Planning Commission and, on _____, 2024, the Washington County Planning Commission advised that it had no additional comments regarding the ordinance change; and

WHEREAS, the Board held a duly advertised public hearing on _____, 2024 to consider the enactment of the Amendment; and

WHEREAS, the Board has given careful consideration to all public comments and has determined that adoption of the Amendment is beneficial to the health and welfare of the citizens of the Township.

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

SECTION 1. Section 240-61 “Oil and Gas Development” is hereby amended as follows:

A. Purpose.

- (1) It is hereby declared to be the purpose of this Section to amend the Cecil Township Zoning Ordinance such that Oil and Gas Development is a conditional use within the Township.

(2) Cecil Township recognizes that the regulation of Oil and Gas operations is the primary responsibility of the regulatory agencies of the Commonwealth of Pennsylvania but that the Township maintains its zoning powers as set forth in Pennsylvania Statutes Title 53, the Municipalities Planning Code (“MPC”), and through the Township of Cecil subdivision and land development or zoning ordinances. It is in the Township's best interest to address the zoning districts where such activities are sought to be undertaken and to have information concerning Oil and Gas Exploration, development and production taking place within the Township and to ensure certain security and safety measures related to Oil and Gas well drilling are in place in certain areas if approved.

(3) The Board of Supervisors will make a decision on the conditional use application in compliance with the Municipalities Planning Code, 53 P.S. § 10101 *et seq.*

B. Definitions. As used in this Section, the following terms shall be interpreted or defined as follows:

AMBIENT NOISE LEVEL

The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location, constituting the normal or existing level of environmental noise at a given location without extreme atmospheric conditions such as wind greater than three meters per second or precipitation, and then adjusted to eliminate any noise associated with existing developments or facilities.

BEST MANAGEMENT PRACTICES

State of the art mitigation measures applied to oil and natural gas drilling and production to help ensure that energy development is conducted in an environmentally friendly manner.

CRITICAL IMPACT AREAS

Critical Impact Areas include those areas which may be more susceptible to damage as a result of the proposed or ultimate use of the facility, including, without limitation: stream corridors; streams; wetlands; slopes in excess of twenty-five percent; sites where there is a history of adverse subsurface conditions or where available soils information or other geotechnical data, including data from the Bureau of Mines, indicates the potential for landslides, subsidence or other subsurface hazards; Class I agricultural lands; highly acidic or erodible soils; carbonate or highly fractured bedrock; aquifer recharge and discharge areas; areas of unique or protected vegetation, wildlife habitat, and areas of historic, cultural and/or archaeological significance.

DRILLING SITE or WELL PAD or PAD

An area which includes the perimeter of the surface area of drilling operations.

EXPLORATION

Temporary geologic or geophysical activities such as drilling in context with the zoning definition in this chapter, including seismic surveys related to the search for natural gas or other subsurface hydrocarbons.

HOSPITAL

An institution licensed by the State Department of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility, provided such institution is operated by, or treatment is given under direct supervision of, a licensed physician. Types of hospitals include general, mental, chronic disease, and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer, and the like.

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HYDRAULIC FRACTURING

A technique used to stimulate the production of oil and natural gas from a well by injecting fracturing fluids down the wellbore under pressure to create and maintain induced fractures in the hydrocarbon-bearing rock of the target geologic formation. Also referred to as "fracking."

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. Also referred to herein as "Oil and Gas Development Facilities."

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/is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas, including "dew" point control facilities. Also referred to herein as "Oil and Gas Development Facilities."

NON-PROTECTED STRUCTURE

Any structure which does not satisfy the definition for "Protected Structure," as set forth herein.

OIL AND GAS

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

OIL AND GAS DEVELOPMENT or DEVELOPMENT

The Well Site preparation, Well Site construction, drilling, Hydraulic Fracturing, and/or site restoration associated with an Oil and Gas well of any depth; water and other fluid

storage, impoundment and transportation used for such activities; the installation and use of all associated equipment, including tanks, meters and other equipment and structures, whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of Oil and Gas Pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of Oil and Gas, other than Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions that operate as midstream facilities. 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 the Township of Cecil subdivision and land development and zoning ordinances.

OPERATOR

Any person, partnership, company, corporation, and its subcontractors and agents, which has an interest in real estate for the purpose of exploring or drilling for, producing or transporting oil or gas. For the purposes of this requirements of this Ordinance, the term "Operator" shall be synonymous with the term "Applicant."

Pipeline

All parts of those physical facilities through which gas, hazardous liquids, fresh water, salt water or chemicals move in transportation, including but not limited to pipe, valves and other appurtenance attached to pipe, whether or not laid in public or private easement or public or private right-of-way within the Township, including, but not limited to, gathering lines, production lines and transmission lines. This definition does not include Pipelines associated with franchise utilities.

PROTECTED STRUCTURE

Any occupied residence, commercial business, ~~school~~, religious institution, or other public or private building used for similar uses that may be impacted by noise, emissions, light or other negative attributes of drilling operations. For purposes of setbacks, Schools and Hospitals, defined herein, are treated as a separate category of Protected Structures;

RESIDUAL WASTE

Garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials, resulting from industrial, mining, drilling or agricultural operations and sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, if it is not hazardous.

SCHOOL, PRIMARY OR SECONDARY or SCHOOL

An institution primarily engaged in academic instruction for all or part of grades K through 12, and recognized or approved by the State.

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TOWNSHIP

Cecil Township, Washington County, Pennsylvania.

WELL SITE or SITE

Shall consist of the area occupied by any of the facilities, structures and equipment associated with or incidental to the construction, drilling, fracturing, production, or operation of an oil or gas well. If multiple areas are used, then the total combined area shall be considered the Well Site. Also referred to herein as a "Well Pad."

C. Zoning. Cecil Township hereby declares that Oil and Gas Development is defined as a conditional use within all zoning districts. The use shall be subject to the following standards: If the proposed use is granted, consistent with § 240-13 of this Chapter, in addition to the conditions listed below, Cecil Township shall impose any and all reasonable safeguards or conditions necessary to implement the intent of this Chapter and shall review the particular facts and circumstances of each proposed conditional use application in terms of the following standards listed in § 240-13 of this Chapter as well as more specific criteria as set forth in the remaining paragraphs herein. Applicant shall have the duty and the burden to prove compliance with the specific conditions set forth herein and by way of this Chapter. Applicant shall bear the burden of persuasion to demonstrate that the proposed conditional use will not have detrimental effects on the health, safety and welfare of Township residents relative to any additional conditions.

(1) Conditional Use Application. A person or entity desiring approval of a conditional use application pursuant to this Section shall submit a written application in a form to be prescribed by the Township. Before submitting the application, the Applicant is strongly encouraged to meet with the Township Manager or his designee to determine the requirements of and the procedural steps for the application. The intent of this process is for the Applicant to obtain necessary information and guidance before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation. The application shall not be considered to be complete and properly filed unless and until all items required by this Section, including the application fee, have been received. An application for conditional use approval pertains only to the specific number of wells identified in the application which will be drilled in compliance with the timeframe set forth in Subsection 41. The addition of future wellheads and/or future drilling/redrilling/re- Hydraulic Fracturing of wells at same Well Pad site requires a separate conditional use approval. In addition to the requirements, criteria, and standards set forth in Section 240-13 of this Chapter, an application pursuant to this Section shall include:

- (a) Payment of an application fee in the amount of \$4,000 shall be paid by the Applicant for the purposes of payment for expenses incurred or to be incurred by the Township associated with all the administration of the application. Fees may be adjusted by the Township Board of Supervisors from time to time by resolution.
- (b) Written permission from the property owner(s) having legal or equitable title in and to the proposed development or facility or demonstrable documentation of the applicant's authority to occupy the property.
- (c) The GIS location and 911 address, or equivalent, of all Well Sites.
- (d) Copies of any and all permits and applications, submitted to all applicable local, county, state and federal agencies. Permits and plans shall include but not be limited to the Pennsylvania Department of Environmental Protection ("PADEP"). Well applications and permit, Erosion and Sediment Control General Permit, or current permit requirement,

and all other required erosion and sedimentation, air, water, and waste management permits.

(e) In addition to the requirements listed herein, a site plan prepared by an engineer or surveyor licensed in Pennsylvania shall be provided to establish compliance with all applicable regulations. All drilling and production operations, including derricks, vacuum pumps, compressors, storage tanks, vehicle parking, structures, machinery, temporary housing, and ancillary equipment on the Well Site shall be identified. All Protected Structures within two thousand five hundred (2,500) feet of the property line of the Well Site and all Schools and Hospitals within five thousand (5,000) feet of the property line of the Well Site shall be identified. All roads related to the development or facility must also be shown. A sufficient number of copies of the site plan shall be provided for review and comment by all Township emergency services organizations.

(2) General Criteria

(a) The Operator shall use Best Management Practices in all aspects of the planning, construction, development, and operation of the proposed use.

(b) All operations shall be in accordance with applicable federal laws and regulations, the Pennsylvania Oil and Gas Act (58 P.S. §§ 601.101 et seq.) as amended, and pursuant to all other applicable rules, regulations and procedures adopted pursuant thereto.

(3) Notices

(a) At least thirty (30) days prior to any development activity on the planned surface location of the development or facility, the Operator shall provide the following information to each property owner within four thousand (4,000) feet of the planned surface location of the development or facility:

- [1] A copy of the site plan submitted as part of the conditional use application;
- [2] A general description of the planned operations of the development or facility and associated equipment to be used;
- [3] The contact information for the Operator; and
- [4] The availability of the Operator to hold a meeting locally with such residents to present the Operator's plans for the development or facility and to allow for questions and answers. The meeting(s) shall be held prior to the commencement of the development activity.

(b) The Operator shall provide a schedule to the Township, identifying anticipated dates for site preparation and construction, drilling, and completion of the wells. The Township recognizes that these dates may change, and the Operator shall update the Township with anticipated dates of such activities.

(c) The Operator shall notify the Emergency Management Coordinator, Township Manager, and Township Engineer no less than ninety (90) days prior to the startup and abandonment or shutdown of any Well Site.

- (d) After any spill, leak, or malfunction, the Operator shall notify the Township Manager within twenty-four (24) hours of a nonemergency spill or immediately for an emergency situation (as defined by the Pennsylvania Department of Environmental Protection (“PADEP”)), and the Operator shall notify Township officials when cleanup will begin. The Operator will remove or cause to be removed to the satisfaction of the Township and the PADEP inspectors all waste materials from any public or private property affected by such spill, leak, or malfunction. Clean-up operations must begin immediately upon knowledge that a spill, leak, or malfunction occurs and the Operator shall alert the Township of any such spills, leaks, or malfunctions.
- (e) An Operator shall notify the Cecil Township Manager and Zoning Officer no later than seven (7) days before Hydraulic Fracturing or flaring activities are set to begin at the Well Site. An Operator will notify 911 of both Hydraulic Fracturing and flaring activities pursuant to the same time frame.
- (f) Notices regarding noise and vibrations are set forth herein at Subsection 19, “Noise, Dust, Vibration, Odors,” of this Section.

(4) Hazards

- (a) Any hazardous or toxic material shall be securely contained, stored and removed in accordance with applicable state or federal regulations. On-site disposal is prohibited. All hazardous materials stored must be clearly marked, identifying the contents, chemicals, and hazards as required by the OSHA Hazard Communication Standard 29 CFR 1910.1200 and National Fire Protection Association (“NFPA”) Code 704 – Standard System for the identification of the Hazards of Materials for Emergency Response. All regulated tanks are to be labeled to a NFPA specification.
- (b) Upon request of the Emergency Management Coordinator, the Operator shall, prior to drilling its first gas well in the Township, make available with at least thirty (30) days’ notice, at the Applicant’s sole cost and expense, an appropriate group training program for emergency responders and Township code enforcement personnel. Such training shall be made available at least annually during any year in which drilling activities take place at the Oil and Gas Development from site work to well completion. The Township shall require a minimum of four (4) hours of annual training, with additional hours added at the recommendation of the Fire Chief annually. If additional wells are drilled at the site, the Operator and Emergency Management Coordinator shall determine if additional training is required.
- (c) At the time of filing its application, the Operator shall submit a preparedness, prevention and contingency (“PPC”) plan, as defined in the PADEP document, “Guidelines for the Development and Implementation of Environmental Emergency Response Plans,” or the most recent applicable guidance document. The Operator shall provide a sufficient number of copies of the PPC plan to be distributed to the Township Manager, the Emergency Management Coordinator, the Fire Chief, and any other emergency service providers for the Township. Prior to any construction activity, the Operator shall meet with Township safety control individuals designated by the Township Board of Supervisors to discuss or provide information regarding any proposed emergency responses to the PPC plan.

(d) The Applicant shall maintain on the planned surface location of the development or facility and on file with the municipality a current list and the Safety Data Sheet (SDS) or Material Safety Data Sheets ("MSDS") for all chemicals used in the drilling operations (including but not limited to types of additives, acids, polymers, salts, surfactants, and solvents) and in any fracturing operations, as required by all applicable PADEP rules, regulations, and policies regarding disclosure of chemicals. If the PPC plan requires availability and/or utilization of special equipment or supplies particular to the hazards and/or conditions addressed in the PPC, the Township shall require the Operator to reimburse the Township for the cost of procurement of such special equipment or supplies.

| (e) Operators shall establish ~~"safety zones"~~ around Well Sites. Said safety zones will be established to minimize local impacts, and said zones shall be determined on a site-by-site basis.

| (f) In the event an emergency, including but not limited to product loss (liquid, gaseous or solid), regardless of quantity; equipment malfunction; fire or explosion; incident resulting in injury, fatalities, property damage; or any other significant incident, the Operator/Applicant shall immediately notify the Washington County 911 Center, in addition to any and all notifications and actions that it is otherwise required to perform.

| (g) The Operator shall provide the Township with contact information which will allow representative of the Operator to be contacted 24 hours a day, 7 days a week to address any issue, complaint, or emergency during operations.

(5) Setbacks and Siting

(a) Multiple well and Pad sites on any one Oil and Gas Development shall be prohibited, unless the Operator proves to the satisfaction of the Township that the underlying geology makes using a single Well Pad impractical.

| (b) The nearest edge of the Well Pad shall be located not less than two thousand five hundred (2,500) feet from any Protected Structure, not less than five thousand (5,000) feet from any Schools, Primary or Secondary, or Hospital, Primary or Secondary (Protected Structures thereon) ("School"), and not less than two hundred and fifty (250) feet from the nearest property line. Any lots that have obtained preliminary or final approval as a part of a major subdivision or master plan shall be considered for setback purposes. In the case of a lot which has received preliminary or final approval as part of a major subdivision or master plan, the edge of the Well Pad shall be located not less than one thousand (1,000) feet from the nearest lot line of a lot that is part of the approved subdivision or plan.

| (c) In the event that an owner or occupant of a Protected Structure (other than a School) authorizes drilling activities upon his or her property, such owners or occupants may authorize the waiver of Subsection 5(b).
[1] In the event an owner or occupant authorizes such waiver, waiver shall under no circumstances be read as an approval of drilling activities at the proposed location. Applicant must still receive conditional use approval pursuant to this Section.

[2] If an owner or occupant authorizes the waiver of Subsection 5(b) of this Ordinance, such waiver applies only upon the owner or occupant's property, and not upon the property of any adjacent landowners or occupants. All requirements, criteria, conditions, and standards set forth within this Ordinance shall apply as to the property of any owner or occupant who has not authorized such waiver.

[a] If there are other owners or occupants of Protected Structures located within the setbacks set forth in Subsection 5(b), all other such owners or occupants must waive Subsection 5(b) of this Ordinance, in writing, in order for the ~~Applicant owner~~'s waiver to be effective.

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[3] Applicant shall notify and obtain approval of the waiver in writing from all property owners adjacent to Applicant's property, ~~along with~~ shall obtain all ~~written waivers as set forth in Subsection 5(c)(2)(a) at the time it submits such Application to the Township~~. Applicant must provide the Township copies of all written waivers executed by any owner or occupant authorizing such waivers at the time it submits its Application to the Township.

[4] ~~In the event that an owner or occupant authorizes such waiver, the edge of the Well Pad shall be located not less than five hundred (500) feet from any Protected Structure.~~

[5] This Subsection 5(c) shall not apply to any School, ~~Primary or Secondary or Hospital~~. ~~Schools and Hospitals may not waive the setback requirements of Subsection 5(b).~~

(d) Recognizing 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 the 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 Cecil subdivision and land development and zoning ordinances.

(e) The location and design of structures and site improvements shall be integrated with the natural color, form and texture of the surrounding area.

(6) Access.

(a) Beginning with its intersection with a public street, any ingress or egress point for the development or facility shall be paved for the first fifty (50) feet and improved with limestone or other similar material for the next one hundred (100) feet in a manner that no water, sediment, or debris will be carried onto any public street. If any amount of mud, dirt, or other debris is carried onto public or private rights-of-way from the Well Site, the Operator shall immediately clean the roads and implement a remedial plan as directed by the Township to keep the streets continuously clean.

[1] The first fifty (50) feet from the existing edge of pavement extending into the site shall consist of the following material:

[a] Compacted subgrade.

- [b] PennDOT Class 4 geotextile fabric.
- [c] Eight (8) inches of AASHTO No. 1 crushed aggregate base course.
- [d] Two (2) inches of PennDOT 2A aggregate.
- [e] Six (6) inches of Superpave 25 mm binder course.

[2] The remainder of the driveway to the Well Pad shall be constructed with the following material:

- [a] Eight (8) inches of AASHTO No. 1 crushed aggregate base course.
- [b] Two (2) inches of PennDOT 2A aggregate.

(b) Ingress and egress points for all public and private driveways or roadways shall be located and improved in order to:

- [1] Meet Pennsylvania Code 67, Chapter 441, Access to and Occupancy of Highways by Driveway and Local Roads, PennDOT Design Manual 2.
- [2] Ensure adequate capacity for existing and projected traffic volume.
- [3] Provide efficient movement of traffic, including appropriate turning radii and transition grade.
- [4] Minimize hazards to highway users and adjacent property and human activity.

(c) All applicable permits or approvals must be obtained, including, without limitation:

- [1] Access or driveway permits to state or county roads.
- [2] Overweight or oversize loads.

(7) Traffic Impact.

(a) The Operator shall submit a traffic study with its application, which shall include:

- [1] A description of plans for the transportation and delivery of equipment, machinery, water, chemicals, products, materials, and other items to be utilized in the siting, drilling, stimulating, completion, alteration, and/or operation of the development or facility. Such description shall include a map showing the planned vehicular access roads and the transportation infrastructure being proposed and the type, weight, number of trucks and delivery schedule necessary to support each phase of the development.
- [2] An inventory, analysis, and evaluation of existing road conditions on Township roads along the proposed transportation route identified by the application, including digital photography, video and core boring as determined to be necessary by the Township Engineer(s).

- (b) All traffic patterns to be utilized in the siting, drilling, stimulating, completion, alteration, and/or operation of the development or facility must be approved by the Board of Supervisors. Any changes in traffic patterns must be approved by the Board of Supervisors.
- (c) The proposed routes must be designed to minimize the impact on streets within the Township. The Township 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 Township. Vehicles are to operate on state roads and may only use municipal roads when the use of state roads is not feasible. The Operator shall coordinate truck routes with the School bus schedule so as to minimize interference with transportation of students to and from School.
- (d) Prior to the commencement of activity at the development or facility, the Operator shall enter into any bonding and/or municipal roadway maintenance and repair agreement with the Township, in a form acceptable to the Township, regarding maintenance, repair, and bonding of municipal roads that are to be used by vehicles for development activities. The Operator shall take all necessary corrective action and measures as directed by the Township pursuant to the agreement to ensure the roadways are repaired and maintained during and at the conclusion of all development activities.
- (e) The Operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or School transportation). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with development, the Operator will provide flagmen to ensure the safety of children at or near Schools or School bus stops and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.
- (f) The Operator shall provide adequate, obvious and specific signage of the route to the Well Site for vehicles associated with the proposed activity. The use of the term, "vehicle associated with the proposed activity," is intended to include those trucks commonly referred to as tri-axel trucks, water trucks, trucks of a weight requiring a road to be bonded, and other similar vehicles. The term is not intended to mean general passenger trucks or vehicles traveling to the site.
- (g) The Operator shall take the necessary safeguards to ensure that the Township roads utilized shall remain free of dirt, mud and debris resulting from development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and debris occur.
- (h) There shall be no staging of trucks or equipment on local roads.
- (i) A traffic control plan in conformance with PennDOT standards shall be provided.

(8) Environmental Impact Analysis. To the extent the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the Applicant shall submit an environmental impact analysis. The environmental impact analysis shall describe, identify and analyze all environmental aspects of the site and of neighboring properties that may be affected by the proposed

operations or the ultimate use proposed to be conducted on the site. The limits of the impact area to be studied shall be reviewed and approved by the Planning Commission and the Board of Supervisors. The environmental impact study shall include, but not be limited to, all Critical Impact Areas on- or off-site that may be impacted by the proposed or ultimate use of the facility, including the impact on the critical areas, the protective measures and procedures to protect the critical areas from damages, and the actions to be taken to minimize environmental damages to the critical areas on the site and surrounding areas during and after completion of the operation.

(9) Air Quality Study and Air Monitoring.

- (a) Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the Applicant shall submit an air quality study. The study shall be prepared by experts mutually agreed upon by the Township and the Operator and submitted with the application. The study shall include an analysis of the existing and predicted air quality levels, including smoke, odors, fumes, dust, and pollutants at the site. This report shall contain the sources of the information, the data and background tests that were conducted and the conclusions and recommendations of the professionals preparing the report that would be required to maintain the air quality at a level equal to or better than the existing background level prior to the proposed use.
- (b) Monitoring. Operator shall conduct air monitoring during vertical drilling, horizontal drilling, and hydraulic fracturing at the Well Pad. The monitoring will begin five (5) days before the start of each of the above phases and end five (5) days after the completion of each of the above phases. The monitoring service provider shall be selected by the Operator and the Township. Air monitoring will be conducted at four cardinal points in accordance with (1) EPA Methods 325A and 325B; and (2) an air monitoring plan to be approved by the Township. Reporting and results of the monitoring shall be made directly to the Operator and the Township at regular intervals and upon request from the Township. The Operator shall be responsible for all costs of the monitoring set forth herein.

(10) Pre-drilling, Post- Hydraulic Fracturing, and Baseline Water Survey Requirements.

- (a) Hydrological Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the Applicant shall submit a hydrological study. The study shall be prepared by a hydrogeologist mutually agreed upon by the Township and the Operator and submitted with the application. The study shall evaluate the existing surface and subsurface hydrogeology, based upon historical data and on-site investigation and studies. The study shall identify groundwater discharge and recharge areas that may be affected by the proposed use, map the groundwater table and analyze and delineate the effects of the proposed use on the hydrology, including surface and ground water quantity and quality. Acceptance of the study is subject to final approval by the Board of Supervisors.
- (b) The Operator shall be responsible for testing all existing water supplies (surface and groundwater) within one thousand (1,000) feet of the surface location of the Well Pad. The purpose of the testing is to determine the baseline quality and quantity of surface

water and groundwater in the immediate vicinity of the proposed Well Site and to evaluate resultant changes that may occur or have an impact on the water supply of the site and surrounding area. If a landowner refuses to allow the Operator access to conduct a survey, the Operator shall show evidence of such refusal in accordance with PA Code Title 25, Chapter 78a, §78.52(f). In addition, prior to drilling, the Operator will be required to drill a test well outside of the limits of the Well Pad but no more than seven hundred fifty (750) feet from the well location to a depth that intersects all known or viable aquifers for the purposes of obtaining a baseline assessment of water quality in the vicinity of the site. The test well shall be located such that it is part of the hydrologic system of the drill site. All testing shall adhere to the following:

- [1] pre-drilling testing results, both from existing water supplies and from the Operator-drilled test well, shall be submitted as part of the conditional use application.
- [2] post- Hydraulic Fracturing testing shall be completed no sooner than one (1) month after Hydraulic Fracturing activities have ceased and no later than two (2) months after Hydraulic Fracturing activities have ceased.
- [3] the post- Hydraulic Fracturing test results, both from existing water supplies and from the Operator-drilled test well, shall be submitted to the Township, PA DEP, and residents within 1,000 feet of the surface location of the well in accordance with PA Code Title 25, Chapter 78a, §78.52 “predrilling or pre-alteration survey” within ten (10) days of their receipt.
- [4] the Operator shall be responsible for all costs associated with drilling and testing and testing shall be done by an independent state-certified water testing laboratory agreed upon by the Township.
- [5] water quality test – for testing purposes, the Board of Supervisors shall set, by Resolution, a list of parameters for all surface water and groundwater.

(11) Geophysical Exploration.

- (a) It shall be unlawful for any person to conduct any Exploration activities within Cecil Township regarding oil, gas, and/or other materials by the use of energy source operations, including without limitation weight drops, and/or vibrating machines, thumper trucks, use of explosives, or any other vehicles or equipment that causes vibrations, without first obtaining approval by the Township.
- (b) An application for energy source operations (seismic testing) shall include the following information:
 - [1] Name, address, phone and email of Applicant.
 - [2] Map designating a testing area and showing the location of all points of use and the energy sources to be used at each point.
 - [3] For any areas of the Township where Applicant intends to conduct seismic testing, a licensed geologist must provide a report regarding the ability of the land to subside due to the proposed operations. The report shall be prepared by a

licensed geologist mutually agreed upon by the Township and the Applicant and submitted with the application. The Applicant shall be responsible for all costs associated with the report.

- [4] A traffic control plan for any operations or testing that will impede traffic on a public right-of-way.
- [5] The Applicant's insurance information, including the name of the Applicant's insurance carrier, the types and amounts of insurance covering its proposed operations, the name and telephone number of an individual to contact in case of a claim for personal injury or property damage, and a copy of the Applicant's certificate of insurance naming the Township as an additional insured. Liability insurance coverage covering commercial, personal injury, property damage and general liability in amounts not less than \$2,000,000 plus an umbrella policy of \$4,000,000 covering same is required.
- [6] A nonrefundable application fee of \$1,500 for processing the application. On receipt of such application, the Township Engineer shall prepare a report showing all municipal facilities or infrastructure that may be negatively affected by the proposed Exploration activities located in the testing area showing in such application.
- [7] The Applicant within this Section (11) shall fully defend, protect, indemnify, and hold harmless the Township, its departments, officials, officers, agents, employees, volunteers and contractors from and against each and every claim, demand, or cause of action and any and all liability, damages, obligations, judgments, losses, fines, penalties, costs, legal and expert fees, and expenses incurred in defense of the Township, including, without limitation, personal injury and death in connection therewith which may be made or asserted by any third parties on account of, or arising out of, or in any way incidental to or in connection with the performance by the Applicant or its contractors/subcontractors.
- [8] The Applicant shall post a bond or other security in a form to be approved by the Township in the amount of One Million Dollars (\$1,000,000) to cover the cost of any damages as a result of seismic testing.

(c) The application shall be processed by the Township's Zoning Officer. If approved, all energy source operations (seismic testing) shall be completed within one (1) years of the date of approval.

(12) Water Withdrawal Plan. To the extent the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the Applicant shall provide a water withdrawal plan for the development identifying the source of water, how many gallons will be used and withdrawn each day, the origination of the water, proposed truck routs and all permits issued by the Commonwealth of Pennsylvania or any other governmental body. If the development is to be supplied by way of waterlines, the locations of all proposed waterlines are to be identified. The site for the treatment and disposal of the water shall also be identified. The use of non-potable

water sources is highly encouraged. The use of injection wells for disposal of fracking fluid is prohibited. The Applicant is required to use Best Management Practices.

- (13) Disposal of waste. To the extent the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the Applicant shall identify the means and availability of the site for disposal of cuttings, fracturing fluids, oil, toxic materials, hazardous materials, and other waste products.
- (14) Transmission of gas. To the extent that the information has been developed, the Applicant shall provide a plan for the transmission of gas from the development. The plan will identify but not be limited to gathering lines, compressors, and other mid- and downstream facilities located within the Township and extending eight hundred (800) feet beyond the Township Boundary.
- (15) Pre-Development and Post-Development Soil Testing. Prior to beginning and Oil and Gas Development activities, the Operator shall be responsible for testing soil conditions within three hundred (300) feet of each Well Site. The purpose of testing is to determine the baseline soil conditions surrounding the proposed Well Site and address resultant changes that may occur or have an impact on the soils of the site and surrounding area.
 - (a) Pre-drilling testing results shall be submitted as part of the Conditional Use application.
 - (b) Post Hydraulic Fracturing testing shall be completed no sooner than one (1) month after Hydraulic Fracturing activities have ceased and no later than two (2) months after Hydraulic Fracturing activities have ceased.
 - (c) The results shall be submitted to the Township and PADEP within ten (10) days of their receipt.
 - (d) The Operator shall be responsible for all costs associated with testing and testing shall be done by an independent state-certified testing laboratory agreed upon by the Township.
- (16) The Operator shall prevent the drill site and all structures thereon from becoming dilapidated, unsightly, or unsafe. Any on-site associated gas production equipment (including but not limited to well heads, separators, condensate tanks, and Pipeline) shall be painted an earth-tone color to blend in with the surrounding area. An earth-tone color shall be a neutral color, including unobtrusive shades of sand, gray, green, and brown, or other similar neutral colors.
- (17) Fencing, screening, and buffering.
 - (a) Security fencing consisting of permanent galvanized chain-link fence, a minimum of eight (8) feet in height, topped with either razor wire or barbed wire, shall be installed prior to the commencement of any activity at every Well Site to secure wellheads, storage tanks, separation facilities, water or liquid impoundment areas, and any other mechanical and production equipment and structures on the Well Site.
 - (b) Security fencing shall be equipped with lockable gates at every access point and having openings no less than 12 feet wide. Gates shall be kept locked except when being used

for access to the site. The fence posts shall be set in concrete at sufficient depths to maintain the stability of the fence.

- (c) In construction of the Oil and Gas Development or facility, the natural surroundings shall be considered, and the Operator shall preserve existing trees and other native vegetation to the fullest extent possible. Existing trees and respective root systems shall not be disturbed whenever possible. Where trees are removed, the Operator shall replace or reforest the area, where feasible, with the notification to and approval of the Township.
- (d) Any development which abuts a residential use shall provide a twenty (20)-foot buffer strip along the affected boundary line(s), as provided herein. All plants shall be selected from species that are hardy in the area and shall be sound nursery stock. The Operator shall plant a buffer consisting of a double row of native evergreen conifers and/or American holly planted at oblique lines to one another so that a continuous screen is provided. All trees shall be a minimum of six feet in height at the time of planting. Trees which die shall be replaced within six months. The Operator shall replace any dead or dying trees in the buffer so long as the facility remains in operation.
- (e) In addition to the landscaping buffer set forth above, the Operator shall submit a general landscaping plan that incorporates existing, and if necessary, new vegetation, where practical and in accordance with applicable permit and regulatory requirements, to provide a buffer in connection with any permanent facilities at the Well Site, including foundation planting around structures. Any landscaping strip along a Township right-of-way shall be composed of plantings that will not block clear views for vehicles entering or leaving the premises.

(18) Storage of Equipment.

- (a) No equipment, including drilling, re-drilling, re-working or other portable equipment, shall be stored on the development or facility which is not essential to the everyday operation of the development or facility. This includes the removal of idle equipment unnecessary for the operation of wells.
- (b) Lumber, pipes, tubing, and casing shall not be left on the development or facility except when drilling or well-servicing operations are being conducted on the site.
- (c) It shall be illegal to park or store any vehicle or item of machinery on any street, right-of-way or in any driveway, alley, or on the development or facility which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires, except that equipment which is necessary for the maintenance of the development or facility or for the gathering or transporting of hydrocarbon substances from the site.

(19) Noise, Dust, Vibration, Odors.

- (a) The Operator shall take the necessary safeguards to minimize dust, vibration, noxious odors, or other harmful or annoying effects of drilling operations that are detrimental to the public health, safety, comfort, or welfare. All equipment shall be constructed and operated so that dust, vibrations, odor, and other harmful or annoying effects are minimized by the operations carried on at the drill site to avoid injury or annoyance of persons living in the vicinity.

- (b) No physical vibrations (whether ground-borne or airborne/acoustically induced) associated with the proposed operations shall be detectable with instruments on any lot lines shared with adjacent properties, and no physical vibrations exceeding the International Standards Organization (ISO) Operating Theater Velocity limit – 100 micrometers per second in any third octave band, in the structures of any Protected Structures, ~~or Schools, or Hospitals~~ on parcels adjacent to the Well Pad or facility.
- (c) There shall be no activities associated with the proposed use that will emit electrical disturbances adversely affecting the operation of radio or other equipment not located at the subject property.
- (d) 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 an exhaust muffler or an exhaust box. The exhaust muffler or exhaust box shall be constructed of noncombustible 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.
- (e) The following noise provisions apply to all phases of Oil and Gas Development:
 - [1] Ambient Noise Level baseline. As part of the conditional use application and prior to drilling of an Oil and Gas well, the Operator shall establish the Ambient Noise Level baseline. The baseline shall be established by an acoustics evaluation over a continuous 5-day period to include a full weekend (Saturday and Sunday) with monitoring at the two nearest noise sensitive receptors (residences, Schools, churches, and ~~H~~Hospitals). A qualified Noise Control Engineer or other qualified person, mutually agreed upon by the Township and the Operator, shall be responsible for determining the baseline in accordance with all applicable American National Standards Institute (ANSI) standards, specifications, and measurements. The procedures for the ambient baseline measurement must be approved by the Township. The Operator shall be solely responsible for all costs associated with the noise consultant/engineer and the Ambient Noise Level baseline. The report shall contain measurements of existing Ambient Noise Levels, measured using the L(c90) (C-weighted sound level exceeded 90 percent of the time) descriptor, computer in 1-hour increments and a cumulative daytime L(c90) level. The Township reserves the right to hire a third-party consultant to witness testing and review the results at the sole expense of the Operator. All sound level meters shall meet the ANSI standard for a Type I sound level meter.
 - [2] Limitations.
 - [a] Protected Structures. The noise generated during construction, drilling and Hydraulic Fracturing activities when measured at the nearest Protected Structure, ~~or School or Hospital~~ property line, ~~or~~ 100 feet from the nearest Protected Structure, ~~or School or Hospital~~ (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure, ~~or School or Hospital~~, shall not exceed the Ambient Noise Level baseline (as determined by the evaluation) as follows:

- [i] During drilling or Hydraulic Fracturing activities by more than six (6) decibels during the hours of 6:00 a.m. to 10:00 p.m.;
- [b] Non-Protected Structures. The noise level generated during construction, drilling and Hydraulic Fracturing activities when measured at the nearest Non-Protected Structure property line or 100 feet from the nearest Non-Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Non-Protected Structure, shall not exceed the Ambient Noise Level baseline (as determined by the baseline evaluation) as follows:
 - [i] During drilling or Hydraulic Fracturing activities by more than ten (10) decibels during the hours of 6:00 a.m. to 10:00 p.m.;
- [3] Since fluctuations in noise levels are inherent to mineral extraction activities, the Township has created a sliding scale which provides adjustments in the permitted level of noise generated during operations to create flexibility in regulations and prevent repeated violations. Noise levels exceeding the noise limitations set forth in Subsection 19(e)(2), above, shall be temporarily permitted between the hours of 6:00 a.m. and 10:00 p.m., measured using the C-weighted equivalent continuous sound pressure level (L(Ceq)) in 1-minute increments, in accordance with the following:

Permitted Increase (as measured in dBC)	Duration of Increase (minutes)*
up to 5 dBC	15
up to 10 dBC	5
10 dBC or more	1

NOTES:

* Cumulative minutes during any one hour. The maximum cumulative time that the permitted increases may occur within one hour may not exceed 15 minutes.

- [4] If a complaint is received by the Township from any person, whether a resident or otherwise, using the Protected Structure, or School or Hospital as defined herein for any lawful purpose, regarding noise or vibrations generated during drilling or Hydraulic Fracturing activities, the Operator shall, within 24 hours of receipt of the complaint from the Township, continuously monitor for a forty-eight-hour period at a point which is the closer to 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 feet from the Protected Structure, or School or Hospital; or
 - [c] In the case of vibrations, from the lot line as set forth in Subsection 19(e)(2), in addition to the Protected Structure, or School or Hospital.

- [5] If the Operator engages in any noise or vibration testing as required by this Section, 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, the Operator will meet with Township representatives and affected residents to discuss whether possible noise abatement measures are warranted, if the permitted levels set forth herein were exceeded. The Township reserves the right to hire a noise consultant to conduct independent testing and investigation regarding a noise complaint. Any noise levels above the permitted levels set forth herein will constitute a violation and the Township may proceed with any and all enforcement options, at its discretion.
- [6] At the time a grading permit is issued for construction and/or operation of the use, the Operator shall make an initial payment to the Township of Twenty Five Thousand Dollars (\$25,000.00) to be utilized by the Township to pay for all fees and costs incurred or to be incurred by the Township for reasonable and necessary expenses related to the enforcement of Subsection (19) ("Posted Escrow"). Such reasonable and necessary expenses may include, without limitation, the fees charged to the Township by professional consultants (including noise control engineers, noise consultants, acousticians, engineers, or other similar qualified professionals) and the expenses otherwise incurred by Township employees for noise, vibration, or any other monitoring, testing, or measurements conducted pursuant to Subsection (19). The Posted Escrow, and all future payments made pursuant to this Subsection, shall be held by the Township in an interest-bearing escrow account, and Interest earned on said account shall be retained by the Township for administration of the account. The Township shall copy the Operator on monthly invoices for such fees and costs. As costs are paid, the Township shall notify the Operator of the amount needed to be added to the Posted Escrow to maintain its balance at Ten Thousand Dollars (\$10,000.00), and Operator shall make payment thereof to the Township within five (5) business days. Any amount remaining in the Posted Escrow account shall be refunded to the Operator upon cessation of all drilling operations and removal of all equipment from the property.
- (20) Except in an emergency, no bullhorns should be used as a means of communication on the drill site.
- (21) No drill site lighting used for or associated with the drilling operation shall be positioned or directed in such a manner so that it shines directly on public roads, adjacent property or property in the general vicinity of the drill site. Site lighting shall be directed downward and shielded so as to avoid glare on public roads and adjacent properties. Lumen levels shall not exceed zero footcandles at the property line over the ambient, which shall be taken at a point six feet off the ground at least one hour after sunset and at least one hour before sunrise.
- (22) The Applicant shall furnish to the Township a Certificate of Liability Insurance naming the Township as an additional insured with respect to the operations conducted within the Township, showing proof of liability insurance covering commercials, personal injury, and general liability in amounts not less than Twenty-Five Million Dollars (\$25,000,000) per occurrence. The Applicant shall fully defend, protect, indemnify, and hold harmless the Township as more specifically set forth in Section 43. The insurance coverage may consist of a combination of self-insurance, excess coverage, and umbrella coverage.

- (23) Right of entry. The authorized Township official may enter the premises or structure during normal business hours to verify or enforce provisions of this chapter. If premises or structure is unmanned, access shall be granted within 24 hours of notification to the Operator/Applicant or if there is reasonable cause to believe a condition exists on the premises which violates the ordinance, constituting an unsafe condition.
- (24) Fracture fluid storage ponds, open pits, centralized impoundments, and reserve pits are prohibited.
- (25) Fresh water storage ponds and tanks are permitted. The use of non-potable water is strongly encouraged.
- (26) All earth moving activities and storm water management on the planned surface location of the development or facility shall comply with the terms and conditions of a PADEP approved erosion and sedimentation control plan and all such applicable permits, as well as the Township's grading ordinance (within the Unified Development Ordinance) and stormwater ordinance.
- (27) Operator shall provide at least one security guard 24/7 at all times when drilling rig or Hydraulic Fracturing equipment is on the Well Site.
- (28) Operator shall install warning signs providing notice of the potential dangers at the Well Site along with contact information at the entrance to the site.
- (29) Except for emergency (as defined in the Operator's PPC plan) and governmental compliance activity, under no circumstances may any operations, activities, or work related to Oil and Gas well drilling be performed on any access road or Well Site between the hours of 10:00 p.m. and 6:00 a.m., including without limitation the excavation of, alteration to, or repair work on any access road or Well Site, drilling, Hydraulic Fracturing, and any other similar operations, activities, or work.
- (30) Operator shall be responsible to pay the Township's reasonable attorneys' fees and engineering and expert costs borne by the Township in connection with the conditional use application and hearing process, to the extent allowed by law.
- (31) Coal bed methane and conventional Oil and Gas well drilling and completion activities, i.e., those wells drilled to depths shallower than the base of the elk sandstone or its stratigraphic equivalent and such Oil and Gas wells that are planned to involve drilling of a single well on a Well Site for no more than seven consecutive days total in any calendar year, can request a waiver from the Board of Supervisors from any condition set forth herein if, in the sole discretion of the Board of Supervisors, the conditions are not necessary to protect the health, safety and welfare of the residents.
- (32) All work-over operations shall be restricted to the hours of 7:00 a.m. to 6:00 p.m., except in the extent of an emergency, as reasonably determined by the Operator. "Work-over 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.
- (33) To the extent condensate tanks are utilized at or around the drill site, Operator shall install the best technology available to eliminate, capture or destroy any and all emissions

emanating from these tanks. Said means shall include the installation of vapor destruction and/or vapor recovery units.

- (34) Bunk housing of site workers is not permitted at any well location or anywhere within the Township. In addition, bunk housing of site workers is not permitted by the Cecil Township subdivision and land development or zoning ordinances. The Township acknowledges that certain supervisory personnel (generally not to exceed six to seven individuals at any one time) are required for reasons of safety to be present at the multi-well drilling pad to which this conditional use approval relates on a continuous basis during certain operations, and resting accommodations for such supervisory personnel are not affected by the foregoing condition. Prior to utilizing any such accommodations, the Operator shall provide to the Township a list of the job titles which constitute supervisory personnel.
- (35) The Operator shall not clear brush or trees by way of burning and shall chip, grind or remove all tree stumps from properties it clears for development purposes. However, the Operator shall be permitted to, consistent with Cecil Township's relevant outdoor burning ordinance(s), burn any brush, trees or stumps that have been removed from the ground and collected into a pile or piles on the properties where the Operator is engaging in development.
- (36) Oil and Gas Development Facilities.
 - (a) The following requirements shall apply to Oil and Gas Development facilities which employ the use of compressors, motors or engines as part of the operations and/or produce air-contaminant emissions or offensive odors, subsurface facilities, including horizontal drilling facilities, gathering system facilities and production facilities.
 - [1] Oil and Gas Facilities shall be a principal use on a parcel.
 - [2] Oil and Gas Facilities are a conditional use within Cecil Township.
 - [3] The facility shall be allowed not less than two thousand five hundred (2,500) feet from any Protected Structure, five thousand (5,000) feet from Schools or Hospitals- (Protected Structures on the property), and not less than two hundred and fifty (250) feet from the nearest property line. Any lots that have obtained preliminary or final approval as a part of a major subdivision or master plan shall be considered for setback purposes. In the case of a lot which has received preliminary or final approval as part of a major subdivision or master plan, the facility shall be located not less than one thousand (1,000) feet from the nearest lot line of a lot that is part of the approved subdivision or plan.
 - [4] Adequate public utilities shall be available to meet the demands of the facility.
 - [5] All noise-generating equipment and processes shall be contained within a completely enclosed building, and windows and doors shall remain closed during operation.
 - [6] The site shall be designed utilizing natural topography and/or constructed of earthen mounds so as to obstruct visibility from adjacent streets and properties.

- [7] The storage, handling, transportation and disposal of hazardous or potentially hazardous materials shall be in accordance with all applicable permits and requirements of the Code of the Township of Cecil, the PADEP, and the United States Environmental Protection Agency.
- [8] Secondary containment shall be provided at sites utilizing liquid separators.
- [9] Compressors and other power-driven equipment shall use sparkless electrical motors, when practicable, as an alternative to internal combustion motors.
- [10] If an internal combustion engine is used, it shall not be discharged into the open air unless it is equipped with an exhaust muffler or mufflers or an exhaust muffler box constructed of noncombustible materials sufficient to suppress noise and disruptive vibrations and the ignition of carbon or soot. All such equipment shall be maintained in good operating condition according to the manufacturer's specifications.
- [11] A security fence, as specified in Subsection (17), "Fencing, screening, and buffering," of this Section, shall be set back at least ten (10) feet from the property line and twenty (20) feet from a public right-of-way.
- [12] All construction related to the Facility shall be performed between the hours of 7:00 a.m. and 6:00 p.m.
- [13] Oil and Gas Development Facilities are required to submit application through the Township's SALDO processes for approval.
- [14] Subject to the requirements set forth in this Section 36, the following additional condition sections apply to Oil and Gas Development Facilities: [C] 1, 2, 3, 4, 6, 7d, 7g, 7h, 8, 14, 16, 17 (as modified above), 18, 19 (with the modification that dbc sound levels not to exceed 6 decibels over ambient at any time), 20, 21, 23, 26, 30, 32, 35, 38, 41, 42, 43.

(37) Reclamation.

- (a) Reclamation shall be carried out on all disturbed areas in accordance with all applicable federal laws and regulations, and to achieve the following objectives:
 - [1] Final soil profiles designed to equal or reduce soil erosion potentials over stable pre-operation conditions.
 - [2] Restoration or enhancement of pre-existing visual character through planting of local or adaptive vegetation.
- (b) Final land forms shall be stable.
- (c) Disturbance of soil cover shall be minimized.
- (d) An abandoned site shall be securely and safely maintained until reclamation has been completed and revegetation permanently established.

- (e) Reclamation shall be initiated as soon as weather and growing conditions permit after the abandonment of the well or installation of production equipment and shall be completed no more than one year later.
- (f) Financial Security. At the time a grading permit is issued related to the use, a letter of credit or other financial security, in a form and amount approved by the Board of Supervisors during review of the conditional use, but not to exceed \$50,000, shall be deposited with the Township to ensure compliance with the terms of this chapter and removal of all equipment when all drilling operations cease.
- (g) The Operator of any Well Site shall notify the servicing fire department, emergency management coordinator, Township Zoning Officer and Township Engineer no less than 90 days prior to the abandonment or shutdown of any Well Site.

(38) If any complaint is registered with the Township (other than noise and vibration complaints, set forth in Section 19), the Operator shall address the complaint within 24 hours of notification of such complaint and take all reasonable steps to alleviate and cure the complaint. The Operator shall provide the Township and the complainant, in writing, with a proposed plan of action to address the issue. To the extent that the Operator believes that any complaints received are not reasonable and valid, the Operator shall also provide the Township with a prompt written explanation as to why it believes that any complaints received by the Township are not believed to be reasonable and valid upon its investigations or review of the same.

(39) Any change in the site plan, including but not limited to any expansion of the ground surface area used and/or devoted towards drilling operations, and/or the addition of wellheads to the Well Pad or future drilling or redrilling or re- Hydraulic Fracturing beyond the initial conditional use approval requires a new conditional use approval pursuant to the terms and conditions of this Section, or the applicable zoning provisions at the time of application.

(40) The Operator shall obtain a grading permit to commence work on Pad construction within two (2) years of the date of this conditional use approval. Conditional use approval is non-transferrable without consent from the Board of Supervisors and shall automatically terminate, unless extended. Conditional use approval may be extended by the Board of Supervisors upon written request by the Operator, after notice and hearing. The Operator shall provide proof that the requested conditional use permit for such location has not changed and that the Operator meets all applicable criteria contained in this Ordinance or any current amendments to this Ordinance. The maximum extension permitted shall be one twelve-month extension.

(41) The Operator shall comply with all applicable performance standards set forth within Article XII of the Cecil Township Zoning Ordinance.

(42) The Board reserves the right to attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it may deem necessary to implement the purposes of this chapter and to address any unique characteristics of a particular Drilling Site which are not otherwise within the jurisdiction of federal and state regulations in accordance with the Pennsylvania Municipalities Planning Code. Such conditions shall be expressly set forth in the decision or order granting the conditional use.

(43) The Operator shall fully defend, protect, indemnify, and hold harmless the Township, its departments, officials, officers, agents, employees, volunteers and contractors from and against each and every claim, demand, or cause of action and any and all liability, damages, obligations, judgments, losses, fines, penalties, costs, legal and expert fees, and expenses incurred in defense of the Township, including, without limitation, personal injury and death in connection therewith which may be made or asserted by any third parties on account of, or arising out of, or in any way incidental to or in connection with the performance by the Operator or its contractors/subcontractors.

D. Penalties. Any Operator or person performing work at his direction who violates or permits a violation of this Section shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$500 per day the violation exists (or the maximum amount allowed by law, whichever is greater), plus all court costs, including reasonable attorneys' fees incurred by the Township in the enforcement of this Section. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to issue a cease and desist notice and/or to seek equitable relief, including injunction, to enforce compliance herewith. No bond will be required if injunctive relief is sought by the Township. A person who violates this Ordinance shall also be responsible for the Township's attorney's fees, engineering fees, expert fees and court costs associated with enforcement.

SECTION 2. Full Force and Effect.

Except as specifically amended by this Ordinance, the Cecil Township Zoning Ordinance, as amended, shall remain in full force and effect and shall not be deemed in conflict with any provisions of this Ordinance.

SECTION 3. Repealer.

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

SECTION 4. Severability.

If any section, subsection, paragraph, sentence, clause, phrase or portion of this Ordinance 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 5. Effective Date.

This Ordinance shall take effect five (5) days after the date of adoption by the Board of Supervisors of Cecil Township, set forth below.

ORDAINED, ADOPTED AND ENACTED, by the Board of Supervisors of Cecil Township,
Washington County, Pennsylvania the _____ day of _____, 2024.

ATTEST

BOARD OF SUPERVISORS
TOWNSHIP OF CECIL

Thomas Casciola
Chair, Cecil Township Board of Supervisors