

TOWNSHIP OF HAMPTON
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWNSHIP OF HAMPTON,
ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING
ITS ZONING ORDINANCE, AS CODIFIED AT CHAPTER
310 OF THE TOWNSHIP CODE OF ORDINANCES,
GOVERNING OIL AND GAS WELL PRODUCTION AND
RELATED ACTIVITIES WITHIN THE TOWNSHIP OF
HAMPTON.**

WHEREAS, pursuant to the Municipalities Planning Code, the Hampton Township Council previously enacted Chapter 310-78(36) of the Hampton Township Code of Ordinances for the regulation of oil and gas well production and related activities; and

WHEREAS, the Hampton Township Council desires to amend its Zoning Ordinance to update and revise regulations governing oil and gas well production and related activities within the Township, so as to protect and promote the health, safety and welfare of the residents of Hampton Township, and finds that the proposed amendments will promote the public health, safety and welfare of the community by reasonably providing for oil and gas drilling and other related activities in appropriate areas of the Township while at the same time protecting and minimizing potential impacts on incompatible residential and other non-industrial zoning districts; and

WHEREAS, by letter dated _____, 2019, the Township has, in accordance with the requirements of the Municipalities Planning Code, submitted the proposed amendments to the Allegheny County Planning Agency (ACED) for review and comment, in response to which the Township did receive a comment letter from ACED; and

WHEREAS, the Township has, in accordance with the requirements of the Municipalities Planning Code, submitted the proposed amendments to its Planning Commission, which gave its recommendations regarding the proposed amendments at its duly noticed public meeting(s); and

WHEREAS, on _____, 2019, the Hampton Township Council held a duly noticed and advertised public hearing to take public comments on the proposed amendments and has duly advertised this Ordinance for consideration and enactment.

NOW THEREFORE, be it Ordained and Enacted by the Hampton Township Council, and it is hereby Ordained and Enacted by authority of the same, as follows:

SECTION 1. AMENDMENTS

The Hampton Township Code Section 310-11, Definitions, shall be amended as follows:

- A. The following definitions shall be deleted in their entirety:

COMPLETION OF DEVELOPMENT or COMPLETION OF DRILLING, RE-DRILLING AND RE-WORKING - The date the Phase 1/development work is completed for the drilling, re-drilling or re-working and the crew is released by completing their work or contract or by their employer.

DRILLING – The digging or boring of a new well either vertically or horizontally for the purpose of exploring for, developing or producing oil and gas or other hydrocarbons, or for the purpose of injecting gas, water or any other fluid or substance into the earth.

DRILL SITE - The premises used during the drilling or reworking of a well or wells located there and subsequent life of a well or wells or any associated use including buildings and structures and all activities associated with an oil and gas well after drilling activities are complete.

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, 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.

OIL AND/OR GAS WELLS - For the purpose of this chapter, a "well 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.

OPERATOR - Any person, partnership, company, corporation and its subcontractors and agents who have an interest in real estate for the purpose of exploring or drilling for, producing, or transporting oil or gas.

WELLSITES - Area occupied by the facilities, structures and equipment necessary for or incidental to the drilling, production or operation of an oil or gas well.

B. The following definitions shall be added and included 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 adjusting the noise level to eliminate any noise associated with existing developments or facilities.

BEST MANAGEMENT PRACTICES (OIL AND GAS) - 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 responsible manner. Best Management Practices shall be as determined by the Environmental Protection Agency, or in the void thereof, as otherwise determined by the Township Engineer at the time of application.

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

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

FLOWBACK WATER - The murky, salty water from fracking natural gas wells. It consists of frack fluid which returns to the surface as well as produced water.

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

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

LOCAL STREET OR ROAD - A public street or road, accepted by ordinance, serving abutting homogeneous land uses and providing for no truck usage except for local deliveries.

OIL AND GAS DEVELOPMENT FACILITY:

- (a) **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 field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.
- (b) **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 the 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.
- (c) **GATHERING SYSTEM FACILITY** - A facility associated with a gathering system or water collection line, such as a drip station, vent station, pigging facility, chemical injection station or transfer pump station.
- (d) **PRODUCTION FACILITY** - A facility related to the production of gas which utilizes motors and/or engines.

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, whether or not located on properties

within the unit for a particular well site, but that are not included in the well site, including, but not limited to horizontal drilling and hydraulic fracturing zones, underground gathering and transmission pipelines established in accordance with Public Utility Commission guidelines, water distribution lines and similar underground facilities incidental to oil and gas drilling.

OIL AND GAS WELL - The drilling and operation of oil and/or natural gas well(s). The Oil and Gas Well use shall be deemed to be located at the wellsite. For purposes of this Ordinance, the following types of wells and drilling activities are subsumed in the definition of Oil and Gas Wells:

- (a) **High Volume (Slick-Water) Hydraulic Fracturing (HVHF).** Fracturing of subsurface rock formations by pumping large quantities of fluids at high pressure down a wellbore and into a target rock formation for the purpose of removing subsurface oil and/or gas below the Wellsite and horizontally/directionally therefrom. This process is also referred to as Unconventional Natural Gas Development and Production (UNGDP).
- (b) **Injection Wells and/or Drilling.** Those wells and activities used to place fluids and/or gases underground into porous geologic formations. These underground formations may range from deep sandstone or limestone, to a shallow soil layer. Injected fluids and/or gases may include carbon dioxide, fresh water, waste water, brine (saltwater), or water mixed with chemicals. Injection Wells include all EPA classes of Injection Wells.
- (c) **Conventional Oil and Gas Drilling.** Petroleum and raw natural gas extracted from the ground using traditional drilling, pumping and compression techniques without additional stimulation to facilitate oil/gas flow at atmospheric temperature and conditions. Conventional Oil and Gas Drilling does not include HVHF methods or processes.

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

- (a) Owned by a grantor or lessor who has signed an agreement granting surface rights to drill a well and/or erect and maintain a natural gas compressor station or processing plant; or

- (b) Whose owner and/or occupants has or have signed a waiver relieving the Operator(s) from implementation of the measures established in this chapter for the owner's and/or occupants' benefits.

TANK PAD - An aboveground assembly of fluid storage containers that are each certified by a nationally-recognized testing laboratory or organization such as the ASA, American Petroleum Institute, ASTM International, The American Society of Mechanical Engineers, or the American Water Works Association and used to support hydraulic fracturing operations. Tank Pads are permitted as a standalone Conditional Use or in conjunction with the Conditional Use approval for an Oil and Gas Well.

TEMPORARY WATER STORAGE FACILITIES - An aboveground assembly of water storage containers that are each certified by a nationally-recognized testing laboratory or organization such as the ASA, American Petroleum Institute, ASTM International, The American Society of Mechanical Engineers, or the American Water Works Association and used intermittently by the Operator (for a period not to exceed six months in a calendar year) to support water storage for hydraulic fracturing operations. Temporary Water Storage Facilities are permitted in conjunction with the Conditional Use approval for an Oil and Gas Well.

WATER IMPOUNDMENT, FRESH - A lined depression, excavation pit or facility situated in or upon the ground, whether natural or artificial, used to store fresh water.

WATER IMPOUNDMENT, WASTE - A lined depression, excavation pit or facility situated in or upon the ground, whether natural or artificial, used to store waste water fluid including but not limited to brine, fracturing fluid, produced water, recycled water, impaired water, flowback water or any other fluid that does not satisfy the definition of "fresh water."

WELL OPERATOR OR OPERATOR - Any person, partnership, company, corporation and its subcontractors and agents who have an interest in real estate for the purpose of exploring or drilling for, producing or transporting oil or gas. The person designated as the Well Operator or Operator on the permit application or well registration. If the well owner is a separate entity than the Operator, then the well owner shall also be listed. Where a permit or registration was not issued, the term shall mean any person who locates, drills, operates, alters or plugs any well or reconditions any well with the purpose of production there from. In cases where a well is used in connection with the underground storage of gas, the term also means a storage Operator.

WELLSITE - The graded pad and appurtenant area occupied by the facilities, structures and equipment necessary for or incidental to the drilling, production or operation of an Oil or Gas Well at the site, including well site preparation, well site construction, drilling, hydraulic fracturing, site restoration, water and other fluid storage, impoundment and transportation located at the site and used for such activities and installation of associated equipment, the site preparation, construction and installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities at the site associated with drilling for, production and transportation of oil and gas, but excluding any Oil and Gas Development Facility or use constituting a Natural Gas Compressor Station or a Natural Gas Processing Plant or any other facility used primarily to refine or process gas or oil.

WELLHEAD - The precise point of entry into the ground where the drilling of a gas well takes place.

C. The Hampton Township Code Section 310-32, titled Conservation A District, shall be amended to remove "Oil and gas development and production" as a Conditional Use in the Conservation A District.

D. The Hampton Township Code Section 310-33, titled Conservation B District, shall be amended to remove "Oil and gas development and production" as a Conditional Use in the Conservation B District.

E. The Hampton Township Code Section 310-40, titled Light Industrial District, shall be amended to remove "Oil and gas development and production" as a Conditional Use in the Light Industrial District.

F. The Hampton Township Code Section 310-42, titled Office, Research and Development District, shall be amended to remove "Oil and gas development and production" as a Conditional Use in the Office, Research and Development District.

G. The Hampton Township Code Section 310-61, titled Natural Features, shall be amended at Subsection A(2) to add "Oil and gas development and production when constructed in accordance with conditional use requirements and DEP regulations to prevent flooding of facilities" as a permitted use in floodplain areas.

H. The Hampton Township Code Section 310-78, Subsection (36) titled Gas and oil development and production, shall be deleted in its entirety and replaced as follows:

(36) Oil and gas development and production (HI Zoning District):

(a) Purpose.

- [1] This section provides reasonable criteria for the regulation of oil and gas related uses.
- [2] In conjunction with all applicable requirements of Chapter 280 of the Hampton Township Code governing Subdivision and Land Development, these regulations apply to all new oil and gas related uses proposed after the effective date of this chapter. Should the requirements of this section conflict with any state or Federal law or regulation, such state or Federal law or regulation shall prevail.
- [3] Information to be provided by an applicant is reviewed in the Conditional Use approval process to ensure that the public health, safety and welfare is protected.
- [4] Any physical modification to an existing site materially altering the size, type, location and/or number of wells or other accessory equipment shall require a revised Conditional Use approval under this chapter, including the reentering and drilling of an abandoned well or a well that has been active for more than two years from the time of Conditional Use approval.

(b) 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 prescribed by Township Council. The application shall not be considered complete and properly filed, unless and until all items required by this section, including the application fee, have been received. In addition to the requirements set forth under the Hampton Township Code Section 310-76, such application shall include the following information and plans:

- [1] Payment of an application fee in the amount of One Thousand Dollars (\$1,000.00) or in an amount to be determined from time to time by the Township Council of the Township of Hampton as adopted by a Fee Resolution. Said fee shall also include a requirement to deposit escrow funds in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00) to be drawn from by the Township for reimbursement of administrative and engineering and other professional fees associated with review and inspections to

ensure compliance with the ordinance. The Township may adjust the escrow amount from time to time as may reasonably be required. Escrow funds shall be maintained according to existing Township policies, and in accordance with applicable laws.

- [2] Five (5) paper copies and one electronic copy of the completed application form supplied by the Township along with supporting documentation as identified in this Section.
- [3] Written permission from the property owner(s) who has legal or equitable title in and to the proposed development or facility or demonstrable documentation of the applicant's authority to occupy the property for oil and gas development and production.
- [4] The GPS NAD 1983 State Plane Pennsylvania South FIPS 3702 Feet location and 911 address of the Well Site.
- [5] 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-2, or current permit requirement, and all other required erosion and sedimentation, air, water and waste management permits. The applicant shall provide certification that a bond or other security is held by the PADEP.
- [6] Site Plan:
 - [a] Each application for a Conditional Use under this section shall have attached thereto a Site Plan. The Site Plan shall be provided both in hard copy and electronically in a format prescribed by the Township Engineer. The proposed site development plan shall be a stamped topographic plan, prepared by a professional engineer registered in the Commonwealth of Pennsylvania, to a scale no greater than 1 inch = 200 feet, on a standard sheet size of 24"H x 36"W. In addition to the requirements set forth under Section 310-63, Subsection F of the Hampton Township Code, the site plan shall include the following:

- [i] Title block giving name of development, property owner, developer, north point, key location map, registration stamp, date and scale on a standard sheet size of 24"H x 36"W, with index;
- [ii] Property lines, zoning ordinance district boundary lines and total acreage of parcel proposed for development;
- [iii] All existing streets, right of ways, and easements related to the development and any acreage leased in connection with the proposed well;
- [iv] Identification of the owners and zoning classification of adjacent properties, including the location of any existing structures and driveway locations;
- [v] The location of relevant natural features on site, including, but not limited to, streams or other natural water courses and adjacent areas which are subject to flooding, and significant stands of existing trees;
- [vi] The location of relevant natural features abutting properties within 2,000 feet, including, but not limited to, streams or other natural water courses and adjacent areas which are subject to flooding, and significant stands of existing trees;
- [vii] The location of structures on abutting property within 2,000 feet of common property lines, including, but not limited to, the location of any Protected Structures, the setback distances of Protected Structures from the Oil and Gas Well site and copies of any waivers from owners of such Protected Structures;
- [viii] The location of all oil and gas well structures, facilities, equipment or buildings, existing or proposed within 2,000 feet of the Well site;

- [ix] The location of existing structures, buildings and accessory uses on site;
- [x] The location of vehicle and equipment cleaning and tire cleaning areas and a description of the proposed program for removing mud and other well site generated debris from public streets;
- [xi] The location of proposed access roads;
- [xii] Points of ingress and egress from access roads and the radius of those points, accompanied by AutoTURN templates;
- [xiii] A stormwater management plan in accordance with Ordinance No. 815, as amended, including the location of stormwater and sediment controls and/or any Water Impoundment, Fresh and Water Impoundment, Waste facilities;
- [xiv] The location, depth and profile of any proposed pipelines for water, gas, oil or other substance within 1,000 feet of the Wellsite; and
- [xv] The location, depth and profile of any existing or proposed transmission lines within 1,000 feet of the Wellsite.

[7] Traffic Study:

- [a] A description of plans for the transportation and delivery of equipment, machinery, water, chemicals, products, materials and all other items to be utilized in the siting, Drilling, stimulating, completion, alteration and 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. The delivery schedule shall indicate anticipated daily volumes of commercial vehicles associated with the Conditional Use and differentiate between varying stages of development and operation.

- [b] A traffic study shall be conducted to establish normal daily traffic volume for the access roads exclusive of activity related to the Conditional Use. Measurements shall indicate volumes on an hourly basis over a continuous fifteen (15) day period.
- [c] An inventory, analysis and evaluation of existing road conditions on Township roads along the proposed transportation route identified by the application, including photography, video and core boring as determined to be necessary by the Township engineer(s).
- [8] To the extent that the same is not otherwise included or provided on 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 routes 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 strongly discouraged. The applicant is required to use Best Management Practices.
- [9] To the extent that the same is not otherwise included or provided on 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.
- [10] 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.

[11] The applicant shall provide a sufficient number of copies to the Township of the 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, to be distributed to the Township Manager, the Emergency Management Coordinator, the Fire Chief and any other emergency service providers for the Township.

[12] Noise Management Plan:

[a] An acoustics study shall be prepared and submitted with the application. The study shall be prepared by an acoustics expert(s) acceptable to the Township. The study shall identify the existing background level of noise and the anticipated noise impact from the proposed use. The report shall contain measures of existing Ambient Noise Level measurements, estimates of the noise measurements to be anticipated from the type of operations and equipment that are proposed for the use and if there are any significant increases in those noise levels. The report shall also contain specific proposals that are intended to reduce noise levels emanating off the site.

[b] The study shall be based upon actual sound level measurements and estimates of potential noise impact at the property lines of the site of the proposed use; or the applicant/developer shall submit a statement prepared by an engineer warranting that the nature of the use will produce no impact on acoustics, in regard to the standards of this Section.

[c] The noise level shall be established based on a test performed during a continuous seventy-two (72) hour time span which shall include at least one twenty-four (24) hour reading during either a Saturday or Sunday. The testing shall be done by a qualified Noise Control Engineer or other qualified person approved by the Township and shall be in accordance with specifications ANSI S12.18-1994 Method II and ANSI S1.4-1971. The Township

reserves the right to hire a third-party consultant to witness testing and review the results at the sole expense of the applicant. The sound level meters used shall meet the American National Standard Institute's standard for a Type I sound level meter.

[13] Environmental Impact Analysis:

- [a] 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 provide an environmental impact analysis. The environmental impact analysis shall describe, identify and analyze all environmental aspects of the site and of neighboring properties within 2,500 feet 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 by the Environmental Advisory Council, and Planning Commission, and approved by the Township Council. The environmental impact study shall include, but not be limited to, all critical impact areas on or off-site within 2,500 feet of the Well-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 damage, and the actions to be taken to minimize environmental damage to the critical areas on the site and surrounding areas during and after completion of the operation. Critical impact areas include, but are not limited to stream corridors; streams; wetlands; slopes in excess of twenty-five percent (25%); 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; and any other information as local conditions may necessitate or that is requested by the Environmental

Advisory Council, Planning Commission or Township Council.

- [b] An Environmental Impact Statement, which shall include the following:
 - [i] A description of existing conditions relative to flora, fauna, air quality, Groundwater locations and qualities, and notable geological features in the area of the Property;
 - [ii] A description of existing conditions, including Oil and Gas Wells or Oil and Gas Development Facilities, structures, buildings or equipment.
 - [iii] A historical record of previous Drilling operations of the Property;
 - [iv] A description of the proposed Oil and Gas Well(s) operation(s), and associated facilities on the Property;
 - [v] An assessment of the proposed Oil and Gas Well(s) operation(s) on the Property, abutting properties and surrounding uses; and
 - [vi] An assessment of the proposed Oil and Gas Well(s) operation(s) on the Property relative to flora, fauna, air quality, Groundwater locations and qualities, and notable geological features in the area of the Property;
 - [vii] Anticipated or projected impacts of the Oil and Gas Well(s) at the time of installation, at one (1) year post installation, at full production, at ten (10) years post installation and following the cessation of operations at the Property; and
 - [viii] And any other information as local conditions may necessitate or that is requested by the Environmental Advisory Council, Planning Commission or Township Council.

[14] Air Quality 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 provide an Air Quality Study. The Study shall be prepared by experts acceptable to the Township and submitted with the application. The Study shall reflect a technical approach generally accepted by PADEP and 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; or the applicant/developer shall submit a statement prepared by an engineer warranting that the nature of the use will produce no impact on air quality.

[15] Hydrogeological 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 provide a hydrogeological study. The study shall be prepared by a hydrogeologist acceptable to the Township. 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 Township Council. If the study shows an alteration to the Groundwater, the application shall be denied.

[16] Pre-Development and Post-Development Soil Testing. Prior to beginning any oil and gas development activities, the Operator shall be responsible for testing soil conditions in accordance with PADEP Best Management Practices within two thousand (2,000) feet of the edge of each Wellsite. The purpose of testing is to determine the baseline soil conditions surrounding the proposed Wellsite 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.
- [e] Remediation of soil contamination shall be in accordance with PADEP requirements, and all such efforts and results shall be reported to the Township.

[17] Conditional Use approval is non-transferrable without consent from Township Council and shall automatically terminate, unless extended, if Drilling is not commenced within one year from the date of issuance of the approval, or if the necessary development activities to make the site operational are not completed within one year of being commenced. The Conditional Use approval may be extended by the Township Council 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 requirements. Further development of a site that is beyond the scope of activities specifically evinced in the approved Conditional Use application shall require a new application, including but not limited to, additional accessory uses, different uses, or an increase in quantities of an approved use (such as the number of wells on a site).

[18] The applicant shall provide any and all property agreements, leases, and/or waivers from owners of Protected Structures.

[19] Scheduling. The applicant shall provide a schedule with the application indicating the anticipated beginning and ending dates for the following activities:

- [a] Well site preparation;
- [b] Drilling activity;
- [c] Completion (perforating);
- [d] Stimulation (hydraulic fracturing);
- [e] Production work;
- [f] Plugging; and
- [g] Site restoration.

[20] Insurance. Applicant shall furnish to the Township a Certificate of Liability Insurance naming the Township as an additional insured with respect to operations conducted within the Township, showing proof of liability insurance covering commercial, personal injury, and general liability in amounts not less than Twenty-Five Million Dollars (\$25,000,000) per occurrence and exclusive of defense costs. The applicant shall fully defend, protect, indemnify, and hold harmless the Township, its departments, agents, officers, employees, or volunteers from and against such and every claim, except for those claims relating to any negligent, willful or intentional acts of the Township, its department, agents, officers, employees, or volunteers. The insurance coverage may consist of a combination of self-insurance, excess coverage and umbrella coverage.

[21] A plan for usage and Water Impoundment, Fresh as well as Water Impoundment, Waste and disposal, identifying the source and amount of water to be used at or withdrawn from the Wellsite, the proposed method of transport, treatment and/or disposal of waste water, including truck routes or pipeline routes, and the destination of any water to be tested or disposed of. No on-site burial or other disposal of Drilling residuals or hydraulic fracturing chemicals or residuals is permitted.

[22] A Ten-Year Master Plan for Oil and Gas Development in Hampton Township and adjacent communities within a twenty (20) air mile radius. Such Ten-Year Master Plan shall

describe and plot all well-pads, transmission lines, compression stations, processing plants, storage facilities, transportation facilities and other related infrastructure built, planned and anticipated by applicant or related third-parties of applicant.

[23] Such other information pertinent to the proposed Oil and Gas Well(s) and any other information as local conditions may necessitate or that is requested by the Environmental Advisory Council, Planning Commission, Township Council, the Township Engineer or Zoning Officer.

[24] Applicant shall demonstrate that its operations will not violate the citizens of Hampton Township's right to clean air and pure water as set forth in Article 1, Section 27, The Environmental Rights Amendment, of the Pennsylvania Constitution and that its operations will not affect the public health, safety or welfare of the citizens of Hampton Township. The applicant has the burden of proof and production relative to this requirement.

(c) General Standards.

[1] Best Management Practices shall be followed.

[2] All permits issued by the PADEP shall be maintained, commencing at site construction and continuing throughout the duration of Drilling and production testing operations. Any suspension, or revocation of permits or other penalties by PADEP shall be immediately reported to the Township and shall constitute a violation of conditional use approval and may result in the suspension of conditional use approval.

[3] The uses regulated by Section 310-78, Subsection (36) are determined to be land developments subject to the applicable provisions of the Township's Subdivision and Land Development Ordinance, codified at Chapter 280 of the Code of the Township of Hampton, as it may be amended.

[4] 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.

- [5] Fracture fluid storage ponds, open pits and reserve pits are prohibited. Closed-Loop Systems and other related Best Management Practices shall be used during the Drilling or completion of any well.
- [6] Water Impoundment, Fresh are permitted. The use of non-potable water is strongly encouraged.
- [7] 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.
- [8] The Operator shall be responsible for prevention and prompt removal of spills involving waste materials, oil and toxic or hazardous materials.
- [9] Multiple well pads on any one Wellsite shall be prohibited, unless the Operator proves to the satisfaction of the Township that the underlying geology makes using a single well pad impractical.
- [10] Changes in the site plan, including but not limited to any expansion of the ground surface area used and/or devoted towards Drilling operations, requires a new Conditional Use approval pursuant to the terms and conditions of this Section.
- [11] Except for emergency and governmental compliance activity, hours of operation are limited to Monday through Saturday, 7:00 a.m. to 9:00 p.m. All deliveries and pickups incidental to the oil and gas development or facility must occur during the defined hours of operation. No activity shall occur on Sundays or holidays.
- [12] At least thirty (30) days prior to any development activity at the development or facility, the Operator shall provide the following information in writing by U.S. Mail or personal delivery to each property owner within four thousand (4,000) feet of the planned surface location of the development or facility. Proof of such notices shall be submitted to the Township Zoning Officer prior to commencing activity.

- [a] A copy of the site plan submitted as part of the Conditional Use application;
- [b] A general description of the planned operations at the development or facility and associated equipment to be used;
- [c] The contact information for the Operator; and
- [d] 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 development activity.

[13] A duly authorized representative of the Township, trained by the Operator or agents of the Operator, shall have the authority in relation to the enforcement of this Section to enter upon the property of a development or facility for the purpose of inspecting the equipment and all other aspects of the site necessary to assure compliance with this Section.

[14] The Operator of any development or facility shall notify the Emergency Management Coordinator, Township Manager and Township Engineer no less than ninety (90) days prior to the startup, cessation of activities, abandonment or shutdown of any well site.

[15] Wellheads shall be located not less than two hundred fifty (250) feet from any Protected Structure and not less than one hundred (100) feet from the nearest property line. The use of a structure at the time of application shall determine whether it is within the definition of a Protected Structure for the purposes of this Ordinance.

[16] Conversion of existing, operational, or abandoned Oil and Gas Wells for any purpose shall require the Conditional Use application and approvals for Oil and Gas Wells adopted by this Ordinance.

(d) Natural Gas Compressor Stations and Natural Gas Processing Plants

[1] Natural Gas Compressor Stations (Station) and Natural Gas Processing Plants (Plant) shall be permitted to occur on property whose overall acreage is a minimum of ten (10) acres or larger ("Property"). Multiple contiguous parcels may be combined.

[2] The Natural Gas Compressor Station or Natural Gas Processing Plant shall maintain a minimum distance from Protected Structures, as set forth in the table below. The Township reserves the right to increase any setback based on physical characteristics of the site and evidence received at a hearing necessitating an increase in the minimum setback, including but not limited to topography, wind conditions, air modeling studies, woodlands, wetlands, hydrogeological studies, and distance from structures, parks, schools and residential neighborhoods as part of the Conditional Use review process.

[3] Natural Gas Compressor Stations and Natural Gas Processing Plants shall be located with minimum setbacks from Protected Structures as follows:

Minimum Set Back Distances (Feet) from Protected Structures			
RA	250	NC	250
RB	250	CA	250
RC	250	CB	250
RD	250	HC	250
ORD	250	LI	250

[4] The application shall include all applicable items identified under § 310-78.A(36)(b) and § 310-78.A(36)(c) herein, except that information pertaining to natural gas compressor stations and plants and related operations, structures or facilities, shall be provided in lieu of information pertaining to oil and gas wells.

[5] Compressors shall be located within a completely enclosed building, with doors, windows and other openings usually remaining closed to reduce noise heard offsite.

[6] No outdoor storage of materials or equipment is permitted.

[7] The minimum distance between any Natural Gas Compressor Stations shall be one (1) mile.

[8] The Station or Plant may not be primarily powered by diesel, oil or gasoline fueled generators.

[9] Applicant shall, at its sole expense, provide site orientation and associated training to Township emergency services to all Township emergency services providers before operation

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

(e) Tank Pads

- [1] Tank Pads shall be permitted to occur on property whose overall acreage is a minimum of five (5) acres or larger. Multiple contiguous parcels may be combined.
- [2] The application shall include all applicable items identified under § 310-78.A(36)(b) and § 310-78.A(36)(c) herein, except that information pertaining to Tank Pads shall be provided in lieu of information pertaining to oil and gas wells.
- [3] Applications shall include tank certifications where applicable.
- [4] Applications shall indicate the location, capacity, useful life, design, and intended use of all fixed tanks or storage containers and all mobile tanks or storage containers intended to remain on the site for more than three (3) months.
- [5] Temporary Water Storage Facilities shall require a Conditional Use application as a Tank Pad if used for more than six months in a calendar year to support water storage for hydraulic fracturing operations.

(f) Traffic Impact

- [1] 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.

[2] Prior to the commencement of any activity at the development or facility, the Operator shall enter into a 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 applicant 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.

[3] The Operator shall take the necessary safeguards to ensure that the municipal roads utilized remain free of dirt, mud and debris resulting from development activities and/or shall ensure such roads are promptly swept and cleaned if dirt, mud and debris occur.

[4] 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 allowed, during periods of anticipated heavy or frequent truck traffic associated with the development of the facility, the Operator will provide flagmen to ensure the public safety and include adequate signs and/or other warning measures for truck traffic and vehicular traffic. Heavy truck traffic shall mean a volume of commercial vehicles associated with the Conditional Use which exceeds the normal daily traffic volume established by the required traffic study by twenty-five percent (25%) or more in any eight (8) hour period.

[5] There will be no staging of trucks or equipment on Local Street(s) or Road(s).

[6] A traffic control plan in conformance with Pennsylvania Department of Transportation (“PennDOT”) standards shall be provided.

(g) Visual.

[1] The oil and gas development or facility shall be located, designed and constructed to minimize the removal of trees and shrubs, protect all natural resources, and minimize the amount of surface disturbance.

- [2] 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.
- [3] The location and design of structures and site improvements shall be integrated with the natural color, form and texture of the surrounding area.

(h) Lighting.

- [1] Lighting shall be in conformance with § 310-62.B(3) and 310-66.H.
- [2] No Wellsite lighting used for or associated with well site construction, Drilling operations or post-drilling production shall be positioned in a manner such that it shines directly on public roads, Protected Structures, or any property within 2,000 feet of the Wellsite. Wellsite lighting must be directed downward and shielded to prevent glare on public roads and adjacent properties.
- [3] Upon complaint by the occupants of a nearby property of lighting generated at the Wellsite which constitutes a nuisance, the operator will meet with the Township and the complainant or his/her representative within three (3) days of receipt of the complaint to establish a feasible and effective way of remedying such issues. The operator will reimburse the Township for the cost of consultants or other investigation needed to address such complaints. For the purposes of this section, "nearby properties" shall be properties located within 2,000 feet of the Wellsite.

(i) Air and Water Quality.

- [1] Air-contaminant emissions shall be in compliance with all municipal, county, state and Federal regulations, including, without limitation, the provisions of the Code of the Township of Hampton, as amended, and all applicable regulations for smoke, ash, dust, fumes, gases, odors and vapors.
- [2] The Operator shall take the necessary safeguards to ensure appropriate dust-control measures are in place to prevent visible plumes of dust from crossing the property line or adversely impacting neighboring properties.

- [3] Sixty (60) days prior to Drilling, the Operator shall notify residents with water wells within two thousand (2,000) feet of the gas well of its intentions to drill. The Operator shall provide proof of notice to the Township.
- [4] All condensate tanks, compressor stations, processing plants and other production facilities shall be equipped with vapor recovery and/or vapor destruction units.
- [5] Upon complaint by the occupants of a nearby property of odors generated at the Wellsite, the Operator will meet with the Township and the complainant or his/her representative within three (3) days of receipt of the complaint to establish a feasible and effective way of controlling any such odors. The Operator will reimburse the Township for the cost of consultants or other investigation needed to address odor complaints. For the purposes of this section, "nearby properties" shall be properties located within 2,000 feet of the Wellsite.

(j) Noise.

- [1] Except for emergency and governmental compliance activity, or as otherwise provided by this section, noise shall be regulated by § 310-62.B(1).
- [2] The noise generated during Drilling and hydraulic fracturing activities when measured at the nearest Protected Structure property line or 100 feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure, shall not exceed the average Ambient Noise Level (as determined by the 72-hour evaluation):
 - [a] during Drilling activities, by more than 7 decibels during the hours of 7:00 a.m. to 9:00 p.m.
 - [b] during Drilling activities, by more than 5 decibels during the hours of 9:00 p.m. and 7:00 a.m.; or
 - [c] by more than 10 decibels during hydraulic fracturing operations.

The Operator shall inform the Township in writing of which level (average Ambient Noise Level or default level) is being used.

- [3] The Operator shall provide for ongoing regular noise level monitoring at a station to be located at or near the nearest Protected Structure property line or 100 feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure. The noise monitoring data acquired at this station shall be made available to the Township upon request.
- [4] 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.	

- [5] If a complaint is received by the Township from any person, whether a resident or otherwise using the Protected Structure for any lawful purpose, within 2,000 feet from the Wellhead or equipment generating noise during Oil and/or Gas Production, Drilling or Fracking activities, the Operator shall, within 24 hours of receipt of the complaint from the Township, continuously monitor for a 48 hour period at a point which is the closer the complainant's building of:
 - [a] the complainant's Protected Structure property line nearest to the Wellsite or equipment generating the noise; or
 - [b] one hundred (100) feet from the Protected Structure.
- [6] Once the monitoring is complete, Operator will provide the monitoring data to the Township within two (2) business days and will meet with Township representatives and affected property owners and will within one week of the meeting submit a noise abatement plan to effectively mitigate any noise exceeding the permitted levels. In determining the noise mitigation measures to be employed, the Township may, at the expense of the Operator, utilize the services of a consultant with expertise in noise measurement, noise abatement and oil and gas well Drilling and operation.

- [7] 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.
- [8] In cases where noise has exceeded permitted levels, oil and gas well Drilling rigs shall be outfitted with acoustic barrier insulation blankets installed in accordance with Best Management Practices.

(k) Hazards.

- [1] Upon request of the Emergency Management Coordinator, the Operator shall, prior to Drilling its first gas or oil 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 that Drilling activities take place at the Oil and/or Gas Development or facility. Training should cover each phase of the 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 will determine if additional training is required.
- [2] The applicant shall maintain at the property and on file with the municipality a current list and the 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. If the PPC requires availability and/or utilization of special equipment or supplies particular to the hazards 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.

(l) Access.

[1] Beginning with its intersection with a public street, any ingress or egress point for the development or facility shall be paved for the first one hundred fifty (150) 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 Wellsite, the Operator shall immediately clean the roads and implement a remedial plan as directed by the Township to keep the streets continuously clean.

[a] The first one hundred fifty (150) feet from the existing edge of pavement extending into the site shall consist of the following material:

[i] Compacted subgrade.

[ii] PennDOT Class 4 geotextile fabric.

[iii] Eight inches of AASHTO No. 1 crushed aggregate base course.

[iv] Two inches of PennDOT 2A aggregate.

[v] Six inches of superpave 25 mm binder course that shall be covered with one and one-half inches (1 ½") of 9.5 mm Wearing Surface.

[b] The remainder of the driveway to the well pad shall be constructed with the following material:

[i] Eight inches of AASHTO No. 1 crushed aggregate base course.

[ii] Two inches of PennDOT 2A aggregate.

[2] Ingress and egress points for all public and private driveways or roadways shall be located and improved in order to:

[a] Meet Pennsylvania Code 67, Chapter 441, Access to and Occupancy of Highways by Driveway and Local Roads, PennDOT Design Manual 2.

- [b] Ensure adequate capacity for existing and projected traffic volume.
 - [c] Provide efficient movement of traffic, including appropriate turning radii and transition grade.
 - [d] Minimize hazards to highway users and adjacent property and human activity.
- [3] All applicable permits or approvals must be obtained, including, without limitation:
- [a] Access or driveway permits to state or county roads.
 - [b] Overweight or oversize loads.
- [4] Site Plans shall indicate points of ingress and egress from access roads and the radius of those points, and be accompanied by AutoTURN templates.

(m) Geophysical Exploration/Seismic Testing

For any areas of the Township where the applicant intends to conduct seismic testing, the applicant shall obtain a permit in accordance with the Geophysical Exploration/Seismic Testing Ordinance.

(n) Storage of Equipment.

- [1] 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.
- [2] Lumber, pipes, tubing and casing shall not be left on the Wellsite development or facility except when Drilling or well-servicing operations are being conducted on the site.
- [3] 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 Wellsite 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 Wellsite development or facility or for the gathering or transporting of hydrocarbon substances from the site.

(o) Fencing, screening and buffering.

- [1] Security fencing consisting of a permanent galvanized chain-link fence, a minimum of eight (8) feet in height, installed prior to the commencement of any activity at every Wellsite to secure Wellheads, storage tanks, separation facilities, water or liquid impoundment areas, and other mechanical and production equipment and structures on the Wellsite.
- [2] 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. Additional lockable gates used to access the Wellsite, freshwater ponds or open pits by foot may be allowed, as necessary. The fence posts shall be set in concrete at sufficient depths to maintain the stability of the fence.
- [3] The Township's first responders shall be given means to access the Wellsite in case of an emergency via lock box or a Township-approved equivalent. The applicant must provide the Allegheny County 911 Communications Center with necessary information to access the Wellsite development or facility in case of an emergency.
- [4] Warning signs shall be placed on the fencing surrounding the Wellsite development or facility, providing notice of the potential dangers and the contact information in case of an emergency. During Drilling and hydraulic fracturing, clearly visible warning signage must be posted on the Wellsite.
- [5] In construction of the Wellsite or Oil and/or Gas Development or facility, the natural surroundings shall be considered, and attempts made to preserve existing trees and other native vegetation. Existing trees and respective root systems should not be disturbed whenever possible.
- [6] Buffers shall be used in accordance with Section 310-59 of the Hampton Township Code of Ordinance.
- [7] In addition to screening, the developer shall submit a general landscaping plan, 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.

(p) Setback and Acreage.

- [1] Oil and/or Gas Wells shall be permitted to occur on a property whose overall acreage is a minimum of ten (10) acres or larger ("Property"). Multiple property owners can combine adjoining parcels to achieve the minimum acreage required.
- [2] The Wellsite shall maintain a minimum distance from Protected Structures, as set forth in the table below. The Township reserves the right to increase any setback based on physical characteristics of the site and evidence received at a hearing necessitating an increase in the minimum setback, including but not limited to topography, wind conditions, air modeling studies, woodlands, wetlands, hydrogeological studies, and distance from structures, parks, schools and residential neighborhoods as part of the conditional use review process.
- [3] In no case shall setbacks be less than one and one-half times (1.5x) the height of the structure, whether temporary or permanent.
- [4] Oil and/or Gas Wells shall be located with minimum setbacks from Protected Structures as follows:

Minimum Set Back Distances (Feet) from Protected Structures			
RA	250	NC	250
RB	250	CA	250
RC	250	CB	250
RD	250	HC	250
ORD	250	LI	250

(q) Structure Height. Permanent structures of the oil and gas developments and facilities (both principal and accessory) shall comply with the height regulations of the applicable zoning district.

(r) Oil and Gas Development Facilities.

- [1] The following requirements shall apply to Oil and/or 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, Oil and Gas Subsurface Facilities, including

horizontal drilling facilities, gathering system facilities and production facilities.

- [a] All noise-generating equipment and processes shall be contained within a completely enclosed building, and windows and doors shall remain closed during operations.
- [b] Adequate Public Utilities shall be available to meet the demands of the facility.
- [c] The front, rear and side yard requirements shall be a minimum of two hundred (200) feet.
- [d] The site shall be designed utilizing natural topography and/or constructed earthen mounds so as to obstruct visibility from adjacent streets and properties.
- [e] 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 Hampton, the PADEP and the United States Environmental Protection Agency.
- [f] Secondary containment shall be provided at sites utilizing liquid separators.
- [g] Compressors and other power-driven equipment shall use sparkless electrical motors, when practicable, as an alternative to internal combustion motors.
- [h] 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 manufacturer's specifications.
- [i] A security fence, as specified in Subsection (o), Fencing, screening and buffering, of this subsection, shall be set back at least ten (10) feet from the

property line and twenty (20) feet from a public right-of-way.

- (s) Developers Agreement. Applicant and any subcontractors associated with the development of the Oil and Gas Well operation shall be required to sign upon receiving Conditional Use approval, a Developers Agreement, prepared by the Municipal Solicitor. Such Developers Agreement shall contain the conditions of approval as granted by Council and hold all parties responsible for compliance with those conditions.
- (t) On-site living quarters. On-site living quarters shall be prohibited except for during critical operations as determined by industry standards. In the event that on-site living quarters are utilized during critical operations, the Township and local emergency response coordinators shall be notified in writing on a daily basis of the location and number of occupants of any on-site living quarters.

SECTION 2. REPEALER.

That any and all previous Ordinance(s) which are inconsistent with the terms and provisions of this Ordinance are hereby repealed.

SECTION 3. INTERPRETATION AND SEVERABILITY.

This Ordinance is interpreted to be applied so that it meets all federal and state constitutional and statutory requirements. This Ordinance is to be interpreted and applied to impose zoning regulations identifying where oil and gas well uses, as herein defined, are permitted in the Township and not to regulate technical aspects of oil and gas well operation, including technical aspects of oil and gas well functioning and matters ancillary thereto governed by the Oil & Gas Act and regulations adopted pursuant thereto. The provisions of this Ordinance are severable. If any provision or part thereof is held to be illegal or invalid, the remaining provisions shall remain in full force and effect. If any provision hereof is held to be pre-empted by the Oil & Gas Act, then such provision and all remaining provisions shall be applicable to the extent it is consistent with and not pre-empted by the Oil & Gas Act.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon passage and advertising, as provided by law.

ATTEST:

TOWNSHIP OF HAMPTON

Township Manager

By: _____
President of Council

APPROVED TO AS TO FORM

Vincent A. Tucceri, Esquire
Township Solicitor

DRAFT