

OIL & GAS PROCESSING ORDINANCE

DRAFT of 12/01/10

TOWNSHIP OF SOUTH FAYETTE
ALLEGHENY COUNTY, PENNSYLVANIA

ORDINANCE No. _____ OF 2010

AN ORDINANCE OF THE TOWNSHIP OF SOUTH FAYETTE, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 240, "ZONING", OF THE SOUTH FAYETTE TOWNSHIP CODE. AMENDING THE FOLLOWING ARTICLES:

- ARTICLE II "DEFINITIONS", ADDING THE DEFINITIONS FOR NATURAL GAS COMPRESSOR STATION AND NATURAL GAS PROCESSING PLANT, OUTLINED HEREIN;
- ARTICLE VIII "C-1 LIMITED COMMERCIAL DISTRICT", SECTION 43, B, ADDING NATURAL GAS COMPRESSOR STATION AND NATURAL GAS PROCESSING PLANT AS A CONDITIONAL USE, SUBJECT TO SPECIFIC CRITERIA AND STANDARDS;
- ARTICLE IX "C-2 HIGHWAY COMMERCIAL DISTRICT", SECTION 50, B, ADDING NATURAL GAS COMPRESSOR STATION AND NATURAL GAS PROCESSING PLANT AS A CONDITIONAL USE, SUBJECT TO SPECIFIC CRITERIA AND STANDARDS;
- ARTICLE XI "I-P PLANNED INDUSTRIAL PARK DISTRICT", SECTION 64, B, ADDING NATURAL GAS COMPRESSOR STATION AND NATURAL GAS PROCESSING PLANT AS A CONDITIONAL USE, SUBJECT TO SPECIFIC CRITERIA AND STANDARDS;
- ARTICLE XII "I-1 GENERAL INDUSTRIAL DISTRICT", SECTION 71, B, ADDING NATURAL GAS COMPRESSOR STATION AND NATURAL GAS PROCESSING PLANT AS A CONDITIONAL USE, SUBJECT TO SPECIFIC CRITERIA AND STANDARDS;
- AS SPECIFIC CRITERIA AND STANDARDS ARE NECESSARY FOR THE EVALUATION AND ORDERLY DEVELOPMENT OF A NATURAL GAS COMPRESSOR STATION AND/OR A NATURAL GAS PROCESSING PLANT IN SOUTH FAYETTE TOWNSHIP.

WHEREAS, the Board of Commissioners of the Township of South Fayette, after consultation with the Township Zoning Administrator and Solicitor have determined that the health, safety and welfare of the general public and residents of the Township of South Fayette

will be promoted and protected by permitting the existence of oil and gas wells in areas of the Township which are less dense and amenable to oil and gas exploration; and

WHEREAS, the Commissioners of the Township of South Fayette, after consultation with and review by the Township Planning Commission and the Township's Code Officials and Solicitor's office and under the authority of the MPC, at 53 P.S. §10603(c)(2) have determined that the health, safety and welfare of the public will be promoted and protected by allowing this development as a conditional land use in certain defined areas; and

WHEREAS, the MPC, AT 53 P.S. §10603(c)(3) states that the zoning ordinances may contain provisions for the administration and enforcement of such ordinances to protect the health, safety and welfare of the public.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of the Township of South Fayette and it is hereby ordained as follows:

SECTION I: Amendments & Changes

1. Chapter §240, Article II "Definitions, Section 9 "Particular Meanings" is hereby amended and revised by the addition of the following definitions:

FACILITY – The primary building(s), support structure(s) and associated appurtenances designed, constructed and maintained to operate a Natural Gas Well Pad, Compressor Station or Processing Plant

FACILITY OPERATOR - Any person or entity partnership, company, corporation and its subcontractors and agents who has a desire to install and/or operate a Natural Gas Compressor Station.

FACILITY WORK - The construction of, alteration, improvement, upgrade, or expansion to a Natural Gas Compressor Station or Processing Plant that results in a increase of the gross floor area of the primary building and the paved area of the pad area which, in combination, totals 2,000 s.f. or more. The term "Facility Work" shall include the initial construction of the facility, but shall not include typical maintenance to or operation of an existing facility. Any construction of, alteration, improvement, upgrade, or expansion to a facility that results in a less than s.f. figure presented shall not be considered Facility Work.

NATURAL GAS COMPRESSOR STATION – A facility designed and constructed to compress natural gas that originates from an Oil and Gas well or a collection of such wells operating as a midstream facility for continued 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 designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

PROTECTED STRUCTURE – Any full-time occupied residence, commercial business, school, religious institution or other public building that may be impacted by noise generated from activity associated with Oil and Gas Well Development and/or Natural Gas Compressor Station or Processing Plant. This term shall not include any structure (i) 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 (ii) whose owner (or occupants) has (have) signed a waiver relieving the Operator(s) from implementation of the measures established in this Ordinance for the owner’s (occupants’) benefit.

2. Chapter §240 Zoning, Article VIII “C-1 Limited Commercial District”, Section 43, B “Conditional Uses” is hereby amended and the following use(s) are added:

- (1) Principal uses.

Natural Gas Compressor Station and Natural Gas Processing Plant, subject to §240-95A (55)

3. Chapter §240 Zoning, Article IX “C-2 Highway Commercial District”, Section 50, B “Conditional Uses” is hereby amended and the following use(s) are added:

- (1) Principal uses.

Natural Gas Compressor Station and Natural Gas Processing Plant, subject to §240-95A (55)

4. Chapter §240 Zoning, Article XI “I-P Industrial Park District”, Section 64, B “Conditional Uses” is hereby amended and the following use(s) are added:

- (1) Principal uses.

Natural Gas Compressor Station and Natural Gas Processing Plant, subject to §240-95A (55)

5. Chapter §240 Zoning, Article XII “I-1 General Industrial District”, Section 71, B “Conditional Uses” is hereby amended and the following use(s) are added:

- (1) Principal uses.

Natural Gas Compressor Station and Natural Gas Processing Plant, subject to §240-95A (55)

6. Chapter §240 Zoning, Article XV “Express Standards and Criteria for Granting Conditional Uses and Uses by Special Exception”, Section 95, A “Standards for Specific Uses” is hereby amended by the addition of the following use(s):

- (55) Natural Gas Compressor Station and Natural Gas Processing Plant, subject to:

- a) A conditional use application in accordance with South Fayette Township regulations.
- b) A site plan application in accordance with South Fayette Township regulations. The site plan application can be made either concurrent with the conditional use application or upon receiving approval of the conditional use application.
- c) In addition to the general site plan regulations, the following parameters are to be used in the design of the Natural Gas Compressor Station (NGCS) and/or Natural Gas Processing Plant (NGPP) facility and must be incorporated into the plans at the time of application.
 - 1) The facility shall be permitted to occur on property that is a minimum of ten (10) acres or larger.
 - 2) All FACILITY sites are to be constructed to minimize disturbance and maintain as much “natural” screening as possible.
 - 3) A survey of the proposed FACILITY site showing the location of the facility and all of the Protected Structures (including locations and distances) within 1,000 feet of the proposed facility.
 - 4) The NGCS & NGPP shall be enclosed by an eight (8) foot high fence with a locking gate at the entrance. Support posts must be set in concrete and imbedded into the ground to a depth sufficient to maintain stability. The subject fence shall have screening of a material type approved by the Township.
 - 5) A construction sign, in accordance with Section 240-117 of the Township Code, shall be posted on the access gate for emergency 911 purposes. The subject sign shall be clearly visible and contain the facility site address, the facility’s operator name and a 24 hour emergency contact telephone number.
 - 6) Around the perimeter of the FACILITY shall be a landscaped buffer in a manner and type acceptable to the South Fayette Township.
 - 7) The building that encloses the FACILITY equipment/engines shall be colored or painted as to blend in with the surrounding area and is to be consistent

with other structures in the surrounding area.

- 8) Lighting of the proposed FACILITY must be designed so as to not shine directly upon public roads or adjacent properties.
- d) NGCS and/or NGPP development is prohibited in the floodway of the regulated floodplain, and within the remainder of the 100-year floodplain. All NGCS and/or NGPP development work within a floodplain shall be performed in accordance with Chapter 160 of the Township Code entitled "Floodplain Management".
- e) As part of the application process, the FACILITY OPERATOR shall submit the following to the Township for review and approval:
 - 1) All applicable contact information for the FACILITY OPERATOR, including phone number of person, or designee, that can be reached twenty-four (24) hours a day.
 - 2) Application for a township-assigned address for the facility;
 - 3) A Preparedness, Prevention and Contingency ("PPC") Plan. Included with the PPC Plan shall be a list of all material safety data sheets required to be maintained at the facility.
- f) At the time of application, the FACILITY OPERATOR shall submit a plan showing the access routes to the proposed facility site. The FACILITY OPERATOR will be required to execute an 'Excess Maintenance Agreement' with South Fayette Township. The agreement is to guarantee restoration of state and township roads damaged as a result of NGCS & NGPP development traffic.
- g) Mobilization/Demobilization of equipment for FACILITY development and operation shall be subject to all regulations (i.e. roadway bonding, etc.) adopted by South Fayette Township and Pennsylvania Department of Transportation (PennDOT). Access of either a Natural Gas Compressor Station and/or a Natural Gas Processing Plant site directly onto a state road(s) shall require the issuance of a Highway Occupancy Permit from PennDOT.
- h) The FACILITY OPERATOR shall take the necessary safeguards to ensure that the roads utilized, be it PennDOT or Township owned, remain free of dirt, mud and debris; and/or are promptly swept or cleaned if dirt, mud and debris occur. The FACILITY will be required to have an asphalt paved access road not less than one hundred (100) feet in length. The subject access road is to be designed to withstand the repeated equipment loads required for FACILITY development, and must be approved by the Township Engineer. Additionally, the width of the access must be such to permit two-way traffic. A rock construction entrance, in accordance with PADEP regulations, is to be constructed at the end of the access road and maintained for the duration of the FACILITY development.

- i) All construction activities involving any facet of FACILITY development shall be performed in accordance with the normal construction activity hours as outlined in the Township Construction Standards.
- j) Township recognizes and acknowledges that the FACILITY WORK and normal operation of a NGCS & NGPP is accompanied by inherent noise. However, the FACILITY OPERATOR shall take the necessary steps to minimize, to the extent practicable, of the resultant noise to an ambient noise level of 60 dBA or less, measured at any point along the fence around the perimeter of the facility.

If public complaints regarding noise are received by the Township, the FACILITY OPERATOR shall, within twenty-four (24) hours of receipt of the direction from the Township, continuously monitor the noise levels for a forty-eight (48) hour period at location(s) and/or point(s) selected by the Township. Immediately following the 48 hour measuring period, the FACILITY OPERATOR shall provide a written report to the township their findings and outline – if determined by the township to be necessary – what measures will be taken to address the nuisance matter.

- k) During any FACILITY WORK and continued operation of the FACILITY, the FACILITY OPERATOR shall:
 - 1) Comply with all valid and applicable township, county, state, and federal laws, rules and regulations.
 - 2) Operate the FACILITY in a manner that minimizes dust, vibration and noxious odors on adjoining property(s).
 - 3) To the extent permitted by safety conditions and operations, all lights at the facility shall be turned off at night.
 - 4) Comply with the noise restrictions and access road maintenance requirements established in this section.
 - 5) Restrict heavy truck traffic to the FACILITY to daylight hours, unless required by emergency or other unusual circumstances. This restriction does not apply to maintenance vehicles.
 - 6) During periods of anticipated heavy truck traffic, 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 to alert the general vehicular traffic.
 - 7) Provide availability for site orientation meetings to the Township's emergency first responders regarding operations, equipment, and chemicals present at the FACILITY.

SECTION II: Seperability & Conflict

- a. The proper officials of the Township of South Fayette are hereby authorized and directed to do all things necessary to effectuate the purpose of this Ordinance.

- b. All ordinances and parts of ordinances inconsistent with the terms of the Ordinance are hereby repealed; provided, however, that such repeals shall only be to the extent of such inconsistency and in all other aspects, this Ordinance shall be cumulative with the other ordinances regulating and governing the subject matter covered by this Ordinance.
- c. If any section or provision or parts thereof in this Ordinance shall be adjudged invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the Ordinance as a whole or any other section or provision or part thereof.
- d. This Ordinance shall be in full force and effect from and after its passage and publication as required.

SECTION III: Effective Date

THIS ORDINANCE ORDAINED AND ENACTED AT A REGULARLY CONSTITUTED, DULY CONVENEED MEETING OF THE BOARD OF COMMISSIONERS OF SOUTH FAYETTE TOWNSHIP, this _____ day of _____, 2010.

Attest:

TOWNSHIP OF SOUTH FAYETTE

Township Secretary

By: _____
Thomas Sray, President
Board of Commissioners