

# A Right to Clean Air and Pure Water

*A Survey of Local Zoning Requirements for Oil and Gas in Pennsylvania*



## ACKNOWLEDGEMENTS

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## THE ENVIRONMENTAL INTEGRITY PROJECT

The Environmental Integrity Project (<http://www.environmentalintegrity.org>) is a nonpartisan, nonprofit organization established in March of 2002 by former EPA enforcement attorneys to advocate for effective enforcement of environmental laws. EIP has three goals: 1) to provide objective analyses of how the failure to enforce or implement environmental laws increases pollution and affects public health; 2) to hold federal and state agencies, as well as individual corporations, accountable for failing to enforce or comply with environmental laws; and 3) to help local communities obtain the protection of environmental laws.

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## **I. INTRODUCTION**

This survey explores municipal governments and their authorities with respect to the zoning and approval of oil and gas uses in Pennsylvania. While there is a good deal of understanding as to the federal and state authorities that apply to oil and gas uses and facilities, there is much less understanding with respect to the municipal governments. This is unfortunate, as municipal governments are the ones on the “front lines” of oil and gas development in Pennsylvania, and their decision making will most directly affect the lives of citizens. By the same token, the average Pennsylvanian has a much greater chance of achieving improvements to local zoning ordinances than to state or federal regulations, and residents will feel such improvements immediately.

This municipal zoning authority takes two primary forms: first, the enactment and revision of zoning ordinances limits oil and gas uses to certain areas under certain conditions and requirements. Second, under the ordinance, oil and gas uses may be permitted as conditional uses or special exceptions, which require public hearings and approval through specific processes. Together, this authority allows Pennsylvania municipalities to determine where and under what conditions oil and gas development can occur within the municipality.

This survey presents legal background of municipalities’ zoning of oil and gas uses, reviews the municipalities’ government officials and details of their ordinances, and compares and analyzes the ordinances on the basis of specific provisions and requirements. It is our hope that with this information, local residents will have a better sense as to the wide range of how municipalities apply zoning ordinances to oil and gas uses in Pennsylvania and as to how they as residents can use this information and analysis to improve their own municipalities’ ordinances.

## **II. SCOPE AND ANALYSIS**

For this survey, we selected a range of 31 municipalities within five Pennsylvania counties. In western Pennsylvania, we selected Allegheny, Beaver, Butler, and Washington Counties, where one would generally encounter oil and gas uses in the form of well pads, related production infrastructure (e.g., storage tanks, impoundments, and gathering pipelines), midstream facilities such as compressor stations and processing plants, and pipeline infrastructure. Oil and gas wells have a long legacy in western Pennsylvania, which in fact was the site of the nation’s first oil well, but the fracking boom of wells tapping the Marcellus shale and other unconventional formations is a development only within the last decade or so. Along with this boom has come infrastructure and facilities, such as pipelines, pipeline “pigging” operations, compressor stations, and natural gas processing facilities. Most recently, western Pennsylvania is starting to see the construction of largescale petrochemical facilities, such as “ethane crackers,” which convert the abundant natural gas liquids from well production into plastics and other products.

On the other side of the state, in southeastern Pennsylvania, we selected Delaware County. Like western Pennsylvania, Delaware County has its own legacy associated with oil and gas, but on the other end of the process: oil refineries rather than production wells. And just as western

Pennsylvania has seen a recent expansion of facilities and infrastructure associated with the fracking boom, Delaware County has seen the conversion of a former refinery into a vast natural gas liquids storage and export facility. Linking these two regions of the state is a network of newly developed or repurposed pipelines, which transport the natural gas and natural gas liquids from the wellfields of western Pennsylvania and surrounding states to the export and storage facilities outside Philadelphia.

Our goal with this selection was to create a representative sample that included municipalities in which oil and gas activity and facilities have a “heavy” presence already, municipalities in which oil and gas interests are beginning to take hold, and municipalities in which oil and gas interests have not yet developed, but may soon. We also used three recently developed or under-construction pipelines as a guide to this selection, as pipelines have become one of the main ways in which communities first experience the effects of the oil and gas industry. These are:

- (a) Shell’s Falcon Pipeline, which traverses Allegheny, Beaver, and Washington Counties in order to connect natural gas processing plants in Pennsylvania and Ohio with Shell’s petrochemical facility in Beaver County, Pennsylvania, to supply ethane feedstock to the facility;<sup>1</sup>
- (b) Energy Transfer’s Revolution Pipeline, which traverses Allegheny, Beaver, Butler, and Washington Counties to connect two natural gas processing facilities with natural gas supply from surrounding wells, and against which DEP recently assessed a \$30.6-million civil penalty for a 2018 explosion and a series of permit violations;<sup>2</sup> and
- (c) Sunoco’s Mariner East II Pipeline, which will traverse seventeen counties in Pennsylvania to transport natural gas liquids from processing facilities in western Pennsylvania, Ohio, and West Virginia to Sunoco’s Marcus Hook Industrial Complex in Delaware County.<sup>3</sup>

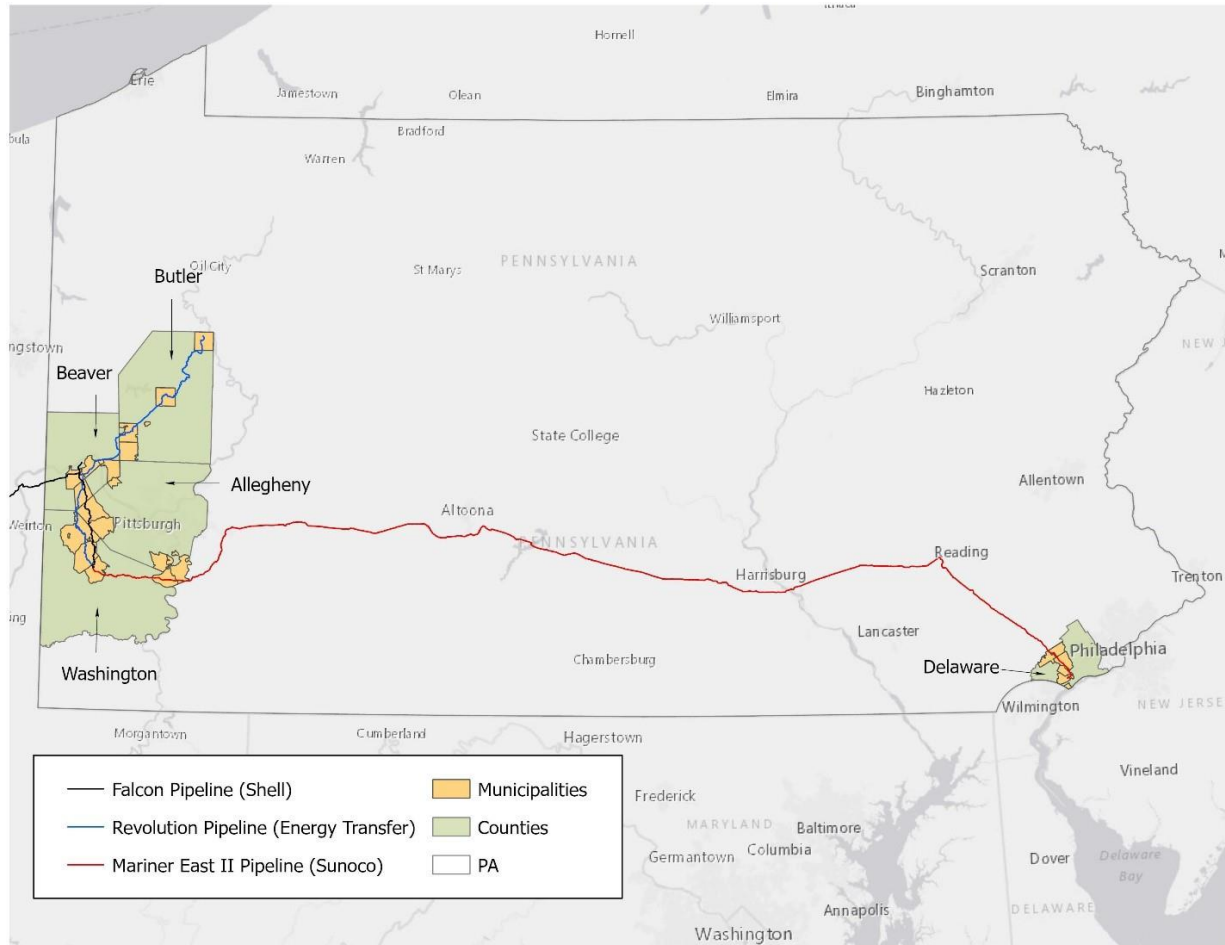
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<sup>1</sup> See DEP, Shell Falcon Ethane Pipeline, <https://www.dep.pa.gov/Business/ProgramIntegration/Pennsylvania-Pipeline-Portal/Pages/Shell.aspx> (last visited Feb. 7, 2020).

<sup>2</sup> See DEP, *Revolution Pipeline Project* (April 2019), available at <http://files.dep.state.pa.us/ProgramIntegration/PA%20Pipeline%20Portal/RevolutionPipeline/Revolution%20Information%20Sheet%20-%20April%202019.pdf>; Anya Litvak, *Energy Transfer given \$30M penalty for Beaver County pipeline explosion*, Pittsburgh Post-Gazette, Jan. 2, 2020, available at <https://www.post-gazette.com/business/powersource/2020/01/03/Energy-Transfer-30M-penalty-pipeline-explosion-permit-ban-Revolution-Mariner-East/stories/202001030137>.

<sup>3</sup> See DEP, *Sunoco Pennsylvania Pipeline Project/ Mariner East II* (Feb. 2017), available at <http://files.dep.state.pa.us/ProgramIntegration/PA%20Pipeline%20Portal/MarinerEastII/PPP%20Information%20Sheet1.pdf>.

**Fig. 1, Map of Selected Municipalities and Pipelines**



**Table 1: Municipalities Included in Survey**

<b>Allegheny County</b>	<b>Beaver County</b>	<b>Butler County</b>	<b>Delaware County</b>	<b>Washington County</b>
Bell Acres Borough	Center Township	Allegheny Township	Aston Township	Chartiers Township
City of Clairton	Conway Borough	Center Township	Chester Township	Mount Pleasant Township
Elizabeth Township	Economy Borough	Connoquenessing Borough	Edgmont Township	Robinson Township
Findlay Township	Independence Township	Cranberry Township	Marcus Hook Borough	Smith Township
Forward Township	Raccoon Township	Jackson Township	Middletown Township	Union Township
Jefferson Hills Borough			Thornbury Township	
Liberty Borough			Upper Chichester Township	
North Fayette Township				
West Elizabeth Borough				

For each of the municipalities listed in the table above, we have gathered certain information as to the municipalities' decision makers and zoning ordinances. With respect to decision makers, our survey provides the current elected leaders of the municipality, their term lengths, and their term expiration. For the municipalities' planning commissions, zoning hearing boards, and other relevant bodies/positions, we have provided the officials, their term length, and their term expiration.

With respect to zoning ordinances, we have provided an overview of the zoning ordinance for the municipality. That overview includes, where applicable: (1) a use table for various oil and gas development uses, (2) a description of required setbacks, (3) a list of additional permits that must be provided as part of the application, (4) any additional studies and plans required for the application, (5) the penalty amount for violations, and (6) any other related requirements or noteworthy restrictions. While certain municipalities have much more rudimentary and less detailed zoning ordinances than others, we have obtained this information for all 31 of the municipalities in the survey.

### **III. LEGAL BACKGROUND**

There are two recent developments in Pennsylvania law that provide important background for the ways in which municipalities have sought to address oil and gas uses under their zoning ordinances. The first is legislation under which the Pennsylvania General Assembly sought to preempt and restrict municipalities' ability to zone for oil and gas development, and the second is



a constitutional provision under which the Pennsylvania Supreme Court overturned this legislation and which now guides and places important duties on how municipalities exercise their zoning power going forward.

#### **A. ACT 13 (2012)**

In 2012, the Pennsylvania General Assembly passed and Governor Tom Corbett signed into law Act 13, which was the first major overhaul of the Oil and Gas Act.<sup>4</sup> Act 13's declared intent was to permit optimal development of the Commonwealth's oil and gas resources, protect the safety of personnel and facilities, protect the safety of residents near such facilities, and to protect natural resources, environmental rights, and values secured by the Constitution of Pennsylvania.<sup>5</sup>

The sections of Act 13 that are the most relevant to municipal zoning are sections 3303 through 3309. Those sections declare that Act 13 preempts and supersedes all local regulation of oil and gas operations regulated by statewide environmental acts. Additionally, in an effort to create uniformity across the Commonwealth, Act 13 commands all political subdivisions to allow well and pipeline development in every zoning district with only minimally protective requirements.

Along with a number of other plaintiffs, Robinson Township, Washington County, subsequently sued to challenge Act 13 on several constitutional grounds, including the Environmental Rights Amendment under Article I, Section 27, discussed below. The Pennsylvania Commonwealth Court ruled in favor of Robinson Township and enjoined the provisions of Act 13 the provisions preempting municipalities' ability to regulate and zone for oil and gas. The Commonwealth Court's decision largely rested on substantive due process under Article I, Section 1.<sup>6</sup>

On appeal, the Pennsylvania Supreme Court affirmed the Commonwealth Court's decision, but in a split decision on different grounds. The lead plurality opinion, written by Chief Justice Castille, relied on the Environmental Rights Amendment.<sup>7</sup> Although the parties had primarily briefed the case on the basis of the substantive due process claim, the plurality saw the Environmental Rights Amendment issue as dispositive and therefore analyzed the case on those grounds first. Finding the provisions of Act 13 to be in violation of the Commonwealth's duties as a trustee under the Environmental Rights Amendment, the plurality opted not to offer an opinion on the substantive due process argument. Justice Baer concurred in the judgment of the Court and much of its opinion, but wrote a concurring opinion that instead relied on the substantive due process arguments to decide the case and affirm the Commonwealth Court.<sup>8</sup>

Even though Act 13's preemption provisions are no longer in effect, their imprint is still visible on many municipalities' zoning codes. Namely, many municipalities amended their ordinances

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<sup>4</sup> Pa. General Assembly, Act 13 (Feb. 14, 2012), *available at* <https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/uconsCheck.cfm?txtType=HTM&yr=2012&essInd=0&smthLwInd=0&act=0013.&CFID=126352892&CFT.OKEN=56814378>.

<sup>5</sup> 58 Pa. C.S. § 3202.

<sup>6</sup> See *Robinson Twp. v. Commonwealth*, 52 A.3d 463, 480-85 (Pa. Commw. Ct. 2012).

<sup>7</sup> See *Robinson Twp. v. Commonwealth*, 83 A.3d 901, 985 (Pa. 2013) (plurality).

<sup>8</sup> *Id.* at 1,001 (Baer, J. concurring).

to comply with Act 13, but have not updated their ordinances since the Pennsylvania Supreme Court’s decision. Some mention Act 13 directly, and attempt to establish only as much protection as Act 13 would have allowed. Other ordinances do not mention it expressly, but its presence during the drafting or amendment of the ordinance is notable by the inclusion or lack of inclusion of various protections. Finally, there are also municipalities in which industry-friendly elected officials revised their ordinances in the aftermath of the Pennsylvania Supreme Court’s decision in order to enact the goals of Act 13 on a local level.

## **B. THE PENNSYLVANIA CONSTITUTION’S ENVIRONMENTAL RIGHTS AMENDMENT**

The constitutional authority for the Pennsylvania Supreme Court’s decision to overturn Act 13—Article I, Section 27 of the Pennsylvania Constitution, also known as the Environmental Rights Amendment—has since taken on an important role as the basis for litigation. Residents and public-interest groups have attempted to challenge zoning ordinances and land use decisions that favor oil and gas uses to the detriment of the rights protected by the Article I, Section 27.

Article I, Section 27 of the Pennsylvania Constitution provides the people of Pennsylvania with two rights: first, the “right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment,” and second, that “Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.”<sup>9</sup>

This first right “places a limitation on the state’s power to act contrary to this right, and while the subject of this right may be amenable to regulation, any laws that unreasonably impair the right are unconstitutional.”<sup>10</sup> With respect to the second right as to the common ownership of natural resources and the role of the Commonwealth and all local governments under it as the trustee over this trust, “[t]he plain meaning of the terms conserve and maintain implicates a duty to prevent and remedy the degradation, diminution, or depletion of our public natural resources. As a fiduciary, the Commonwealth has a duty to act toward the corpus of the trust—the public natural resources—with prudence, loyalty, and impartiality.”<sup>11</sup>

Consequently, “this environmental trust thus imposes two basic duties on the Commonwealth as the trustee. First, the Commonwealth has a duty to prohibit the degradation, diminution, and depletion of our public natural resources, whether these harms might result from direct state action or from the action of private parties.”<sup>12</sup> “Second, the Commonwealth must act

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<sup>9</sup> See Pa. Const. art. I, § 27.

<sup>10</sup> See *Pa. Env’tl. Def. Found. v. Commonwealth (PEDF)*, 161 A.3d 911, 931 (Pa. 2017) (quoting *Robinson Twp. v. Commonwealth*, 83 A.3d 901, 951 (Pa. 2013)).

<sup>11</sup> *Id.* at 932 (quoting *Robinson Twp.*, 83 A.3d at 956-57 (plurality)).

<sup>12</sup> *Id.* at 933 (citing *Robinson Twp.*, 83 A.3d at 957).

affirmatively via legislative action to protect the environment.”<sup>13</sup> These trustee duties apply equally to state and local government authorities in Pennsylvania.<sup>14</sup>

Since the *Robinson Township* decision by a plurality of the Pennsylvania Supreme Court and the subsequent *PEDF* majority decision, there has yet to be an on-point decision by the Supreme Court applying the constitutional merits of *Robinson Township* and *PEDF* to an ordinance or land use decision by a local government. There have been several notable decisions, but each so far has managed to avoid reaching the constitutional merits.

For example, in *Gorsline v. Board of Supervisors of Fairfield Township*, the Pennsylvania Supreme Court overturned a local government’s decision to authorize an oil and gas use, but avoided the constitutional question by finding that the decision violated the ordinance itself.<sup>15</sup> While the Court did not reach the constitutional issue, it did make a finding helpful to future litigation: oil and gas well development is a “purely industrial use.”<sup>16</sup>

Although the Pennsylvania Supreme Court has not taken up this constitutional issue with respect to local zoning decisions since then, there have been several negative decisions by the Pennsylvania Commonwealth Court—some of which seemingly in contravention of the *Robinson Township*, *PEDF*, and *Gorsline* precedent—for which the Pennsylvania Supreme Court has declined to grant appeal.<sup>17</sup>

## IV. FINDINGS

Based on our review of the 31 municipalities in our survey and our identification of common themes and differences among them, we have made certain findings as to what makes a “good” zoning ordinance with respect to oil and gas uses, as well as particular strategic areas worth targeting for improvement.

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<sup>13</sup> *Id.* (citing *Robinson Twp.*, 83 A.3d at 958).

<sup>14</sup> *Id.* at 919 (quoting *Robinson Twp.*, 83 A.3d at 963), 931 n.23 (quoting *Robinson Twp.*, 83 A.3d at 956-57).

<sup>15</sup> 186 A.3d 375, 389 (Pa. 2018).

<sup>16</sup> *Id.* at 388.

<sup>17</sup> See *Frederick v. Allegheny Twp. Zoning Hearing Bd.*, 196 A.3d 677 (Pa. Commw. Ct. 2018), appeal denied, 208 A.3d 462 (Pa. 2019); *Delaware Riverkeeper Network v. Middlesex Twp. Zoning Hearing Bd.*, No. 2609 C.D. 2015, Not Reported in A.3d, 2019 WL 2605850 (Pa. Commw. Ct. June 26, 2019), appeal denied, No. 248 WAL 2019, 2019 WL 7183337 (Pa. Dec. 26, 2019). While the Pennsylvania Supreme Court’s decision to deny appeal has no precedential value and does not grant additional weight to the Commonwealth Court’s decision, interested legal observers have speculated that the complex factual issues of *Frederick*, at least, made it an unattractive choice for appeal to the Pennsylvania Supreme Court.

## A. COMPARING THE MUNICIPALITIES

We believe that there are ten general categories of provisions within a zoning ordinance that make a municipality more protective of its citizens and better able to plan for and address the effects of oil and gas development and facilities. Some of these provisions are bare minimums that very few certain municipalities lack, while others are sophisticated requirements that only the “top” municipalities in our survey had enacted.

First, a municipality must actually have a zoning ordinance that—at least on paper—purports to separate the municipality into districts that are zoned for different purposes. This is a basic premise of zoning—and a prerequisite for enacting many of the provisions below—and yet two municipalities in our survey lacked any zoning ordinance whatsoever: Allegheny Township in Butler County and West Elizabeth Borough in Allegheny County.

Second, a zoning ordinance should specifically identify and define oil and gas uses and zone for them accordingly. Again, this seems obvious, but there are municipalities that simply never updated their ordinances to account for the recent shale boom. Similarly, certain municipalities are located in areas of Pennsylvania—such as Delaware County—where the primary oil and gas uses are large industrial facilities, like refineries, that generally fall under the “industrial” classification. An ordinance that does not specify oil and gas uses can actually be protective, provided that the ordinance limits industrial uses to industrial zoning districts and all interested parties accept the premise that all oil and gas uses are industrial. For example, Middletown Township in Delaware County does not specify oil and gas uses, but it only permits industrial uses as conditional uses within the Manufacturing and Industrial District. But to the extent a municipality wishes to address the activities specific to oil and gas uses—e.g., drilling, impoundments, and man camps—it should update its ordinance to specify those uses.

Third, a municipality should ideally limit oil and gas uses to industrial districts. This is a continual debate, but the Pennsylvania Supreme Court has now reiterated on several occasions that oil and gas uses are industrial in nature.<sup>18</sup> Of the municipalities in our survey that specified oil and gas uses, only five limited them to industrial districts: Bell Acres Borough in Allegheny County, Center Township in Beaver County, Center Township in Butler County, and Edgmont Township and Marcus Hook Borough in Delaware County. Reasons for this may be that municipalities still have not updated their ordinances since the Pennsylvania Supreme Court’s *Robinson Township* decision overturning Act 13, that municipalities may have oil and gas proponents in elected positions, or that many municipalities simply choose to allow oil and gas uses more broadly.

Fourth, and similarly, a municipality should not allow oil and gas uses in residential districts. In our survey, we found a split between the western Pennsylvania municipalities and those in Delaware County. Of the 24 western Pennsylvania municipalities, all but five allowed some form of oil and gas uses within residential zoning districts. Of the seven Delaware County municipalities, only two allowed oil and gas uses in residential districts.

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<sup>18</sup> See, e.g., *Gorsline*, 186 A.3d at 388.

Fifth, along with industrial zoning, one of the most foundational changes a municipality can make with respect to oil and gas uses is to make them conditional uses and special exceptions rather than permitted uses, thereby requiring affirmative decision making and hearing. About half of the municipalities in our survey—15 of the 31—allowed oil and gas uses as something other than permitted uses. Where oil and gas uses are conditional uses or special exceptions, planning is much better, more thoughtful, and protective of the community, human health, and the environment. Unlike permitted uses, where the use is as of right—provided the applicant submits the required documentation—hearings for conditional uses and special exceptions place the burden on the applicant, allow for public participation, and give municipalities more power to account for specific situations.

Sixth, a municipality should require appropriate setbacks of oil and gas uses. These setbacks require a minimum distance between the oil and gas use and residential structures, rights of way, water bodies, and other specific types of structures. This serves to protect the health and safety of residents and the local environment, while also reducing the effects of oil and gas uses on residents' quality of life. While the majority of municipalities in the survey—20 of 31—had setbacks for at least one type of oil and gas use, fewer than half (14 of 31) of the municipalities required setbacks for oil and gas well sites, and the required distance varied widely. Certain other municipalities required a minimum lot size for oil and gas uses, which can address some of the same issues as setbacks, but not with as much precision.

Seventh, a municipality should require the submission of certain permits, studies, and documentation with an application for an oil and gas use: namely, proof that the proponent has obtained the required air and water permits from the state or county permitting agency, studies as to sound and traffic impacts, and other more in-depth analyses. Some of the “best” municipalities in our survey required proponents to prepare a comprehensive study—often called an “environmental impact analysis”—focused on a variety of different effects that the oil and gas uses may have. For example, Bell Acres Borough requires an analysis considering hydrologic and air impacts, noise, traffic, mitigation measures, and emergency protocols.

Eighth, a municipality should require that a proponent have insurance or bonding in order to account for disasters and everyday effects, such as to roadways. Only 9 of the 31 municipalities in our survey required any sort of insurance or bonding, and only a handful required amounts that would cover large-scale damage. The very best municipalities required a high minimum insurance coverage—e.g., \$25 million—and also specified the minimum coverage per incident.

Ninth, a municipality should have the ability to levy and enforce fines for violations of ordinance requirements, such as noise violations. The vast majority of municipalities in our survey provided for such fines, but most were capped at a maximum of \$500-600 per day.

Tenth, and finally, we broadly grouped a diverse category of “other requirements and restrictions” that various municipalities adopted to address specific activities and effects associated with oil and gas uses. For example, several municipalities limited the extent to which oil and gas operators could locate water impoundments at well sites, given that impoundments—and particularly those holding wastewater—have a notorious history of environmental effects, such as spills and leaks that affect groundwater and surface waters. Other municipalities

prohibited “man camps”, the temporary housing for well site workers. And other municipalities included financial and procedural provisions to address mundane but important effects associated with the boom in oil and gas uses: e.g., joint maintenance agreements for roads and provisions under which a proponent will reimburse the municipality for the cost of hiring a consultant to review the application materials.

Overall, while we found that no single municipality that perfectly meets all ten of these categories, several stand out as good models:

- Bell Acres Borough, Allegheny County: Most notably, Bell Acres Borough’s ordinance limits oil and gas uses to one industrial zoning district, and only as conditional uses. Applications must include a community and environmental impact analysis, several other studies, and all required permits issued by DEP. The ordinance establishes setbacks for all types of oil and gas uses, limits work hours to 7 am to 7 pm, restricts impoundments only to fresh water, and requires a \$10 million per-occurrence insurance policy for wastewater injection wells.
- Center Township, Butler County: Center Township’s ordinance limits oil and gas uses to three industrial districts, where they are permitted as conditional uses. Applications must include a number of documents and studies. Most uniquely, the applicant must provide an affidavit from engineering consultant attesting that the proposed facility meets all industry standards and copies of any previous enforcement notices, fines, or penalties assessed against the applicant for the facility. The applicant must also obtain a bond for road repairs. Setbacks are among the more protective in the survey, and work hours are limited to 6 am to 9 pm and prohibited all day on Sundays.
- Edgmont Township, Delaware County: Edgmont Township’s ordinance limits oil and gas extraction to the light industrial district as conditional uses. Applications must include an environmental impact study, including evidence that the use will not cause substantial adverse impact to the overlying environment. The application must also contain a hydrogeologist’s report on the impact to existing wells, perennial streams, groundwater, and surface water supplies.
- Smith Township, Washington County: While Smith Township does allow oil and gas uses in nonindustrial districts, they are conditional uses. The ordinance includes a detailed menu of setbacks and a minimum lot size requirement of 20 acres for wells and compressor stations (100 acres for processing plants). The application must include all required state permits, a traffic study, and a schedule of activity from site preparation to restoration. The bonding provision is substantial: \$25 million per occurrence. Specific requirements apply to compressor stations, including that engines be electric in most circumstances.

## **B. POTENTIAL MODELS: INDIANA TOWNSHIP AND OAKMONT BOROUGH**

While not included in our survey due to our criteria for selection, two Allegheny County municipalities in particular warrant special discussion: Indiana Township and Oakmont Borough.

### **1. Indiana Township**

In 2019, Indiana Township amended its Zoning Ordinance in such a way that we have found it could serve as a good template for other municipalities seeking to establish better permitting of oil and gas uses and stronger protections for their citizens, the environment, and the character of their communities, in keeping with their constitutional duties under Article I, Section 27.<sup>19</sup>

First, the amended Zoning Ordinance reduces the overall land area open to oil and gas uses to just 14 percent—from 95 percent previously. As discussed above, one of the best ways in which a municipality can address the effects of oil and gas uses is to limit where it is allowed—i.e., to industrial zoning districts where the uses better match the character and purposes of the districts.

Second, the amended Zoning Ordinance requires an applicant to provide certain information to the Township and conduct certain studies. These include an environmental impact analysis—similar to what Bell Acres Borough and Edgmont Township require—an air quality study, a hydrogeological study, and soil testing. By requesting such information and studies up front, a municipality better empowers itself by (a) putting the burden on the applicant to demonstrate that its oil and gas use will be good for (or at least not harmful to) the municipality; (b) obtaining the needed information to make a well informed decision; (c) shifting much of the cost of permitting to the applicant; and (d) where a use is ultimately permitted, giving the municipality and citizens the baseline information to judge when something has gone wrong. For example, hydrogeological studies and soil testing can later help to prove whether the oil and gas use was responsible for groundwater or soil contamination, and ambient noise studies can aid in the enforcement of noise ordinances.

Third, Indiana Township’s amended Zoning Ordinance puts certain requirements and restrictions on oil and gas uses, including requiring increased insurance of not less than \$25 million per occurrence, prohibiting temporary worker housing such as “man camps” and bunk houses, and prohibiting the storage of oil and gas wastewater and wastes in impoundments, open pits, and reserve pits. While there are many other important restrictions on oil and gas uses that a municipality can implement, these three address some of the highest impact practices on the environment and a municipality’s character.

For example, waste storage ponds and pits have a long history of leaching into the groundwater or breaching and spilling onto surrounding land and into water bodies. This can ruin drinking

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<sup>19</sup> See Indiana Twp., Allegheny County, Ordinance No. 385 (June 11, 2019), *available at* <https://indianatownship.com/wp-content/uploads/2019/06/385-AMEND-ZONING-ORD368-OIL-AND-GAS-WELL-DRILLING.pdf>; *see also* Letter from John Smith, Smith Butz, LLC, to Supervisors of Indiana Township (May 13, 2019) (describing Indiana Township’s compliance with constitutional requirements in amending ordinance), on file with EIP.

water and farmland indefinitely. Oil and gas worker housing is also notorious for rapidly changing small rural communities into Wild West boomtowns, overriding careful planning and zoning and bringing side effects such as increased crime. Finally, the requirement of adequate insurance coverage is a measure to prepare for the worst and ensure that if an accident happens—such as the 2018 Revolution Pipeline explosion—the operator will be able to pay for remediation.

## **2. Oakmont Borough**

In 2018, Oakmont Borough amended its Zoning Ordinance to include improved requirements for oil and gas uses. Like Indiana Township, Oakmont Borough’s amended Zoning Ordinance serves as a useful reference for other municipalities as they seek to update their ordinances to account for modern oil and gas uses and better protect their residents. In particular, Oakmont Borough’s amended Zoning Ordinance has three notable features.

First, the Zoning Ordinance requires oil and gas applicants to make full disclosure of their planned projects over the next ten years within Oakmont Borough and all surrounding communities in a 20-mile radius. Specifically, this “Ten-Year Master Plan” must “describe and plot all well pads, transmission lines, compressor stations, processing plants, storage facilities, transportation facilities and other related infrastructure built, planned and anticipated by Applicant or related third-parties of Applicant.”<sup>20</sup>

This is a vitally important requirement that addresses a long-running problem in the oil and gas industry: the development of projects in a piecemeal manner, such that no single application contains the full details. Because of this practice, local governments and residents are often in the dark as to the full-capacity buildout of oil and gas projects, forcing them to make decisions on incomplete information. For example, the earliest application a municipality receives may just be for relatively smaller uses, such as well pads or pipelines, only to be followed by a vast network of supporting infrastructure and much larger facilities. Once local government officials have granted early approvals, they may be reluctant to deny successive applications for which they’ve unknowingly paved the way, fearing legal retribution. With better information through this full disclosure requirement, local officials can make informed decisions with a more accurate picture of the planned industrial buildout.

Second, Oakmont Borough’s Zoning Ordinance directly references the Environmental Rights Amendment, discussed above, requiring that all applicants “shall demonstrate that its operations will not violate the citizens of Oakmont Borough’s rights to clean air and pure water as set forth in Article 1, Section 27, the Environmental Rights Amendments, of the Pennsylvania Constitution.”<sup>21</sup> More specifically, the Zoning Ordinance requires the applicant to make a demonstration that “its operations will not affect the health, safety or welfare of the citizens of Oakmont Borough or any other potentially affected landowner,” including reports from an

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<sup>20</sup> See Oakmont Borough Zoning Ordinance § 205-443.E.7. (rev. 2018).

<sup>21</sup> *Id.* § 205-443.W.



environmental engineer as to air modeling and hydrogeological studies. The burden of proof as to these demonstrations is on the applicant.<sup>22</sup>

Third, the amended Zoning Ordinance sets larger, more protective setbacks. Setbacks for oil and gas well sites are 2,000 feet from any residential protected structure in any district, a four-fold increase over the previous zoning ordinance.<sup>23</sup> Setbacks for larger facilities such as compressor stations and natural gas processing plants are also large, but strangely smaller than from well sites: 1,000 feet from any residential protected structure in any district in the Borough.<sup>24</sup>

While these requirements are not exhaustive of all necessary pieces for a perfect zoning ordinance, in our experience Indiana Township's and Oakmont Borough's amendments serve as a good and achievable template for other municipalities seeking to address and properly plan for oil and gas uses.

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<sup>22</sup> *Id.*

<sup>23</sup> *Id.* § 205-443.D.

<sup>24</sup> *Id.* § 205-443.1.C.

## V. THE MUNICIPALITIES

### A. DEFINITIONS AND ABBREVIATIONS

The following terms are commonly used within municipalities' zoning ordinances. In order to make the tables for each municipality more presentable, we have used abbreviations for those terms as provided below:

1. Permitted Use (P): A use that is authorized in the zoning district without any additional processes, such as a hearing, that are required for conditional uses and special exceptions.
2. Accessory Use (AU): A use that is allowed as a subordinate and incidental use to the primary use on the parcel. An example of an accessory use is a swimming pool or a shed as an accessory use to a residential dwelling.
3. Conditional Use (CU): A use that is authorized in the zoning district, but which may only be granted following an administrative process subject to the standards and criteria established by the ordinance. Typically, the implication is that if the requirements are met, then the permission will be granted.
4. Special Exception (SE): A use that is authorized, but which may only be granted following a public hearing and an administrative process subject to the standards and criteria established by the ordinance. Usually more onerous to acquire than a conditional use, as it often implies some discretion on the part of the administrative process.
5. Prohibited/Forbidden (N): A use that is expressly not allowed within the zoning district.
6. Blank Cells in Zoning Use Tables: Typically, blank cells mean that the use is prohibited, as it is not one of the specifically enumerated permitted uses. The one potential exception to this is in industrial districts, which sometimes allow, by special exception, uses that are comparable to the industrial uses specifically permitted in the district.

## B. ALLEGHENY COUNTY & MUNICIPALITIES

Fig. 2, Allegheny County and Selected Municipalities



**Tbl. ALC-1, Allegheny County Government**

Office	Official	End of Term	Elected/ Appointed	Term Length
County Executive	Rich Fitzgerald	2024	Elected	Four years
County Council	Bethany Hallam (At-Large)	2024	Elected	Four years
	Samuel DeMarco, III (At-Large)	2021		
	Tom Baker (District 1)	2021		
	Cindy Kirk (District 2)	2023		
	Anita Prizio (District 3)	2021		
	Patrick Catena, President (District 4)	2021		
	Tom Duerr (District 5)	2024		
	John F. Palmiere (District 6)	2023		
	Nicholas Futules (District 7)	2023		
	Paul Zavarella (District 8)	2022		
	Robert J. Macey, Vice President (District 9)	2022		
	DeWitt Walton (District 10)	2023		
	Paul Klein (District 11)	2023		
	Robert Palmosina (District 12)	2021		
	Olivia “Liv” Bennett (District 13)	2024		

### 1. Bell Acres Borough

Bell Acres Borough is situated in northwestern Allegheny County.<sup>25</sup> While there are currently no pipelines running through it, it is expected to be a target of oil and gas development in the future. We selected it for inclusion in this survey because it is on the front lines of oil and gas expansion and because it has a relatively strong and detailed zoning ordinance with respect to oil and gas uses.

**Fig. 3, Bell Acres Borough, Allegheny County**



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<sup>25</sup> See Bell Acres Borough, <http://bellacresborough.org/> (last visited Feb. 7, 2020).

## **Government**

**Tbl. BAB-1, Bell Acres Borough: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Mayor	Kenneth Alvania	2021	Elected	Four years
Borough Council	Dave Renfrew, President	2021	Elected	Four years
	Brock Meanor, Vice President	2021		
	Michell Veeck	2021		
	Dennis Young	2023		
	Greg Wagner	2021		
	Megan E. Wine	2023		
Planning Commission	Diane Abell, Chairperson	2023	Appointed by Borough Council	Four years
	Ken Alvania	2020		
	Bob Powner	2022		
	John Walliser	2020		
	Roy Kraynyk	2021		
Zoning Hearing Board	William Manifesto, Chairman	2021	Appointed by Borough Council	Three years
	Brad Semonik	2020		
	John Rumin	2021		

## **Zoning Code**

Bell Acres Borough initially adopted its Zoning Ordinance in 1996. The Borough has amended the Oil and Gas Development section of the ordinance on three occasions: in 2011 and twice more in 2016.<sup>26</sup> The Bell Acres Zoning Ordinance establishes nine zoning districts, as outlined below, and limits oil and gas uses to its Mixed Use: Light Industrial/Heavy Industrial zoning district.

**Tbl. BAB-2, Bell Acres Borough: zoning districts**

District	Name	Purpose
R1	Single-Family Residential	Combine the preservation of natural features and resources with low-intensity residential development suited to the natural conditions and rural character of portions of the Borough
R2	Single-Family Residential	
RR1	Rural Single-Family Residential	

<sup>26</sup> See Borough of Bell Acres, PA Zoning, <https://ecode360.com/13263117> (last visited Feb. 7, 2020); Bell Acres Borough, Zoning Map (Rev. March 2017), *available at* <http://bellacresborough.org/wp-content/uploads/2019/10/Zoning-Map.pdf>.

District	Name	Purpose
R3	Multifamily Residential	Provide a wide range of higher-intensity residential development in portions of the municipality with convenient and adequate access to the commercial and light industrial uses and major transportation thoroughfares
R4	Multifamily Residential	
M1	Mixed Use: Residential/ Commercial	Allow an admixture of low-intensity commercial and residential uses to reflect the existing small-town character and associated land use patterns
M2	Mixed Use: Residential/ Commercial/ Light Industrial	In keeping with the increased access to the region provided by the arterial highway system within the Borough, to provide for medium-intensity residential development (up to 24 dwelling units per gross acre) and commercial and light industrial uses appropriate to land adjacent to an interstate interchange
M3	Mixed Use: Light Industrial/ Heavy Industrial	Provide for light industrial and heavy industrial uses and development in the Borough adjacent to the available arterial highway system, subject to regulations necessary to ensure the health of air and nearby waterways, and the protection of nearby uses of the land from hazards, noise and other radiated disturbances
GH	Geological Hazards Overlay	Supplement the requirements of the general zoning districts wherever geologic hazards are found in order to prevent loss of health, life or property from landslides and other dangers

**Tbl. BAB-3, Bell Acres Borough: zoning for specific oil and gas uses**

Oil and gas use	Districts								
	R1	R2	R3	R4	M1	M2	M3	GH	RR1
Well pad (including injection well)							CU		
Compressor station							CU		
Processing facility							CU		

**Tbl. BAB-4, Bell Acres Borough: setbacks and other distance/size requirements for oil and gas uses**

Use	Setback from						Minimum lot size
	ROW	Water/ Wetland	Business Structure	Res. structure	Protected Structure	Property Line	
Injection Well	50 ft.	150 ft.	500 ft.	1,500 ft.	1,500 ft.	500 ft.	5 acres
Other O&G	50 ft.	150 ft.	500 ft.	500 ft.	1, 500 ft.		

**Tbl. BAB-5, Bell Acres Borough: application requirements for oil and gas uses**

Use	Application Requirement	Notes
All O&G	Notice to all residents within 2,500 feet	
	Plan must include a staging area to minimize disturbance to the normal flow of traffic	
	A community and environmental impact analysis <sup>27</sup>	<p>Must include at a minimum:</p> <ul style="list-style-type: none"> <li>• Examination of hydrologic impact,</li> <li>• Examination of air impact,</li> <li>• Examination of thermal impact of fire or explosion,</li> <li>• Examination of environmental features,</li> <li>• Examination of impact on noise,</li> <li>• Examination of impact on roadways,</li> <li>• Discussion of mitigation measures,</li> <li>• Emergency protocol.</li> </ul>
	Anticipated traffic schedule	
	Lighting study, insofar as necessary to meet lighting requirements	
Well pad	All applications and permit approvals from DEP for well pad and impoundment	
	DEP water management plan for well site	
Injection well	All applicable applications and permits	
	Predevelopment soil testing within 1,500 feet of injection site	For determination of baseline soil conditions.
	Quantitative risk analysis	
	Site-specific insurance policy covering \$10 million per occurrence	

<sup>27</sup> “The purpose of this analysis is to provide the Borough with an understanding of the impacts of activities on the well pad and within the well site on the health, safety and welfare of the community and the natural environment so that the Borough Council can be better informed as to the potential impacts of the proposed development and so that the community has access to information about the potential impacts.” Bell Acres Borough Code § 165-27.D(1)(a)(9), D(2)(a)(9).



**Tbl. BAB-6, Bell Acres Borough: other requirements for oil and gas uses**

Use	Requirement
All O&G	Maximum fines of \$600 per day, plus costs
	Work limited to 7 am to 7 pm, Monday through Friday
	Bunk trailers allowed only via waiver
	Lighting study, insofar as necessary to meet lighting requirements
Well pad	Impoundments limited to fresh (non-impaired) water.
	Noise must not exceed ambient noise by: 5 dB from 7 am to 7 pm (10 dB during drilling/stimulation), 3 dB from 7 pm to 7 am (5 dB during drilling/stimulation). No more than 5 dB at all times for compressor stations/processing plants.
Related operations <sup>28</sup>	No noise or sound may be emitted greater than 60 dB, including blow-down events

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<sup>28</sup> “Related operations” include compressor stations, natural gas processing plants, gathering system facilities (such as pigging operation), and production facilities. *See* Bell Acres Borough Zoning Ordinance § 165-27.B.

## 2. City of Clairton

The City of Clairton is located in the southern portion of Allegheny County along the Monongahela River.<sup>29</sup> The city has a long industrial history, particularly in the production of coke for the steel industry, for which Clairton was known as the “Coke Capital of the World.” U.S. Steel’s Clairton Coke Works still operates within the city, and there is significant industrial development along the river. More recently, much of the land in Clairton has been leased for oil and gas development as a result of former mayor Lloyd H. Fuge’s purchase and sale of drilling rights under 506 acres in the city. If the Marcellus Shale and Utica formations are developed within city limits, it could affect over 2,000 homes, businesses, and lots.<sup>30</sup>

**Fig. 4, City of Clairton, Allegheny County**



<sup>29</sup> City of Clairton, About | City of Clairton, <http://cityofclairton.com/about/> (last visited Feb. 11, 2020).

<sup>30</sup> See Don Hopey, *Former mayor sells drilling rights he owns under Clairton for \$2.7 million*, Pittsburgh Post-Gazette, Feb. 5, 2017, available at <https://www.post-gazette.com/business/powersource/2017/02/05/Former-Mayor-sells-mineral-rights-he-owns-under-Clairton-for-2-7-million/stories/201701290033>.

## **Government**

**Tbl. COC-1, City of Clairton: zoning districts**

Office	Official	End of Term	Elected/ Appointed	Term Length
Mayor	Rich Lattanzi	2022	Elected	Four years
City Council	R. Tony Kurta (Ward 1)	2022	Elected	Four years
	Richard Ford, Deputy Mayor (Ward 2)	2020		
	Lee Lasich (Ward 3)	2020		
	Denise Johnson-Clemmons (Ward 4)	2022		
Planning Commission	Robert Haramia	2019	Appointed by City Council	Four years
	Russell Behary	2020		
	Maria E. Campano	2021		
	Desiree Williams, Chair	2021		
	Richard Beam	2021		
Zoning Hearing Board	Nicole Sikorski-Jacobs	2021	Appointed by City Council	Three years
	Joseph A. Julian	2019		
	Sherri Dadey	2020		

## **Zoning Code**

The City of Clairton enacted its Zoning Ordinance in July 2014.<sup>31</sup> Within Clairton, natural gas is defined as a mineral, and thus natural gas development falls under the defined use of “mineral extraction and related processing, stock-piling, and storage.” The Zoning Ordinance establishes nine zoning districts, outlined below.

**Tbl. COC-2, City of Clairton: zoning districts**

District	Name	Purpose
SC	Special Conservation	Encourage the continued use of parks, recreation, low density residential uses, the conservation of natural resources and features, and the preservation of open space
R1	Low Density Residential	Encourage the continued use of land for low density residential purposes and those uses which are compatible with low density residential uses.
R2	Medium Density Residential	Encourage the continued use of land for a mixture of compatible residential dwelling types at a moderate residential density and those uses which are compatible with the mixture of residential dwelling types at a moderate residential density

<sup>31</sup> See City of Clairton, Zoning Ordinance (enacted July 8, 2014), available at <http://cityofclairton.com/zoning/>.

District	Name	Purpose
MU-R	Restricted Mixed Use	Encourage the continued use and reuse of land and buildings for a compatible mixture of residential uses and small-scale, low intensity neighborhood oriented businesses while retaining the overall appearance and character of a residential neighborhood
MU-V	Village Mixed Use	Encourage the continued use and reuse of land and buildings within established, traditional neighborhoods for a compatible mixture of moderate density residential uses, neighborhood oriented businesses, and those uses which are compatible with established, traditional neighborhoods
MU-T	Transitional Mixed Use	Encourage the continued use and reuse of land and buildings in areas surrounding the Central Business District for a compatible mixture of a variety of commercial businesses and residential uses to provide a transition between the CBD and the adjacent residential neighborhoods
CBD	Central Business District	Encourage the continued use and reuse of land and buildings within the city center for a compatible mixture of pedestrian-oriented businesses, offices, and upper-story residential dwellings
C/I	Commercial and Light Industrial	Encourage the continued use and reuse of land and buildings for a variety of general and automobile-oriented business and industrial uses
I	Heavy Industrial	Encourage the continued use of land and buildings for heavy industry

**Tbl. COC-3, City of Clairton: zoning for specific oil and gas uses**

Oil and gas use	Districts								
	SC	R1	R2	MU-R	MU-V	MU-T	CBD	C/I	I
Mineral Extraction & Related Processing, Stock-piling & Storage	CU	CU	CU	CU	CU	CU	CU	CU	CU
Petroleum Refining									P

**Tbl. COC-4, City of Clairton: setbacks and other distance/size requirements for oil and gas uses**

Use	Setback from			
	ROW & Property Lines	Water bodies <sup>32</sup>	Residential building (unless waived)	Dwelling
Mineral Extraction	100 ft.	100 ft.	150 ft.	300 ft.

<sup>32</sup> Specifically, “[t]he excavated area of a mineral extraction use shall be setback 100 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than two (2) acres.” *Id.* § 337-37.BB.5.

**Tbl. COC-5, City of Clairton: application requirements for oil and gas uses**

Use	Application Requirement	Notes
All O&G	All state and federal regulations governing the proposed use and written compliance from the governing agency	
	New or expanded mineral extraction requires detailed land reclamation and reuse plan.	If redevelopment is <25% of lot, no new permit needed for expansion

**Tbl. COC-6, City of Clairton: other requirements for oil and gas uses**

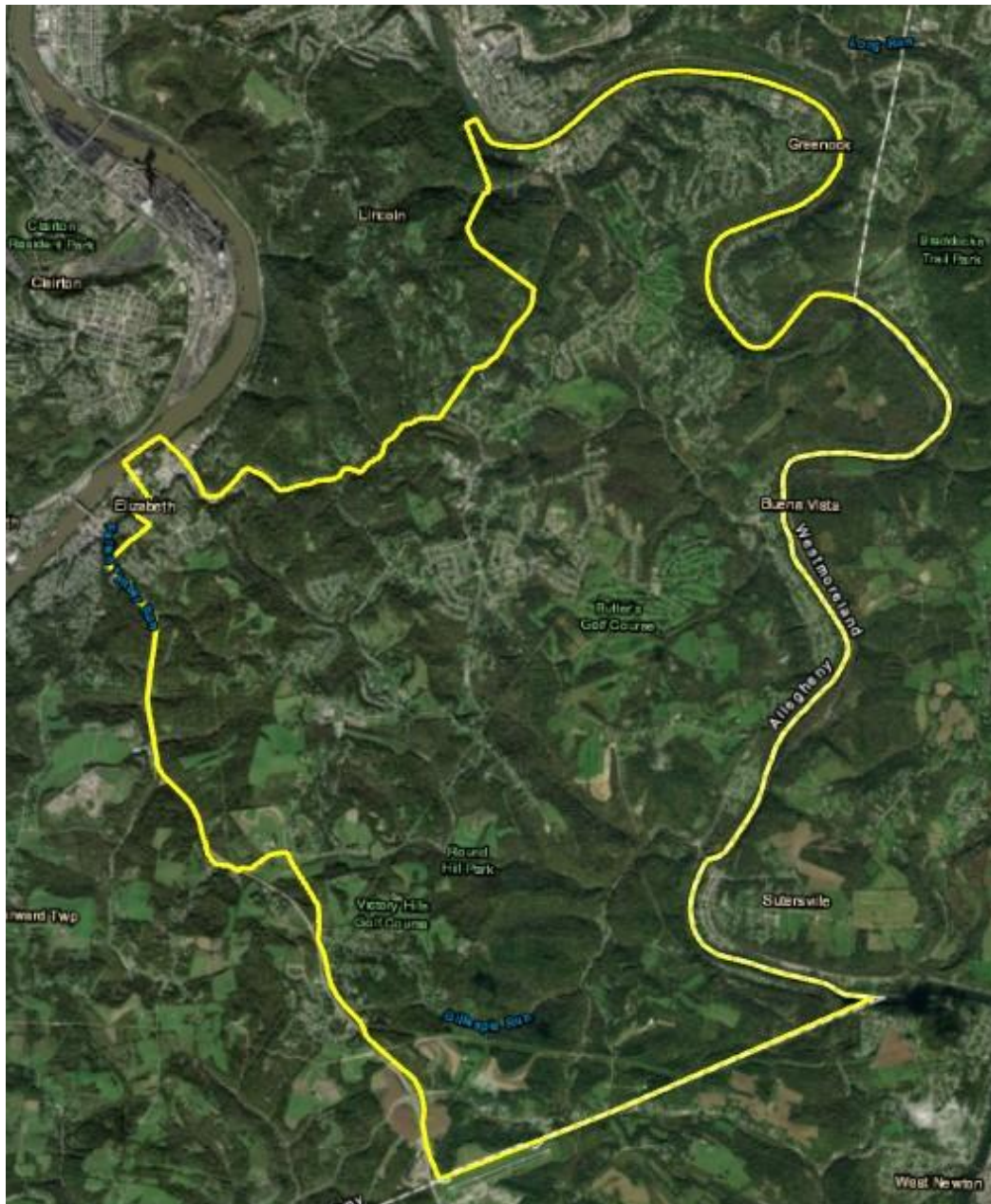
Use	Requirement
All O&G	Maximum fines of \$500 per day, plus costs
	Council may reasonably limit hours of operation



### 3. Elizabeth Township

Elizabeth Township is one of two townships that form the southern tip of Allegheny County. The Mariner East II Pipeline passes through the southern tip of Elizabeth Township. Elizabeth Township is currently experiencing an influx of unconventional shale gas development, including well pads, compressor stations, and a proposed 636-megawatt gas-fired power plant.

**Fig. 5, Elizabeth Township, Allegheny County**



## **Government**

**Tbl. ELT-1, Elizabeth Township: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Commissioners	Dan Poirier	2023	Elected	Four years
	Kyle Walk	2021		
	Andrew Kuzma, President	2023		
	Joanne Beckowitz	2021		
	Rich Algeri	2023		
	Robert Rhoderick	2021		
	Dr. Bart Rocco	2023		
Planning Commission	David Macioce	2023	Appointed by Board of Commissioners	Four years
	Mark Cain	2020		
	George Dukic	2021		
	Kathy Fawcett	2022		
	Dan Poirer	2023		
Zoning Hearing Board	Jane Blake <sup>33</sup>	2024	Appointed by Board of Commissioners	Four years
	Keith Kelley	2020		
	Charles Smith	2021		
	Raymond Opfer	2022		
	Larry Vota	2022		

## **Zoning Code**

It is unclear when Elizabeth Township first enacted its Zoning Ordinance, but there have been several recent amendments specifically in regard to oil and gas uses. In December 2018, the Township made several amendments to the Zoning Ordinance, including rezoning certain areas from residential (R-1 and R-3) to industrial (M-1), and adding provisions for Natural Gas Electric Power Generating Systems.<sup>34</sup> Namely, the amendment carved out a section of a long-established residential neighborhood to allow for the construction of the proposed gas-fired power plant. In March 2019, the Township enacted an amendment that added more details as to specific oil and gas uses, increased setbacks, and added certain application requirements.<sup>35</sup> Elizabeth Township's Zoning Ordinance establishes nine zoning districts, as outlined below.

<sup>33</sup> Per minutes this year's reorganizational meeting of the Board of Commissioners, the Board appointed Jane Blake to a five-year term. *See* Elizabeth Twp., Allegheny County, Board of Commissioners Reorganizational & Regular Meeting (Jan. 6, 2020), *available at* <https://ecode360.com/documents/pub/EL2327/Minutes/>.

<sup>34</sup> *See* Elizabeth Twp., Zoning Ordinance, *available at* <https://ecode360.com/26858479>; Elizabeth Twp., Ordinance No. 940 (Dec. 20, 2018), *available at* <https://ecode360.com/EL2327/laws/LF1089218.pdf>.

<sup>35</sup> *See* Elizabeth Twp., Ordinance No. 942 (March 4, 2019), *available at* <https://ecode360.com/EL2327/laws/LF1089220.pdf>,

**Tbl. ELT-2, Elizabeth Township: zoning districts**

District	Name	Purpose
S-C	Special Conservation	Preserve natural features and resources and to protect key Township and regional recreational facilities and provide for accessory uses and compatible supporting uses as conditional uses or uses by special exception
R-C	Riverfront Conservation	Preserve natural features and resources along the riverfronts and to provide opportunities for local and regional recreational facilities and provide for accessory uses and compatible supporting uses as conditional uses or uses by special exception
R-1	Rural Residential	Protect agricultural uses and preserve natural features and resources while encouraging low-density single-family residential development suited to the natural conditions and provide for accessory uses and compatible public and semipublic uses as conditional uses or uses by special exception
R-2	Suburban Residential	Encourage single-family developments at suburban densities in locations in the Township where utilities and transportation facilities exist or are anticipated in the future; and provide for accessory uses and compatible public and semipublic uses as conditional uses or uses by special exception
R-3	Medium Density Residential	Provide for medium-density single-family development; to provide opportunities for two-family dwellings in appropriate locations; and provide for compatible public, semipublic and accessory uses as conditional uses or uses by special exception
R-4	Multifamily Residential	Reserve appropriate areas within the Township for multifamily development in locations easily accessible to transportation, shopping and community facilities and services; and provide for compatible public, semipublic and accessory uses as conditional uses or uses by special exception
B-1	Local Commercial	Provide for limited commercial use in locations easily accessible to the residents of the Township; provide opportunities for higher density housing and specialized group living arrangements; and provide for accessory uses and compatible supporting uses as conditional uses or uses by special exception
B-2	Highway Commercial	Provide for commercial uses that depend on access to an arterial highway, that may generate truck and significant vehicular traffic and that may not be compatible with residential neighborhoods
M-I	Light Industrial	Encourage the continuation and revitalization of general industrial uses in those areas of the Township which have already been established for these uses



**Tbl. ELT-3, Elizabeth Township: zoning for specific oil and gas uses**

Oil and gas use	Districts								
	S-C	R-C	R-1	R-2	R-3	R-4	B-1	B-2	M-1
Well & pipeline assessment (e.g., seismic testing)	CU	CU	CU	CU	CU	CU	CU	CU	CU
Oil or gas wells	CU	CU	CU	CU	CU	CU	CU	CU	CU
Wastewater impoundments									CU
Freshwater impoundments	CU	CU	CU	CU	CU	CU	CU	CU	CU
Compressor stations									CU
Natural gas processing plants									CU

**Tbl. ELT-4, Elizabeth Township: setbacks for oil and gas uses**

Use	Setback from		
	Building	Nearest lot line	School property
Oil or gas wells	750 ft.		1,500 ft.
Wastewater impoundments	400 ft.		
Freshwater impoundments	300 ft.		
Compressor stations	750 ft.	200 ft.	
Natural gas processing plants	750 ft.	200 ft.	

**Tbl. ELT-5, Elizabeth Township: application requirements for oil and gas uses**

Use	Application Requirement	Notes
All O&G	Two-step application process	Requires completeness check of application materials
	Applicant must determine whether first responders have adequate information	Applicant must provide site orientation upon request and facilitate training of first responders
	Applicant must verify receipt of all required state and federal permits	
	Emergency management plan	
	Certificate of liability insurance naming Township as insured	Coverage not less than \$10 million per occurrence, \$50 million aggregate, \$10 million property damage
	Map of site	Including all equipment, permanent improvements, land disturbance, areas for parking vehicles.
	Location of water supply wells and estimated deepest fresh groundwater	
	Traffic study	Including manner and routes for delivery of equipment, chemicals, water
	Sound study	

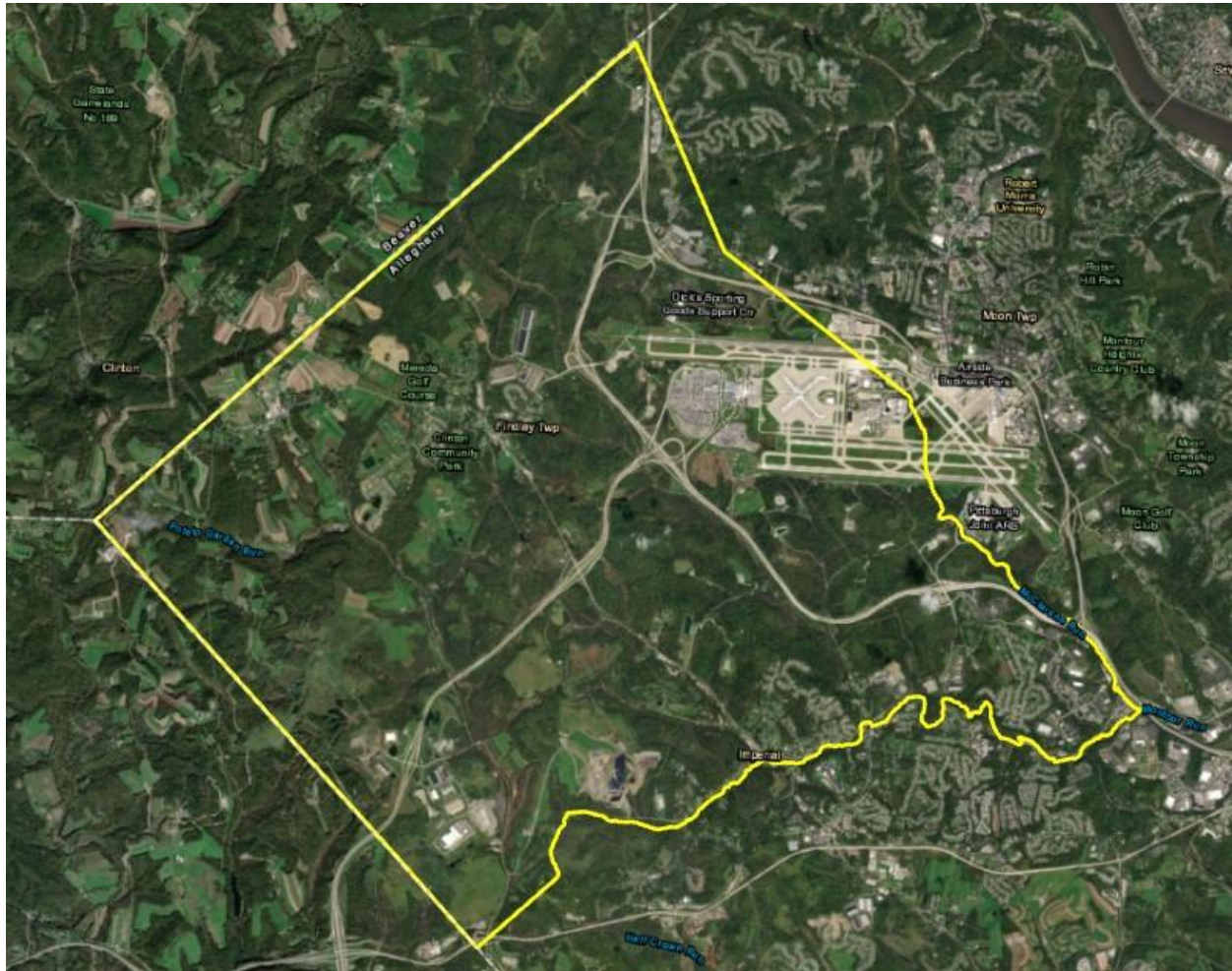
**Tbl. ELT-6, Elizabeth Township: other requirements for oil and gas uses**

Use	Requirement
All O&G	Construction/truck traffic limited to 7 am to 7 pm
	No restricted hours for well drilling, operation of compressor stations/natural gas processing plants
	Construction shall not exceed 12 months
	No on-site burial of pond liners, drill cuttings, or fracking residuals
	Temporary security fencing (>6-ft. high) required during construction
	Permanent fencing around well head, equipment, tanks, impoundments
	Lighting must minimize glare on road and buildings within 300 ft.
	Noise must not exceed ambient noise by: 10 dB from 7 am to 7 pm, 5 dB from 7 pm to 7 am. No more than 5 dB at all times for compressor stations/processing plants.
	Parking spaces must be provided for total employees plus 3 extra.
	\$5,000 bond for road, fencing, gate, and other features not covered by DEP bond
O&G wells	Must install noise mitigation walls if within 750 ft. of any building
	No bunk houses for workers at any well site. Certain exceptions for 6 or fewer supervisory personnel at multi-well pads.
Compressor stations	Maximum fines of \$1,000 per day for compressor stations
Seismic testing	Separate permitting process required

#### 4. Findlay Township

Findlay Township forms the westernmost point of Allegheny County, directly to the west of—and encompassing part of—Pittsburgh International Airport. The airport leased over 9,000 acres to Consol Energy, Inc., for the right to drill for shale gas over a 20-year period, beginning in 2013.<sup>36</sup> Shell's Falcon Pipeline passes through Findlay Township from south to north, and Energy Transfer's Revolution Pipeline crosses the Township's westernmost tip.

**Fig. 6, Findlay Township, Allegheny County**



<sup>36</sup> Mark Belko & Jon Schmitz, *Allegheny County, Consol strike \$500M airport gas drilling deal*, Pittsburgh Post-Gazette, Feb. 8, 2013, available at <https://www.post-gazette.com/local/marcellusshale/2013/02/08/Allegheny-County-Consol-strike-500M-airport-gas-drilling-deal/stories/201302080308>.

## **Government**

**Tbl. FIT-1, Findlay Township: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Supervisors	Janet Craig	2024	Elected	Six years
	Raymond Chappell	2025		
	Thomas Gallant	2022		
Planning Commission	Ernest Leopold, Chairman	2021	Appointed by Board of Supervisors	Four years
	Dan Moskal, Vice Chairman	2020		
	Sean Sawford, Secretary	2022		
	John Thomas	2019		
	Rade Opacic	2019		
	John Yarowenko	2019		
	Ken Faux	2021		
Zoning Hearing Board	Tony Patterson, Chairman	2021	Appointed by Board of Supervisors	Three years
	Pat Cunningham, Vice Chairman	2020		
	Mary Hendrix	2022		
	(Plus one alternate)			

## **Zoning Code**

Findlay Township's zoning ordinance was last revised March 2018.<sup>37</sup> Findlay Township's zoning ordinance establishes eight districts, outlined below. Additionally, the zoning ordinance establishes a further nine overlay districts, related to aviation (due to the proximity to the airport); land-disturbances such as mining, landfills, and land-slide areas; and water management, such as wetlands, floodplains, and stormwater management districts. This analysis does not include the overlay districts.

**Tbl. FIT-2, Findlay Township: zoning districts**

District	Name	Purpose
AG	Agricultural	Accommodate agricultural and open land uses. The creation of this district recognizes the lack of infrastructure facilities in this zoning district and the need to preserve active farming within the township
LDR	Low Density Residential	Accommodate low density residential and open space uses
MDR	Medium Density Residential	Accommodate medium density residential uses

<sup>37</sup> Findlay Twp., PA, Ordinances, <http://www.findlaytpw.org/267/Ordinances> (last visited Feb. 24, 2020).

District	Name	Purpose
MXU	Mixed Use	Accommodate both business and high density residential land uses within the zoning district. The creation of this district recognizes that certain areas of the township are suited for both business and high density residential uses
VLD	Village	Accommodate existing development and expanded development in the “Imperial” and “Clinton” areas. The creation of this zoning district recognizes their historical importance to the township, their central locations and anticipated improved access to new highway systems, and their function in the political, social, and economic life of the township
BPK	Business Park	Accommodate office and light industrial development. It is the purpose of this zoning district to prevent the uncontrolled development of business uses along the township’s expressways and arterial roads
LI	Light Industrial	Accommodate industrial and manufacturing uses which are generally free of the negative impacts associated with heavy industrial land uses such as noise, odors, vibrations or glare
HI	Heavy Industrial	Accommodate industrial and manufacturing uses which are characterized by high volumes of vehicular traffic, odors, vibrations or glare. It is also the purpose of this district to insure the appropriate use and development of each site and to minimize or eliminate the impact of the undesirable aspects of industrial operations on current and future land uses of adjacent parcels and upon residents of the township

**Tbl. FIT-3, Findlay Township: zoning for specific oil and gas uses**

Oil and gas use	Districts							
	AG	LDR	MDR	MXU	VLD	BPK	LI	HI
O&G Development	CU	CU				CU	CU	CU
Compressor Stations								CU
Impoundments (wastewater and fresh water)								CU

**Tbl. FIT-4, Findlay Township: setbacks and distance/size requirements for oil and gas uses**

Use	Setback from					Minimum Lot Size
	ROW & Property Lines	Residential Property Line	Building	Residential Building	Protected Structure	
Oil and Gas Development					Extra restrictions if within 1,000 ft.	30 acres within LDR District
Compressor station	500 ft.	1,500 ft.	500 ft.			10 acres
Impoundment	500 ft.		500 ft.	1,000 ft.		10 acres

**Tbl. FIT-5, Findlay Township: application requirements for oil and gas uses**

Use	Application Requirement	Notes
All O&G	DEP Drilling Permit (20 days prior to drilling)	
	FAA Certification	
	Dust control plan	
	Odor control plan	
	Sound study	72-hour ambient noise
	Noise management plan	
	Lighting study	
	Preparedness, Prevention, and Contingency Plan	

**Tbl. FIT-6, Findlay Township: other requirements for oil and gas uses**

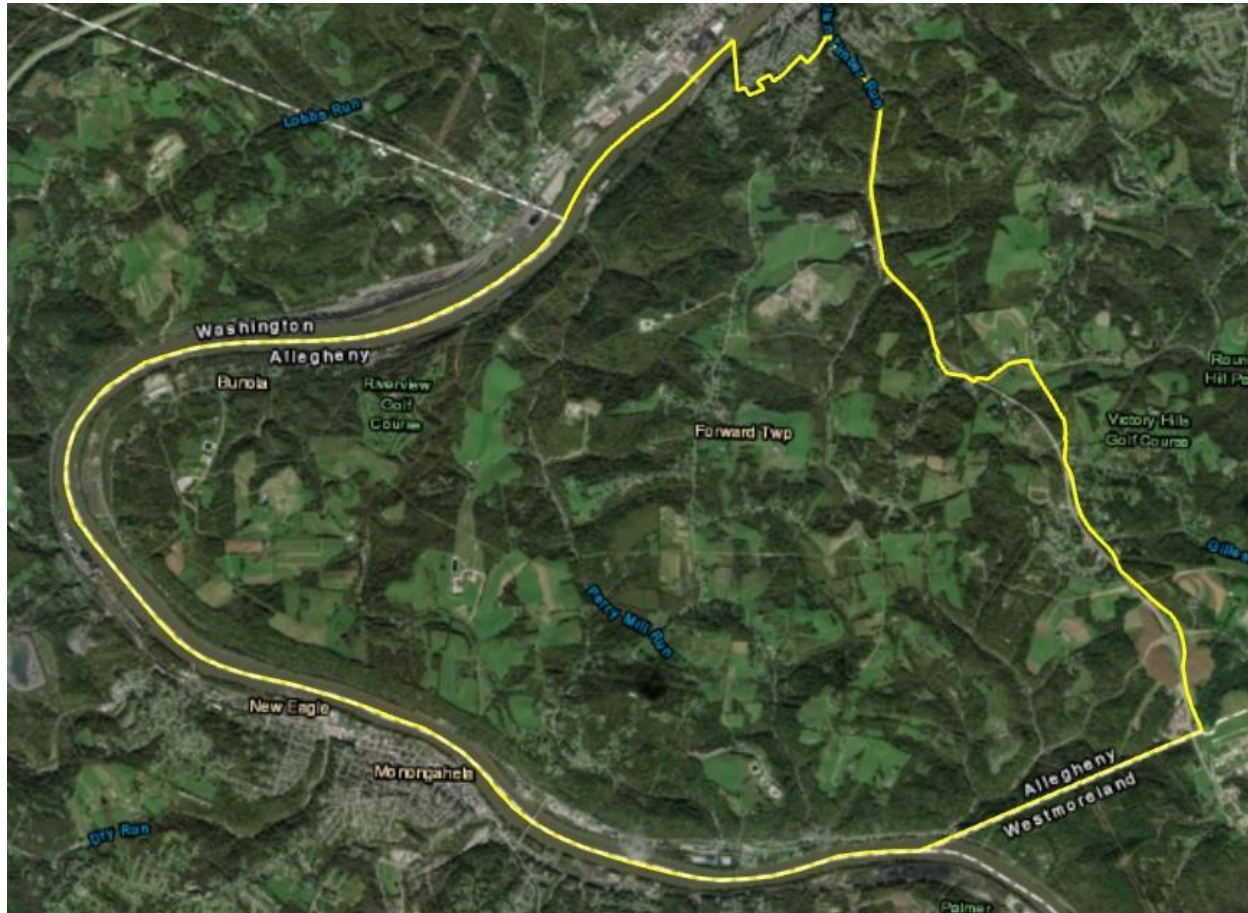
Use	Requirement
All O&G	Pre-drilling construction limited to 6 am to 10 pm
	Heavy truck traffic limited to 7 am to 7 pm
	Site-specific bond for roads
	No temporary housing for workers
Compressor stations	No compressor station located within one mile from another compressor station unless noise-control devices eliminate the noise of one station
Seismic testing	Ban on explosives for geophysical exploration



## 5. Forward Township

Forward Township forms the southern tip of Allegheny County, along with Elizabeth Township. Forward Township was one of the first communities in Allegheny County to experience shale gas drilling.<sup>38</sup> Most recently, oil and gas operations in Forward Township have expanded to include well pads, compressor stations, and pipelines. Sunoco's Mariner East II Pipeline bisects Forward Township from west to east.

**Fig. 7, Forward Township, Allegheny County**



<sup>38</sup> See, e.g., Kirk Jalbert, FracTracker Alliance, *Allegheny County, PA – Drilling, Leasing, and Zoning Trends*, Aug. 28, 2017, available at <https://www.fracktracker.org/2017/08/allegheny-drilling-leasing-zoning/> (last visited Feb. 24, 2020).

## **Government**

**Tbl. FWT-1, Forward Township: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Supervisors	Thomas DeRosa, Chairman	2021	Elected	Six years
	Dave Magiske, Vice Chairman	2025		
	Ron “Skrinny” Skrinjorich	2023		
Planning Commission <sup>39</sup>	Larry Milligan, Chairman	2022	Appointed by Board of Supervisors	Six years
	Frank White, Secretary	2022		
	Art Smith, Member	2022		
	Barbara Brizes	2022		
	Robert Roderick	2024		
Zoning Hearing Board	Jeffrey Bylicki, Chairman	2022	Appointed by Board of Supervisors	Three years
	Timothy Detwiler, Vice Chairman	2022		
	William Jenkins	2022		

## **Zoning Code**

Forward Township enacted and revised its Zoning Ordinance in 1990.<sup>40</sup> It establishes seven zoning districts, which are outlined below. The ordinance does not define specific purposes for each zoning district beyond the list of permitted and conditional uses allowed in each district.

**Tbl. FWT-2, Forward Township: zoning districts**

District	Name
A-1	Conservation
A-2	Agriculture
R-1	Single-Family Residential
R-2	Residential
R-3	General Residential
B-1	Business
M-1	Industrial

<sup>39</sup> Forward Township’s point of contact was unable to provide the exact term expirations for members of the Planning Commission other than Robert Roderick. Based on the fact that the Board of Supervisors appointed the other four members at the same time, the point of contact estimated 2022 as their term expiration.

<sup>40</sup> Forward Twp., Zoning Ordinance, *available at* [http://elibrary.pacounties.org/Documents/Allegheny\\_County/77;%20Forward%20Township/Forward%20Township%20Zoning.pdf](http://elibrary.pacounties.org/Documents/Allegheny_County/77;%20Forward%20Township/Forward%20Township%20Zoning.pdf).



Forward Township's Zoning Ordinance does not specifically reference oil and gas uses. Where a zoning ordinance does not specify oil and gas uses, we have generally assumed that such uses would be considered industrial uses restricted to the appropriate district—in this case, the Industrial District (M-1). Based on information recently provided by an organizer working in the community, Forward Township does in fact allow oil and gas development in all zoning districts, pursuant to a more recent zoning ordinance that does specify for such uses and is only available in hard copy format not available at the time of this survey.

## 6. Jefferson Hills Borough

Jefferson Hills Borough is directly to the west of Clairton, and to the northwest of Elizabeth and Findlay Townships. While not directly in the path of a pipeline, Jefferson Hills Borough is included in this survey due to its proximity to the right of way of Sunoco's Mariner East II Pipeline and to industrially developed cities such as Clairton.

Notably, Jefferson Hills is one of the few municipalities that has denied permits for the construction of a natural gas well pad. In December 2015, the Borough issued a denial to EQT. As expected, EQT appealed the borough's denial, arguing that certain testimony in opposition to the well pad was "speculative" because the testifying citizens were residents of nearby Union Township, not Jefferson Hills. The lower courts both sided with EQT. However, Special Counsel for the Borough successfully petitioned the Pennsylvania Supreme Court to hear arguments on the issue of burden of proof for objectors.

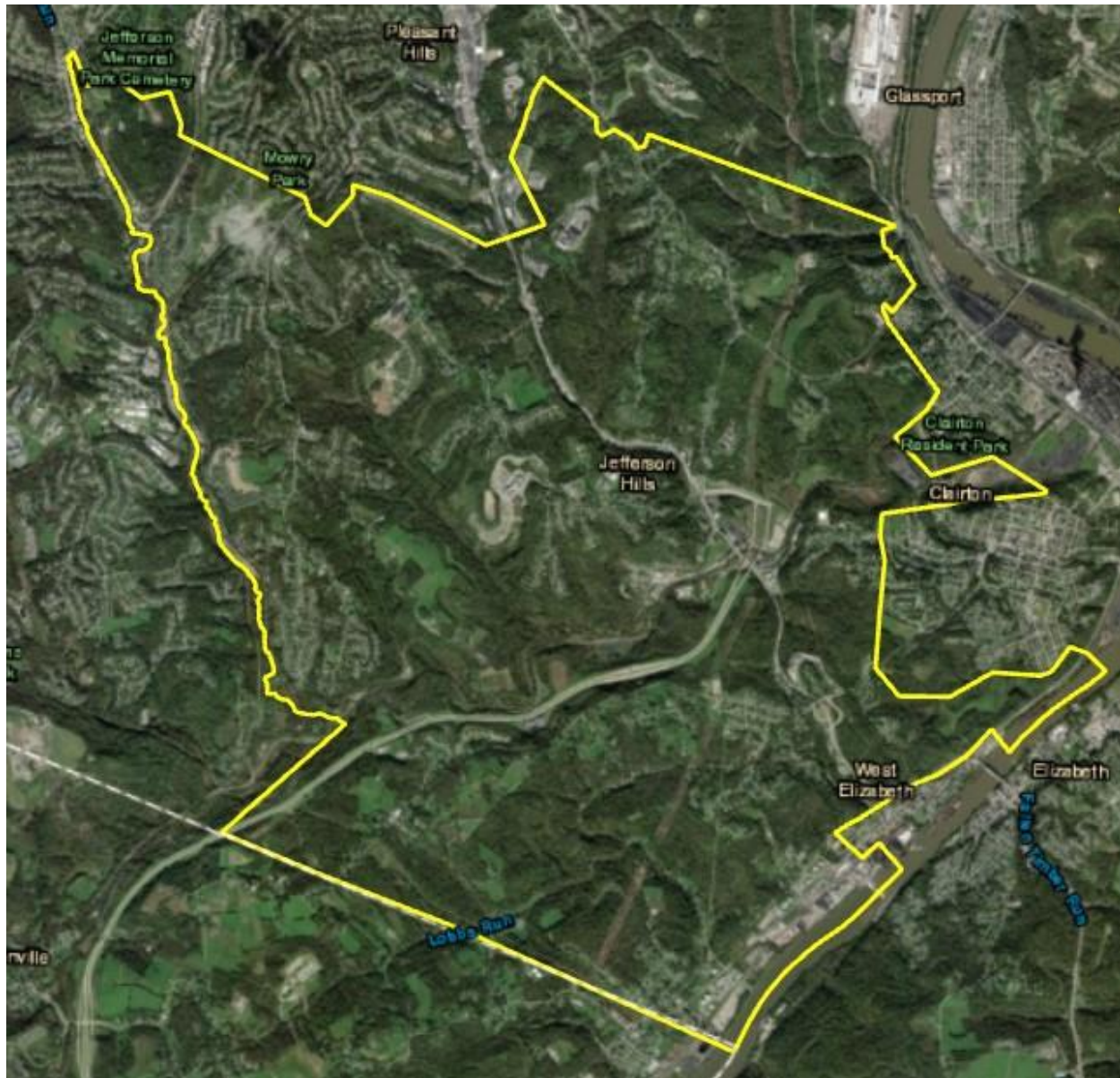
On May 31, 2019, the Pennsylvania Supreme Court issue a 6-1 ruling that citizen testimony regarding the negative impacts of natural gas well sites was relevant evidence and that the Jefferson Hills Borough Council was correct to rely on this testimony in deciding to deny the permit. In overturning the lower courts' decision, the Supreme Court wrote: "The testimony of the Union Township objectors as to the foul stench, intense vibrations, loud and penetrating sounds, and increased levels of traffic and air and light pollution they continuously endured, in and around their homes, was both relevant and probative in establishing the potential adverse impacts which Jefferson Borough residents ... reasonably could expect."<sup>41</sup>

This is a precedent-setting case that confirms the importance of citizens' testimony and points to the vital role local governments play—and the power they can exercise—in protecting public health, safety, and welfare during the permitting process. On the Supreme Court's instructions, the case was to be remanded to the trial court. However, just weeks later, EQT withdrew its appeal.

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<sup>41</sup> See *EQT Production Co. v. Borough of Jefferson Hills*, 208 A.3d 1010 (Pa. 2019).

**Fig. 8, Jefferson Hills Borough, Allegheny County**



## **Government**

**Tbl. JHB-1, Jefferson Hills Borough: zoning districts**

Office	Official	End of Term	Elected/ Appointed	Term Length
Mayor	Janice R. Cmar	2022	Elected	Four years
Borough Council	Karen Bucy, President	2023	Elected	Four years
	David Montgomery, Vice President	2020		
	Vickie Ielase	2022		
	Melissa Steffey	2022		
	Nicole Ruscitto	2023		
	Keith Reynolds	2023		
	Francis Sockman	2022		
Planning Commission	Thomas J. Donohue	2021	Appointed by Borough Council	Four years
	David Montgomery	2019		
	Derek A. Reckard	2020		
	Christopher Hynes	2020		
	Pervaiz A. Alvi	2020		
	Keith Polick	2022		
	Vacant	--		
	Vacant	--		
Zoning Hearing Board	Paul Calise	2022	Appointed by Borough Council	Five years
	Michael Joseph Bohnert	2023		
	David G. Parme	2019		
	Beverly McConeghy	2019		
	Daniel Chiacchia	2020		
	Brent Hansen, Alternate	2020		
	Dean E. Collins, Alternate	2019		

## **Zoning Code**

Jefferson Hills Borough adopted its Zoning Ordinance in 2000, and has amended it numerous times since then, most recently in 2018.<sup>42</sup> Notably, the 2014 revision—Ordinance No. 833—provided a comprehensive set of requirements for oil and gas drilling operations within the borough by establishing oil and gas development overlay districts. At the time of this survey, Jefferson Hills is currently in the process of amending its Zoning Ordinance again, with the aim of establishing more protective processes and requirements with respect to oil and gas uses. For example, discussions are currently underway to remove all overlay districts and restrict unconventional shale gas development in the Heavy Industrial (I-2) zoning district.

Jefferson Hills Borough's Zoning Ordinance establishes twelve districts, as outlined below.

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<sup>42</sup> See Jefferson Hills Borough, PA, Municipal Code, *available at* <https://ecode360.com/JE2362>.

**Tbl. JHB-2, Jefferson Hills Borough: zoning districts**

District	Name	Purpose
R-1	Residential-Agricultural	Encourage limited residential development which will blend with agricultural uses and to encourage rural conservation by preserving natural features, such as watersheds, forests and water courses, while perpetuating the rural atmosphere, open spaces and scenic landscapes
R-2	Low Density Residential	Encourage residential development of low-density on lots of sufficient size which would preserve existing residential areas and allow for their natural expansion
R-3	Medium Density Residential	Encourage special residential development in areas which lend themselves to such development. This district also provides a suitable area for new residential innovations, allowing for planned residential development
R-4	High Density Residential	Provide for single family dwellings and two family dwellings on small lots in areas where such higher density has already been established and to authorize certain compatible uses as conditional uses and uses by special exception
R-5	Special Residential	Provide for the orderly development of special residential areas for mobile home parks. Special emphasis is placed on the provision of all necessary utilities, including an approved water supply system, a sanitary sewer system, an electrical distribution system, and an open space system. In addition, it is the intent of this section to permit a more varied, efficient and attractive development pattern which will provide housing of greater variety and type, design, and site planning within the borough. It is also necessary to provide for a viable interior circulator system with adequate ingress and egress from public rights-of-way. It is also the intent of this ordinance to provide suitable locations and living environments for mobile homes and other manufactured housing as provided for and regulated by the R-5 Special Residential District
C-1	Highway Commercial	Provide commercial and other permitted facilities to serve primarily the needs of the local residents, including automotive or highway oriented facilities, neighborhood type facilities and general convenience needs
C-2	Neighborhood Business	Provide a neighborhood center which recognizes the need for a sense of community within the Borough

District	Name	Purpose
I-1	Planned Industrial	Encourage planned industrial development which is free from offensive noise, vibration, smoke, odors, glare, hazards of fire or other objectionable effects. Industries which can meet the standards imposed in this section shall be permitted to locate in districts adjacent to commercial and residential adjoining districts, provided that adequate landscaping and screening are provided. Residential uses are not permitted in industrial zone areas. While minimum lot sizes are required, emphasis will be placed upon meeting the required performance standards. Industrial developers in the district are given the option of developing individual sites or industrial parks, in which the area and bulk regulations permit increased flexibility in developing industrial tracts thus assuring compatibility between similar uses
I-2	Heavy Industrial	Provide industrial locations for plants which require a large area for their operations along the Monongahela and which are normally undesirable adjacent to residential and commercial areas
B-P	Business Park	Promote opportunities for integrated development of compatible warehousing, light manufacturing and office uses and related supporting facilities and activities in an appropriate location within the borough. It is the further purpose of this section to protect adjoining zoning district classifications and to provide minimum standards which will encourage compatible development and minimize impacts on adjacent properties and the regional highway system
O-P	Office Park	Encourage the development of medical offices, medical clinics and diagnostic centers ancillary to the Jefferson Hospital; to encourage other business and professional offices and supporting services in a campus style setting with protections for adjoining residentially zoned properties; and to provide a compatible zoning classification to serve as a transition between residential properties and commercial properties in locations accessible to the regional highway network
C-D	Special Conservation	Protect and preserve the special environmental features in the Peters Creek watershed, particularly flood plains and wetlands; to promote the development of land uses which are complimentary to the natural features of the area and the proposed Montour Trail traversing the watershed; and to buffer this environmentally sensitive area from more intensive adjacent zoning classifications

**Tbl. JHB-3, Jefferson Hills Borough: zoning for specific oil and gas uses**

Oil and gas use	Districts											
	R-1	R-2	R-3	R-4	R-5	C-1	C-2	I-1	I-2	B-P	O-P	C-D
Unconventional O&G Well Development (only within overlay district) <sup>43</sup>	CU	CU	CU				CU	CU	CU	CU		
Conventional O&G Well Development Wells	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	
Compressor station									CU			
Processing plant									CU			

**Tbl. JHB-4, Jefferson Hills Borough: setbacks and distance/size requirements for oil and gas uses**

Use	Front, Rear, and Side Yard Buffer
Compressor station	200 ft.
Processing plant	200 ft.

<sup>43</sup> The districts listed here as allowing unconventional oil and gas well development as a conditional use are only those for which all or a portion of the district is within the Overlay District on the most recent Zoning Map.



**Tbl. JHB-5, Jefferson Hills Borough: application requirements for oil and gas uses**

Use	Application Requirement	Notes
All O&G	All required permits must be provided	Including local, county, state, and federal
	Applicant must provide twenty (20) paper copies and one electronic copy of the completed application form supplied by the Borough, along with supporting documentation	
	Schedule of project development	
	Site plan, including identification of mid- and downstream infrastructure	Including but not limited to gathering lines, compressors, and other mid- and downstream facilities located within the Borough and extending eight hundred (800) feet beyond the Borough boundary
	Provide evidence of the location of water supply wells and estimated deepest fresh groundwater	
	Traffic study and plan to minimize impact	
	Emergency response plan	
	Lighting study and mitigation plan	
	Sound study and noise management plan	Explicitly subject to modification by the Zoning Hearing Board
	Certify DEP bond and secure additional bond for road improvements and access limitations	

**Tbl. JHB-6, Jefferson Hills Borough: other requirements for oil and gas uses**

Use	Requirement
All O&G	Man camps/group housing are forbidden
	Staging areas on municipal roads are forbidden
	Generally applicable noise requirements limit noises to 90 dB, measured at least 25 ft. from property line on which source is located
Compressor stations/ Processing plants	Electric engines are required, where practicable



## 7. Liberty Borough

Liberty Borough is located northeast of the City of Clairton along the Youghiogheny River. A small community of just under 3,000, this river town has long been impacted by the industrialization of the Monongahela River valley. Air quality in the region has been and continues to be a concern, particularly due to the impacts from local steelmaking and coking facilities located in neighboring Clairton and West Mifflin communities.

The topography of the Monongahela River Valley communities means health and environmental effects are especially high during air inversion events when pollution from industrial facilities is trapped in atmospheric layers and remains in the valley areas for a prolonged amount of time.

**Fig. 9, Liberty Borough, Allegheny County**



## **Government**

**Tbl. LIB-1, Liberty Borough: zoning districts**

Office	Official	End of Term	Elected/ Appointed	Term Length
Mayor	S. Larry Sikorski	2022	Elected	Four years
Borough Council	Melissa Morgan, President (Parks & Recreation)	2020	Elected	Four years
	Christopher Ponchak, Vice President (Police, Fire, & Legislation)	2020		
	Janice Matyasovsky (Finance/Personnel)	2022		
	Jane Weigand (Property)	2020		
	Tim Sloss (Health & Ordinance)	2022		
	Mike Zrenchak (Streets and Sewers)	2020		
	Mike Matlos (Lights)	2022		
Planning Commission	Ron Pope	2021	Appointed by Borough Council	Four years
	Dave Cochran	2019		
	Lou Anatucci	2020		
	Eric Moranelli	2020		
Zoning Hearing Board	John Kish	2020	Appointed by Borough Council	Four years
	Ross Trunzo	2021		
	Pete Lotz, Jr.	2022		

## **Zoning Code**

Liberty Borough first enacted its Zoning Ordinance in 1957 and has amended it several times subsequently, most recently in 2011.<sup>44</sup> The Liberty Borough Zoning Ordinance establishes three districts, which are outlined below. The Zoning Ordinance does not provide explicit purposes for the districts in the same way that other zoning ordinances do, beyond the list of permitted, conditional, and prohibited uses in each district.

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<sup>44</sup> Liberty Borough, PA, Zoning Ordinance, *available at* <https://ecode360.com/32197857>.

**Tbl. LIB-2, Liberty Borough: zoning districts**

Name	Examples of Allowed Uses	Examples of Prohibited Uses
Commercial	<ul style="list-style-type: none"> <li>• Amusement enterprise,</li> <li>• Art or antique shop,</li> <li>• Department store,</li> <li>• Hotel,</li> <li>• Office,</li> <li>• Restaurant,</li> <li>• School</li> </ul>	Such other uses which may be noxious or offensive by reason of emission of odor, dust, smoke, gas, vibration or noise or which may be inconsistent with the primary use of property in this Borough as an industrial and residential community are hereby prohibited and specifically excluded in the Commercial District.
“A” Residence	<ul style="list-style-type: none"> <li>• One-family detached dwelling,</li> <li>• Duplex or double house,</li> <li>• Apartment dwelling,</li> <li>• Gasoline service station,</li> <li>• Trailer park</li> </ul>	Any other non-specified use.
Industrial	Within an Industrial District, all buildings, structures or premises, except for trailers and/or trailer parks, shall be used or arranged or designed to be used for the natural development and enlargement of any trade, business or industry, which shall not be objectionable or detrimental to or tend to alter the residential character of the neighborhood	<ul style="list-style-type: none"> <li>• Boiler works or forge works,</li> <li>• Coke manufacture,</li> <li>• Fat rendering,</li> <li>• Fertilizer manufacture,</li> <li>• Refining of petroleum or other crude materials,</li> <li>• Slaughterhouse,</li> <li>• Stock yard,</li> <li>• Any other trade, industry or use that is injurious, noxious, offensive, or hazardous by reason of the emission of odor, dust, fumes, smoke, noise or vibration</li> </ul>

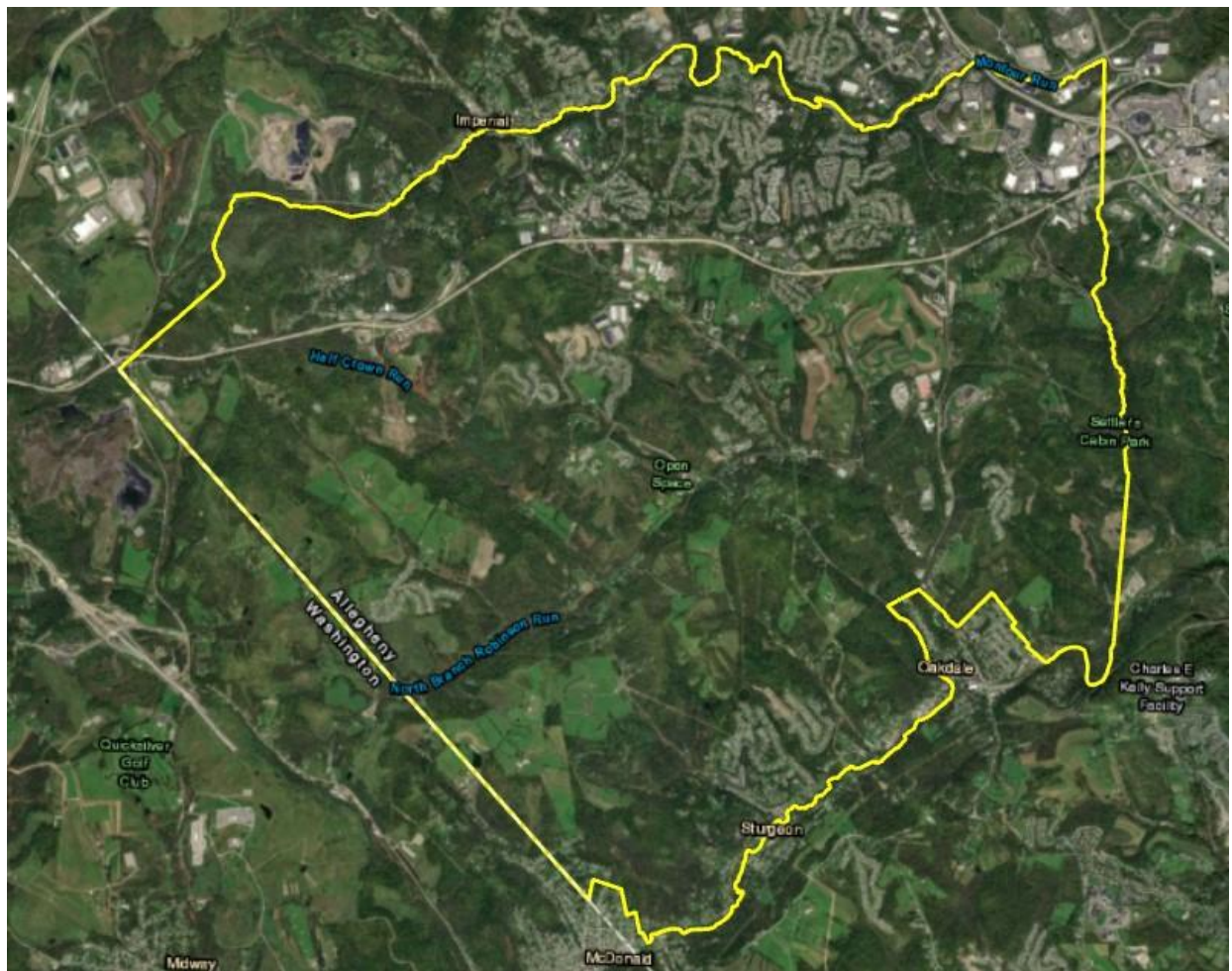
Oil and gas development is not specifically mentioned anywhere in the Zoning Ordinance, so it is assumed—but, as with the case of Forward Township, not certain—that it would be limited to the Industrial District as an industrial use. The Industrial district expressly prohibits petroleum refining operations and similar large-scale petrochemical operations, such as the manufacturing of fertilizer and paint.



## 8. North Fayette Township

North Fayette Township is located southeast of Findlay Township, due south of the Pittsburgh International Airport. Shell's Falcon Pipeline crosses a small portion of the westernmost tip of the Township.

**Fig. 10, North Fayette Township, Allegheny County**



## **Government**

**Tbl. NFT-1, North Fayette Township: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Supervisors	James Morosetti, Chairman	2022	Elected	Six years
	James Mangan, Vice Chairman	2020		
	Robert Doddato, Treasurer	2024		
Planning Commission	Chuck Kyle, Chairman	2020	Appointed by Board of Supervisors	Three years
	Bob Owens, Vice Chairman	2022		
	Matt Gilfillan	2023		
	Bill Fitzgerald	2021		
	Fred Lutz	2022		
Zoning Hearing Board	Brant Miller, Chairman	2022	Appointed by Board of Supervisors	Three years
	Dan Patterson, Vice Chairman	2019		
	John Scott	2021		
	Chip McCarthy, Alternate	2020		
	Todd Klippa, Alternate	2019		
	Brent Hansen, Alternate	2020		
	Tim Bish (Dillon McCandless King Coulter & Graham), Solicitor	N/A		

## **Zoning Code**

The North Fayette Township Zoning Ordinance was most recently amended in 2016.<sup>45</sup> It establishes twelve zoning districts, which are outlined below. It also establishes four overlay districts, relating to roads, airports, and planned development, which are not included in this analysis.

**Tbl. NFT-2, North Fayette Township: zoning districts**

District	Name	Purpose
R-R	Rural Residential	Encourage the continuation of agricultural practices and to allow very low-density residential development to occur in areas of the Township where public water and public sewers do not exist and are not anticipated within the near future
R-1	Low Density Residential	Allow low-density residential development to occur in areas of the Township where public water and public sewers may or may not exist and are not anticipated within the near future

<sup>45</sup> North Fayette Twp., PA, Zoning Ordinance, *available at* <https://ecode360.com/30832639>.

District	Name	Purpose
R-2	Suburban Residential	Accommodate single-family dwellings on smaller lots where public water and public sewer is available or is likely to be extended
R-3	Medium Density Residential	Reserve certain areas for higher density residential development, including single-family dwellings on small lots, two family dwellings and multi-family dwellings no more than three stories in height
R-4	High Density Residential	Accommodate existing multi-family dwellings and higher intensity residential development on smaller lots where public water and public sewer is available
V	Village	Preserve the historic character of existing urban areas and to provide for a compatible mixture of residential and small-scale nonresidential uses that serve the surrounding residential neighborhoods
TC	Town Center	Create a centralized, mixed-use zoning district that institutes unified development standards for residential, commercial and civic activity; to establish pedestrian-oriented development by encouraging the provision of streetscape and park-like amenities; and to integrate the following land uses into a single, cohesive neighborhood: residential development, nonresidential development, mixed-use development, civic amenities, and open space
CE	Civic and Education	Encourage unified and centrally located development of institutional uses and other civic services
B-1	Neighborhood Commercial	Provide sufficient space for community-level commercial and service establishments and to promote stable commercial development for smaller-scale business and service uses
I-1	Light Industrial	Encourage the development of light industrial uses in appropriate locations where the public health, safety and welfare of the surrounding neighborhoods are protected
I-2	Heavy Industrial	Provide areas for the development of heavy industrial uses, including manufacturing processes, in locations that are convenient to the regional transportation network and where the environmental impacts of the uses will not negatively impact surrounding neighborhoods

**Tbl. NFT-3, North Fayette Township: zoning for specific oil and gas uses**

Oil and gas use	Districts											
	R-R	R-1	R-2	R-3	R-4	V	TC	CE	B-1	B-2	I-1	I-2
O&G well	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Compressor station											P	P
Processing plant											P	P

**Tbl. NFT-4, North Fayette Township: setbacks and distance/size requirements for oil and gas uses**

Use	Setback from			
	ROW & Property Lines	Residential Property Line	Building	Protected Structure
Compressor station	500 ft.	1,500 ft.	500 ft.	Extra requirements if within 1,000 ft.

**Tbl. NFT-5, North Fayette Township: application requirements for oil and gas uses**

Use	Application Requirement	Notes
All O&G	Evidence that all relevant permits have been obtained	
	Traffic Study and road use plan	Including routes, weights, and estimated numbers for all trucks used
	Erosion and Sedimentation Control Plan, if applicable	
	Must demonstrate proof of DEP bond	
	Applicant must renew conditional use permit every year	Must demonstrate that applicant remains in compliance with all conditions and permits
	Applicant must reimburse township for professional consultant fees for review and approval of zoning/land use application	
	Generally applicable noise restrictions apply to oil and gas use, based on zoning district in which use is located <sup>46</sup>	At no point beyond boundary of lot shall noise exceed the following levels within a 24-hour period: <ul style="list-style-type: none"> <li>• Residential: 60 dB for &gt;4 hours;</li> <li>• Commercial: 70 dB for &gt;8 hours;</li> <li>• Industrial: 75 dB for &gt;8 hours</li> </ul>

**Tbl. NFT-6, North Fayette Township: other requirements for oil and gas uses**

Use	Requirement
All O&G	Construction limited to 6 am to 10 pm
	Fines of \$500 per day, plus costs
Flowback water treatment plants	Special requirements apply

<sup>46</sup> See *id.* § 27-904.



## 9. West Elizabeth Borough

West Elizabeth Borough is located downstream of the City of Clairton along the west bank of the Monongahela River. It is surrounded on all non-river sides by Jefferson Hills Borough.

**Fig. 11, West Elizabeth Borough, Allegheny County**





## **Government**

**Tbl. WEB-1, West Elizabeth Borough: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Mayor	Paul Gilbert		Elected	
Borough Council	Lew Miller, President		Elected	
	Lisa Morris, Vice President			
	Louise Biddle			
	Ray Dodds			
	Janet Isaacs			
	Jenna Gilbert			
	Jay Atkinson			

## **Zoning Code**

According to West Elizabeth Borough's point of contact, the Borough does not have a zoning ordinance.

## C. BEAVER COUNTY AND MUNICIPALITIES

Fig. 12, Beaver County and Selected Municipalities



Tbl. BEC-1, Beaver County Government

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Commissioners	Daniel C. Camp III, Chairman	2023	Elected	Four years
	Jack Manning	2023		
	Tony Amadio	2023		

## 1. Center Township, Beaver County

Center Township is located south of a bend in the Ohio River, across the river from Conway Borough. Energy Transfer's Revolution Pipeline runs the length of the Township, from northeast to southwest. Center Township has the notable distinction as the site of a major pipeline accident. In the early morning hours of September 10, 2018, the Revolution Pipeline exploded just days after coming online, forcing Ivy Lane neighbors to run for their lives and leaving residents with questions and demands for more transparency about oil and gas projects.<sup>47</sup>

**Fig. 13, Center Township, Beaver County**



<sup>47</sup> See Reid Frazier, *Pipeline explosion: Part of line shut down during investigation*, NPR StateImpact PA, Sep. 11, 2018, <https://stateimpact.npr.org/pennsylvania/2018/09/11/pipeline-explosion-part-of-line-shut-down-during-investigation/> (last visited Feb. 24, 2020); Anya Litvak, State DEP says company not complying with order after Beaver County pipeline blast, Pittsburgh Post-Gazette, Jan. 18, 2019, available at <https://www.post-gazette.com/business/powersource/2019/01/18/DEP-Energy-Transfer-Beaver-County-pipeline-blast-Revolution-Center/stories/201901200044>.

## **Government**

**Tbl. CET-1, Center Township: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Supervisors	Bill DiCioccio, Jr., Chairman	2023	Elected	Five years
	Dr. Michael Sisk, Vice Chairman	2021		
	Richard George	2024		
	Lesa Mastrofrancesco	2024		
	George Warzynski	2023		
Planning Commission	Frank Vescio	2022	Appointed by Board of Supervisors	Four years
	Patrick McMullen	2022		
	Dave Ambrose	2021		
	Richard Gradisek	2020		
	Karen Hall	2019		
	Michael Dyrwal	2019		
	Jack Smith	2020		
	Dennis Morrison	2020		
	John Peterson	2021		
Zoning Hearing Board	William Battisti	2023	Appointed by Board of Supervisors	Five years
	John McCracken	2020		
	Robert Martini	2022		
	George Paich	2019		
	Jake Morrison	2021		

## **Zoning Code**

The Center Township Zoning Ordinance was adopted in 2012. It establishes twelve zoning districts, which are outlined below.<sup>48</sup>

**Tbl. CET-2, Center Township: zoning districts**

District	Name	Purpose
R-R	Rural Residential	Preserve existing agricultural uses and to provide for compatible low density residential development in an area where public water and sewers are not available and where access to the regional transportation system is not readily available

<sup>48</sup> Center Township, Beaver County, PA, Zoning Ordinance, *available at* [http://elibrary.pacounties.org/Documents/Beaver\\_County/218;%20Center%20Township/Center\\_Township\\_Municipal\\_Zoning\\_Ordinance.pdf](http://elibrary.pacounties.org/Documents/Beaver_County/218;%20Center%20Township/Center_Township_Municipal_Zoning_Ordinance.pdf).

District	Name	Purpose
R-1	Low Density Residential	Provide for low density residential development in suburban and rural areas where public sewer and/or water facilities may or may not be immediately available and to provide for compatible public, semi-public and accessory uses as conditional uses or uses by special exception
R-2	Suburban Residential	Provide for medium density residential development in areas which have public water and sewer facilities available; to allow compatible Planned Residential Developments on selected sites; and to authorize compatible public, semi-public and accessory uses as conditional uses or uses by special exception to complement the residential development
R-3	Urban Residential	Preserve existing residential neighborhoods which have been developed with smaller lot sizes and which have public water and sewer facilities available; and to authorize compatible public, semi-public and accessory uses as conditional uses or uses by special exception to complement the residential development
R-4	Multifamily Residential	Provide opportunities for higher density multifamily development in locations which are served by public water and sewage and are located on the regional transportation network close to shopping and community services while protecting the Township from congestion and uncoordinated growth
E-C	Educational Campus	Provide flexibility in the development of future facilities at the educational campuses in the Township while minimizing impacts on surrounding residential neighborhoods; and to authorize compatible accessory uses as conditional uses or uses by special exception
C-1	Limited Commercial	Provide retail shopping and service facilities to serve immediate household needs which are of a limited type and size appropriate to smaller properties, which do not generate large amounts of traffic and which do not adversely impact neighboring residential uses
C-2	General Commercial	Provide for retail and service facilities which serve the needs of the general community and which are located in high volume traffic corridors to allow convenient access and to minimize the traffic impact on neighborhoods and local roads
C-3	Transitional Commercial	Allow for the transition of older residential neighborhoods that are being impacted by surrounding large-scale commercial development by encouraging the consolidation of small lots into a larger site to accommodate well-planned, unified commercial development that minimizes environmental impacts on adjacent, as well as remaining, residential properties and mitigates traffic impact on local and collector streets

District	Name	Purpose
C-4	Mixed Use Commercial	Allow for the private redevelopment of properties formerly used for industrial purposes that are in key locations in the commercial corridor and that are of sufficient size to provide a mix of retail, service and educational uses accessible to the regional highway network, while allowing the less accessible property to be developed for compatible research, development and high technology industries that benefit from close proximity to the retail, service and educational uses authorized
OP	Office Park	Encourage the development of large sites in key locations on the regional transportation network into office parks which promote coordinated, campus-type development, including supporting business services, limited commercial services and research and development activities that contribute to an integrated working environment. It is intended that this District provide an environmentally protected atmosphere for development and this District is not intended to develop a predominantly industrial character
I-1	Industrial	Provide for industrial uses in appropriate locations consistent with sound planning and environmental controls

**Tbl. CET-3, Center Township: zoning for specific oil and gas uses**

Oil and gas use	Districts											
	R-R	R-1	R-2	R-3	R-4	E-C	C-1	C-2	C-3	C-4	OP	I-1
O&G Operations <sup>49</sup>												P

Because “oil and gas operations” is a permitted use in the industrial zone, there is no approval process to be met. Additionally, only the normal performance standards for the industrial zone apply. Those standards that are relevant to oil and gas operations are detailed below.<sup>50</sup>

**Tbl. CET-4, Center Township: other requirements for oil and gas uses**

Use	Requirement
All O&G	Site lighting must be shielded and reflected away from adjacent residential properties and public streets
	Maximum fine of \$500 per day, plus costs

<sup>49</sup> “Oil and Gas Operations” include well development, impoundments, compressor stations, and processing plants. *Id.* § 201.

<sup>50</sup> The section of the Zoning Ordinance into which use-specific standards for Oil and Gas Operations would fall alphabetically provides only “Reserved for Future Use.” Presumably, either such use-specific standards were planned and removed prior to the ordinance passing, or such standards previously existed and were repealed. Additionally, seven pages pertaining to general performance standards are missing from the online version of Center Township’s zoning ordinance. *See id.* § 1703.37.



## 2. Conway Borough

Conway Borough is located across the Ohio River from Center Township. Much of its acreage is taken up by the Norfolk Southern Conway Railyard. The Revolution Pipeline cuts across the northern portion of Conway Borough.

**Fig. 14, Conway Borough, Beaver County**



## **Government**

**Tbl. ECB-1, Economy Borough: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Mayor	Debbie Giska Rose	2021	Elected	Four years
Borough Council	Doug Falk, President	2023	Elected	Four years
	Dave Trombetto, Vice President	2023		
	David P. Matthews	2023		
	Joseph Bohach	2021		
	Tim Antoline	2021		
	John Antoline	2021		
	Patty Then	2021		
Planning Commission	John Gudzan, Chairman	2022	Appointed by Borough Council	Four years
	Bill Calahan, Vice Chairman	2020		
	Ruthanne Belus, Secretary	2019		
	Chris Then	2022		
	Vacant			
	Vacant			
	Vacant			
Zoning Hearing Board	Anthony Cercone	2023	Appointed by Borough Council	Five years
	Dale Grdnic	2022		
	Thomas Micija	2021		

## **Zoning Code**

The Conway Borough Zoning Ordinance was most recently amended in 2009.<sup>51</sup> The Zoning Ordinance establishes six districts, as outlined below.

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<sup>51</sup> Borough of Conway, Beaver County, PA, Zoning Ordinance, Borough Ordinance No. 404, available at <http://www.conwaypa.org/resources/ZONING+ORDINANCE.PDF>.



**Tbl. ECB-2, Conway Borough: zoning districts**

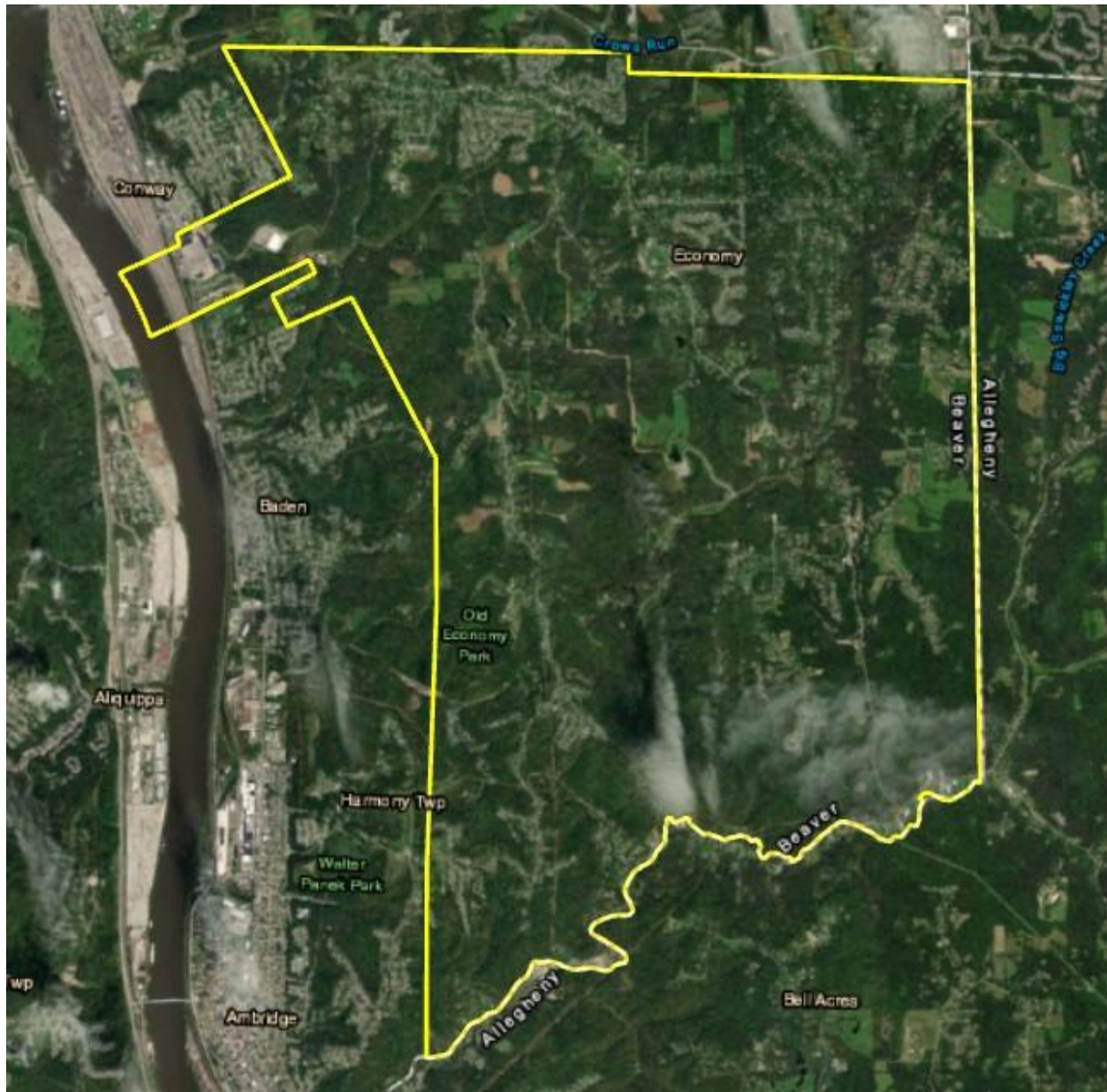
District	Name	Purpose
R-1	Restricted Residential	Establish a low density residential area which is compatible with the existing residential development of the area
R-2	General Residential	Establish a medium density residential area compatible with the existing small lot; older, larger single-family detached structures and offering an opportunity for duplex development or conversion apartment adaptive reuse
R-3	Urban Residential	Provide for a higher density urban living environment with a variety of housing types for various income levels
C-1	Commercial	Encourage centralized business activity in economically advantageous areas while preserving the traffic carrying capacity of roads and highways
C-2	Neighborhood Commercial	Encourage unified arrangements of commercial areas designed to serve the nearby residential neighborhood
I-P	Industrial Park	Protect the existing industry from encroachment of incompatible uses and to develop areas to expand the borough's industrial sector of its economy

Conway Borough's Zoning Ordinance does not provide for specific oil and gas requirements. Presumably, oil and gas uses are limited to the Industrial Park zoning district as an industrial use—but without more clarity, this is an assumption. The only oil and gas use expressly prohibited in the Industrial Park district is petroleum refining. All conditional uses must follow general noise, smoke, vibration, and glare requirements. According to a point of contact with the Borough, there has yet to be any shale gas development in the district or elsewhere in the Borough.

### 3. Economy Borough

Economy Borough is located immediately south along the Ohio River from Conway Borough, though it extends considerably further inland. The community includes large swaths of land designated as Rural Agricultural and Residential. While oil and gas development has occurred in the Borough, local officials are in the process of updating the Zoning Ordinance to include more protections in accordance with Pennsylvania Supreme Court precedent.

**Fig. 15, Economy Borough, Beaver County**



## **Government**

**Tbl. ECB-1, Economy Borough: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Mayor	JoAnn Barato	2021	Elected	Four years
Borough Council	Frank Morrone, President	2021	Elected	Four years
	Donald Sivy	2023		
	Jeffrey Ruckert, Vice President	2023		
	Gary Bucuren	2021		
	Glenn Sylvester	2023		
	Roger M. Kowal	2023		
	Patricia Skonieczny	2021		
Planning Commission	James Blumling, Chairperson	2020	Appointed by Borough Council	Four years
	Richard Loedding, Vice Chairperson	2021		
	David Carlson, Secretary	2019		
	Roger Kowal	2022		
	Myron Kowalski	2020		
	Donald Lang	2022		
	Robert Meegan	2022		
	Audrey Mutschler	2021		
	Chad M. Pcsolyar	2019		
Zoning Hearing Board	George Stewart, III, Chair	2020	Appointed by Borough Council	Five years
	Carole Schomaker	2021		
	Elizabeth Hawkins	2019		
	Ann Lewis, Alternate			
	Michael Andrews, Second Alternate			

## **Zoning Code**

Economy Borough enacted its Zoning Ordinance in 2008, when the Borough repealed its previous 1990 zoning ordinance.<sup>52</sup> Economy Borough has subsequently amended its Zoning Ordinance as recently as 2018, with the amendments for oil and gas uses in 2013. The current oil and gas ordinance—No. 440—was officially enacted nearly one year prior to Pennsylvania Supreme Court’s *Robinson Township* decision striking down Act 13, and therefore does not reflect this changed legal landscape. Borough Council recently announced plans to amend and update their current oil and gas ordinance.

The Zoning Ordinance establishes six zoning districts, as outlined below.

<sup>52</sup>Economy Borough, PA, Zoning Ordinance, *available at* <https://www.unicode360.com/8159919>.

**Tbl. ECB-2, Economy Borough: zoning districts**

District	Name	Purpose
R-A	Rural Agricultural	Preserve productive agricultural land resources and to provide for low-density single-family residential development that will be compatible with agricultural pursuits and will preserve natural features and to provide for accessory uses and compatible public and semipublic uses as conditional uses or uses by special exception
R-1	Restricted Residential	Protect agricultural uses and preserve natural features and resources while encouraging low-density single-family residential development suited to the natural conditions and to provide for accessory uses and compatible public and semipublic uses as conditional uses or uses by special exception
R-2	Suburban Residential	Encourage single-family development at suburban densities in locations in the Borough where utilities and transportation facilities exist or are anticipated in the future and to provide for accessory uses and compatible public and semipublic uses as conditional uses and uses by special exception.
R-3	Limited Residential	Provide for medium-density single-family development and to provide multifamily housing opportunities in planned residential developments in areas served by public sewers and other public services and to provide for compatible public, semipublic and accessory uses as conditional uses or uses by special exception
C-1	General Commercial	Provide retail shopping and service facilities that serve the needs of the general community and are located on arterial and collector streets in appropriate locations to allow convenient access and to minimize traffic impacts on neighborhoods and local streets
I-1	Industrial	Encourage development of light industrial uses in appropriate locations in the Borough, consistent with sound planning and environmental controls

**Tbl. ECB-3, Economy Borough: zoning for specific oil and gas uses**

Oil and gas use	Districts					
	R-A	R-1	R-2	R-3	C-1	I-1
O&G Wells	CU				CU	
O&G Operations	P		CU	CU	P	P
O&G-exclusive Impoundments	P		CU	CU	P	P
Compressor Stations						CU
Processing Plants						CU

**Tbl. ECB-4, Economy Borough: distance/size requirements for oil and gas uses**

Use	Minimum Lot Size
Compressor station	25 acres

**Tbl. ECB-5, Economy Borough: application requirements for oil and gas uses**

Use	Application Requirement	Notes
All O&G	Thirty days prior to beginning work, must submit copies of all permits issued by DEP and all plans required by DEP	
	General description of development	Including type, number, and weight of vehicles involved and anticipated beginning and end dates of all stages of development
	Noise management plan	
	Traffic management plan	
	Site plan	
	Plan for transmission of gas to an off-site pipeline or a statement that there is no off-site pipeline	
O&G Wells	DEP well permits, if available at the time of application, or provided later once issued	

**Tbl. ECB-6, Economy Borough: other requirements for oil and gas uses**

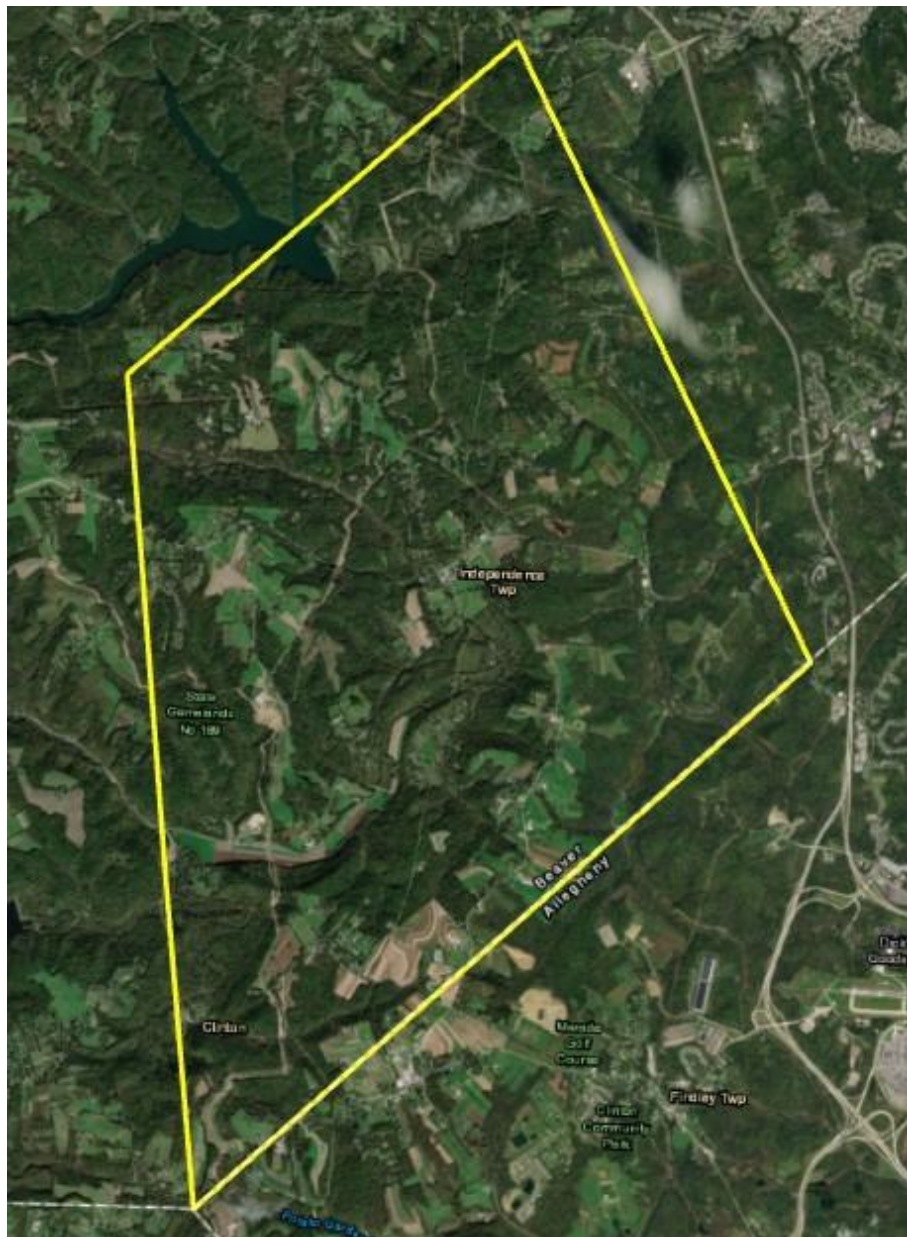
Use	Requirement
All O&G	No construction between sunset and sunrise
	No stacking of vehicles on public streets
	Noise testing requirements triggered by complaints.
	Maximum fine of \$500/day plus costs
O&G Wells	No separate approval required for multiple well heads on the same site
Pipelines	No zoning approval required for in-ground or aboveground gathering or transmission lines



#### 4. Independence Township

Independence Township is located on Beaver County's southeastern border with Allegheny County, and the Township's southernmost tip forms the point where Allegheny, Beaver, and Washington Counties meet. Shell's Falcon Pipeline and Energy Transfer's Revolution Pipeline cross at the northern tip of the Township and run north-south through the length, with Falcon crossing into Allegheny Township at the midpoint of Findlay Township and Revolution passing through the very tip of Findlay Township before continuing on to Robinson Township in Washington County.

**Fig. 16, Independence Township, Beaver County**





## **Government**

**Tbl. INT-1, Independence Township: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Supervisors	Daniel V. McLaughlin, Chairman	2023	Elected	Six years
	Wayne R. Potts, Vice Chairman	2021		
	John J. Fratangeli	2025		
Planning Commission	Chuck Matthews	2022	Appointed by Board of Supervisors	Four years
	Jeff Winkle	2022		
	Michael Price	2021		
	Paul Frey	2020		
	Sherrie Domitrovich	2020		
	Roy Mann	2019		
	Don Sawyer	2019		
Zoning Hearing Board	Jake Iorio	2021	Appointed by Board of Supervisors	Three years
	Carla Welte	2020		
	Michael Dengel	2019		
	Tom Oros, Alternate	2021		
	Stephen Ingram, Alternate	2019		
	Stephen Leeper, Alternate	2020		

## **Zoning Code**

Independence Township's Zoning Ordinance was first enacted in 1992. The Township amended the Zoning Ordinance to add Article XV, which covers oil and gas resource development, in 2011, and further amended the Zoning Ordinance in 2015.<sup>53</sup> The Zoning Ordinance establishes four zoning districts, as outlined below.

**Tbl. INT-2, Independence Township: zoning districts**

District	Name	Purpose
A-1	Agricultural	Preserve productive agricultural land resources and to provide sites for low-density residential development that will be compatible with natural features, agricultural pursuits and the perpetuating of the low-density use characteristics of the district
R-1	Suburban Residential	Provide for the development and maintenance of single-family residential neighborhoods together with activities that are compatible and normally associated with residential neighborhoods

<sup>53</sup> Independence Twp., PA, Ordinance, Ch. 200 (Zoning), *available at* <https://ecode360.com/12994511>.

District	Name	Purpose
C-1	General Commercial	Provide locations for general business and related activities for the use and convenience of area and district consumers. Regulations for this district are intended to generate commercial activities and associated supporting amenities, to encourage and sustain such functions, to strengthen the local economic base, to effectuate safe and efficient traffic and pedestrian circulation and to provide necessary parking facilities
C-2	Highway Commercial	Provide sites for both commercial and industrial related activities

**Tbl. INT-3, Independence Township: zoning for specific oil and gas uses**

Oil and gas use	Districts			
	A-1	R-1	C-1	C-2
O&G drilling surface facility	P		P	P
O&G drilling subsurface facility	P	P	P	P
Compressor station	CU		CU	CU
Processing facility				CU
Pipeline facility	P	P	P	P

**Tbl. INT-4, Independence Township: setbacks and distance/size requirements for oil and gas uses**

Use	Setback from Existing Building	Minimum Lot Size
O&G operations/development	300 ft.	
O&G drilling surface facility	500 ft. (well head), 300 ft. (well pad) <sup>54</sup>	10 acres
Compressor station	750 ft., or 200 ft. from lot line, whichever greater	5 acres
Processing facility	750 ft., or 200 ft. from lot line, whichever greater	50 acres
Impoundment	750 ft., or 200 ft. from lot line, whichever greater	

<sup>54</sup> Setbacks apply only to well sites in R-1 district.

**Tbl. INT-5, Independence Township: application requirements for oil and gas uses**

Use	Application Requirement	Notes
All O&G	DEP permit and erosion & sedimentation control plan provided	
	Noise management plan required	
	Bond required for the road	
	Must disclose planned hours of construction	
	Public meeting at least 30 days prior to initial development	Applicant presents information and answers questions from the Township
Pipeline facilities	Must disclose full capacity buildout	

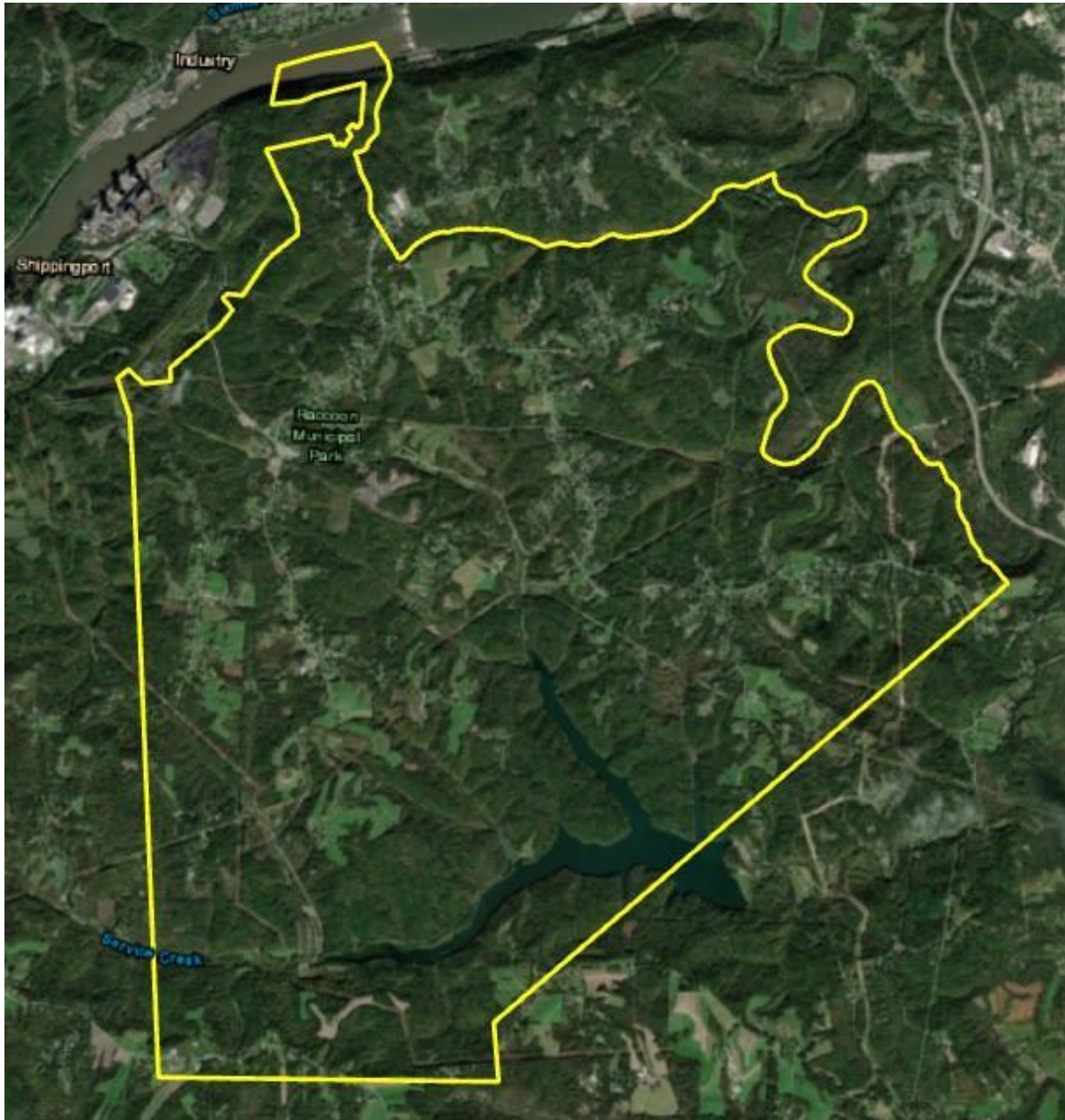
**Tbl. INT-6, Independence Township: other requirements for oil and gas uses**

Use	Requirement
All O&G	Pre-drilling construction limited to 6 am to 9 pm
	Onsite group housing allowed for fee of \$500 per trailer
	Maximum fines of \$600 per day, plus costs
Compressor stations	Must use electric engines where feasible

## 5. Raccoon Township

Raccoon Township is located in southwest Beaver County, to the northwest of Independence Township and to the southwest of Center Township. Shell's Falcon Pipeline has a junction in the northwest of Raccoon Township, and extends to the Township's eastern, western, and northern borders. Energy Transfer's Revolution Pipeline also crosses the eastern portion of the Township from north to south.

**Fig. 17, Raccoon Township, Beaver County**



## **Government**

**Tbl. RAT-1, Raccoon Township: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Supervisors	Edward Malloy, Chairman	2025	Elected	Six years
	Thomas Marshall, Vice Chairman	2023		
	Shawn Malackanich	2021		
Planning Commission	Eric Parrish, Chairman	2023	Appointed by Board of Supervisors	Four years
	Donald Moore, Vice Chairman	2020		
	Daniel Domsic	2020		
	James Behrle	2021		
	James Harvey	2022		
Zoning Hearing Board	Daniel Foxall, Chairman	2022	Appointed by Board of Supervisors	Three years
	Brian Johnson, Vice Chair	2021		
	Alice Allission	2020		
	Curtis Knox, Alternate	2019		
	Gavin Buxton, Alternate	2020		

## **Zoning Code**

Raccoon Township enacted its Zoning Ordinance in 1999. The Township added the oil and gas exploration provisions to the ordinance in 2013.<sup>55</sup> Raccoon Township's Zoning Ordinance establishes six zoning districts, as outlined below.

**Tbl. RAT-2, Raccoon Township: zoning districts**

District	Name	Purpose
A-1	General Agricultural	Provide for agrarian, low density residential and related land uses. The A-1 Subdistrict provides for a series of ancillary uses
A-2	Prime Agriculture	Provide for agrarian, low density residential and related land uses. The A-2 Subdistrict is more restricted to achieve consistency with the primary purposes of designated Agricultural Security Areas throughout the municipality
R-1	Suburban Residential	Provide for the development and maintenance of single-family residential neighborhoods together with activities that are compatible and normally associated with residential neighborhoods
R-2	General Residential	Provide for a mix of single and multifamily residential dwelling units, together with compatible nonresidential activities in areas of the municipality that are appropriate for blending of land uses commensurate with existing development patterns and intercommunity access facilities

<sup>55</sup> Raccoon Twp., PA, Ordinance, *available at* <https://ecode360.com/RA2095>.

District	Name	Purpose
C-1	Light Commercial	Provide locations for general business and related activities for the use and convenience of area and district consumers. Regulations for this district are intended to generate commercial activities and associated supporting amenities, to encourage and sustain such functions, to strengthen the local economic base, to effectuate safe and efficient traffic circulation and to provide necessary parking facilities
C-2	Highway Commercial	Provide sites for both commercial and industrial related activities

**Tbl. RAT-3, Raccoon Township: zoning for specific oil and gas uses**

Oil and gas use	Districts					
	A-1	A-2	R-1	R-2	C-1	C-2
O&G development <sup>56</sup>	P	P	P	P	P	P
Compressor station	P	CU	CU	CU	CU	CU
Natural gas processing plant	CU					
Impoundment	P	P	P	P	P	P

**Tbl. RAT-4, Raccoon Township: setbacks and distance/size requirements for oil and gas uses**

Use	Setback from Existing Building
O&G operations/development	300 ft.
O&G well site	500 ft. (well head), 300 ft. (well pad) <sup>57</sup>
Compressor station	750 ft., or 200 ft. from lot line, whichever greater
Processing facility	750 ft., or 200 ft. from lot line, whichever greater

<sup>56</sup> The Ordinance specifically notes that “[o]il and gas development, in accordance with the mandate of Act 13, shall be a permitted use in all zoning districts,” with certain conditions. *Id.* § 123-3.

<sup>57</sup> 300-foot setback applies only to well sites in residential districts. *Id.* § 123-3(3).

**Tbl. RAT-5, Raccoon Township: application requirements for oil and gas uses**

Use	Application Requirement	Notes
All O&G	All Commonwealth and federal permits must be supplied upon request	
	Applicant must conduct 72-hour noise study to establish baseline	
	Pre-application conference to determine completeness strongly encouraged, but not required	
	Burden on applicant to prove that development will not harm health, safety, and welfare	
	Applicant must acquire new conditional use permit if a modification materially alters size, type, or location of development	

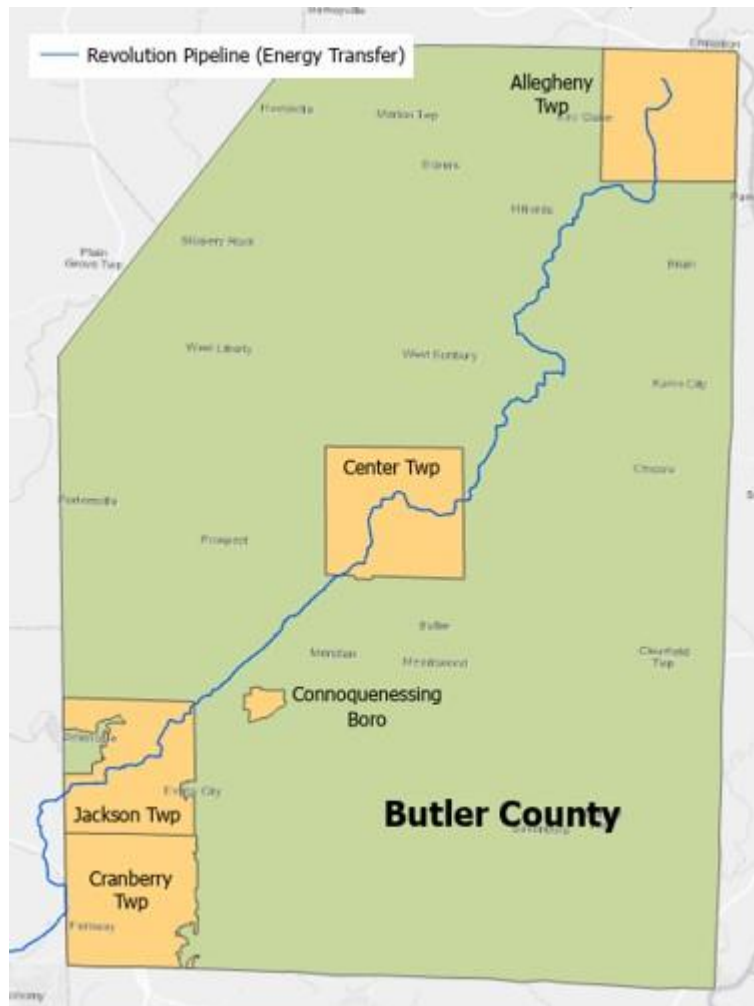
**Tbl. RAT-6, Raccoon Township: other requirements for oil and gas uses**

Use	Requirement
All O&G	Grading and installation work limited to 7 am to 7 pm
	No person may stay on site more than two weeks consecutively
	Fairly comprehensive dust control requirement
	Applicant may request waiver for any condition, granted at sole discretion of Township
	Maximum fines of \$600 per day, plus costs



## D. BUTLER COUNTY AND MUNICIPALITIES

**Fig. 18, Butler County and Selected Municipalities**



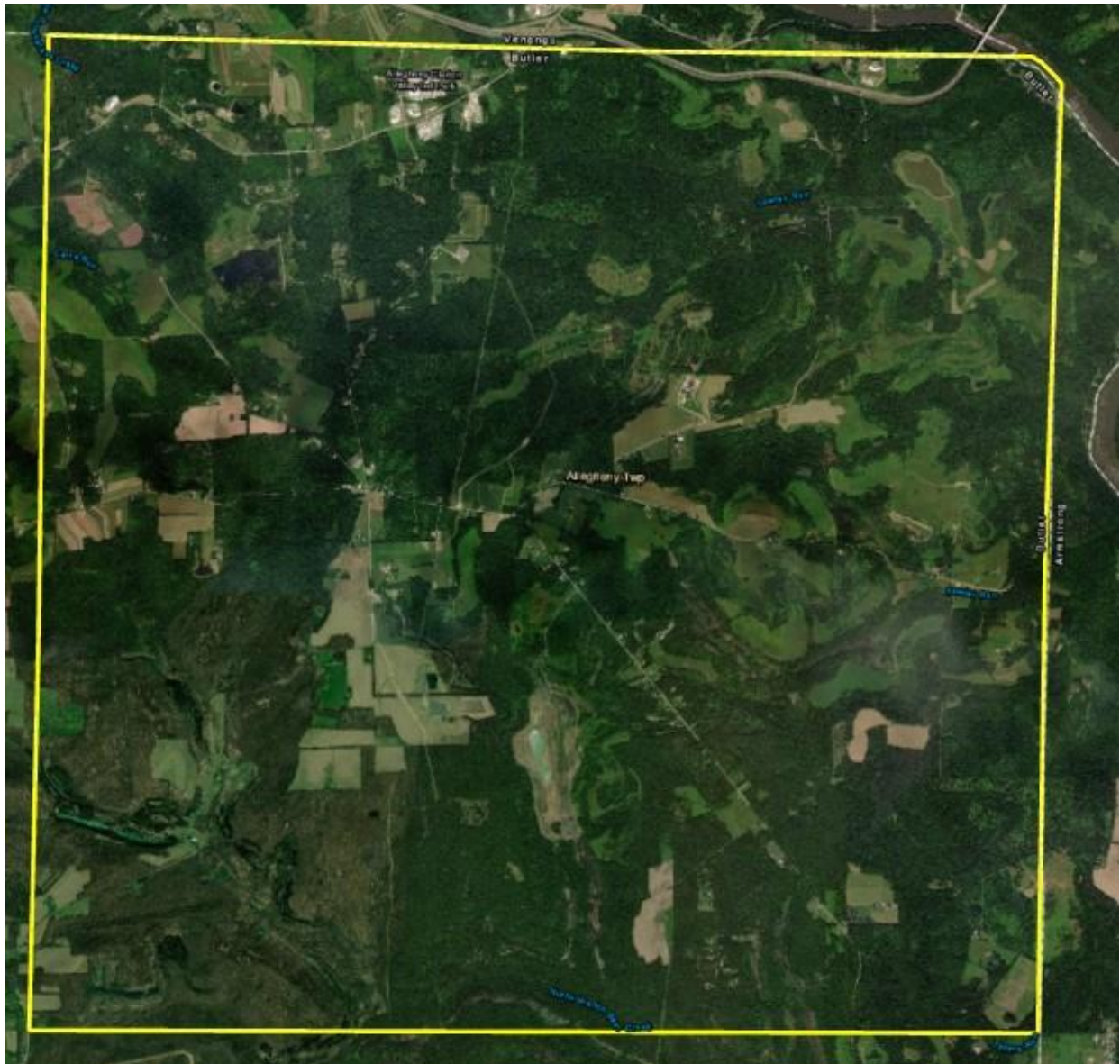
**Tbl. BUC-1, Butler County Government**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Commissioners	Leslie Osche, Chairman	2024	Elected	Four years
	Kim Geyer	2024		
	Kevin Boozel	2024		

## 1. Allegheny Township

Allegheny Township is located in the northeastern corner of Butler County. The northern terminus of the Revolution Pipeline is in north-central Allegheny Township, and from there the pipeline runs south into Parker Township.

**Fig. 19, Allegheny Township, Butler County**



## **Government**

**Tbl. ALT-1, Allegheny Township: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Supervisors	Charles Stowe	2024	Elected	Six years
	Darrel Blauser	2021		
	Richard W. Farrington	2025		
Planning Commission	Allegheny Township does not have a Planning Commission			
Zoning Hearing Board	Allegheny Township does not have a Zoning Hearing Board			

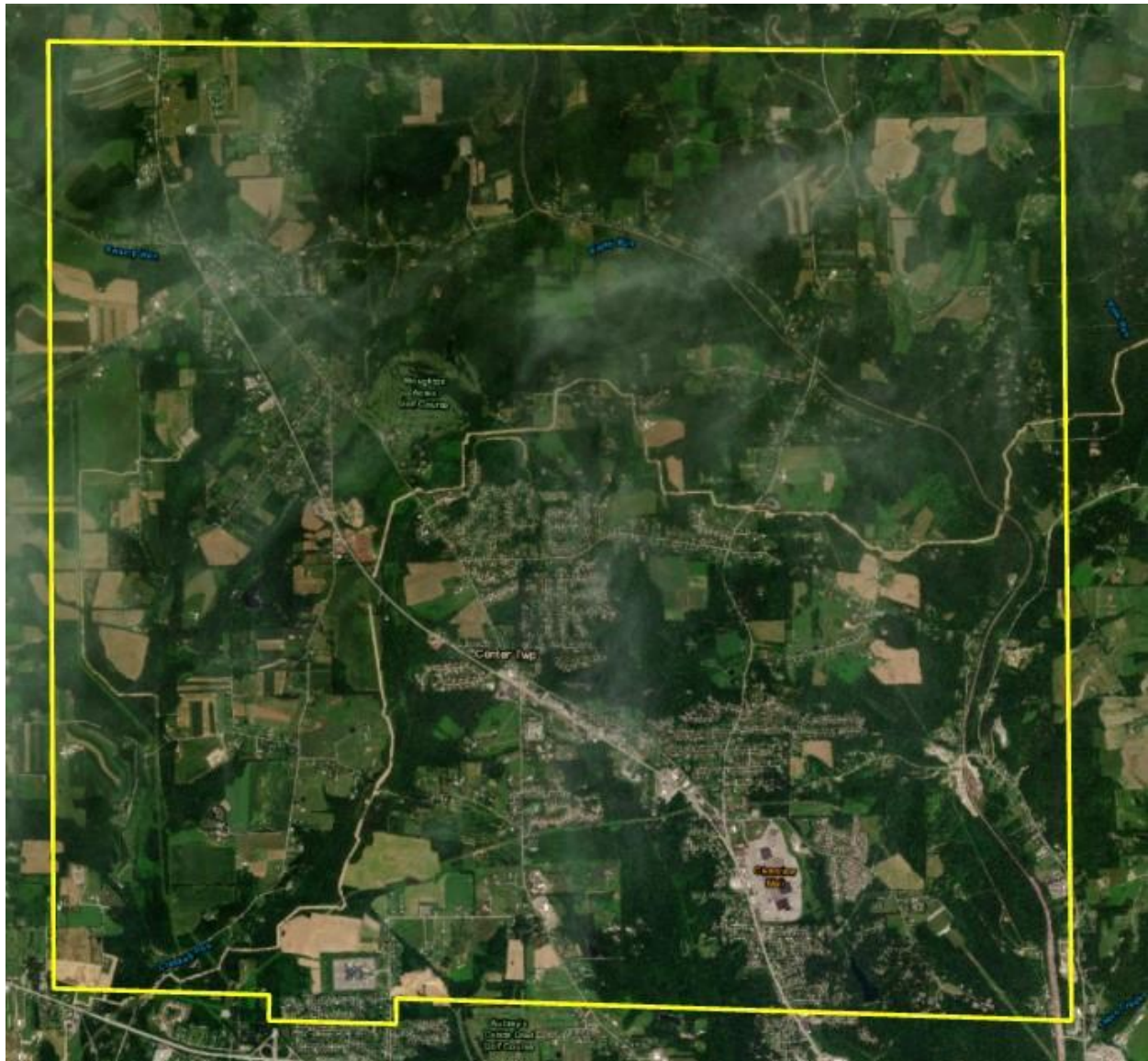
## **Zoning Code**

Allegheny Township does not have its own zoning code. The point of contact for the Township stated that Township relied upon Butler County's zoning code. However, Butler County also does not have a zoning code. Allegheny Township has a comprehensive plan, but it merely provides general preferences as to development and does not establish any restrictions.

## 2. Center Township, Butler County

Center Township is located roughly in the center of Butler County. Energy Transfer's Revolution Pipeline enters the Township from its eastern border, turns northward, and then bears southwest out of the Township's southern border into Butler Township.

**Fig. 20, Center Township, Butler County**





## **Government**

**Tbl. CET-1, Center Township: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Supervisors	Ronald E. Flatt, Chairman	2022	Elected	Six years
	Philip B. Wulff, Vice Chairman	2024		
	Edward G. Latuska	2024		
	Alan Smallwood	2025		
	Robert Sloan	2025		
Planning Commission	Brad Cavaliero, Chairman	2021	Appointed by Board of Supervisors	Four years
	Robert Sloan, Vice Chairman	2013		
	Robert Wise, Secretary	2020		
	Thomas Schiebel	2023		
	Nicholas Angiolieri	2022		
Zoning Hearing Board	Allan Whitmire, Chairman	2022	Appointed by Board of Supervisors	Three years
	Marilyn Hartman	2020		
	Carol Coddington	2021		

## **Zoning Code**

Center Township first adopted its Zoning Ordinance in 1971. The Township has subsequently amended the Zoning Ordinance a number of times, with the most recent amendment in 2017.<sup>58</sup> The Zoning Ordinance establishes eight core zoning districts and five overlay districts. The eight core zoning districts and the Mineral Extraction Overlay District are outlined below. The other four overlay districts are unrelated to oil and gas development.

**Tbl. CET-2, Center Township: zoning districts**

District	Name	Purpose
R-1A	Low Density Residential	Provide for low density development, and to manage the amount of residential development in order to maintain the rural character of the district
R-1	Single-Family Residential	Provide for lower density residential development in areas environmentally suited to such development and which may have sewer and/or water service available. These areas should have adequate road accessibility. Preservation of open space and trees within a development is encouraged

<sup>58</sup> Center Twp., Butler County, PA, Codified Ordinances, *available at* [http://www.centertownship.net/index\\_files/Page1074.htm](http://www.centertownship.net/index_files/Page1074.htm).

District	Name	Purpose
R-2	Multi-Family Residential	Provide opportunities for moderate density residential development in the Township in selected locations which have direct access to, or are in close proximity to, the regional highway system, and where sewer and water service is available, or can be readily extended. The primary theme of this district is suburban residential neighborhoods
R-3	High Density Residential	Provide for higher density residential development in the Township in selected locations which have direct access to major arterial streets, where sewer and water service is provided, and which will act as a buffer between adjacent residential areas and “more intense” uses such as a shopping center
C-1	Retail and Service Commercial	Provide primarily for retail commercial uses and other selected uses, which are commonly associated with those retail uses which depend upon and generate large volumes of automobile traffic, and which require access to main highways and/or streets. These businesses provide goods and/or services primarily to Township residents, and often, to the region. Some of the uses may also require large parking areas
C-2	Highway Commercial	Provide reasonable standards for uses which are highway-oriented and to recognize existing development along the highways. These businesses primarily provide regional goods and services, often ranging well beyond Township boundaries
M-1	Light Industrial	Provide for light industrial uses and those commercial uses which are compatible with such permitted industrial establishments. These uses shall comply with the development standards of this Article and the performance standards identified in Section 20-1802 and shall be buffered from adjacent uses. This district's primary focus is to provide a park-like setting for industries with similar characteristics that may permit some flexibility in design and layout in concert with the site's natural features
M-2	Heavy Industrial	Provide sites for those industrial and manufacturing uses which include processes which generate products and/or by-products which may be detrimental to the health and safety of the Township residents. Parcels shall be large enough to accommodate adequate buffering from surrounding properties
MEO	Mineral Extraction Overlay	The Board recognizes the need, pursuant to the requirements of the Pennsylvania Municipal Planning Code, to provide for reasonable development of minerals, including coal, oil and gas and other non-coal minerals <sup>59</sup>

<sup>59</sup> In lieu of providing a “purpose” for the Mineral Extraction Overlay District, the Zoning Ordinance presents the Board of Supervisors’ “findings” in establishing the overlay district. These findings include the potential harms presented by oil and gas extraction, “which can have a negative impact on the health, safety, welfare and morals of Center Township,” as well as the fact that “the Township is in large part precluded from enacting regulations which do not



**Tbl. CET-3, Center Township: zoning for specific oil and gas uses**

Oil and gas use	Districts								
	R-1A	R-1	R-2	R-3	C-1	C-2	M-1	M-2	MEO
O&G well development							CU	CU	CU
Compressor station							CU	CU	CU
Natural gas processing plant							CU	CU	CU

**Tbl. CET-4, Center Township: setbacks and distance/size requirements for oil and gas uses**

Use	Setback from		Yard setback from property line
	Property lines & ROW	Dwelling, school, church	
Wellhead, vent flames, and ventilation openings	300 ft.		
Accessory structures used to contain explosives, gasoline, oil, and other inflammables			250 ft.

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constitute traditional zoning and which are instead within the jurisdiction and authority of the DEP.” *Id.* §20-1301.

**Tbl. CET-5, Center Township: application requirements for oil and gas uses**

Use	Application Requirement	Notes
All O&G	Board of Supervisors conducts public hearing for CU permits	
	All information submitted to DEP must be submitted to the township	
	Copies of industry standard health and safety reports for development and operation of such facilities	
	Sealed and signed affidavit from engineering consultant that facility meets all current industry standards and Commonwealth standards	
	Copies of any previous enforcement notices, fines, or penalties	Assessed against applicant, contractors, or consultants involved in the development of the proposed oil and gas operations
	Erosion and sedimentation control general permit	
	Traffic and road condition study	
	Routing plan and copies of road performance bonds	
O&G well development	Copy of all DEP-required information for rehabilitation/reclamation of site	
	Copy of access security measures approved by DEP for drilling phase	

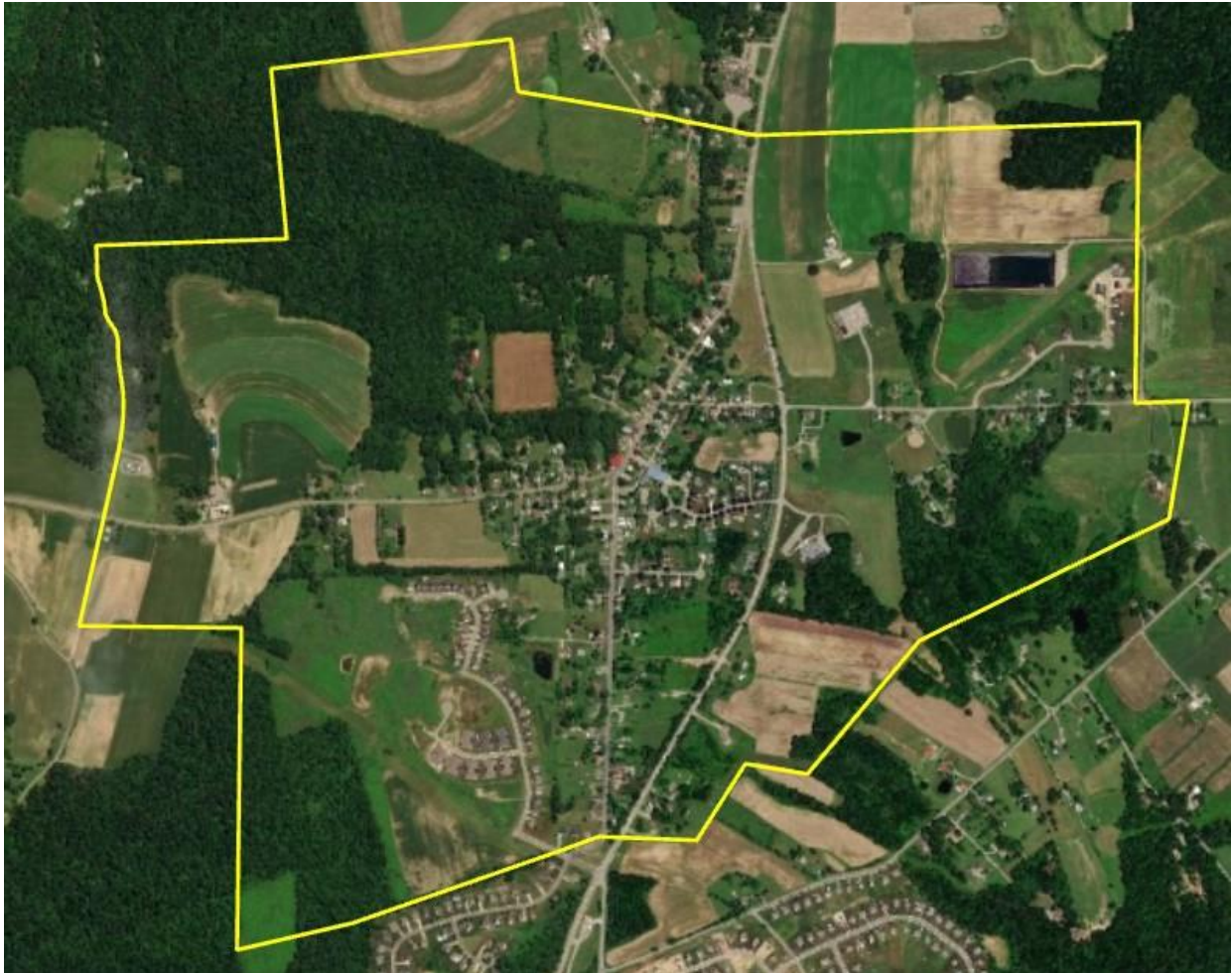
**Tbl. CET-6, Center Township: other requirements for oil and gas uses**

Use	Requirement
All O&G	All site activity must limited to hours of 6 AM to 9 PM weekdays and Saturdays. No activity on Sundays or legal holidays
	Nonresidential performance standards (§ 20-1802), including light, noise, vibration, smoke, and odor restrictions
	Design and construction methods proposed to mitigate any identified health and safety issues, including sound barriers, chemical storage and frack water disposal, lighting, and stormwater management
	Additional restrictions apply within Mineral Extraction Overlay district
	Maximum fines of \$1,000 per day, plus costs

### 3. Connoquenessing Borough

Connoquenessing Borough lies between the Townships of Connoquenessing and Forward. While no pipelines run through Connoquenessing Borough itself, Energy Transfer's Revolution Pipeline passes near it as it bisects Connoquenessing Township—which adjoins Connoquenessing Borough to the north—diagonally.

**Fig. 21, Connoquenessing Borough, Butler County**



## **Government**

**Tbl. COB-1, Connoquenessing Borough: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Mayor	Harold Rader	2021	Elected	Four years
Borough Council	Lloyd L. Leslie, President	2024	Elected	Four years
	Francis H. Smith, Vice President	2021		
	Mary Grace Ruediger	2021		
	Rob Campbell	2024		
	David Hilliard	2024		
Planning Commission	Mitch Leech	2021	Reappointed annually by Borough Council	One year
	Lloyd L. Leslie	2021		
	Harold Rader	2021		
	Rob Campbell	2021		
	John Eberle	2021		
Zoning Hearing Board	Steve Miller	2021	Appointed by Borough Council	Three years
	Norman Graham, Chairman	2020		
	Alan Pepper, Vice Chairman	2021		
	Barb Rader, Standing Secretary	2022		
	Alternate (vacant)			
	Vickie Forbes, Acting Secretary	N/A		

## **Zoning Code**

Connoquenessing Borough initially adopted its Zoning Ordinance in 1991. The Borough has amended the Zoning Ordinance subsequently, with the addition of the oil and gas operations amendment in 2004.<sup>60</sup> The Connoquenessing Borough Zoning Ordinance establishes five zoning districts, as outlined below. The Zoning Ordinance provides no description of the purpose of the districts beyond the list of permitted and conditional uses and the zone-specific requirements in each.<sup>61</sup>

**Tbl. COB-2, Connoquenessing Borough: zoning districts**

District	Name
A	Agricultural
R	Residential

<sup>60</sup> Connoquenessing Borough, Ordinances, *available at* <http://connoquenessingboro.com/government/ordinances/>.

<sup>61</sup> *Id.* § 27-701, 27-801.

VC	Village Center
<b>District</b>	<b>Name</b>
C	Commercial
LM	Light Manufacturing

**Tbl. COB-3, Connoquenessing Borough: zoning for specific oil and gas uses**

Oil and gas use	Districts				
	A	R	VC	C	LM
O&G operations	CU				
Compressor station/processing plant	N	N	N	N	N

**Tbl. COB-4, Connoquenessing Borough: setbacks and size requirements for oil and gas uses**

Use	Setback from	Minimum lot size
	Property lines, ROW, and buildings	
O&G development	At least 1.5 times the height of drill rig	10 acres

**Tbl. COB-5, Connoquenessing Borough: application requirements for oil and gas uses**

Use	Application Requirement	Notes
All O&G	Copies of all permits and plans	
	Copies of all documents submitted to EPA and DEP regarding environmental impacts of project	If no such documents were required, applicant must provide narrative statement of environmental impacts and measures proposed to protect or mitigate such impact
	Report identifying and quantifying actual air contaminant emissions from an air contaminant source.	
	Completeness check by Borough engineer prior to ZHB hearing	
	Certification of compliance with all applicable bonding and permitting requirements	

**Tbl. COB-6, Connoquenessing Borough: other requirements for oil and gas uses**

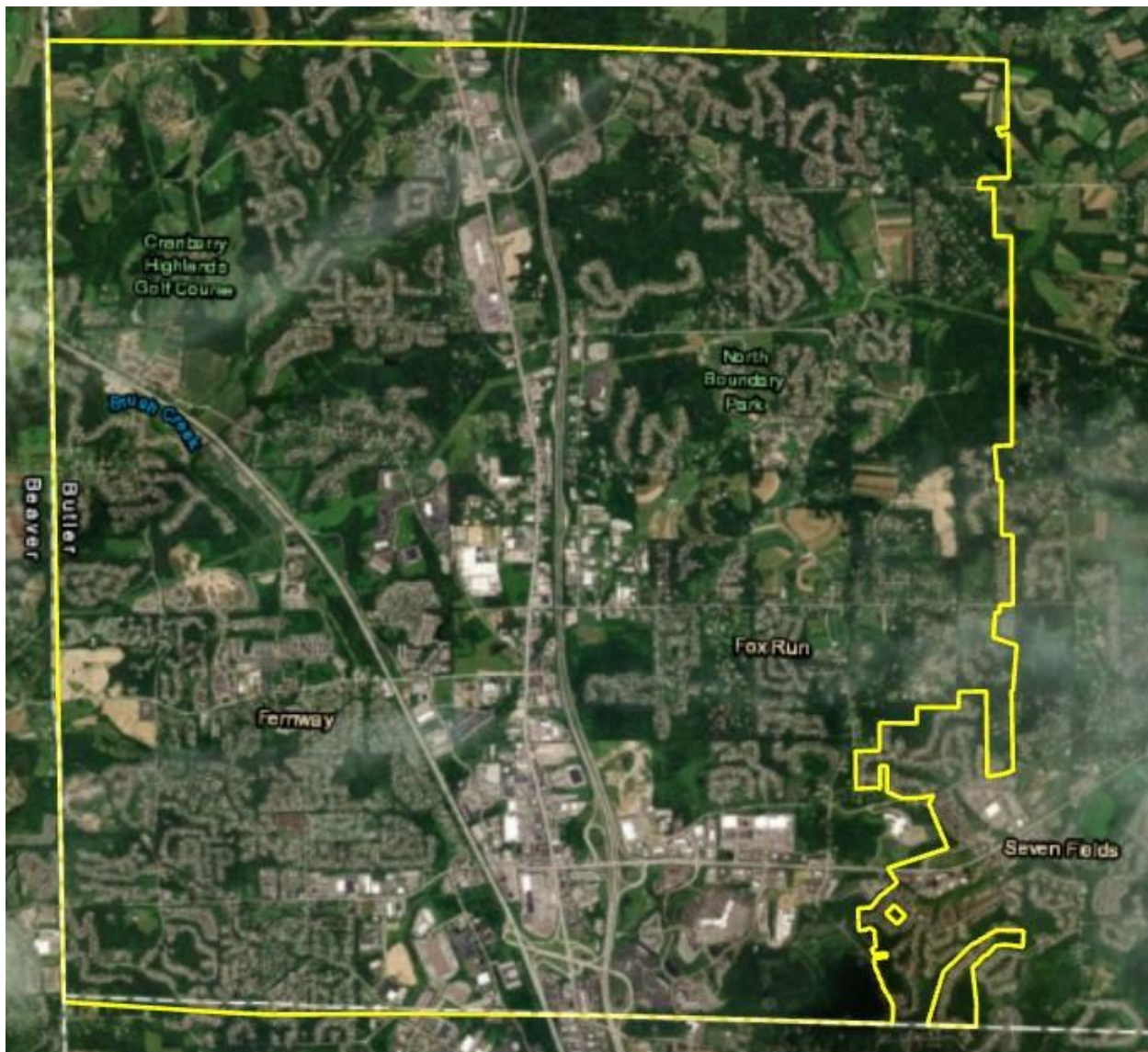
Use	Requirement
All O&G	Work-over operations (pre-drilling construction and most post-drilling activities) limited to between 6 AM and 9 PM
	Must minimize glare within 300 ft. of property line. Light at the property lines cannot exceed 1 foot candle per square inch
	Sound mitigation devices may be required if noise limits are exceeded
	Operation must follow EPA Clean Air Act standards (NSPS & NESHAP), including “green completions” for hydraulic fracturing
	Any violation of EPA standards is also a violation of the zoning ordinance, and is subject to enforcement/penalties
	Natural surroundings must be considered, and efforts must be made to preserve existing trees and other native vegetation
	Impoundments allowed, but fencing requirements apply, and storage/treatment of fracking wastewater prohibited. Must transport wastewater outside Borough for treatment.
	Maximum fine of \$600/day plus costs. If criminal violation, \$1,000/day plus costs.



#### 4. Cranberry Township

Cranberry Township is located in the southwest corner of Butler County on the border of Beaver County. Energy Transfer's Revolution Pipeline runs along the Township's border with neighboring New Sewickley Township for approximately one mile.

**Fig. 22, Cranberry Township, Butler County**



## **Government**

**Tbl. CRT-1, Cranberry Township: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Supervisors	Richard Hadley, Chairman	2021	Elected	Six years
	Mike Manipole, Vice Chairman	2021		
	Bruce Mazzoni	2023		
	John Skorupan	2023		
	Bruce Hezlep	2025		
Planning Commission	James Colella, Chairman	2022	Appointed by Board of Supervisors	Four years
	Susan Rusnak, Vice Chairman	2020		
	Sharon Beck	2020		
	Christine Koenig	2021		
	John T. Morgan	2022		
Zoning Hearing Board	P. Andrew Diamond, Chairman	2019	Appointed by Board of Supervisors	Five years
	Allan Tedesco, Vice Chairman	2021		
	Glenn Geisel, Secretary	2023		
	Vincent Plocido	2020		

## **Zoning Code**

The Cranberry Township first adopted its Zoning Ordinance in 1996. The Township added the section relating to gas resources development in 2010.<sup>62</sup> The Cranberry Township Zoning Ordinance establishes fourteen zoning districts, outlined below.

**Tbl. CRT-2, Cranberry Township: zoning districts**

District	Name	Purpose
R-1	Rural Residential	Encourage land use characteristics of low-density rural development now present in many areas of the Township
R-2	Single-Family Residential	Preserve the character of the existing single-family neighborhoods and create a favorable basis for additional development of single-family neighborhoods
R-3	Multifamily Residential	Permit garden and high-rise apartment development within the community to provide a variety of housing types in districts conducive to such development

<sup>62</sup> Cranberry Twp., PA, Municipal Code, Ch. 27 (Zoning), available at <https://www.ecode360.com/34273101>.

District	Name	Purpose
RMU	Mixed Residential Use	Provide development within the community to provide a variety of housing types in districts conducive to such development such as single-family detached dwellings, two-family dwelling, semidetached and townhouse dwelling development within the community
C-1	Convenience Commercial	Provide development potential for commercial sites to serve the immediate daily needs of the surrounding neighborhood area. Commercial sites are to be buffered from the adjacent neighborhoods while incorporating design features compatible with the surrounding residential developments. Commercial sites shall provide a gradual transition between adjacent residential districts. These areas shall be limited in size and activity and not be permitted to expand into area-wide commercial centers
C-2	Highway Commercial	Create an economically viable district providing a range of commercial and service activities oriented to the immediate community and contiguous vicinity served by major highway systems
C-3	Regional Commercial	None provided
SU-1	Special Use	None provided, but developer must demonstrate certain development criteria, including that “proposed use is an integral part of a comprehensive plan for the entire tract to be developed” and “all contemplated uses are designed to ensure compatibility with the operations generated within the district and the character of perimeter areas and the community in general.”
SP-1	Special Growth	None provided, but development criteria closely mirror SU-1
BPK	Business Park	Intended to accommodate office and some light industrial development, and ancillary retail uses
I-L	Light Industrial	Intended to accommodate industrial and manufacturing uses which are generally free of the negative impacts associated with heavy industrial land uses such as noise, odors, vibrations, or glare
PIC	Planned Industrial/Commercial	Provide for a flexible zoning district in the northern Route 19 Corridor area to allow for a variety of planned industrial and commercial uses
TLI	Transitional Light Industrial	Intended to establish reasonable standards to permit and regulate light manufacturing, industrial-office, and office park uses within the TLI Transitional Light Industrial District
MU	Mixed Use	Intended to establish reasonable standards to permit and regulate pedestrian-oriented commercial and mixed-use development

**Tbl. CRT-3, Cranberry Township: zoning for specific oil and gas uses**

Oil and gas use	Districts													
	R-1	R-2	R-3	R M U	C-1	C-2	C-3	SU-1	SP-1	BP K	I-L	PI C	TL I	M U
Gas resources development							C U	C U			C U	C U	C U	
Fuel generation plant											C U			

**Tbl. CRT-4, Cranberry Township: setbacks and distance/size requirements for oil and gas uses**

Use	Setback from	
	Residential structure	Other structure
Fuel generation plant	1,000 ft.	500 ft.

**Tbl. CRT-5, Cranberry Township: application requirements for oil and gas uses**

Use	Application Requirement	Notes
All O&G	Copies of all permits must be provided along with any supporting documentation for those permits	
O&G well development	DEP bond required for well plugging	

**Tbl. CRT-6, Cranberry Township: other requirements for oil and gas uses**

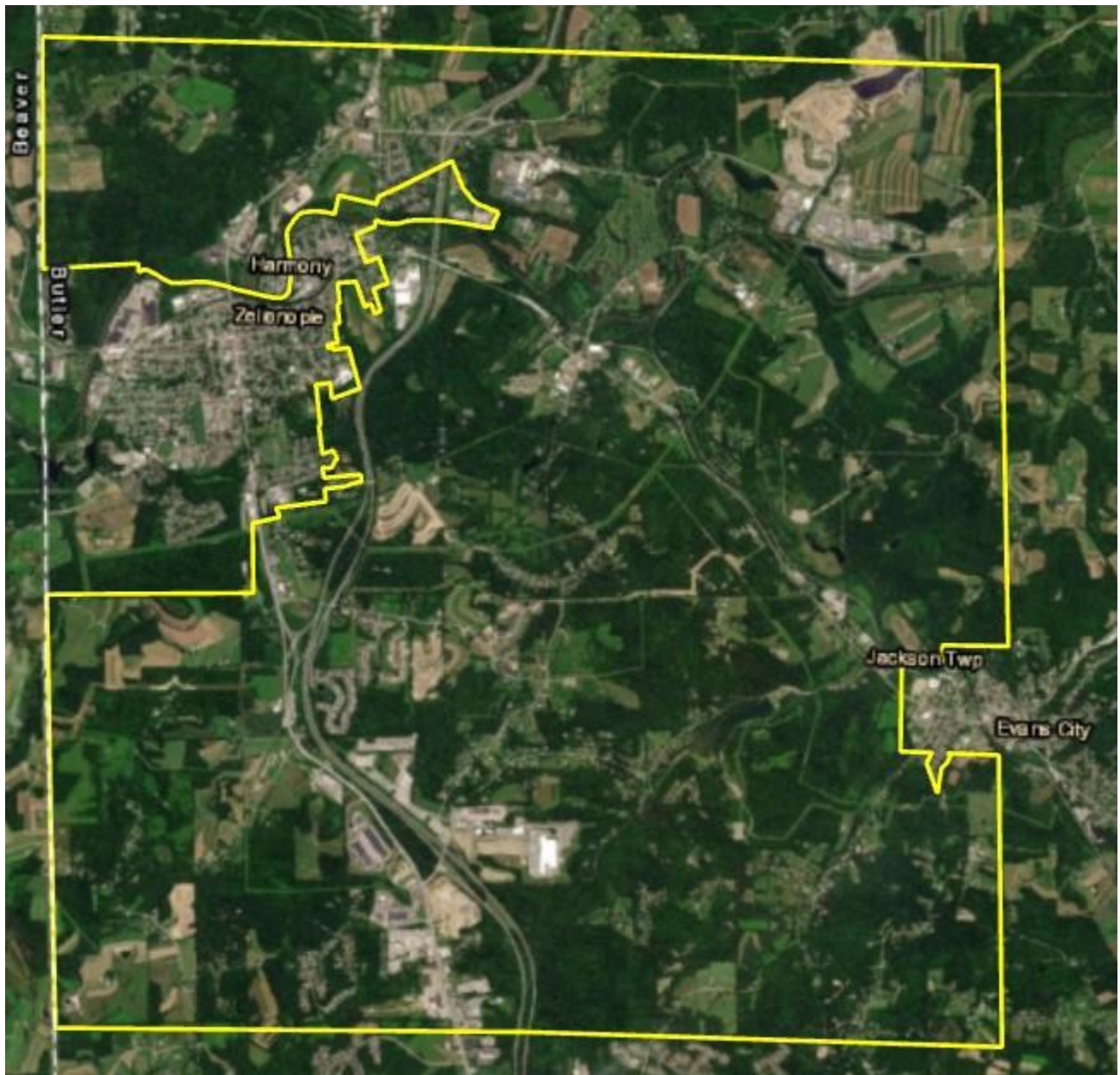
Use	Requirement
All O&G	Impoundments allowed, though fencing requirements apply
	Must provide off-street area for vehicles to stand while gaining access to the site, to prevent traffic interruption
	Maximum fines of \$500 per day, plus costs



## 5. Jackson Township

Jackson Township is located immediately to the north of Cranberry Township in the southwest corner of Butler County. The western border of Jackson Township partially surrounds the boroughs of Zelienople and Harmony, and the eastern border of the Township partially surrounds Evans City. Energy Transfer's Revolution Pipeline enters Jackson Township from Forward Township in the northeast corner and meanders southwestward before crossing over Jackson Township's western border into New Sewickley Township.

**Fig. 23, Jackson Township, Butler County**



## **Government**

**Tbl. JAT-1, Jackson Township: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Supervisors	Trent Geis, Chairman	2025	Elected	Six years
	Jay Grinnell, Vice Chairman	2023		
	Allan Osterwise	2021		
Planning Commission	Ed Komorosky, Chairman	2023	Appointed by Board of Supervisors	Four years
	Mary-Ann Hall, Vice Chair	2022		
	George Hawthorne	2021		
	Dennis Morgan	2021		
	Chris Duncan	2020		
	Robert Gregor	2020		
	Vacant			
Zoning Hearing Board	Dave McConahy, Chairman	2021	Appointed by Board of Supervisors	Three years
	Drita Stengle	2022		
	Ed Eckenrode	2020		

## **Zoning Code**

Jackson Township enacted its Zoning Ordinance in 2018, when it repealed and replaced the Township's previous zoning ordinance.<sup>63</sup> The Jackson Township Zoning Ordinance establishes four primary zoning districts and three overlay districts. Only the four primary zoning districts are outlined below, as the overlay districts are unrelated to oil and gas development.

**Tbl. JAT-2, Jackson Township: zoning districts**

District	Name	Purpose
R	Residential	Intended to provide for the housing accommodation of current and expected residents in a manner that protects established dwellings and neighborhoods and in a scale, form, and intensity commensurate with road classification or corridor, availability of utilities, and environmental limitations of varied corridors, locations, and sites within the district. The district also aims to reasonably accommodate agricultural uses and forms of commercial activity consistent with the neighboring forms of residential uses in the district

<sup>63</sup> See Jackson Twp., Butler County, PA, Municipal Code, *available at* <https://www.ecode360.com/JA3580>; Jackson Twp., Ordinance No. 18-11 (Dec. 20, 2018), *available at* <http://www.jackson-township.com/wp-content/uploads/Zoning-Ordinance-18-11-FINAL-FULL.pdf>.



District	Name	Purpose
MU	Mixed Use	Intended to reserve land along the Township's traditionally commercial corridors for primarily locally serving retail, office and service uses bearing pedestrian integration with compatible residential uses. The District is also created to provide for complementary development forms and scale to the adjoining Main Street Corridor in Zelienople Borough
CC	Commercial Corridor	Includes lands strategically located at intersections of state roads or along major traffic routes. These areas are located along major routes in order to be developed for commercial activities and amenities that support local and regional needs and industry
LI	Large-Scale Industrial	Intended to accommodate large-scale industries, the intensity of which requires proper street infrastructure and concentration and buffering from residential, mixed-use, and commercial neighborhoods and centers

**Tbl. JAT-3, Jackson Township: zoning for specific oil and gas uses**

Oil and gas use	R-1	R-2	Districts	R-3	RMU
O&G well and impoundment	P			P	P
Compressor station	CU			CU	CU
Natural gas processing plant					CU

**Tbl. JAT-4, Jackson Township: setbacks and minimum lot size requirements for oil and gas uses**

Use	Setback from		Minimum lot size
	Dwelling/ occupied structure	Property line	
O&G well site			10 acres
Temporary impoundment on well site		200 ft.	
Compressor station	1,000 ft. (waivable)		10 acres
Natural gas processing plant	1,000 ft. (waivable)		10 acres

**Tbl. JAT-5, Jackson Township: application requirements for oil and gas uses**

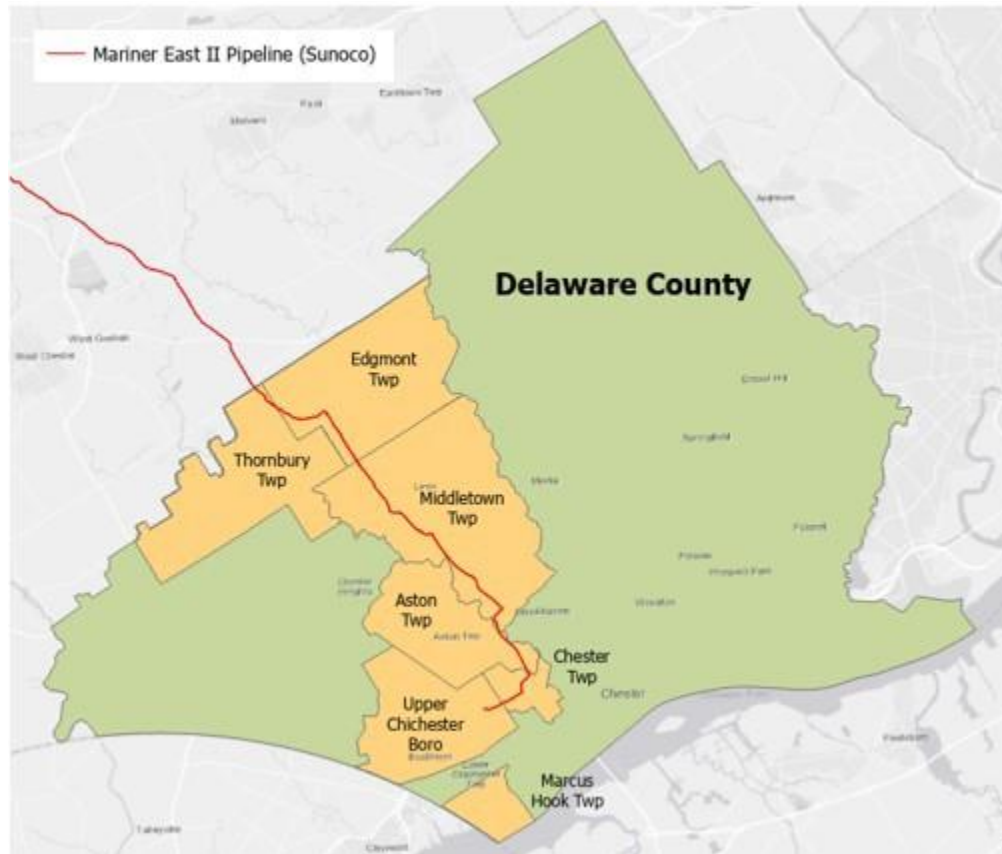
Use	Application Requirement	Notes
All O&G	Erosion and sedimentation control general permit and post-construction stormwater management plan	
	Evidence of obtaining required state and federal permits	
	Copy of highway occupancy permits	
	Narrative including approximate timeline for development	

**Tbl. JAT-6, Jackson Township: other requirements for oil and gas uses**

Use	Requirement
All O&G	Site preparation and pre-production activities limited to Monday through Saturday, 7 AM to 5 PM. Active drilling and well completion exempt from day/hour restrictions
	Maximum fines of \$500 per day, plus costs

## E. DELAWARE COUNTY AND MUNICIPALITIES

**Fig. 24, Delaware County and Selected Municipalities**



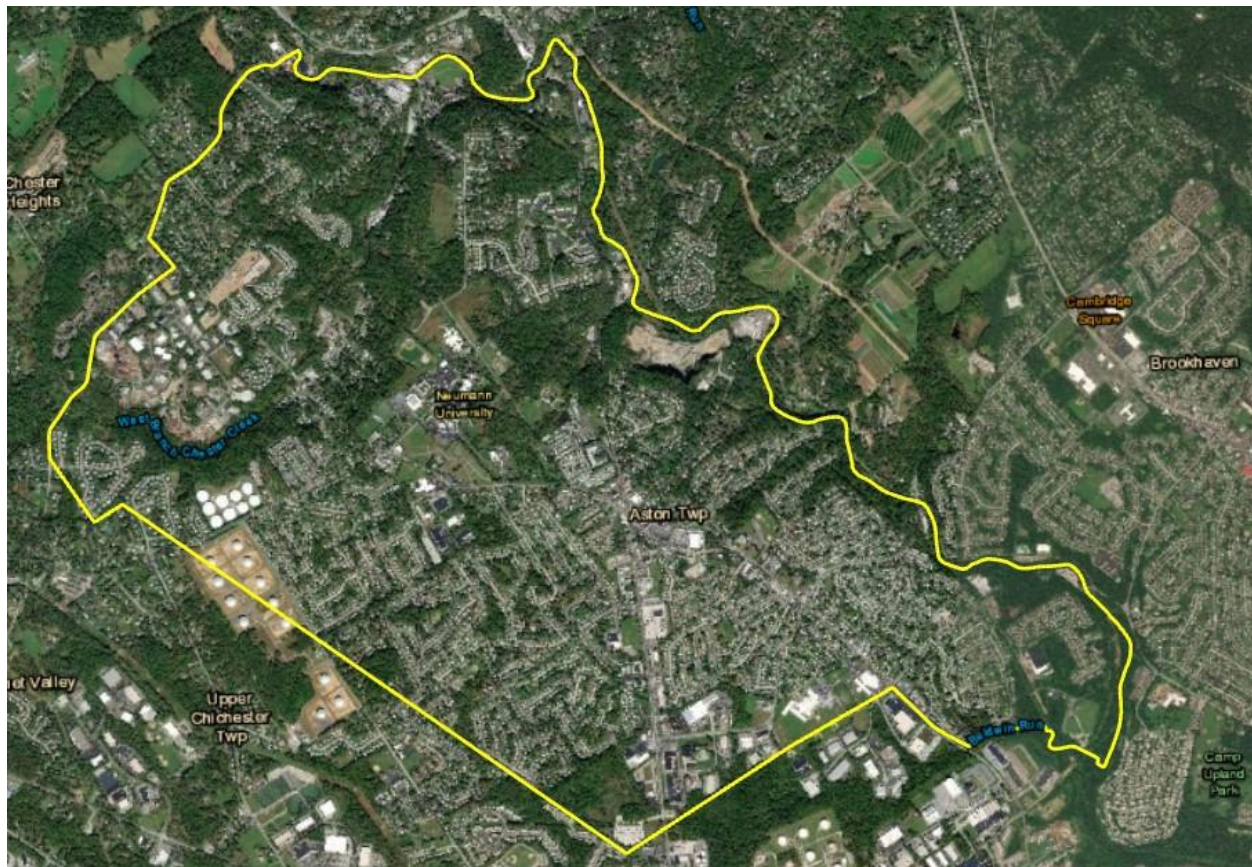
**Tbl. DEC-1, Delaware County Government**

Office	Official	End of Term	Elected/ Appointed	Term Length
County Council	Brian P. Zidek, Chair	2022	Elected	Four years
	Dr. Monica Taylor, Vice Chair	2024		
	Christine A. Reuther	2024		
	Kevin M. Madden	2022		
	Elaine Paul Schaefer	2024		

## 1. Aston Township

Aston Township is located in the southern half of Delaware County, and is bordered by Middletown Township to the north, Chester Township to the east, and Upper Chichester Township to the South. Sunoco's Mariner East II Pipeline crosses the eastern portion of Aston Township between Middletown Township and Chester Township.

**Fig. 25, Aston Township, Delaware County**



## **Government**

**Tbl. AST-1, Aston Township: zoning districts**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Commissioners	James M. Stigale, President (6th Ward)	2022	Elected	Six years
	Michael J. Higgins, Vice President (7th Ward)	2020		
	John J. Dougherty (1st Ward)	2021		
	Carol Graham (2nd Ward)	2022		
	Mark T. Osborn (3rd Ward)	2020		
	Frederick T. Pendergast (4th Ward)	2022		
	Nancy E. Bowden (5th Ward)	2020		
Planning Commission	Joseph McColgan, Chairman	2021	Appointed by Board of Commissioners	Four years
	John Marchlik, Vice Chairman	2019		
	Cathy Jones	2021		
	Kathy H. Novotni	2019		
	Ed Finn	2019		
	Thomas D'Alonzo	2019		
	Sister Corinne Wright	2019		
	Tom Fouks	2021		
Zoning Hearing Board	Raymond Church, Chairman	2023	Appointed by Board of Commissioners	Five years
	Ernie Ellis	2021		
	Eric DeLellis	2020		
	Donald Miller	2020		
	John Mancinelli, Alternate	2020		
	Carol Thompson, Zoning Hearing Board Officer	2020		
	Frank Spandi, Esq., Solicitor	2020		

## **Zoning Code**

Aston Township enacted its Zoning Ordinance in 2011.<sup>64</sup> The Zoning Ordinance establishes twelve districts and one overlay district, as outlined below.

<sup>64</sup> Aston Twp., Zoning Ordinance, *available at* <https://astontownship.net/township-departments/code-enforcement/zoning-ordinances/>.



**Tbl. AST-2, Aston Township: zoning districts**

District	Name	Purpose
R-1	Low Density Residential	Provide for additional low density, suburban type, single-family residential development; preserve and protect existing low density residential development; preserve open spaces; and provide for and regulate home occupations and certain nonresidential uses permitted by means of special exception or conditional use
R-2	Medium Density Residential	Preserve and maintain existing medium density single-family development; provide controls for additional development consistent with the existing housing type and density; provide for adequate park areas and open spaces to ensure a desirable living environment; and provide for and regulate home occupations and certain non-residential uses permitted by means of special exception or conditional use
R-3	High-Medium Density Residential	Preserve and maintain existing high-medium density single-family development; furnish controls for additional development consistent with the existing housing type and density; provide for adequate open space; and permit home occupations and certain non-residential uses by means of special exception or conditional use
TH	Townhouse	Provide for townhouse development at a medium density on sites with a minimum required tract area in selected locations of the Township, subject to compliance with the development requirements noted in this Chapter
APT	Apartment	Provide for multi-family and two family developments at high and high-medium densities
MH	Mobile Home	Provide regulations for mobile homes on individual lots and mobile home parks at a medium density
PRD	Planned Residential Development Overlay	Encourage innovations in residential development so that the growing demand for housing may be met by greater variety in type, design, and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings
PBC	Planned Business Campus	Provide an environment for the establishment of a variety of uses, including offices, laboratories and light industrial establishments in a campus-like setting
SC	Shopping Center Business	Provide opportunities for neighborhood and/or community shopping centers in areas directly accessible by a major roadway
C	Commercial	Provide for and regulate a variety of neighborhood-related retail, service and other commercial uses which usually require main highway locations and cater principally to local customers
FSB	Freestanding Business	Provide freestanding retail, commercial, and small office buildings for neighborhoods and/or communities in areas directly accessible by an arterial street



District	Name	Purpose
LI	Limited Industrial	Allow a variety of industrial uses as a matter of right and larger scale, more intense industrial uses by condition. Special development regulations relating to buffering, screening, and landscaping are included to minimize the environmental impact of industrial establishments on adjacent neighborhoods and assure sound development and appearance within the Limited Industrial
ID	Institutional	Preserve the open character of large areas of the Township which are now dominated by or are particularly suited to institutional and quasi-public uses

Aston Township's Zoning Ordinance does not specifically reference oil and gas uses. Thus, it is assumed that oil and gas uses are an industrial use restricted to the Limited Industrial district. A further assumption is that such uses will require conditional use approval, and the requirements included below stem from that assumption.

**Tbl. AST-3, Aston Township: lot size requirements for oil and gas uses (as industrial use)**

Use	Minimum lot size
All O&G	80,000 square ft.

**Tbl. AST-4, Aston Township: other requirements for oil and gas uses (as conditional industrial use)**

Use	Requirement
All O&G	No glare visible at lot line
	Noise restrictions vary by time of day and district
	Maximum fines of \$500 per day, plus costs

## 2. Chester Township

Chester Township is located in southcentral Delaware County. It is bordered by Chester City to the southeast, Upper Chichester Township to the southwest, and Aston Township to the northwest. Sunoco's Mariner East II Pipeline enters Chester Township through its northwestern border with Aston Township before turning west and passing through the Township's western border into Upper Chichester Township.

**Fig. 26, Chester Township, Delaware County**



## **Government**

**Tbl. CHT-1, Chester Township: zoning districts**

Office	Official	End of Term	Elected/ Appointed	Term Length
Township Council	Dennis Daye, Chairman & Treasurer	2022	Elected	Six years
	Angela R. Prattis, Vice Chairwoman	2025		
	Richard B. Knox	2022		
	Risheena Young-Payne	2025		
	Calvin Bernard	2024		
Planning Commission	Darryl Walker	2020	Appointed by Township Council	One year
	Donzel Tiller <sup>65</sup>	2021		
	Mike Evans	2019		
	Vacant			
Zoning Hearing Board	Information not available		Appointed by Township Council	Three years, staggered

## **Zoning Code**

Chester Township first adopted its Zoning Ordinance in 1993 and most recently amended it in 2013.<sup>66</sup> The Chester Township Zoning Ordinance establishes eleven districts, as outlined below. The Zoning Ordinance does not provide purposes for the districts.

**Tbl. CHT-2, Chester Township: zoning districts**

District	Name
R-1, 2, 3	Residence
A	Apartment
MH	Mobile Home
M	Motel
P	Park
B	Business
SC	Shopping Center
I	Industrial
	Floodplain

Chester Township's Zoning Ordinance does not specifically reference oil and gas uses, so it is assumed that such uses are a permitted in the Industrial district. There are only minimal requirements for permitted uses in the Industrial district.

<sup>65</sup> While the Township Council's practice is to appoint members of the Planning Commission to one-year terms, the point of contact for the Township stated that Donzel Tiller is serving a two-year term.

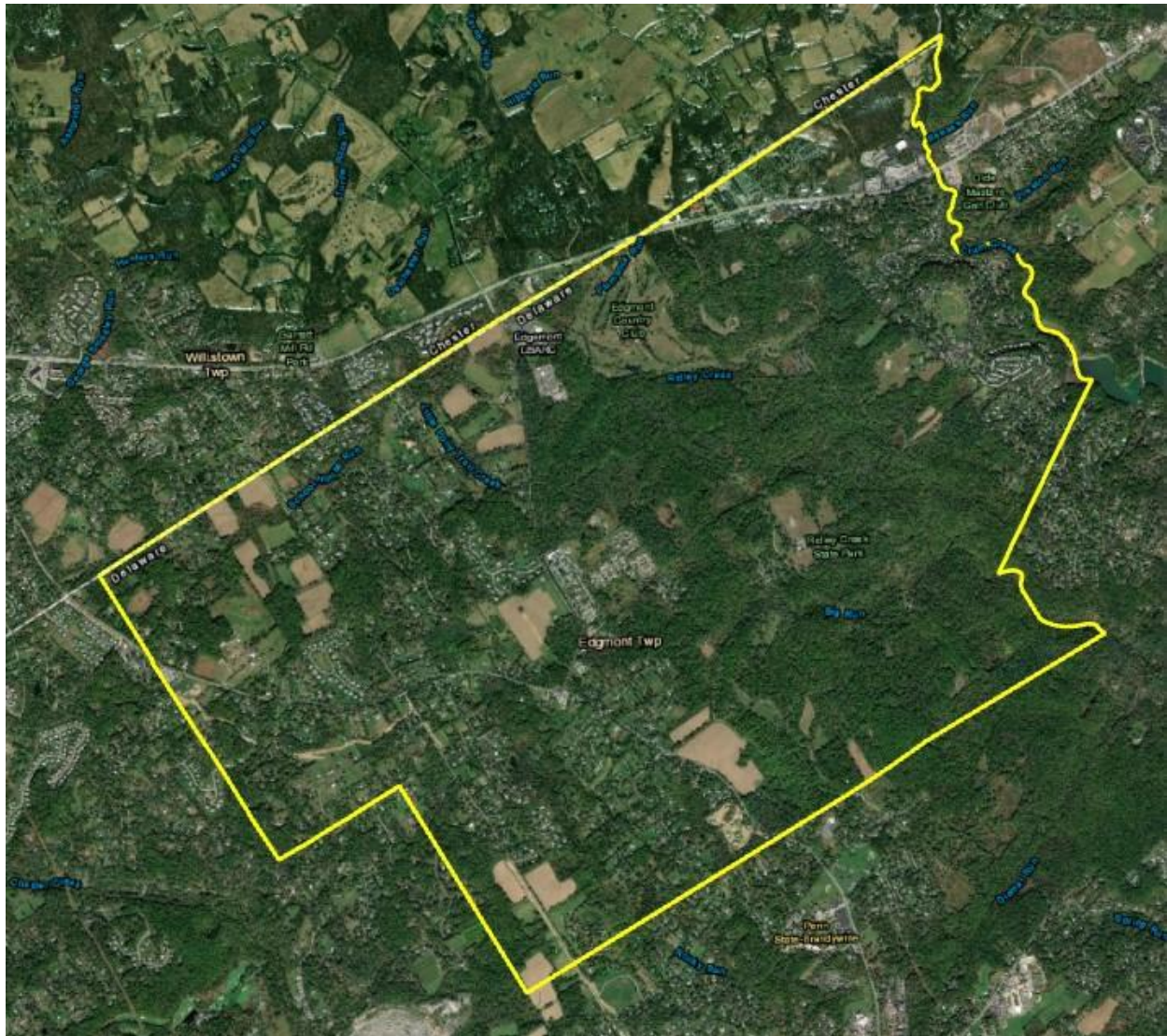
<sup>66</sup> Chester Twp., Delaware County, PA, Zoning Ordinance, *available at* [http://elibrary.pacounties.org/Documents/Delaware\\_County/1044;%20Chester%20Township/ChesterTownshipZoningOrdinance.pdf](http://elibrary.pacounties.org/Documents/Delaware_County/1044;%20Chester%20Township/ChesterTownshipZoningOrdinance.pdf).



### 3. Edgmont Township

Edgmont Township is located along Delaware County's northwestern border. It is adjacent to Thornbury Township to the west and Middletown Township to the south. Sunoco's Mariner East II Pipeline runs along the inside of the Township's southwestern border between Thornbury and Middletown Townships.

**Fig. 27, Edgmont Township, Delaware County**



## **Government**

**Tbl. EDT-1, Edgmont Township: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Supervisors	Ronald Gravina, Chairman	2025	Elected	Six years
	Henry Winchester III, Vice Chairman	2021		
	James Hallam	2023		
Planning Commission	Elmer “Chip” Miller III, Chairman	2022	Appointed by Board of Supervisors	Four years
	Joseph Raspa, Vice Chairman	2024		
	Ira Dunoff	2021		
	John Kusturiss	2022		
	Victoria Sheridan	2023		
Zoning Hearing Board	Thomas Donatucci, Chairman	2020	Appointed by Board of Supervisors	Three years
	Richard Acciavatti, Vice Chairman	2021		
	Steven Papa	2022		
	Thomas Lawrie, Alternate	2021		

## **Zoning Code**

Edgmont Township most recently amended its Zoning Ordinance in 2014. The Zoning Ordinance establishes sixteen zoning districts, as outlined below.<sup>67</sup>

**Tbl. EDT-2, Edgmont Township: zoning districts**

District	Name	Purpose
R-1	Rural Residential/ Agricultural	Designed primarily to create: opportunities for the preservation, conservation and protection of important farmlands and natural, cultural and environmental resources and features; opportunities to achieve a system of open space; and, opportunities for new residential development consistent with the rural character of the Township, west of the Ridley Creek State Park, wherein on-lot or community sewage disposal systems are utilized to conserve groundwater resources

<sup>67</sup> Edgmont Twp., PA, Zoning Ordinance, *available at* [https://edgmont.org/index.asp?SEC=799B1FE6-A03E-4E61-9D53-376A1FDACA34&DE=B1165F2F-DD1B-4714-8BB6-72E5BC457B96&Type=B\\_BASIC](https://edgmont.org/index.asp?SEC=799B1FE6-A03E-4E61-9D53-376A1FDACA34&DE=B1165F2F-DD1B-4714-8BB6-72E5BC457B96&Type=B_BASIC).

District	Name	Purpose
R-1A	Agricultural Conservation	Designed primarily to promote the general welfare by providing for the protection, preservation and maintenance of lands within the Township the owners of which have voluntarily granted, in perpetuity, a deed of agricultural conservation easement to the Commonwealth of Pennsylvania and/or the County of Delaware or the Township; encourage continued agricultural uses and operations on said lands without unnecessary interference from suburban residential neighbors; preserve the rural character and rich agricultural history of the Township in concert with the owners of said lands; and provide broad agricultural use opportunities for said lands recognizing the requirements of the agricultural conservation easement
R-2	Rural Residential	Designed primarily to conserve the character of existing rural residential areas in the Township, while creating the opportunity to subdivide existing lots into smaller lots without significantly changing the character of said areas
R-3	Suburban Residential	Designed primarily to create: opportunities for new residential development in areas nearby existing intensive development; and, an option for arranging lots in such areas to achieve a system of open space
R-4	Suburban Residential	Designed to provide for residential development on relatively small lots in areas which have access near a major highway and have the existing identity of a suburban residential neighborhood
R-5	Retirement Residential	Designed to provide a residential living environment and care facilities for older adults
MD	Municipal District	Designed primarily to create opportunities for the establishment of a municipal complex wherein the facilities, buildings and structures utilized for the operation and maintenance of the Township can be centrally located within the Township boundaries
PRD	Planned Residential District	Designed for several purposes, including to encourage innovations in residential development so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings
C-1	Neighborhood Commercial	Designed primarily for commercial development with a view toward: serving the general convenience shopping or service needs of local neighborhoods and the residents of the Township; providing areas which are nearby and accessible to such neighborhoods and residents; establishing regulations to help ensure compatibility with adjacent residential uses; and promoting more of a village-type character with small buildings in scale with and/or similar to those in historic Gradyville



District	Name	Purpose
C-2	Highway Commercial	Designed primarily for commercial development with a view toward serving the general convenience shopping or service needs of local neighborhoods and the residents of the Township as well as for the Route 3 West Chester Pike Corridor
C-3	Planned Commercial/ Light Industrial	Designed primarily for planned commercial/light industrial development with a view toward: serving the general convenience shopping or service needs of the residents of the Township and the region, and providing additional local and regional services consisting of light industry, warehousing and support facilities for offices; and establishing regulations to help ensure compatibility between uses within the district and with adjacent uses and properties
POC	Planned Office Center	Intended to achieve several purposes, including to create a safe, efficient and convenient office center wherein buildings, structures and open areas are well integrated to the site and well related to one another
LI	Light Industrial	Designed primarily for selected light industrial development with a view to encouraging attractive, large-site, low lot coverage uses which have direct access to a major highway. The purpose of this Article is to encourage those light industrial uses which would not constitute a hazard or nuisance related to traffic congestion, environmental quality, or adjoining property owners
OR	Outdoor Recreation	Intended to relate to those areas of the Township which are used extensively for outdoor recreation pursuits and opportunities
FH	Flood Hazard	Promote the public health, safety and general welfare and to minimize losses through provisions, including those designed to restrict, regulate or prohibit uses which are dangerous to health, safety or property in times of flood or which could cause unacceptable increases in flood heights, frequencies or velocities
SSC	Steep Slope Conservation	Expand upon the Community Development Objectives associated with environmental protection and the preservation of natural resources expressed in Article 1, Section 103 and to complement the provisions in Article 20 relating to open space. Further, the provisions of this Article are designed to encourage the sensitive treatment of hillsides and their related soil and vegetation resources in an effort to minimize adverse environmental impacts

**Tbl. EDT-3, Edgmont Township: zoning for specific oil and gas uses**

Oil and gas use	Districts														
	R-1	R-2	R-3	R-4	R-5	M D	PR D	C-1	C-2	C-3	PO C	LI	O R	FH	SS C
Mineral extraction												C U			

**Tbl. EDT-4, Edgmont Township: setbacks and lot size in Light Industrial district<sup>68</sup>**

Use	Yard setbacks		Min. lot size
	Front/rear yard	Side yard	
Mineral extraction	70 ft.	50 ft.	2 acres

**Tbl. EDT-5, Edgmont Township: application requirements for oil and gas uses**

Use	Application Requirement	Notes
Mineral extraction	Must identify licenses and permits required for extraction	
	Map indicating all existing manmade structures	Including wells and septic systems within 200 ft. and all water bodies within 500 ft.
	Hydrogeologist's report	Regarding impact on existing wells, perennial streams, ground water levels, and surface water supplies
	Identify subsurface conditions	
	Environmental Impact statement	Including evidence that the withdrawal shall not cause substantial adverse impact to the overlying environment
	Plan for the environmentally sound disposition of by-products	
	Develop implementation plan for mitigation program to protect health and safety of persons and property in the township	Including erosion, dust control, vibration, blasting, lateral support, processing facilities, sinkhole formations, and disposal
	Plan for cessation of operations and environmental restoration	
	Disclose commercial vehicles used, including number, size, type, capacity, and scheduling	
	Traffic report prepared by qualified traffic engineer	
	Noise study	Including methods that will be employed to ensure compliance
	Identify proposed hours of operation	

**Tbl. EDT-5, Edgmont Township: other requirements for oil and gas uses**

Use	Requirement
Mineral extraction	Must not adversely affect health, safety, or general welfare
	Maximum fines of \$500 per day

<sup>68</sup> These setbacks and lot size restrictions are applicable to mineral extraction as a conditional use in the Light Industrial district. *See id.* §§ 1301.C.1.j., 1303.B.1.

#### 4. Marcus Hook Borough

Marcus Hook Borough is located in south-central Delaware County and forms the Pennsylvania portion of the corner where Pennsylvania, New Jersey, and Delaware meet. The vast majority of the Borough consists of port and rail connections and the former site of the Marcus Hook Refinery, which Sunoco Partners Marketing & Terminals (SPMT) has redeveloped into a natural gas liquids storage and export facility: the Marcus Hook Industrial Complex. The terminus of Sunoco's Mariner East II Pipeline is just north of the Borough, where it provides the Marcus Hook Industrial Complex with natural gas liquids from western Pennsylvania and the surrounding region.

**Fig. 28, Marcus Hook Borough, Delaware County**



## **Government**

**Tbl. MHB-1, Marcus Hook Borough: zoning districts**

Office	Official	End of Term	Elected/ Appointed	Term Length
Mayor	Gene Taylor	2021	Elected	Four years
Borough Council	Josephine M. Laird, President	2023	Elected	Four years
	William L. Cox, Vice President	2023		
	Cheryl J. Evernham	2021		
	Paula M. Ewing	2023		
	Joseph R. Flynn	2021		
	John R. Kennard	2021		
	Michael A. Manerchia	2023		
Planning Commission	Michael A. Manerchia	2022	Appointed by Borough Council	Four years
	Larry Killinen	2023		
	William Cox	2021		
	Stacey Yates	2020		
	Carol Sparks	2023		
Zoning Hearing Board	Robert Kersey	2023	Appointed by Borough Council	Five years
	James McClure	2022		
	Charles Schliro	2021		
	Dan Smith	2020		
	Lorraine Valiessio	2024		

## **Zoning Code**

Marcus Hook Borough adopted its Zoning Ordinance in 2005, repealing the former 1978 ordinance.<sup>69</sup> The Zoning Ordinance establishes twelve districts, outlined below.

**Tbl. MHB-2, Marcus Hook Borough: zoning districts**

District	Name	Purpose
R-1	Residential	Provide for medium-density residential development. The regulations are designed to stabilize and protect the residential characteristics of the district and to encourage a suitable environment for residential activities. The district also allows selected nonresidential uses, provided that they are permitted by conditional use permit
R-2	Residential	Provide for medium-high-density residential development. Purpose otherwise mirrors R-1 district

<sup>69</sup> Marcus Hook Borough, PA, Borough Code, Ch. 196 (Zoning), *available at* <https://www.ecode360.com/13049540>.

District	Name	Purpose
R-3	Residential	Provide for high-density residential development. Purpose otherwise mirrors R-1 district
R-4	Planned Residential	Provide for planned medium-density development in the form of single-family detached, semidetached, and attached dwellings. Sufficient area is provided to construct dwellings with modern conveniences and amenities. Provisions are included to promote innovative features of traditional neighborhood development
CR	Central Retail	Create a mixed use area that consists of pedestrian-oriented retail, service, and office uses to serve both regional and neighborhood customers and apartments above the street-level commercial uses. Uses having greater impacts are permitted by conditional use permit
PBP	Planned Business Park	Provide for selected, modern non-nuisance business, laboratory, and light industrial uses, with a view toward encouraging attractive, large site, moderate lot coverage development. The intent is also to allow only those types of light industrial uses that would not constitute a hazard or nuisance to nearby residents and not provide for higher impact industrial uses
RBC	Recreational Business Campus	Allow for an office campus setting among active and passive open space and recreational uses along Marcus Hook Creek
DMU	Downtown Mixed Use	Combine several compatible uses and activities into an integrated development by allowing for the mixing of residential, commercial, service, cultural, institutional, amusement, and recreational uses
WMU	Waterfront Mixed Use	Utilize the unique characteristics and opportunities of the Delaware River waterfront and Market Square Memorial Park by protecting the river bank, limiting the size and scope of development, preserving scenic views and areas, maintaining and diversifying recreational opportunities, and providing for marina/boat docking, as well as limited commercial and community-related activities
TOD	Transit-Oriented Development	Promote well-integrated residential, commercial, and other development close to regional transit stations, to support public transit by locating higher density, mixed use development adjacent to or near transit stops, to reduce automobile dependency and roadway congestion by combining trips and locating destinations within walking or biking distance, and to provide an alternative to conventional development by emphasizing pedestrian-oriented mixed use development
IT	Industrial Transition	To provide for and regulate a variety of light and medium impact industrial uses in order to establish an area of transitional industrial uses between the high impact petroleum-related structures and residential neighborhoods and other light impact uses. Sufficient regulations regarding buffering, screening, access, and landscaping are required to minimize adverse impacts on adjacent residential neighborhoods and assure sound development and appearance. Hazardous or noxious uses or activities shall not be permitted.



District	Name	Purpose
HI	Heavy Industrial	Provide for certain manufacturing, assembly, and fabricating activities, including large-scale petroleum or other specialized industrial operations, that may generate large volumes of truck and/or rail traffic and whose external physical effects will be felt to some degree by surrounding areas

**Tbl. MHB-3, Marcus Hook Borough: zoning for specific oil and gas uses**

Oil and gas use	Districts											
	R-1	R-2	R-3	R-4	CR	PB P	R B C	D M U	W M U	T O D	IT	HI
Low and medium impact petroleum-related operations and facilities											P	P
Petroleum refining and aboveground storage												CU
Below-ground storage of petroleum products and other flammable liquids and gases											CU	CU
Pipelines											AU <sup>70</sup>	AU <sup>71</sup>

**Tbl. MHB-4, Marcus Hook Borough: setbacks and minimum lot size requirements for oil and gas uses within industrial zoning districts**

Use	Setback for buildings	Setback for towers, stacks, steeples, vessels, tanks, and other similar structures	Minimum lot size
Industry transition	50 ft. on front, side, and rear; 75 ft. if abutting residential district	2x structure's height from Route 13 and any other zoning district (except HI)	25,000 square ft.
Heavy industry	60 ft. on front, side, and rear	2x height from Route 13	None

<sup>70</sup> See *id.* § 196-79.A. (allowing as accessory use “[p]ipelines for the continuation or improvement of existing operations.”).

<sup>71</sup> See *id.* § 196-85.A. (allowing as accessory use “[p]ipelines, whether above or below ground, for the transfer of crude oil, hydrocarbon fractions, chemical derivatives, or petroleum products while being refined or otherwise processed.”).



**Tbl. MHB-5, Marcus Hook Borough: application requirements for industrial uses**

Use	Application Requirement	Notes
Industrial uses	Engineer's certification that the proposed use can meet all required performance standards.	Including a plan, a description of machinery, processes, and products, specifications of mechanisms and techniques to mitigate possible dangerous or objectionable conditions, and estimates of the rate of emission of any dangerous or objectionable elements

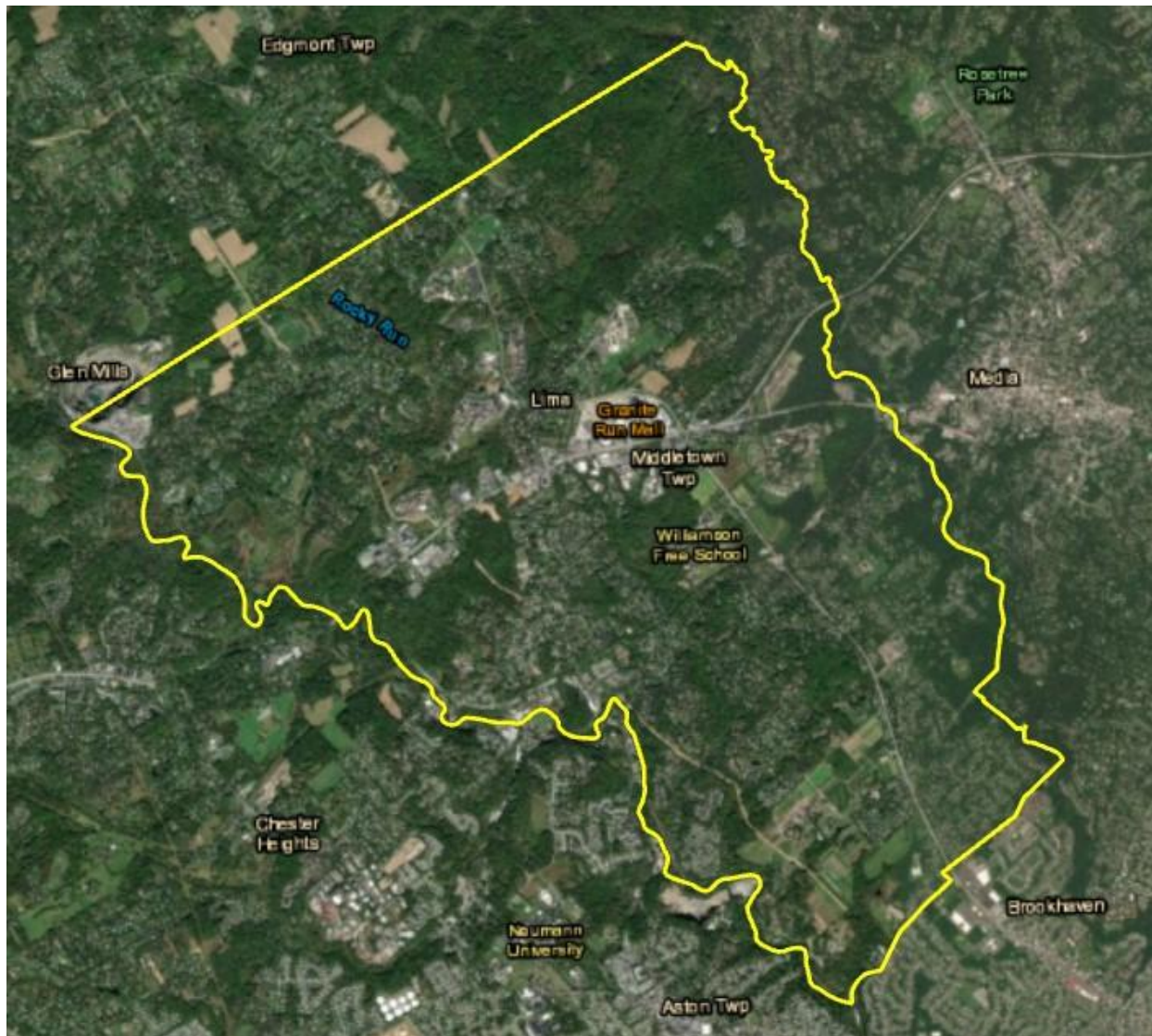
**Tbl. MHB-6, Marcus Hook Borough: other requirements**

Use	Requirement
Industrial uses	No direct or sky-reflected glare can be visible at the lot line, except for customary or emergency industrial operations and safety purposes
	Sound limit 70 dBA at all times in industrial districts (lower for other districts). For steady, pure tones, limit reduced by 5 dBA. For sounds less frequent than once in any fifteen-second interval, shall not exceed 20 dBA over ambient sound level
	No use shall create any other objectionable condition in an adjoining area that will endanger public health and safety or be detrimental to the public use of the surrounding area
	Maximum fines of \$500 per day, plus costs

## 5. Middletown Township

Middletown Township is located roughly in the center of Delaware County. It is bordered by Edgmont Township to the north, Thornbury Township to the northwest, and Aston Township to the southwest. Sunoco's Mariner East II Pipeline traverses the length of the Township towards its southwestern border.

**Fig. 29, Middletown Township, Delaware County**



## **Government**

**Tbl. MIT-1, Middletown Township: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Township Council <sup>72</sup>	Mark Kirchgasser, Chair (At-Large)	2020	Elected	Six years
	Norma C. Shropshire, Vice Chair (At-Large)	2022		
	Scott D. Galloway (Dist. 1)	2020		
	Walter “Bok” Read (Dist. 2)	2022		
	Russ Carlson (Dist. 3)	2020		
	Stephen Byrne (Dist. 4)	2022		
	Susan Powell (At-Large)	2020		
Planning Commission	Bill Moran, Chair	2020	Appointed by Township Council	Four years
	Pete Schettler, Vice Chairman	2023		
	Mark Bradson	2023		
	Gregory Reitze	2022		
	Dave Decker	2021		
	Alison Hassenplug	2022		
	Wayne Wilson	2021		
Zoning Hearing Board	Diane Beresford, Chair	2023	Appointed by Township Council	Three years
	Christian Davis, Vice Chair	2024		
	Jacquelyn Goffney, Secretary	2020		
	Gerry Gebhart	2021		
	Kathleen O’Connell Bell	2022		

## **Zoning Code**

Middletown Township enacted its Zoning Ordinance in 1986, and has subsequently amended it a number of times—most recently in June 2019.<sup>73</sup> The Middletown Township Zoning Ordinance establishes 25 districts, outlined below, and four overlay districts, which are not directly relevant to oil and gas development.

<sup>72</sup> The most relevant council committee for oil and gas development is the Land Planning Committee, which is comprised of Scott Galloway, Susan Powell, and Stephen Byrne. *See* Middletown Twp., Delaware County, PA, Council Committees, <https://middletowndelcopa.gov/councilcommittees> (last visited Feb. 24, 2020).

<sup>73</sup> Middletown Twp., Delaware County, PA, Township Code, Ch. 275 (Zoning), *available at* <https://www.ecode360.com/13266825>.

**Tbl. MIT-2, Middletown Township: zoning districts**

District	Name	Purpose
R-1A	Residence	Designed primarily to regulate residential development so that it will be compatible with and promote conservation of existing farmlands and other agricultural areas; to protect the rural character of existing residential development; and to protect and conserve groundwater and other natural resources by encouraging planned development which will not require public sewer systems
R-1	Residence	Designed primarily to make provisions for low-density, suburban-type, single-family residential development and to encourage the preservation of open space, green space and natural resources through cluster development in areas planned for or accessible to public sewer and water systems
R-2	Residence	Designed primarily to make provisions for single-family residential development at low and moderate suburban-type densities; to relate residential density to environmental and health concerns by limiting development to low-density when water and sewer service are to be on-lot, but allowing moderate suburban-type densities when public sewer service is used; to encourage the preservation of open space and natural resources through cluster development; to maintain the identity and character of existing suburban-type residential neighborhoods; and to allow for campus-like, low-intensity uses
R-3	Residence	Designed primarily to make provisions for single-family residential development at low and moderate suburban-type densities; to relate residential density to environmental and health concerns by limiting development to low density where water and sewer are to be on-lot, but allowing moderate suburban-type densities when public sewer or public water service is used; and to maintain the identify and character of existing suburban-type residential neighborhoods
R-4	Residence	Designed primarily to make provision for single-family detached and semidetached residential development at low and moderate suburban-type densities; to relate single-family residential density to environmental and health concerns by limiting single-family development to low density when water and sewer services are to be on-lot, but allowing moderate suburban-type densities when public sewer or public sewer and water services are used; to make provision for townhouse development at moderate suburban-type densities when public sewer and water is used and the size of the tract is adequate to ensure that such development will result in substantial open space areas; and to preserve the identity and character of the existing residential development

District	Name	Purpose
R-5	Residence	Designed primarily to make provisions for single-family detached and semidetached residential development at low and moderate suburban-type densities; to relate single-family residential density to environmental health concerns by limiting single-family development to low density when water and sewer service are to be on-site, but allowing moderate suburban-type densities when public sewer or public water are used; to make provision for townhouse and multifamily development when public sewer and water are used and the size of the tract is adequate to ensure that the development will result in substantial open space and landscaped areas and that the development can be designed to be compatible with the lower-density single-family character of most of the Township; and to preserve the identity and character of existing residential development
PRC	Planned Retirement Community	Provide for a planned, high-density, multifamily residential community designed specifically for senior citizens
I-1	Institutional	Provide for certain institutional uses with suitable access in areas where institutional uses already exist; provide for institutional uses which will be located on relatively large parcels of land and designed to preserve substantial amounts of open space and natural areas for both buffer and aesthetic purposes so that the principal institutional uses will be compatible with and a benefit to existing surrounding land uses and be appropriate neighbors for higher-quality residential development; and provide for residential uses which will benefit from the presence of certain institutional uses
I-2	Institutional	Same purpose as I-1, but also including to provide for adequate parking areas associated with adjacent regional rail station facilities
I-3	Institutional	Same purpose as I-1, but excluding “provide for residential uses.”
I-4	Institutional	Provide for health-related institutional uses which will be located on relatively large parcels of land
OR-1	Outdoor Recreation	Provide specific opportunities for passive outdoor recreational use in conjunction with large properties like the Tyler Arboretum and Ridley Creek State Park. The OR-1 District is also designed to create areas for nature study, historic interpretation and the conservation of natural resources
OR-2	Outdoor Recreation	Provide specific opportunities for active and passive outdoor recreation use in conjunction with small-to-medium-size properties, like Lenni Park, Indian Orchards and Gleave Baker Park. The OR-2 District is also designed to accommodate conservation, nature study and natural resource protection



District	Name	Purpose
OR-3	Outdoor and Indoor Recreation	Provide specific opportunities for active and passive outdoor and indoor recreational use. The OR-3 District is also designed to allow appurtenant community uses
SU-1	Special Use	Designed primarily to make provision for modern, non-nuisance scientific research establishments; corporate office or headquarters-type office development; and other compatible, non-nuisance light industrial and related uses in areas of the Township which are particularly well suited for such uses
SU-1-A	Mixed-Use	Multiple purposes, including to address planning, development and redevelopment issues affecting certain areas along Baltimore Pike within Middletown Township
SU-2	Special Use	Designed to make a provision for mobile home park development when authorized by the Township Council as a conditional use. In addition, the SU-2 Special Use Overlay District provides for single-family attached dwellings, in a limited context, when authorized by the Township Council as a conditional use
B	General Business	Designed to provide opportunities for neighborhood commercial uses of the type which primarily serve the needs of surrounding residential areas. These districts are intended to have access to a major road and to be compatible with adjoining noncommercial uses and districts
B-1	Neighborhood Shopping Center	Designed to provide opportunities for shopping in locations where there are groups of stores designed in a unified manner and accessible from a major road or roads. The Shopping Center Districts are also designed to ensure compatibility with adjoining uses and districts
B-2	Major Shopping Center	Designed to provide opportunities for regional shopping in locations served by two or more major highways. The Major Shopping Center District is also designed to create a unified design for the site and its buildings and to ensure compatibility with adjoining uses and districts
MCO	Mall Conversion Overlay	Multiple purposes, including to allow for the revitalization of existing planned regional shopping centers located in the B-2 Major Shopping Center District by permitting the elimination of clustered business uses within a mall and replacement by retail stores, restaurants, offices and the like with direct access from unenclosed space and by the addition of an apartment style-residential use
PBC	Planned Business Center	Designed primarily to provide for large-tract development along major highways and to encourage the preservation of open space within such development through a substantial front yard setback and low-density development with limited access to the highway
O	Office	Designed to provide opportunity for office use and to regulate office development to promote effective site design and compatibility with adjoining properties and uses



District	Name	Purpose
OC-2	Office Campus 2	Designed to provide for office use for relatively large tracts of land where individual units in separate ownership are contemplated. The district is designed to provide regulations and controls relative to size, number of units, height regulations, density and form of development
M	Manufacturing and Industrial	Designed primarily to meet the special requirements of the Township's older, established industrial areas and to provide standards for the possible extension of general industrial development on the same lot or tract. The district regulations are intended to provide for a broad range of industrial and related activities which are responsive to the demands of modern industrial development. The regulations are also intended to safeguard adjoining properties and to avoid environmental disturbances

Middletown Township's Zoning Ordinance makes no reference to oil and gas development and almost no reference to oil and gas uses, with two exceptions. First, the Zoning Ordinance expressly lists "petroleum refining" as an example of "use normally considered as 'heavy industry,'" which is prohibited within the Manufacturing and Industrial district.<sup>74</sup> Second, the Township sets certain requirements pertaining to gas, petroleum, and natural gas liquids pipelines in its Zoning Ordinance and Subdivision and Land Development Ordinance, namely including certain setbacks and hour restrictions on development during the school day.<sup>75</sup> To the extent that oil and gas development and other oil and gas uses do not constitute prohibited "heavy industry,"<sup>76</sup> it is assumed that such uses are allowed only as conditional uses in the Manufacturing and Industrial district.

**Tbl. MIT-3, Middletown Township: setbacks and minimum right-of-way requirements for pipelines**

Use	Setback from Dwelling	Minimum right-of-way easement
Gas, petroleum, or petroleum products pipeline	75 ft. or state requirement, whichever greater	50 ft.

<sup>74</sup> *Id.* § 275-162.E(6).

<sup>75</sup> *Id.* § 210-37, 275-198.E.

<sup>76</sup> See discussion of *Gorsline v. Bd. of Supervisors of Fairfield Twp.* and oil and gas as a "purely industrial use," *supra*.

**Tbl. MIT-4, Middletown Township: application requirements for industrial uses**

Use	Application Requirement	Notes
Industrial uses	Environmental impact assessment, disclosing environmental consequences of proposed projects, and actions planned to mitigate adverse impacts	<p>Including:</p> <ul style="list-style-type: none"> <li>• Identification of characteristics associated with existing and potential air and water quality and noise levels, vibration, toxic materials, electrical interference, odor, glare and heat, radioactive materials, smoke, dust, fumes, vapors, gases, or other emissions;</li> <li>• Identification of compliance with environmental controls and general performance standards;</li> <li>• Possible alternatives to the project;</li> <li>• Adverse effects that cannot be precluded;</li> <li>• Mitigation measures;</li> <li>• Irreversible environmental changes.</li> </ul>
	Traffic study	
	Erosion and Sedimentation Control General Permit	

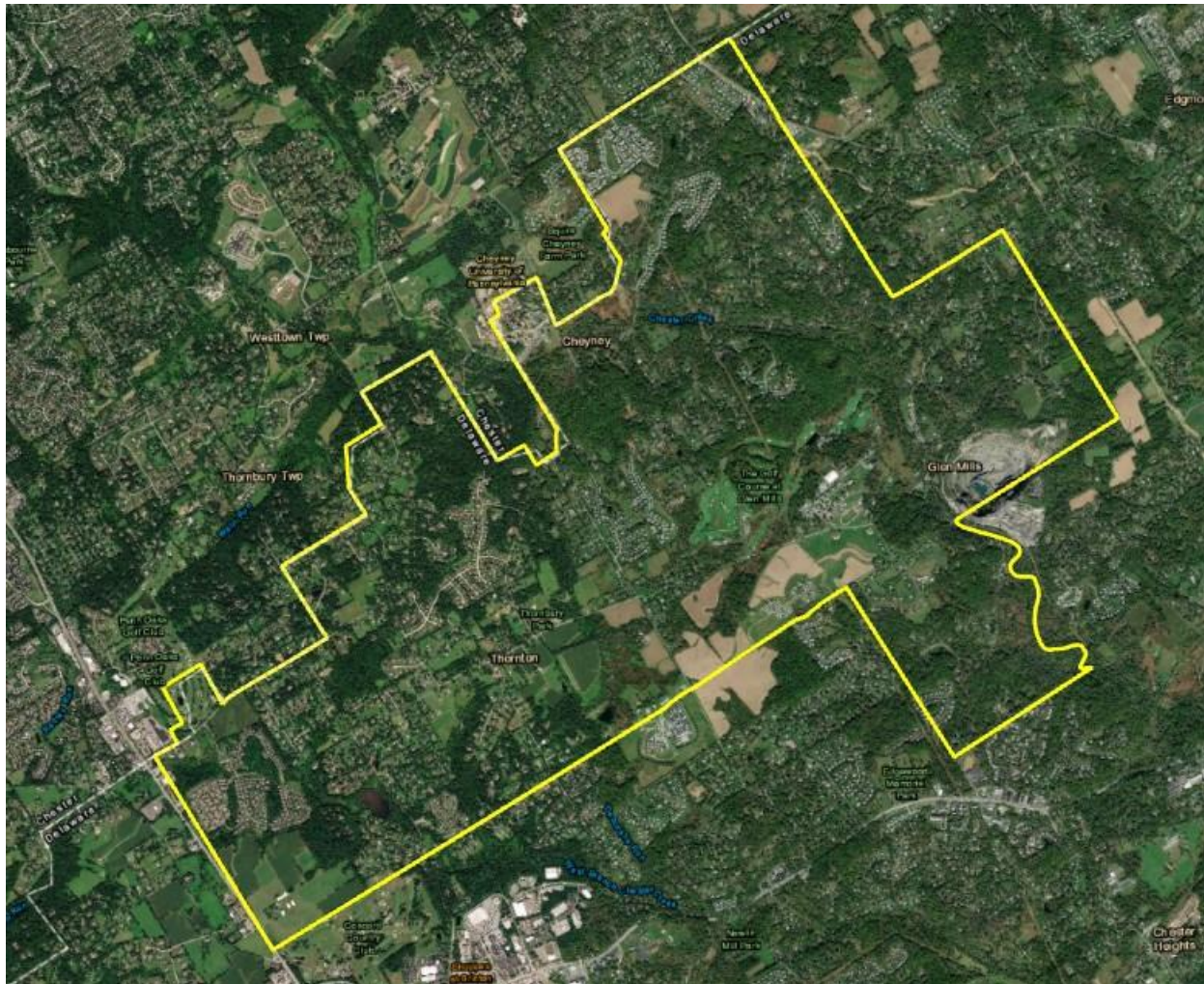
**Tbl. MIT-5, Middletown Township: other requirements**

Use	Requirement
Industrial uses	Performance requirements, including noise, smoke, dust, fumes, vapors, gases, heat, glare, vibrations, odor, storage and disposal, and slope controls.
	No internal combustion engines unless objectionable noise and vibration are eliminated, and exhaust gas is disposed of safely.
	Maximum fines of \$500 per day, plus costs.

## 6. Thornbury Township

Thornbury Township is located on the western border between Delaware County and Chester County. Sunoco's Mariner East II Pipeline enters Delaware County through the northern tip of Thornbury Township before crossing into Edgmont Township.

**Fig. 30, Thornbury Township, Delaware County**



## **Government**

**Tbl. THT-1, Thornbury Township: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Supervisors	James H. Raith, Chairman	2021	Elected	Six years
	James P. Kelly, Vice Chairman	2025		
	Sheri Perkins	2023		
Planning Commission	Jim Quinn, Chairman	2021	Appointed by Board of Supervisors	Four years
	Robert Ferrara, Vice Chairman	2019		
	James Bulkley	2021		
	Jim Falcone	2020		
	John Ibach, Jr.	2020		
	Sam Yim	2022		
	Ken Zitarelli	2020		
Zoning Hearing Board	J. Robert Haines, Chairman	2021	Appointed by Board of Supervisors	Four years
	Scott Cannon	2020		
	George Morley	2021		
	Vincent Iannello, Alternate	2020		
Environmental Advisory Council	Rich White, Chairman	2020	Appointed by Board of Supervisors	Three years
	Larry Barrett	2019		
	Pam Cloud	2020		
	Kate Grieco	2021		
	Eva Grill	2019		
	Rhona Klein	2020		
	Eric Ye	2019		

## **Zoning Code**

Thornbury Township enacted its Zoning Ordinance in 1976 and has subsequently amended it a number of times since.<sup>77</sup> The Zoning Ordinance establishes eleven zoning districts, outlined below, and four overlay districts, which are not directly relevant to oil and gas development.

<sup>77</sup> Thornbury Twp., Municipal Code, Ch. 27 (Zoning & Planned Residential Development), available at <https://www.ecode360.com/30828967>.

**Tbl. THT-2, Thornbury Township: zoning districts**

District	Name	Purpose
R-1	Residential-1	Intended to establish residence areas and requirements for low density use and to permit agricultural, conservation, recreation and other open space purposes, while at the same time recognizing problems involving steep slopes, shallow soils and minimal drainage typical of large areas of the Township
R-2	Residential-2	Same purpose as R-1
R-3	Residential-3	Designed to encourage a variety of housing types not permitted elsewhere in the Township. The district is designed as a separate specific zoning district and is permitted when public water and sewer service is available. The use of this district must take into consideration both the opportunities and the constraints imposed by the existing natural features of the property
PA	Planned Apartment	Intended to establish residence areas and requirements for high density use convenient to commercial areas and transportation corridors
I	Institutional	Institutional Districts, which are now occupied in the Township by educational and correctional facilities, are intended to provide for the special needs of the large, regionally oriented institutional uses
LI	Limited Industrial	Designed primarily to make special provision for modern industrial development which is appropriate in selected suburban locations. Among other things, Limited Industrial Districts are intended to Provide for attractive non-nuisance industrial development in those areas designated for such use, and encourage forms of industrial development and related land use which are compatible with the character of the Township
IR	Institutional Residential	Permit the establishment of various types of residential housing for staff and employees (and their families) of adjoining institutional facilities and promote the orderly and harmonious development of institutional facilities and related residential uses, and neighboring uses within the Township which are unrelated to the institutional facilities
C	Commercial	Several purposes noted, including to provide sufficient space in appropriate locations for the types of shopping, professional, and service establishments anticipated to be needed in the Township, and to protect commercial development against intrusive uses which are incompatible and against objectionable influences such as noise or glare, and from hazards of fire
Q-1	Quarry-1	No purpose provided, but uses are limited to quarrying, processing of stone, and accessory uses
Q-2	Quarry-2	No purpose provided, but uses are limited to ponds and necessary pumping equipment for quarrying and clean fill dirt storage



District	Name	Purpose
MHP	Mobile Home Park	Intended to make provision for establishment of mobile home parks, and to provide minimum standards for such use, while also affording alternative development opportunity, in accordance with the regulations of the Limited Industrial District
LI	Limited Industrial	Allow a variety of industrial uses as a matter of right and larger scale, more intense industrial uses by condition. Special development regulations relating to buffering, screening, and landscaping are included to minimize the environmental impact of industrial establishments on adjacent neighborhoods and assure sound development and appearance within the Limited Industrial

Thornbury Township's Zoning Ordinance does not specifically reference oil and gas development or other oil and gas uses. The following discussion assumes that oil and gas uses are industrial uses relegated to the Limited Industrial district.

**Tbl. THT-3, Thornbury Township: setbacks for oil and gas uses in Limited Industrial district**

Use	Yard setbacks		
	Front yard	Side yard	Rear yard
Limited Industrial	85 ft.	Each individual side at least 50 ft.; aggregate width at least 110 ft.	100 ft.

**Tbl. THT-4, Thornbury Township: application requirements for oil and gas uses in Limited Industrial district**

Use	Application Requirement	Notes
Limited Industrial	Evidence of state permits, if required	
	Certificate of use/occupancy	
	Two copies of plans	

**Tbl. THT-5, Thornbury Township: other requirements for oil and gas uses in Limited Industrial district**

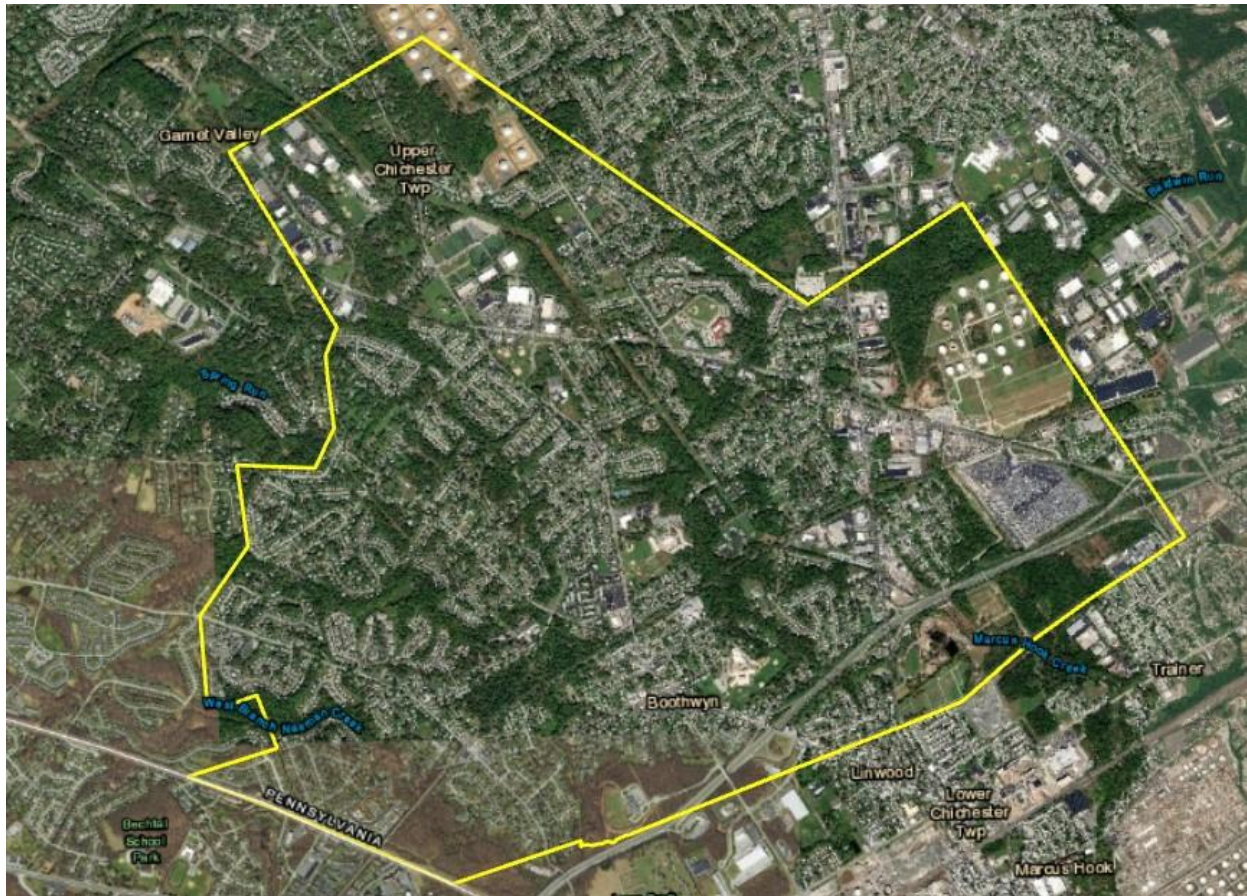
Use	Requirement
Limited Industrial	Performance standards including noise, vibration, air pollution, fugitive emissions (DEP standards), toxic or noxious matter (water-borne), odors, fire & explosion hazards, storage, heat and glare control, and water quality
	Fines of \$500 per day, plus costs



## 7. Upper Chichester Township

Upper Chichester is located in the south of Delaware County. It is bordered by Aston Township to the north, Chester Township to the northwest, and Marcus Hook Borough to the southeast. The eastern terminus of Sunoco's Mariner East II Pipeline is within Upper Chichester Township.

**Fig. 31, Upper Chichester Township, Delaware County**



## **Government**

**Tbl. UCT-1, Upper Chichester Township: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Commissioners	Michael Gaudiuso, President (Ward 5)	2020	Elected	Four years
	Joseph Neary, Vice President (Ward 4)	2021		
	Edward Raikowski (Ward 1)	2020		
	Nicole Whitaker (Ward 2)	2021		
	Joseph Baiocco (Ward 3)	2020		
Planning Commission	James Renner, Chairman (Ward 4)	2021	Appointed by Board of Commissioners	Four years
	Pamella Andrien (Ward 1)	2019		
	Charles Lewis (Ward 3)	2020		
	Gregory Trader (Ward 2)	2023		
	Charles Fisher (Ward 5)	2022		
Zoning Hearing Board	Michael McKinney, Sr., Chairman (2021)	2021	Appointed by Board of Commissioners	Five years
	Howard Moseley	2025		
	James Holefelder	2022		
	Emmanuel Broomall, Recording Secretary	2020		
	Tom Simpson, Corresponding Secretary	2023		

## **Zoning Code**

Upper Chichester enacted its Zoning Ordinance in 2012.<sup>78</sup> The Zoning Ordinance establishes thirteen zoning districts, outlined below, and two overlay districts, which are not directly relevant to oil and gas uses.

**Tbl. UCT-2, Upper Chichester Township: zoning districts**

District	Name	Purpose
R-1	Low Density Residential	Provide for continued low density, suburban-style single-family residential development; to preserve existing low-density development and open space; and to provide for and regulate certain uses permitted by special exception

<sup>78</sup> Upper Chichester Twp., PA, Township Code, Ch. 600 (Zoning), *available at* <https://ecode360.com/15685575>.

District	Name	Purpose
R-2	Medium Density Residential	Provide for continued medium density, suburban-type single-family residential development to preserve existing medium-density development and open space; and to provide for and regulate certain uses permitted by special exception
R-3	High Density Residential	Provide for continued high-density, single-family residential development; to preserve existing single-family development; and to provide for and regulate certain uses permitted by special exception
TH	Townhouse	Provide for townhouse development at a medium density on sites with a minimum required tract area in selected locations of the Township, subject to compliance with the development requirements noted in this article
A	Apartment	Provide for two-family and multifamily development at high and high-medium densities
MH	Mobile Home	Provide regulations for mobile homes on individual lots and mobile home parks at a medium density. In the case of mobile home parks, regulations are designed to assure good site development, a more efficient use of land and to offer further opportunity for affordable housing
C-1	Neighborhood Commercial	Provide retail, service and other commercial facilities for local residents and those of neighboring communities in areas generally located at major roadways. Standards are provided to allow for both freestanding and attached structure development
C-2	Highway Commercial	Provide for and regulate commercial facilities, which are related or require the use of an automobile. These uses ordinarily require location on major roadways and serve both local and transient customers. Provisions are included to allow both freestanding and attached commercial development
I-C	Industrial Commercial	Provide for modern, non-nuisance commercial and industrial uses with the further intent of encouraging large site commercial/industrial development. Standards are included to assure appropriate buffers and landscaped areas and to thereby protect adjacent residential areas. It is also intended that the uses in this district be limited to those that create no significant impacts on nearby establishments and nearby residential uses
I	Industrial	Allow a variety of industrial uses as a matter of right and larger-scale more-intense industrial uses by special exception. Special development regulations relating to buffering, screening and landscaping are included to minimize the environmental impact of industrial establishments on adjacent neighborhoods and to assure sound development and appearance within the Industrial District

District	Name	Purpose
PRD	Planned Residential Development	Several noted purposes, including to encourage innovation in residential development so that the growing demand for housing may be met by greater variety in type, design and layout of dwellings and by the conservation and more efficient use of open space ancillary to said dwellings
PRC	Planned Retirement Community	Provide for a planned, high-density, multifamily residential community designed specifically for senior citizens. Although the community may include health, nursing care, dining, recreational and social facilities for the residents, as well as administrative offices for the community, the character of the community is to be residential
CCRC	Continuing Care Retirement Community	Designed to promote a campus-type setting, continuing care retirement community (CCRC) use on tracts of a minimum of 24 gross acres, whereby housing for senior citizens which provide a continuum of services are developed in a configuration which preserves open space for the community as a whole

Upper Chichester Township's Zoning Ordinance does not specifically reference oil and gas development or other oil and gas uses other than "storage of petroleum products or fuel oil for sale and distribution," which is permitted as a conditional use in the Industrial district. Therefore, it is assumed that any other oil and gas uses would be industrial uses limited to the Industrial district. Uses of the same general character as the enumerated uses permitted by right are permitted as special exceptions, while manufacturing and processing uses that are "larger, more intense or produce greater impact than the uses permitted by right" are permitted as conditional uses.<sup>79</sup>

**Tbl. UCT-3, Upper Chichester Township: zoning for oil and gas uses in Industrial district**

Oil and gas use	Districts												
	R-1	R-2	R-3	TH	AP T	M H	C-1	C-2	I-C	I	PR D	PR C	CC RC
Storage of petroleum or petroleum products										CU			
Uses of the same general character as uses permitted by right										SE			
Manufacturing that produces greater impact than uses permitted by right										CU			

<sup>79</sup> See *id.* §§ 600-78, 600-79, 600-80.

**Tbl. UCT-4, Upper Chichester Township: application requirements for oil and gas uses in Industrial district**

Use	Application Requirement	Notes
Special exceptions/ conditional uses	Environmental impact statement	<p>Including:</p> <ul style="list-style-type: none"> <li>• Inventory of the existing environmental conditions, including air/water quality, water supply, hydrology, geology, soil, topography, vegetation, wildlife, aquatic organisms, pollution sources, ecology, demography, land uses, aesthetics, history, and archaeology;</li> <li>• Assessment of probable impact of the proposed development;</li> <li>• List of all unavoidable adverse environmental impacts;</li> <li>• Steps proposed to minimize adverse impacts.</li> </ul>
All industrial uses	Engineer's certification that proposed use can meet all required performance standards.	Including: specifications of mechanisms and techniques to mitigate possible dangerous or objectionable conditions; estimates of the rate of emission of any dangerous or objectionable elements
	All applications reviewed by Township's engineer for compliance with performance standards	

**Tbl. UCT-5, Upper Chichester Township: other requirements for oil and gas uses in Industrial district**

Use	Requirement
Industrial	No direct or sky-reflected glare can be visible at lot line
	Sound limit 70 dBA at all times in industrial districts (lower for other districts). For steady, pure tones, limit reduced by 5 dBA. For sounds less frequent than once in any fifteen-second interval, shall not exceed 20 dBA over ambient sound level.
	No use shall create any other objectionable condition in an adjoining area that will endanger public health and safety or be detrimental to the public use of the surrounding area.
	Construction work limited to between 7 am and 7 pm Monday through Friday, and from 8:30 am to 7 pm Saturday. No construction on Sunday or legal holidays.
	Maximum fines of \$500 per day, plus costs



## F. WASHINGTON COUNTY AND MUNICIPALITIES

Fig. 32, Washington County and Selected Municipalities



Tbl. WAC-1, Washington County Government

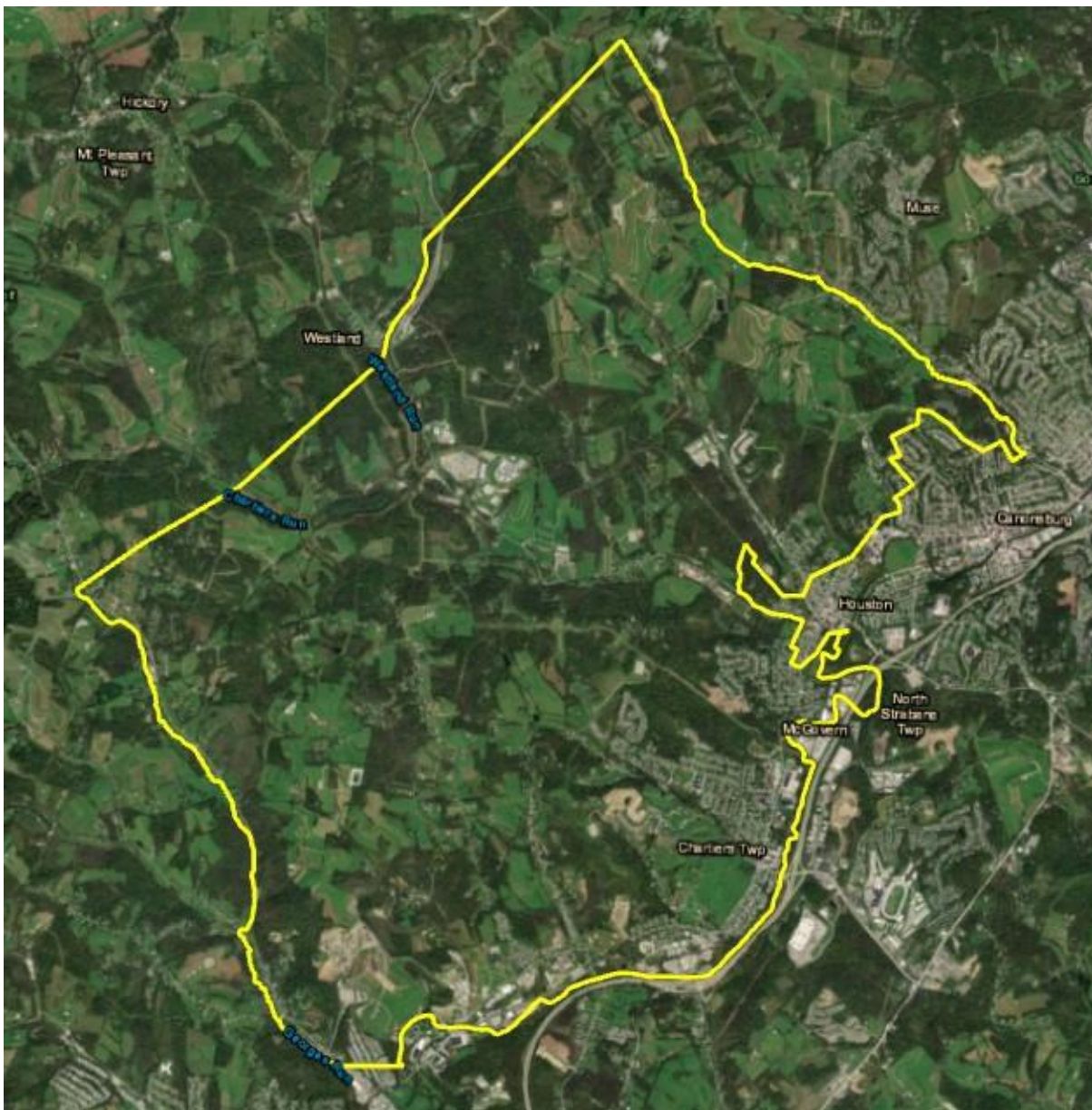
Office	Official	End of Term	Elected/Appointed	Term Length
Board of Commissioners	Larry Maggi, Chairman	2024	Elected	Four years
	Diana Irey Vaughan	2024		
	Nick Sherman	2024		



## 1. Chartiers Township

Chartiers Township is located near the center of Washington County. It is historically a farming community and site of the county's fairgrounds and a renowned horse racing facility. It is bordered by Mount Pleasant Township to the northwest. The confluence of the Energy Transfer's Revolution Pipeline, Shell's Falcon Pipeline, and Sunoco's Mariner East II Pipelines occurs in west-central Chartiers Township, at MarkWest's Houston Cryogenic Processing Plant. This plant has expanded greatly in its nearly decade-long operation and has transformed this long-time farming community. Of the three pipelines, Mariner East II completely traverses the Township from west to east, while both the Falcon and Revolution Pipelines end at the plant.

**Fig. 33, Chartiers Township, Washington County**



## **Government**

**Tbl. CHT-1, Chartiers Township: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Supervisors	Gary Friend, Chairman	2023	Elected	Six years
	A. William Kiehl	2021		
	Bronwyn Maggi-Kolovich	2025		
Planning Commission	John Lieberman, Chairman	2020	Appointed by Board of Supervisors	Four years
	Lee Nickovich, Vice Chairman	2020		
	Gerald Chambers, Secretary	2023		
	Gary Marianni	2021		
	Keith Straight	2022		
Zoning Hearing Board	Jill Keefer, Chairman	2020	Appointed by Board of Supervisors	Five years
	Ronald Petrie, Vice Chairman	2023		
	James Amato, Secretary	2019		
	Cindy Alexander	2024		
	Joyce Mariani	2021		
	Abby Dains, Alternate	2019		
	Sandra Allen, Alternate	2019		

## **Zoning Code**

Chartiers Township enacted its Zoning Ordinance in 1999.<sup>80</sup> The Township added the oil and gas extraction provisions in 2012. Raccoon Township's Zoning Ordinance establishes six districts, which are outlined below, and four overlay districts, which are not directly relevant to oil and gas development.

**Tbl. CHT-2, Chartiers Township: zoning districts**

District	Name	Purpose
A-1	Agricultural Residence	Intended to achieve multiple purposes, including to provide sufficient space, appropriately located for residential development to meet the housing needs of the present and expected future population of the Township, within the range of house types and densities anticipated; to assure light, air and privacy, as far as possible, by controlling the spacing and height of buildings and other structures; and to protect residential areas against hazards of fire, offensive noise, vibration, smoke, odors, water runoff, glare, or other objectionable influences
R-1	Residence	
R-2	Residence	

<sup>80</sup> Chartiers Twp., Washington County, PA, Ordinances, Ch. 350 (Zoning), *available at* <https://ecode360.com/11875563>.

District	Name	Purpose
C-1	Neighborhood Commercial	Intended to achieve multiple purposes, including to provide sufficient space in appropriate locations for the types of commercial and service establishments anticipated in the Comprehensive Plan; to provide appropriate space for the requirements of present-day merchandising, parking spaces, safe circulation of pedestrian and motor traffic in the district and nearby areas; and to promote the most desirable use of land and a pattern of building development in accord with a well-considered plan, to promote stable commercial development, to strengthen the economic base of the Township, to protect the character of the commercial areas and nearby districts, to conserve the value of land and buildings, and to promote municipal tax revenues
C-2	Regional Commercial	
I-1	Industrial	Intended to achieve multiple purposes, including to provide sufficient space, in appropriate locations, to meet the anticipated future needs for industrial activity with due allowance for the needs for a range in choice of sites; to insure that the land most suitable for industrial and related activities will be available by prohibiting the use of such land for new residential development except planned residential development, and at the same time, to protect residences by separating them from such activities; and to promote the most desirable use of land and direction of building development in accord with a well-considered plan, to promote stable industry, to strengthen the economic base, to protect the character of particular industrial areas and their peculiar suitability to particular uses, to conserve the value of land and buildings, and to protect local tax revenues

**Tbl. CHT-3, Chartiers Township: zoning for specific oil and gas uses**

Oil and gas use	Districts					
	A-1	R-1	R-2	C-1	C-2	I-1
Well & Pipeline Location Assessment	P	P	P	P	P	P
O&G Operations	CU	CU	CU	P	P	P
Impoundments	P	P	P	P	P	P
Compressor Stations	P	CU	CU	CU	CU	P
Natural Gas Processing Plants	CU					P

**Tbl. CHT-4, Chartiers Township: setbacks and distance/size requirements for oil and gas uses**

Use	Setback from	
	Existing Dwelling	Existing Building
O&G Operations (other than pipelines, access roads, and security facilities) in Residential districts	300 ft. from well pad	
Impoundments		300 ft.
Compressor Stations & Natural Gas Processing Plants		750 ft., or 200 ft. from nearest lot line, whichever is greater

**Tbl. CHT-5, Chartiers Township: application requirements for oil and gas uses**

Use	Application Requirement	Notes
All O&G	Copy of Preparedness, Prevention, and Contingency Plan	
	Preapplication conference	Recommended, but not required
O&G as conditional use	Seven copies of the conditional use site plan	

**Tbl. CHT-6, Chartiers Township: other requirements for oil and gas uses**

Use	Requirement
All O&G	Minimize glare to the extent practicable on public roads and adjacent buildings within 300 ft. of the well site, wellhead, or other area being developed
	Must satisfy the yard and setback requirements of each district unless specifically superseded by Act 13.
	Maximum fines of \$600 per day, plus costs
Compressor stations and natural gas processing plants	Noise restriction: must not exceed 60 dBA at the nearest property line



## 2. Mount Pleasant Township

Mount Pleasant Township is located in northwest Washington County. It is bordered to the northwest by Smith Township, to the north by Robinson Township, and to the southeast by Chartiers Township. Mount Pleasant Township was the location of the first Marcellus shale gas well operation in western Pennsylvania, Range Resources' Renz #1 in 2003. Since then the industrial expansion of shale gas operations has grown to include numerous well pads and large compressor stations. Shell's Falcon Pipeline traverses the eastern side of Mount Pleasant Township from north to south. Energy Transfer's Revolution Pipeline traverses the center of the Township from north to south. Sunoco's Mariner East II Pipeline crosses the southern tip of Mount Pleasant Township from west to east.

**Fig. 34, Mount Pleasant Township, Washington County**



## **Government**

**Tbl. MPT-1, Mount Pleasant Township: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Supervisors	Gary R. Farner, Chairman	2025	Elected	Six years
	Don Reed, Vice Chairman	2021		
	George Rice	2021		
Planning Commission	William Orton, Chairman	2021	Appointed by Board of Supervisors	Six years
	Catherine B. Obenour	2023		
	Jack Merckle, Secretary	2020		
	John D. Bedillion	2022		
	Gary Cowden	2023		
Zoning Hearing Board	Michael Farner, Chairman	2021	Appointed by Board of Supervisors	Four years
	Ronald Stewart, Vice Chairman	2020		
	Thomas J. Menzies, Secretary	2020		
	Donna Seaver, Alternate	2022		

## **Zoning Code**

Mount Pleasant Township enacted its Zoning Ordinance in 2006. The Township then amended the Zoning Ordinance in its entirety in 2018.<sup>81</sup> Mount Pleasant Township's Zoning Ordinance establishes six zoning districts, as outlined below.

**Tbl. MPT-2, Mount Pleasant Township: zoning districts**

District	Name	Purpose
A-1	Agricultural	Encourage low-density single-family developments at moderate densities in locations in the Township where utilities and transportation facilities exist or are anticipated in the future
R-L	Suburban Residential	Encourage low-density single-family developments at moderate densities in locations in the Township where utilities and transportation facilities exist or are anticipated in the future
R-H	Neighborhood Residential	Preserve established neighborhoods of higher density housing in the Township and provide for the expansion of this type of residential development in appropriate locations on the regional highway network that are or will be served by public water and sewage

<sup>81</sup> Mount Pleasant Twp., Washington County, PA, Township Code, Ch. 200 (Zoning), *available at* <https://ecode360.com/11531524>.



District	Name	Purpose
MU	Mixed-Use	Promote a mix of compatible land uses, both residential and nonresidential, within the same zoning district. Encouraging diverse but complementary land uses, while supporting a variety of densities, allows the district to function as a “work, live, play” area within the Township
B-1	Highway Commercial	Provide opportunities for highway-oriented commercial development that meets the general needs of the population within the market area for shopping and services on properties located on arterial
M-1	Light Industrial	Encourage development of light industrial uses in appropriate locations in the Township, consistent with sound planning and environmental controls

**Tbl. MPT-3, Mount Pleasant Township: zoning for specific oil and gas uses**

Oil and gas use	Districts					
	A-1	R-L	R-H	MU	B-1	M-1
Compressor Station	CU	CU			CU	CU
O&G Metering Station & Aboveground Gathering Facilities	P	P	P	P	P	P
O&G Pipelines	P	P	P	P	P	P
O&G Processing Facility						CU
O&G Well	CU	CU	CU		CU	CU

**Tbl. MPT-4, Mount Pleasant Township: setbacks and distance/size requirements for oil and gas uses**

Use	Setback from		
	Protected Use	School	Property Line or ROW
Compressor station	1,000 ft.	2,500 ft.	100 ft. (all aboveground equipment)
Processing facilities	1,000 ft.	2, 500 ft.	100 ft. (all aboveground equipment)
O&G well	Must be addressed during hearing	Must be addressed during hearing	Must be addressed during hearing
Impoundment			500 ft. (from property line)

**Tbl. MPT-5, Mount Pleasant Township: application requirements for oil and gas uses**

Use	Application Requirement	Notes
All O&G	Evidence of obtaining required state and/or federal permits before initiating work	
	Road use plan showing proposed routes of all trucks	Record/log of actual road use must be kept by applicant
	Emergency response plan	
	Site plan	Including anticipated start/end dates, map with all wells, water sources, and rights of way, and identification of whether the site is in a floodplain or wetland
	Grading permit	
	Road maintenance agreement	
O&G well	Copy of O&G lease and any drilling permits issued by DEP	Provide application if DEP drilling permit not yet issued
Impoundment	Copy of DEP impoundment permit	With application or when available

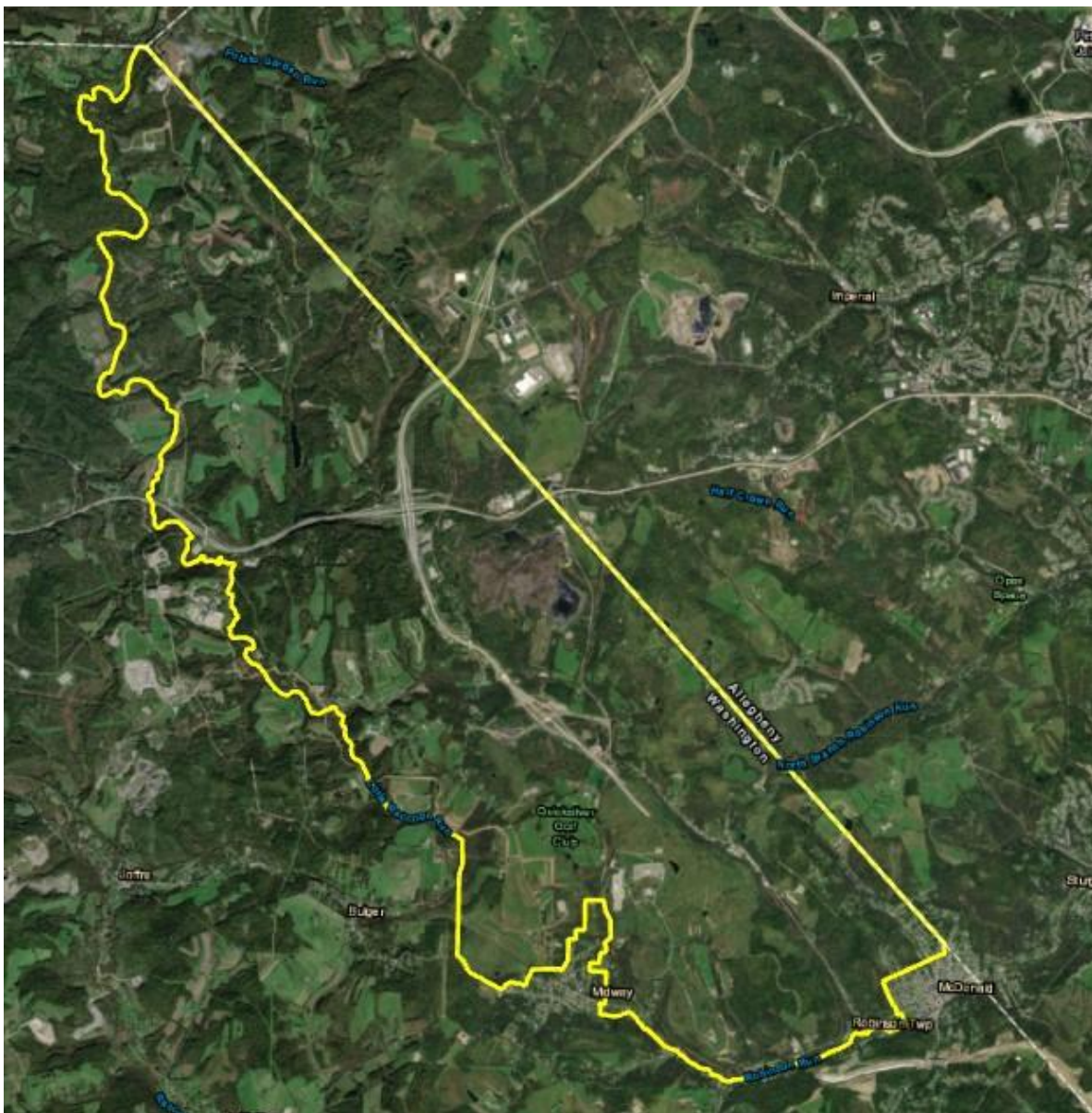
**Tbl. MPT-6, Mount Pleasant Township: other requirements for oil and gas uses**

Use	Requirement
All O&G	No light may shine directly on public road, protected use, adjacent property, or property in the general vicinity. Exterior lights must be off except when personnel are working on site or motion sensors are activated.
	Noise-generating equipment must be fully enclosed in sound reduction structure to meet the noise requirements of zoning district. Includes all motors at a well site not involved in the active drilling/fracturing phase
	Applicant must reimburse Township's reasonable and direct professional consultant fees.
	Maximum fines of \$500/day, plus costs.
O&G wells	All well site preparation and preproduction activities must take place between 7 am and 7 pm, Monday through Saturday. Active drilling phase is exempt.
	Bunkhouses permitted subject to Township review, either at the time of zoning application, subdivision and/or land development application, or as part of permit process. Bunk housing shall only be occupied during drilling, re-drilling, fracking, or completion, and only by employees or contractors responsible for such activities at the well site.
Impoundments	30-day advance written notice required when transitioning from freshwater to wastewater impoundment. Applicant must provide the revised DEP permit when available.
	Must be enclosed by 8 ft. chain link and bird netting.
Compressor stations and natural gas processing plants	Must use sparkless electric motors, when practical.

### 3. Robinson Township

Robinson Township is located in the northeast corner of Washington County and runs along the border with Allegheny County. It is bordered by Smith Township to the southwest, Mount Pleasant Township to the south, and North Fayette and Findlay Townships to the northwest. Another historic agricultural area in the region, Robinson Township has become a community greatly and rapidly impacted by shale gas development. Due to its location, Robinson Township has become the key to linking shale gas operations between Washington and Allegheny counties. The Revolution Pipeline runs along most of the length of its western border, and the Falcon Pipeline crosses the southern portion of the Township from north to south.

**Fig. 35, Robinson Township, Washington County**



## **Government**

**Tbl. ROT-1, Robinson Township: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Supervisors	Chris Amodeo	2025	Elected	Six years
	Mary Donaldson, Vice Chair	2021		
	David Foley	2023		
Planning Commission	Tony Orlandini, Chairman	2022	Appointed by Board of Supervisors	Four years
	Ken Glass	2023		
	Bonnie Moore	2023		
	Robert Foley	2020		
	Quinten Jones	2021		
Zoning Hearing Board	Keith Pfender, Chairman	2021	Appointed by Board of Supervisors	Three years
	Mary Duranti	2020		
	Robert S. Cummins	2022		

## **Zoning Code**

Robinson Township has amended its Zoning Ordinance multiple times over the past fifteen years, in response to the requirements of Act 13, in the aftermath of the Pennsylvania Supreme Court's ruling striking down Act 13, and since then. The Township most recently amended its Zoning Ordinance in 2019.<sup>82</sup> The current Zoning Ordinance allows some form of oil and gas uses in well over 90 percent of the Township. The Zoning Ordinance establishes eight zoning districts, outlined below.

**Tbl. ROT-2, Robinson Township: zoning districts**

District	Name	Purpose
SC	Special Conservation	Ensure development recognizes the unique natural resources and scenic rural settings of the land
A	Agriculture	Meant to promote areas of high-quality farmland. It is also meant to maximize means for farmland owners to realize income from their property for compatible uses, and to minimize the impact of incompatible development upon agricultural security within the township
R-1A	Rural Residential	Established to provide sites for low density residential use, together with agricultural activities and such public and semi-public uses and facilities as may appropriately be located in the same district. This district is intended to provide areas for the long term low density residential growth of the Township and appropriate residential opportunities for single family dwellings and related uses in a rural setting

<sup>82</sup> Robinson Twp., Washington County, PA, Ordinances, <https://robinsonpa.gov/ordinances/> (last visited Feb. 24, 2020).

District	Name	Purpose
R-1B	Single Family Residential	Established to provide for a single family dwelling and compatible uses in a more suburban setting than R-1A as road access and infrastructure is available to serve such developments
R-2	General Residential	Established to provide for a variety of housing types and densities in the portion of the Township where road access, community facilities and services, and infrastructure are available to serve such development
C	Commercial	Established to provide for businesses that have lower infrastructure needs and neighborhood impacts than the LI Light Industrial
LI	Light Industrial	Established to provide for businesses and high-impact land uses that require significant infrastructure
I	Industrial	Established to provide appropriate areas for forms of heavy industry, major manufacturing and similar high-intensity uses that can have a higher impact upon surrounding properties

**Tbl. ROT-3, Robinson Township: zoning for specific oil and gas uses**

Oil and gas use	Districts							
	SC	A	R-1A	R-1B	R-2	C	LI	I
O&G Subsurface Facilities & Activities	P	P	P	P	P	P	P	P
O&G Well Site Development	CU	P	P			CU	P	P
Natural Gas Compressor Station		CU	CU			CU	CU	CU
Natural Gas Processing Plant		CU	CU			CU	CU	CU
O&G Impoundments	CU	CU	CU				CU	P
Natural Gas Metering Station		P	P			P	P	P
Underground Injection Wells	N	N	N	N	N	N	N	N

**Tbl. ROT-4, Robinson Township: setbacks and distance/size requirements for oil and gas uses**

Use	Setback from	Minimum Lot Size
	Dwelling, library, school, or place of worship	
Compressor station	1,000 ft.	
Well development		10 acres



**Tbl. ROT-5, Robinson Township: application requirements for oil and gas uses**

Use	Application Requirement	Notes
All O&G	With application, must provide any state permits, including ESCGP, well permits, highway occupancy permits, and any other permits obtained at that time	
	Prior to beginning any work, must provide all permits issued by DEP and other state permitting agencies	
	If applicable, provide copy of FAA Form 7460-1 “Notice of Proposed Construction or Alteration”	
	Site plan or a copy of the Erosion and Sediment Control Plan	
	Road access plan	
	Preparedness, Prevention, and Contingency Plan	
	Post-Construction Stormwater Management Plan	
	Disclose number of trailers to be located on the site	
	All applicants for oil and gas uses must hold public meeting to “present general information” and “allow for questions and answers related to.” <sup>83</sup>	Must notify all owners of real estate within 3,000 feet of the meeting within 30 days but no later than seven days before the meeting. Applicant must pay costs for meeting and notification.
	Prior to filing permitted or conditional use application, applicant must meet with Township representatives. <sup>84</sup>	Shall discuss the (1) proposed use; (2) site location; (3) the time frame for development; (4) traffic routes; (5) the condition of Township roads as a part of said traffic route and the potential need for advance repairs or upgrades; (6) plans for potential excess maintenance of said traffic routes; and, (7) traffic safety.

<sup>83</sup> Robinson Twp., Washington County, PA, Zoning Ordinance § 342.N.

<sup>84</sup> *Id.* § 342.A.

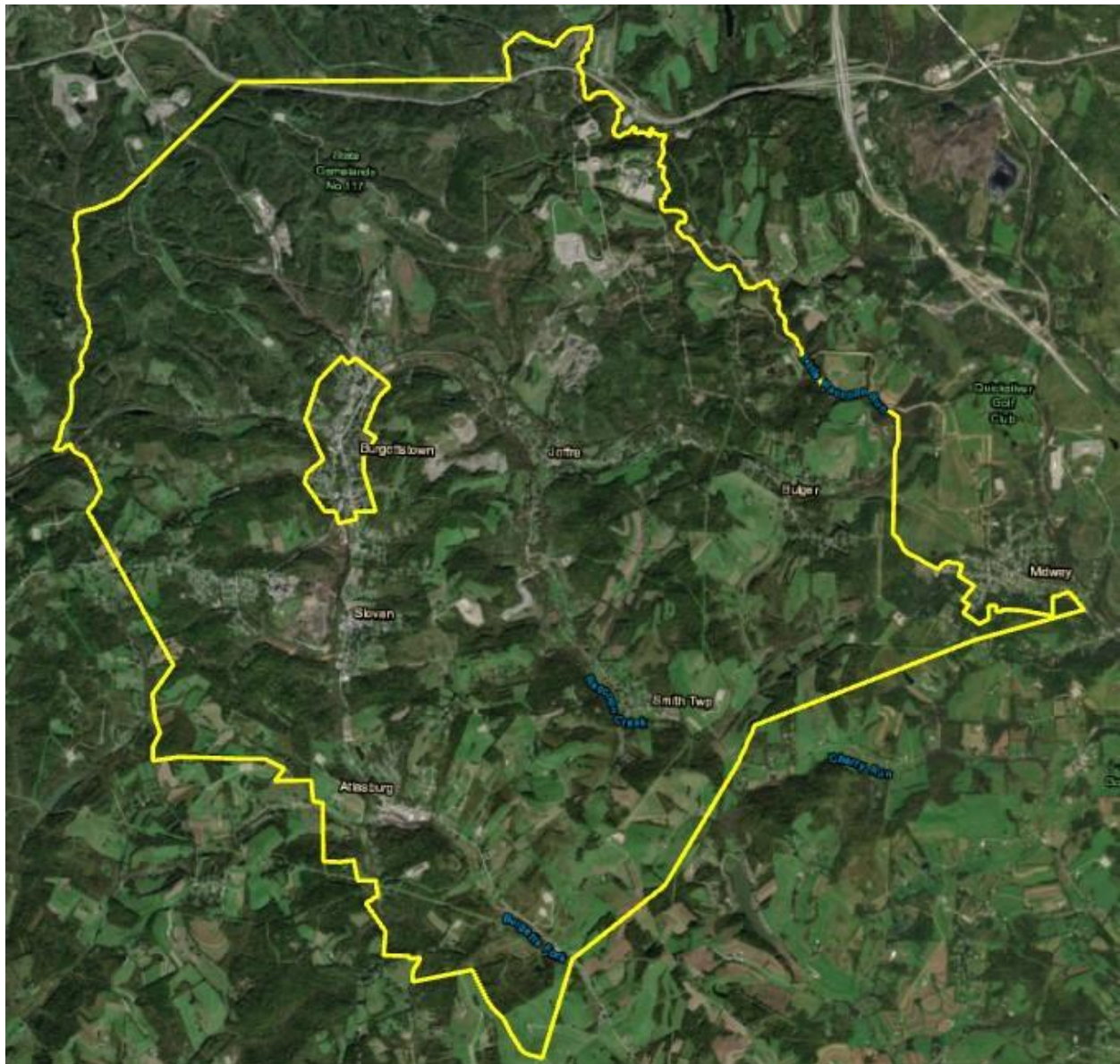
**Tbl. ROT-6, Robinson Township: other requirements for oil and gas uses**

Use	Requirement
All O&G	Prior to well drilling, no construction activity can take place between 10 pm and 6 am. After initiating drilling, same hour restrictions apply to major maintenance or remedial treatments, with an exception for emergency events
	Take steps, to the extent practicable, to minimize glare on public roads and adjacent buildings within 500 feet of the drill site, wellhead, or other development
	Must meet any road bonding requirements
	Must either meet noise restrictions and provide a sound study proving such compliance, or must obtain a waiver from all impacted property owners/renters
	Temporary housing arrangements must be reviewed and approved by the Township
	Maximum fines of \$500 per day, plus costs

#### 4. Smith Township

Smith Township is located in the northern portion of Washington County. It is bordered to the northeast by Robinson Township, to the northwest by Hanover Township, and to the southwest by Mount Pleasant Township. Once known as a rural agricultural community, Smith Township has allowed oil and gas development that now includes well pads, pipelines, “pigging” operations, compressor stations, and two cryogenic plants: MarkWest’s Harmon Creek facility and Energy Transfers Partners’ Revolution plant. Energy Transfer’s Revolution Pipeline travels along the Township’s northeastern border with Robinson Township, passing on either side of the border several times before exiting through Smith Township’s southeastern border into Mount Pleasant Township.

**Fig. 36, Smith Township, Washington County**



## **Government**

**Tbl. SMT-1, Smith Township: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Supervisors	Thomas A. Schilinski, Chairman	2021	Elected	Six years
	Robert C. Cassidy, Co-Chairman	2023		
	Timothy J. Green, Secretary	2025		
Planning Commission	Wayne Cumer, Chairman	2019	Appointed by Board of Supervisors	Four years
	John W. Thomas, Vice Chairman	2022		
	Anthony Gobleck, Secretary	2021		
	Joseph Steiminger	2021		
	Anthony Gianfeancesco	2022		
Zoning Hearing Board	Mike Oriskovich, Chairman	2019	Appointed by Board of Supervisors	Three years
	Sandra Lober, Committee	2019		
	Traci Kokoskie, Secretary	2020		
	Gary Gariglio, Alternate	2019		
	Lane Turturice, Solicitor			

## **Zoning Code**

Raccoon Township enacted its Zoning Ordinance in 2007. The Township added the oil and gas pipeline provisions in 2010 and amended the Zoning Ordinance again in 2015.<sup>85</sup> Smith Township's Zoning Ordinance establishes six zoning districts, as outlined below.

**Tbl. SMT-2, Smith Township: zoning districts**

District	Name	Purpose
C-D	Conservation	Preserve natural features and resources, particularly State game lands, and to provide for compatible principal and accessory structures
A-1	Rural Residential	Provide for agriculture and low-density single-family residential development in rural areas of the Township where public sewers are not available and to provide for accessory uses and compatible public and semipublic uses as conditional uses

<sup>85</sup> Smith Twp., Washington County, PA, Code of Ordinances, Ch. 27 (Zoning), *available at* <https://ecode360.com/26890667>.

District	Name	Purpose
R-1	Suburban Residential	Encourage single-family developments at suburban densities in locations in the Township where public sewers exist or are anticipated in the future and to provide for accessory uses and compatible public and semipublic uses as conditional uses.
R-V	Two Family Residential	Preserve the established neighborhoods in the Township where higher-density housing already exists, to provide additional opportunities for higher-density housing and to allow for limited commercial uses to serve the residents in appropriate locations along main streets in these villages
B-1	Business	Provide opportunities along major highways for commercial development that meets the general needs of the population for shopping and services
I-1	Industrial	Provide for a mix of heavy commercial and light industrial uses in appropriate locations in the Township on sites that have adequate area to accommodate the uses and that can be reasonably buffered from adjoining zoning classifications

**Tbl. SMT-3, Smith Township: zoning for specific oil and gas uses**

Oil and gas use	Districts					
	C-D	A-1	R-1	R-V	B-1	I-1
Oil and Gas Development	CU	CU				CU
Oil and Gas Pipelines	P	P				P
Compressor Station	CU	CU				CU
Reentry Drilling	P	P				P
Reentry-related Operations	CU	CU				CU
Temporary Housing for Well Site Workers	P	P				P



**Tbl. SMT-4, Smith Township: setbacks and distance/size requirements for oil and gas uses<sup>86</sup>**

Use	Setback from						Min. Lot Size
	Existing Structure	Occupied Structure	Prop. line	Protected Structure	Water body	Wetland >1 acre	
O&G development							20 acres
Unconventional O&G well	500 ft. (well bore)			1,000 feet (edge of pad)	100 ft. (pad); 300 ft. (well bore)	100 ft. (pad); 300 ft. (well bore)	
Conventional O&G well	200 ft. (pad)				100 feet (pad)		
Compressor station <sup>87</sup>		500 ft.	200 ft.	1,000 feet			20 acres
Processing plant <sup>88</sup>		500 ft.	200 ft.	1,000 feet			100 acres

**Tbl. SMT-5, Smith Township: application requirements for oil and gas uses**

Use	Application Requirement	Notes
All O&G	Township will not schedule hearing will be scheduled until all required information received	
	All applicable state, local, and federal permits must be attached to the application or provided upon issue	
	All O&G projects must provide a road bond and also liability insurance	Liability insurance in amounts of: \$25 million per person, \$25 million per occurrence, and \$25 million property damage
	Applicant must submit the proposed hours of site work/development and use of trucking and heavy equipment during each phase	

<sup>86</sup> The Board of Supervisors may issue variances for setbacks as part of the conditional use approval process, provided compelling evidence is submitted showing that such reduction is absolutely necessary, will not be detrimental to the purposes of the zoning ordinance, and includes the necessary waivers from the impacted property owner. *Id.* § 27-1103.28.C.(4).

<sup>87</sup> Setback distances for compressor station are “[f]ive hundred feet from an occupied structure or 200 feet from the property line, whichever is greater, unless waived by the property owner.” *Id.* § 27-1103.28.C.(4).

<sup>88</sup> Setback distances for processing plant from occupied structure and property line are same as for compressor station. *Id.*

Use	Application Requirement	Notes
All O&G	Sound study may be conducted	To demonstrate sound will not exceed permitted amounts at the nearest property line
	Applicant must submit a road plan	Showing proposed routes of all trucks, estimated weights, and estimated number of trucks entering and exiting site on a daily basis. Such routes must be designed in conjunction with the Township to minimize impact on local roads
	If development will generate 100 or more peak-hour trips, applicant must prepare traffic study	
O&G wells	Applicant must provide schedule for well development	<p>Including:</p> <ol style="list-style-type: none"> <li>1. Anticipated site preparation beginnings and endings.</li> <li>2. Anticipated drilling or mining activity beginnings and endings.</li> <li>3. Anticipated completion (perforating) work to begin and end.</li> <li>4. Anticipated simulation (fracturing) work to begin and end.</li> <li>5. Anticipated production work to begin and end.</li> <li>6. Anticipated plugging date.</li> <li>7. Anticipated site restoration.</li> </ol>
Impoundments	Applicant must provide DEP impoundment permit, if applicable	
Compressor stations	Applicant must conduct environmental study for air and noise for quality and emissions approved by DEP	
Pipelines	Applicant must submit: the origin point and destination, timeline of development activity, description of the substance to be transported and copy of the material safety data sheet, any site reclamation plans and the time frame therefore, a copy of the road bond and maintenance agreement, and any and all road cut or bore permits	

Use	Application Requirement	Notes
Temporary housing	Applicant must submit information on the number of trailers to be located at the site, including essential work trailers and workers' bunk trailers	

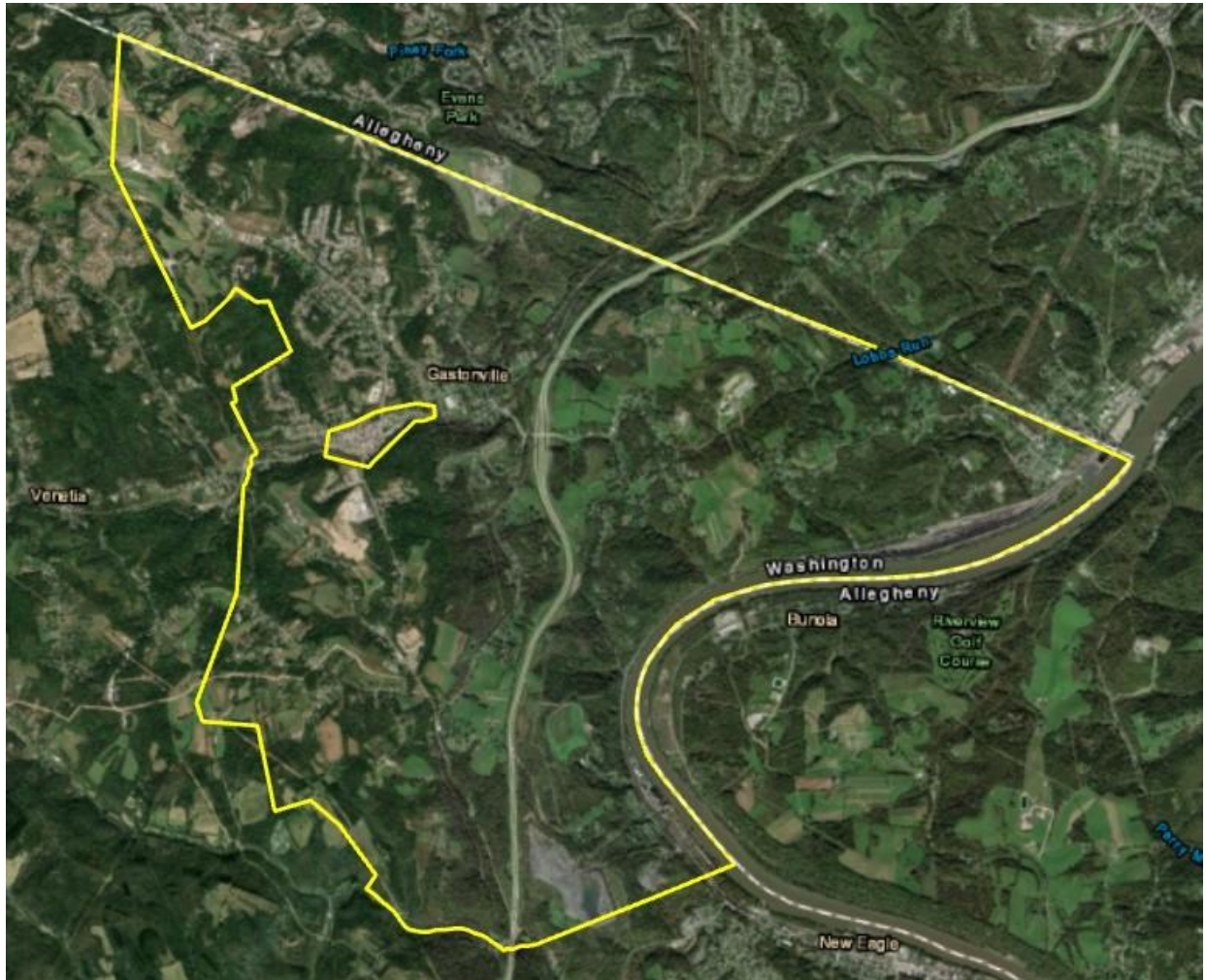
**Tbl. SMT-6, Smith Township: other requirements for oil and gas uses**

Use	Requirement
All O&G	Except for the active drilling phase and completions, all work must be on Mondays through Saturdays, with the exception of state holidays, between generally applicable hours of operation as set forth in the Township Code
	Sound limits: 60 dBA in agricultural and residential districts, 65 dBA in commercial districts, and 75 dBA in industrial districts
	All motors not involved in active drilling/fracturing process, but which are used to facilitate the movement of gas or to regulate its pressure must be enclosed
	General glare restrictions are waived, but operator must still avoid shine directed at public roads, protected structures, and adjacent dwellings and buildings
	Maximum fines of \$500 per day, plus costs
Impoundments	Eight-foot tall chain-link fencing. Once reclaimed, the applicant must provide a copy of the notice of termination.
	Must provide 30-day advance written notice before transition from freshwater to reuse water storage, with a copy of revised DEP permit when available
	Storage of hazardous waste must be signed in accordance with federal law
	Any DEP-reportable spills must be reported to the township within 24 hours of the incident
Compressor stations	Electric motors must be used, unless there is insufficient voltage to power such equipment. If combustion motors are used pursuant to this exception, then they must be entirely enclosed
	Limited to a maximum of five electric power compressors, completely enclosed, unless waived by the Board of Supervisors
	Noise monitoring sensors must be installed at property lines of a protected structure located within 2,000 feet, and must periodically measure noise and sound levels
	No equipment, including storage containers, can be stored on the facility
Temporary worker housing	Shall only be located on or within 1,000 ft. of an approved well site
	Must either have self-contained water supply and sanitary facilities, or such facilities must be available on-site and connected to the living facilities
	Parking limited to one vehicle per sleeping room
	Must be screened from all R-1 or R-V properties within 300 ft.

## 5. Union Township

Union Township is located on the eastern side of Washington County, and is bordered by South Park Township and Jefferson Hills Borough in Allegheny County to the north and Forward Township across the Monongahela River to the east. Sunoco's Mariner East II Pipeline crosses the southern part of Union Township from west to east before crossing the Monongahela River into Forward Township.

**Fig. 37, Union Township, Washington County**



## **Government**

**Tbl. UNT-1, Union Township: government officials**

Office	Official	End of Term	Elected/ Appointed	Term Length
Board of Supervisors	Heather Daerr, Chairperson	2024	Elected	Six years
	Charles Trax, Vice Chairperson	2025		
	Richard Lawson	2024		
	Paul Chasko	2020		
	Robert Dooley	2025		
Planning Department	Deborah Sargent	2020	Appointed by Board of Supervisors <sup>89</sup>	One year
	Charles Trax	2020		
	Heather Daugherty	2020		
	Heather Daerr, Alternate supervisor	2020		
	Will Daugherty, Alternate Township citizen	2020		
	Michael Cruny, Solicitor	2020		
Zoning Hearing Board	Kevin Daerr	2021	Appointed by Board of Supervisors	Three years
	Shana Garrett	2020		
	George Howell	2019		
	Alternate (vacant)	2019		
	Gavin Buxton, Alternate	2020		
	Steven Taczak, Solicitor	2020		One year

## **Zoning Code**

Union Township enacted its Zoning Ordinance in 1996 and amended it in 2001.<sup>90</sup> Union Township's Zoning Ordinance establishes ten zoning districts, outlined below, and one overlay district, which is not relevant to oil and gas uses.

<sup>89</sup> The Planning Department is comprised of a solicitor, two supervisors, one alternate supervisor seat, one Township citizen, and one Township citizen alternate seat. The Board of Supervisors reappoints members of the Planning Department annually during its January reorganization meeting.

<sup>90</sup> Union Twp., Washington County, PA, Township Code, Ch. 280 (Zoning), *available at* <https://www.ecode360.com/26795348>.



**Tbl. UNT-2, Union Township: zoning districts**

District	Name	Purpose
R-D	Rural Development	Provide for agriculture and low-density single-family residential development in rural areas of the Township where public sewers are not available and to provide for accessory uses and compatible public and semipublic uses as conditional uses or uses by special exception
R-1	Low-Density Single-Family Residential	Preserve natural features and resources while encouraging low-density single-family residential development suited to the natural conditions and to provide for accessory uses and compatible public and semipublic uses as conditional uses or uses by special exception
R-2	One- and Two-Family Village Residential	Protect established villages, as designated in this chapter; to encourage single-family and two-family developments at moderate densities in locations in the Township where utilities and transportation facilities are anticipated in the future; and to provide for accessory uses and compatible public and semipublic uses as conditional uses and uses by special exception
R-3	Multifamily Residential	Reserve areas for the development of higher density multifamily housing in the Township in appropriate locations which are served by public water and sewage and are located on arterial or collector roads close to shopping and community services and to provide for compatible public, semipublic and accessory uses as conditional uses or uses by special exception
C-1	Local Commercial	Provide opportunities for the growth of small businesses in the Township and to provide for the shopping and service needs of Township residents in central locations along the regional highway network which can be adequately buffered from adjoining residential areas
C-2	General Commercial	Provide opportunities for commercial development which meets the general needs of the population within the market area for shopping and services and which allows for an integrated shopping center on one or more larger sites which have access to the regional highway network
C-3	Heavy Commercial	Provide for a mix of commercial and light industrial uses, other than manufacturing, in appropriate locations in the Township on sites which have adequate area to accommodate the uses and which can be reasonably buffered from adjoining residential areas
H-I	Heavy Industrial	Encourage the continuation and revitalization of heavy industry in those areas of the Township which have already been established for these uses
A-P	Airport	Provide for the existing facility for small aircraft. landings and departures and to encourage the development of compatible supporting uses for the facility

District	Name	Purpose
S-D	Special Development	Accommodate the existing landfill, slate and fly ash dumps and provide for the reclamation and appropriate reuse of the reclaimed property

**Tbl. UNT-3, Union Township: zoning for specific oil and gas uses**

Oil and gas use	Districts									
	R-D	R-1	R-2	R-3	C-1	C-2	C-3	H-I	A-P	S-D
O&G Extraction	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Compressor Station	?	?	?	?	?	?	?	?	?	?
Natural Gas Processing Plant	?	?	?	?	?	?	?	?	?	?

It is not clear from Union Township’s Zoning Ordinance where compressor stations and processing plants are authorized. According to the Zoning Ordinance’s Table of Uses, oil and gas extraction is allowed as a conditional use in every zoning district, but neither compressor stations nor processing plants are listed.<sup>91</sup> The main text of the Zoning Ordinance, however, clearly accounts for compressor stations and natural gas processing plants, as it defines them in detail and states that “[o]il and gas drilling sites, natural gas compressor stations and natural gas processing plants shall be evaluated as a conditional use,” subject to certain standards and criteria.<sup>92</sup> Whether “oil and gas extraction” is meant to encompass all three of these uses is not clear, as the term is not defined and only used in the Table of Uses. Furthermore, Union Township has authorized at least one compressor station under the current Zoning Ordinance: EQT’s McIntosh compressor station.

**Tbl. UNT-4, Union Township: minimum lot size for oil and gas uses**

Use	Minimum Lot Size
Oil and gas drill site	10 acres <sup>93</sup>

<sup>91</sup> *Id.* at Attachment 1, *available at* <https://www.ecode360.com/attachment/UN2852/UN2852-280a%20Table%20of%20Authorized%20Uses.pdf>.

<sup>92</sup> *Id.* §§ 280-7, 280-102.A.(40).

<sup>93</sup> “Multiple property owners can combine adjoining parcels to achieve the minimum 10 acres required.” *Id.* § 280-102.A.(40)(b).

**Tbl. UNT-5, Union Township: application requirements for oil and gas uses**

Use	Application Requirement	Notes
All O&G	Provider all DEP permits	Including Erosion and Sedimentation Control General Permit
	Provide copy of any applicable stormwater permit issued by a state, local, or township agency	
	Provide all plans required by DEP	E.g., erosion and sedimentation control, grading
	Provide schedule of development, including beginning and ending dates for all phases of development	
	Provide a plan showing the proposed truck routes	
	List and description of all equipment weighing in excess of 10 tons	
	Provide preparedness, prevention, and contingency plan	
	Provide emergency response plan for local fire departments, Township EMS coordinator, and county EMS coordinator	
	Reimburse Township for all professional consultant fees and for advertising and cost of public hearings.	
	Provide copies of Material Safety Data Sheets	
	Provide information on contractor and subcontractor and their respective employees that are to work at the proposed site	
	Information on lighting and noise	
O&G well site	Provide copy of DEP drilling permit	
	Provide well survey plat	Showing planned location of the wells, list of the property owners, and acreage participation of each property owner
	Prior to any work at drill site, applicant must provide PennDOT highway occupancy permit	
	Provide grading and excavation plan for any drill site	
	Establish 72-hour ambient noise level & retain documentation.	At nearest protected structure property line or 100 feet from nearest protected structure.
Compressor station	Provide building plans for any compressor station	

**Tbl. UNT-6, Union Township: other requirements for oil and gas uses**

Use	Requirement
All O&G	Operations shall be conducted to minimize dust, vibration, and noxious odors in accordance with best accepted practices and to the Township's complete satisfaction
	Township may require noise reduction methods to ensure compliance with applicable noise limits
	No road use during school pickup/drop-off
	Light may not shine directly on public roads, adjacent property, or property in the general vicinity. Lighting should be shielded to avoid glare on public roads and adjacent properties
	Operator may not use Township stormwater facilities without Township's written consent
	Maximum fines of \$500 per day, plus costs
O&G well site	Workover operations restricted to the hours of 7 AM – 8 PM, except during emergencies (reasonably determined by the operator) <sup>94</sup>
	Site cannot exceed 72-hour average ambient noise level by more than: <ul style="list-style-type: none"> <li>• 15 decibels from 6 am to 10 pm;</li> <li>• 10 decibels from 10 pm to 6 am;</li> <li>• 20 decibels during fracking or flowback operations</li> </ul>
	If noise complaint received from within 1,000 feet, operator must within 24 hours continuously monitor for 48-hour period the closer of either the complainant's protected structure property line nearest the noise, or 100 feet from the protected structure
	All clean-up and restoration activity must be completed within 60 days of completion of the drilling operation
	All waste materials must be removed following a spill, leak, or malfunction, to the satisfaction of the Township's representatives and PADEP inspectors

<sup>94</sup> “Workover operations” are defined as “work performed in a well after its completion in an effort to secure production where there has been none, restore ceased production, or increase production.” *Id.* § 280-102.A.(40)(bb)[6].