

**ARTICLE XL**  
***Oil and Gas Extraction***  
***(Added 11-17-10 by Ord. No. 1027)***

**§180.143 Oil and Gas Extraction**

§180.143.1 Location

The Borough of Whitehall hereby declares that OIL AND GAS EXTRACTION may be authorized by SPECIAL EXCEPTION in the U-1 Utility District and the R1-S and R-7 Residence Districts in the BOROUGH where said EXTRACTION meets the criteria set forth herein.

§180.143.2 Criteria

§180.143.2.1 WELL OPERATOR shall comply with any generally applicable bonding and permitting requirements for BOROUGH roads and STREETS that are to be used by overweight vehicles and equipment for EXTRACTION activities.

§180.143.2.2 WELL OPERATOR shall take the necessary safeguards to ensure that all public roads and STREETS utilized remain free of dirt, mud and debris resulting from EXTRACTION activities and/or shall ensure such roads and STREETS are promptly swept or cleaned if dirt, mud and debris occur.

§180.143.2.3 WELL OPERATOR shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways or STREETS (for example, persons waiting for public or school transportation). During periods of anticipated heavy or frequent truck traffic associated with EXTRACTION, WELL OPERATOR shall provide flagmen to ensure the safety of children at or near schools or school bus stops and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.

§180.143.2.4 WELL OPERATOR shall not clear brush or trees by way of burning, and shall chip, grind or remove all tree stumps from properties it clears for Extraction purposes.

§180.143.2.5 Prior to EXTRACTION, WELL OPERATOR shall provide to the BOROUGH'S Police Department and Fire Company ("First Responders") and to the BOROUGH Zoning Officer, a copy of its Preparedness, Prevention and Contingency ("PPC") Plan.

§180.143.2.6 Prior to drilling, the BOROUGH shall ascertain whether the BOROUGH'S police and fire departments have secured adequate information to

deal with any potential dangerous conditions that may result due to EXTRACTION activities. First Responders shall have on-site orientation and be provided adequate awareness information. At least thirty (30) days prior to drilling and at the BOROUGH'S request, the WELL OPERATOR shall provide an appropriate site orientation for First Responders at its sole cost and expense. Such site orientation shall be made available at least annually during the period when the WELL OPERATOR anticipates drilling activities in the BOROUGH.

§180.143.2.7 WELL OPERATOR shall take the necessary safeguards to ensure that effective dust control measures are in place.

§180.143.2.8 WELL OPERATOR shall locate its temporary and permanent operations so as to minimize interference with BOROUGH residents' enjoyment of their property and future BOROUGH development activities.

§180.143.2.9 Recognizing that adequate and appropriate lighting is essential to the safety of those involved in the EXTRACTION of OIL AND GAS, the WELL OPERATOR shall direct site lighting downward and inward toward the drillsite, wellhead, or other area being developed so as to minimize glare on public roads and STREETS and adjacent property within three hundred (300) feet of the drillsite, wellhead, or other area being used for EXTRACTION.

§180.143.2.10 WELL OPERATOR shall install temporary safety fencing, at least six (6) feet in height, around drilling and hydraulic fracturing equipment and shall install permanent fall protection fencing meeting OSHA requirements around any pits that contain or could contain water or other liquids at depths greater than two feet. In addition, bird netting must be provided over any pits for wildlife protection.

§180.143.2.11 At least thirty (30) days prior to drilling an OIL AND GAS well or multiple OIL AND GAS wells at a location, the WELL OPERATOR shall provide the following information to each resident within one thousand (1,000) feet of the planned surface location of the well(s):

§180.143.2.11.1 A copy of the well survey plat showing the location(s) of the planned well(s).

§180.143.2.11.2 A general description of the planned operations at the planned well(s) and associated equipment used in the EXTRACTION of the well(s).

§180.143.2.11.3 The contact information for the WELL OPERATOR.

§180.143.2.11.4 The availability of the WELL OPERATOR to hold a meeting with such residents to present WELL OPERATOR'S plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to WELL SITE construction.

§180.143.2.12 Upon the filing of an Application for SPECIAL EXCEPTION in accordance with this Article, the WELL OPERATOR shall provide:

§180.143.2.12.1 A map showing the planned access route to the Well Sites on public roads or STREETS.

§180.143.2.12.2 A proposal and information on the status of road and STREET bonding.

§180.143.2.12.3 The WELL OPERATOR'S Erosion & Sedimentation Plan, including Allegheny County Conservation District approval, if applicable.

§180.143.2.12.4 The well survey plat showing the planned surface location(s) of the well(s).

§180.143.2.12.5 The contact information for the WELL OPERATOR.

§180.143.2.13 At least ten (10) days prior to commencement of drilling the WELL OPERATOR shall provide to the BOROUGH Zoning Officer a copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection ("DEP"). The WELL OPERATOR shall also provide a copy of the recorded subdivision plan or land development plan, as appropriate, indicating the size and location of the proposed drilling area.

§180.143.2.14 When any OIL AND GAS well is located within one thousand (1,000) feet of a PROTECTED STRUCTURE, the WELL OPERATOR shall:

§180.143.2.14.1 Install warning signs providing notice of the potential dangers at the WELL SITE.

§180.143.2.14.2 Provide at least one security guard at all times when a drilling rig or hydraulic fracturing equipment is on the WELL SITE.

§180.143.2.15 No construction activities involving excavation of, alteration to, or repair work on any access road, STREET or WELL SITE shall be performed during the hours of 9:00 p.m. to 7:00 a.m.

§180.143.2.16 The BOROUGH recognizes and acknowledges that OIL AND GAS EXTRACTION is accompanied by inherent noise. However, the WELL OPERATOR shall take the following steps to minimize, to the extent practicable, the noise resulting from the EXTRACTION:

§180.143.2.16.1 Prior to drilling of an OIL AND GAS well, the WELL OPERATOR shall establish a continuous seventy-two (72)-hour ambient noise level at the nearest PROTECTED STRUCTURE property line or one

hundred (100) feet from the nearest PROTECTED STRUCTURE (as measured to the closest exterior point of the building), whichever is closer to the PROTECTED STRUCTURE or, alternatively, and in lieu of establishing the above seventy-two (72)-hour ambient noise level, the WELL OPERATOR may assume and use, for the purposes of compliance with this ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.

§180.143.2.16.2 The WELL OPERATOR shall provide documentation of any established, seventy-two (72)-hour evaluation relied upon to establish an ambient noise level greater than 55 dBA to the BOROUGH'S Zoning Officer within three (3) business days of such a request from the Zoning Officer.

§180.143.2.16.3 The noise generated during drilling and hydraulic fracturing activities when measured at the nearest PROTECTED STRUCTURE property line or one hundred (100) feet from the nearest PROTECTED STRUCTURE (as measured to the closest exterior point of the building), whichever is closer to the PROTECTED STRUCTURE, shall not exceed the average ambient noise level (as determined by the seventy-two (72) hour evaluation) or default level, whichever is higher:

§180.143.2.16.3.1 During drilling activities by more than seven (7) decibels during the hours of 7:00 a.m. to 9:00 p.m.;

§180.143.2.16.3.2 During drilling activities by more than five (5) decibels during the hours of 9:00 p.m. to 7:00 a.m.; or

§180.143.2.16.3.3 By more than ten (10) decibels during hydraulic fracturing operations.

The WELL OPERATOR shall inform the BOROUGH of which level (average ambient noise level or default level) is being used.

§180.143.2.16.4 Adjustments to the foregoing noise limits may be permitted in accordance with the following:

Permitted Increase (dBA)	Duration of Increase  (minutes)*
5.....	15
10.....	5
15.....	1
20.....	1

\*Cumulative minutes during any one hour.

§180.143.2.16.5 If a complaint is received by the BOROUGH from any person, whether a resident or otherwise using the PROTECTED STRUCTURE as defined herein for any lawful purpose, regarding noise generated during drilling or hydraulic fracturing activities, the WELL OPERATOR shall, within twenty-four (24) hours of receipt of the complaint from the BOROUGH, continuously monitor for a forty-eight (48) hour period at a point which is the closer to the complainant’s building of:

§180.143.2.16.5.1 The complainant’s PROTECTED STRUCTURE property line nearest to the wellsite or equipment generating the noise, or

§180.143.2.16.5.2 One hundred (100) feet from the PROTECTED STRUCTURE.

§180.143.2.16.6 If the WELL OPERATOR engages in any noise testing as required by this Article, it will provide preliminary data to the BOROUGH no later than ten (10) business days following completion of the noise testing. Once the monitoring is complete, WELL OPERATOR will meet with BOROUGH representatives and affected residents to discuss whether possible noise abatement measures are warranted, if the permitted levels set forth herein were exceeded.

§180.143.2.16.7 Exhaust from any internal combustion engine or compressor used in connection with the drilling of any well or for use on any production equipment or used in EXTRACTION shall not be discharged into the open air unless it is equipped with (i) an exhaust muffler or (ii) an exhaust box. The exhaust muffler or exhaust box shall

be constructed of non-combustible materials designed and installed to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to manufacturer's specifications.

§180.143.2.16.8 All workover operations shall be restricted to the hours of 7:00 a.m. to 9:00 p.m., except in the extent of an emergency, as reasonably determined by the WELL OPERATOR. "Workover operations" shall mean work performed in a well after its completion in an effort to secure production where there has been none, restore production that has ceased, or increase production.

§180.143.2.17 WELL OPERATOR shall take all reasonable measures to prevent the emission of offensive odors from the EXTRACTION.

### §180.143.3 Natural Gas Compressors and Processing Plants

NATURAL GAS PROCESSING PLANTS and NATURAL GAS COMPRESSOR STATIONS may be authorized by SPECIAL EXCEPTION in the U-1 Utility District and the R1-S and R-7 Residence Districts in the BOROUGH where the following conditions are met by applicant.

§180.143.3.1 Upon application for SPECIAL EXCEPTION under this §180.43.3, applicant shall submit a site plan showing the proposed location of main and ACCESSORY STRUCTURES on the site and in relation to one another, including existing and proposed elevations; traffic circulation features within the site; the location of vehicular access into the site; the height and bulk of STRUCTURES; the provision of automobile parking space; the provision of other open space on the site; the landscaping; all proposed DRAINAGE, paving, fences and walls on the site; and the display of SIGNS. The site plan shall also show the location of all PROTECTED STRUCTURES.

§180.143.3.2 Applicant shall meet all other conditions and criteria set forth for the U-1, R-1S and R-7 Districts, as applicable, including but not limited to area and bulk regulations, LANDSCAPING requirements and FRONT YARD, REAR YARD and SIDE YARDS.