

ORDINANCE NO. 5-06

**AN ORDINANCE REQUIRING FOR THE DRILLING
AND/OR OPERATION OF GAS AND OIL WELLS
WITHIN THE BOUNDARIES OF THE TOWNSHIP, REQUIRING
COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, AND
LOCAL LAWS AND REGULATIONS, SETTING A REGISTRATION FEE,
AND PROVIDING A PENALTY FOR VIOLATION
OF THE ORDINANCE**

WHEREAS, Cross Creek Township is located in an area which is economically feasible for the exploration and production of oil and natural gas; and,

WHEREAS, a significant number of oil and natural gas wells are in existence within Cross Creek Township and more are anticipated; and,

WHEREAS, oil and natural gas explorations and operations involve activities that may impact upon Cross Creek Township's environment, infrastructure, and related public health, welfare and safety matters such that it is in the Township's best interest to monitor the location of oil and natural gas wells, as well as determining the identity of the owner and responsible operators of such wells.

NOW, THEREFORE, be it resolved by the Board of Supervisors of Cross Creek Township at a duly organized public meeting that:

1. The exploration, development, and production of oil and gas in Cross Creek Township is an activity that necessitates certain oversight to ensure that all property owners have the right to enjoy their property and its benefits and revenues. It is hereby declared to be the purpose of this ordinance to require the registration of existing and future oil and gas exploration and operations such that the Township may monitor the locations, ownership, and operators of such facilities. Cross Creek Township recognizes that the regulation of oil and gas operations is in large part the responsibility of the regulatory agencies of the Commonwealth of Pennsylvania, but that it is in the Township's best interest to identify the location and circumstances of existing and future oil and gas exploration, development and production.

2. No oil or gas well of any type or nature shall be dug or drilled, nor shall any work in preparation therefore be commenced within the boundaries of Cross Creek Township unless and until the person or entity desiring to dig or drill such well has first

registering with Cross Creek Township for the purpose of commencement of drilling operations. All applicable ordinances adopted by Cross Creek Township, and federal and state laws and regulations shall be adhered to by the applicant.

3. Every person, firm or corporation registering for the on-going existence or commencement of drilling operations shall do so with the agent designated by Cross Creek Township showing the following information:

- (a) Any drilling permits issued by the Commonwealth of Pennsylvania, or the application if a permit has not yet been issued, shall be attached.
- (b) The name and address of the applicant, including the name and telephone number of a local representative.
- (c) The proposed or existing location of the well shall be attached.

4. Any newly established private easements/roadways constructed on the parcel containing the well shall be located at least twenty-five feet (25') from any property line unless consent is obtained from the adjoining property owner. Existing easements/roadways shall be exempt from the requirement to obtain consent from adjoining property owner, provided however that the Board of Supervisors may permit a permanent easement/roadway to be located closer than twenty-five feet (25') from any property line upon showing by the applicant that the location of such easement/roadway cannot be constructed as required due to topographical or environmental constraints.

5. Each registration shall be accompanied by payment of a fee of \$150.00 made payable to "Cross Creek Township".

6. All activities conducted in association with, and as a part of, oil and gas wells shall be in accordance with the Commonwealth of Pennsylvania Oil and Gas Act (Act 1984-223), as amended, and any other applicable federal, state, county and township statutes.

7. The registrant shall have obtained from appropriate state and other applicable regulatory agencies or authorities permits issued in accordance with all applicable laws and regulations for the proposed use. At the time of making application to such authorities, the registrant shall file with the Township Secretary a copy of each state or federal application with supporting documentation for the proposed use.

8. A Preparedness Prevention and Contingency Plan, as required by and filed with the Pennsylvania Department of Environmental Protection, shall be submitted.

9. The registrant agrees with an Emergency Response Plan for local fire departments as follows: During the well's drilling activities, the fire department will be directed by the well company's competent person on the scene on how to handle the situation at hand. After well drilling activities are completed, when no competent person is on site, evacuate and isolate the area three hundred fifty feet (350') around the affected site and contact the Department of Environmental Protection Emergency Response Number 1-800-541-2050. If there is a life or death situation after welling drilling activities are completed and someone is in the immediate danger zone, the officers of the fire department should use their best judgment to make sure there are no dangers such as fire, electrocution, high-pressure release, etc. Best judgment is to be used while maintaining a perimeter and waiting for well company personnel to arrive or advise.

10. The registrant shall provide a copy of the approved Pennsylvania Department of Environmental Protection (PA DEP) permit.

11. Upon submittal of the required information, registration fee, zoning and other approvals, where necessary, the applicant may proceed with oil and gas construction and drilling activities.

12. If the access road is of sufficient length, the access road to the well site shall be required to be improved with two hundred feet (200') of limestone before entering township roads in a manner that no water, sediment or debris will be carried onto any public street.

13. Any violation of this ordinance shall be punished by fine of not more than Five Hundred Dollars (\$500.00) per violation per day. Each day that a violation exists shall constitute a separate offense.

14. The penalty provided herein shall be cumulative of other remedies provided by the laws of the Commonwealth of Pennsylvania, including but not limited to injunctive relief.

15. Consistent with Section 205 of the Oil and Gas Act, 58 P.S. §601.205, wells may not be drilled within two hundred feet (200') measured horizontally from any existing building or existing water well without the written consent of the owner thereof.

Where the distance restriction would deprive the owner of the oil and gas rights of the right to produce or share in the oil or gas underlying said surface tract, the well operator may be granted a variance from said distance restriction by the Department of Environmental Protection upon submission of a plan to the Department of Environmental Protection, which shall identify the additional measures, facilities or practices to be employed during well site construction, drilling and operations. The variance, if granted, shall include such additional terms and conditions as the Department of Environmental Protection shall require to ensure the safety and protection of affected persons and property. The provisions may include insurance, bonding and indemnification, as well as technical requirements. Further, no well site may be prepared or well drilled within one hundred feet (100') measured horizontally from any stream, spring or body of water as identified on the most current 7½ minute topographic quadrangle map of the United States Geological Survey or within one hundred feet (100') of any wetlands greater than one acre in size. The Department of Environmental Protection may waive such distance restrictions upon submission of a plan which shall identify the additional measures, facilities or practices to be employed during well site construction, drilling and operations. Such waiver, if granted by the Department of Environmental Protection, shall impose such permit conditions as are necessary to protect the waters of the Commonwealth and shall be accepted by Cross Creek Township.

16. For wells to be located with S-C Special Conservation District (Cross Creek County Park), any additional restrictions as set forth in the Lease apply.

17. If any section, clause, phrase or provision of this ordinance or the application thereof to any person, firm or corporation shall to any extent be held by court of competent jurisdiction to be invalid, the remaining sections and provisions of the ordinance shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

18. This ordinance shall take effect immediately. All existing oil and gas operations within Cross Creek Township shall be required to register with the Township within ninety (90) days of the effective date of the ordinance, and all new oil and gas exploration and operations shall be required to register before commencing any activities.

ORDAINED AND ENACTED the 15th day of August, 2006, by the Board of Supervisors of Cross Creek Township, Washington County, Pennsylvania.

ATTEST:

CROSS CREEK TOWNSHIP

Rachel Warner Blosser, Secretary

By _____
Dean F. Casciola, Chairman

By _____
Tim Paris, Supervisor

By _____
John Rush, Supervisor