

ORDINANCE NO. 176

BRIGHTON TOWNSHIP, BEAVER COUNTY, PA

AN ORDINANCE AMENDING CHAPTER 195 OF THE TOWNSHIP OF BRIGHTON ZONING CODE ADDING DEFINITIONS AND REVISING PROVISIONS FOR OIL AND GAS DEVELOPMENT SITES AND MINERAL EXTRACTION

WHEREAS, the Brighton Township zoning ordinance encourages the most appropriate use of land throughout the Township and promotes the public health, safety and welfare of its residents; and

WHEREAS, oil and gas resources exist throughout Western Pennsylvania, including Beaver County and Brighton Township; and

WHEREAS, oil and gas exploration, drilling and extraction operations involve activities that may impact the Township's environment, infrastructure, and related public health, safety, and welfare; and

WHEREAS, Brighton Township deems it appropriate to enact regulations regarding activities associated with Oil and Gas Development and Mineral Extraction which are not otherwise within the jurisdiction of federal and state regulations and from which the Township is not preempted.

NOW, THEREFORE, BE IT ORDAINED by the Supervisors of Brighton Township, Beaver County as follows:

Section 1.

Section 195-10. Definition of Terms is revised by deleting the current definition of Mineral Extraction, and adding Mineral Extraction, Natural Gas Compressor Station, Natural Gas Processing Plant, Oil and Gas Development, and Well Site as new definitions:

§ 195-10 Definitions.

MINERAL EXTRACTION. Includes all activity which removes from the surface or beneath the surface of the land some material mineral resource, natural resource or other element of economic value, excluding oil and gas, by means of mechanical excavation or drilling necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition. Open pit mining includes, but is not limited to, the excavation necessary to the extraction of sand, gravel, topsoil, limestone, sandstone, coal, clay, shale and iron ore.

NATURAL GAS COMPRESSOR STATION. A facility designed and constructed to compress natural gas that originates from an oil and gas well or collection of such wells operating as a midstream facility for the delivery of oil and gas to a transmission pipeline, distribution pipeline, Natural Gas Processing Plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

NATURAL GAS PROCESSING PLANT. A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that are designed and constructed primarily to remove water, water vapor, oil or natural occurring liquids from natural gas.

OIL AND GAS DEVELOPMENT. The Well Site preparation, Well Site construction, operation, drilling, hydraulic fracturing, and/or site restoration associated with oil and gas wells of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of oil and gas pipelines and associated equipment and other equipment and activities associated with the exploration for production and transportation of oil and gas except Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions that operate as midstream facilities as authorized consistent with Brighton Township Code which currently provides for these functions as a conditional use.

OPERATOR. The applicant for a conditional use approval for Mineral Extraction and Oil and Gas Development, and any well operator or operator as defined in the Oil and Gas Act, and including any and all subcontractors of such operator.

PROTECTED STRUCTURE. Any occupied residence, commercial business, school, religious institution, or public building located within 1,000 feet of the surface location of oil and gas wells that may be impacted by noise generated from drilling or hydraulic fracturing activity at oil and gas wells. The term shall not include any structure owned by an oil and gas lessor who has signed a lease or agreement with the Operator granting surface drilling rights to drill the subject well or whose owner has signed a waiver relieving the Operator from implementation of the measures established in Section 195-131H. of the Township Code for the owner's or occupant's benefit.

WELL SITE. A graded pad designed and constructed for the drilling of one or more oil and gas well.

Section 2.

Subsection E. of Section 195-17 is hereby deleted with new Subsection E inserted therein, as follows:

§ 195-17

- E. Oil and Gas Development only if compliance with provisions of § 195-131 Oil and Gas Development and Mineral Extraction, including 195-131M.(1).

Section 3.

Subsection M. of Section 195-25 is hereby deleted with new Subsection M inserted therein, as follows:

§ 195-25

- M. Oil and Gas Development, Natural Gas Compressor Station, Natural Gas Processing Plant and Mineral Extraction. See § 195-131 Oil and Gas Development and Mineral Extraction.

Section 4.

Subsection C. of Section 195-33 is hereby deleted with new Subsection C inserted therein, as follows:

§ 195-33

- C. Oil and Gas Development. See § 195-131 Oil and Gas Development and Mineral Extraction.

Section 5.

Subsection E. of Section 195-74 is hereby deleted with new Subsection E inserted therein, as follows:

§ 195-74

- E. Oil and Gas Development. See § 195-131 Oil and Gas Development and Mineral Extraction.

Section 6.

Subsection B.(5) of Section 195-80 is hereby deleted with new Subsection B.(5) inserted therein, as follows:

§ 195-80

- B.(5) Oil and Gas Development. See § 195-131 Oil and Gas Development and Mineral Extraction.

Section 7.

Subsection F. of Section 195-90 is hereby deleted with new Subsection F inserted therein, as follows:

§ 195-90

F. Oil and Gas Development. See § 195-131 Oil and Gas Development and Mineral Extraction.

Section 8.

Subsection O. of Section 195-99 is hereby deleted with new Subsection O inserted therein, as follows:

§ 195-99

O. Oil and Gas Development, Natural Gas Compressor Station and Natural Gas Processing Plant. See § 195-131 Oil and Gas Development and Mineral Extraction.

Section 9.

Section 195-131 is hereby deleted with new Section 195-131 inserted therein, as follows:

§ 195-131 Oil and Gas Development and Mineral Extraction.

- A.** Purpose: to provide for the health and safety of the residents of Brighton Township, to preserve the character of residential neighborhoods, and to encourage beneficial and compatible land uses with regard to the drilling and operation of wells for gas, oil or other hydrocarbons in gaseous or liquid form and the extraction of minerals.
- B.** Permit Requirement.
- (1) No oil or gas Well Site, Natural Gas Compressor Station, Natural Gas Processing Plant, or Mineral Extraction operation, or an addition to an existing oil or gas Well Site, Natural Gas Compressor Station, Natural Gas Processing Plant, or Mineral Extraction operation shall be constructed or located Brighton Township unless a permit has been issued by the Township to the Operator approving the construction or preparation of the site for Oil or Gas Development, Mineral Extraction operation, or construction of Natural Gas Compressor Stations or Natural Gas Processing Plants.
 - (2) The permit application, and any amended permit application, shall be accompanied by a fee as established by Resolution of the Board of Supervisors of Brighton Township.
 - (3) Any modification to an existing and permitted oil or gas Well Site or Mineral Extraction operation that materially alters the size, location, number of wells or

accessory equipment or structures, or any modification to an existing Natural Gas Compressor Station or Natural Gas Processing Plant shall require a modification of the permit under this ordinance. Like-kind replacements shall not require a permit modification.

- C. Application requirements for Oil and Gas Development: The Operator of an Oil and Gas Development shall submit to the Zoning Officer the following at least ten days prior to the commencement of drilling:
- (1) A complete copy of the application for permit filed with PaDEP.
 - (2) All accompanying materials provided to the Department of Environmental Protection of the Commonwealth.
 - (3) A copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection.
 - (4) Contact information for the Operator, 24 hours a day/365 days a year.
 - (5) A description of plans for the transportation of materials and equipment, and proposed routes, to construct, operate, dismantle, or remove the facility, and measures that will be taken to maintain all Township roads that are used to transport materials and equipment. See also § 195-131J.
 - (6) A schedule indicating the following dates, when known, or at least 30 days prior:
 - (a) Anticipated site preparation start and completion.
 - (b) Anticipated drilling activity start and completion.
 - (c) Anticipated completion/perforating work start and completion.
 - (d) Anticipated stimulation/fracturing work start and completion.
 - (e) Anticipated production work to begin and end.
 - (f) Anticipated plugging date.
 - (7) The information required by sections (1) through (6) herein shall be updated upon changes occurring.
- D. Application requirements for Mineral Extraction, excluding Oil and Gas Development: Application for site plan approval shall be made in accordance with the requirements of Brighton Township Code, Chapter 180, Subdivision and Land Development. A zoning permit shall be required to extract minerals, excluding oil and gas. The Operator shall submit the items listed in Subsection C.(1) through (6) above, and the following to the Zoning Officer:

- (1) An operation plan which shall include but not be limited to:
 - (a) Ownership and acreage of the land proposed for use.
 - (b) Type of resources to be drilled, extracted or quarried.
 - (c) Estimated depth of the proposed operation.
 - (d) Location map at a scale of one inch equals 100 feet, which shall show:
 - [1] The land area to be drilled, excavated or quarried, with dimensions of the total property.
 - [2] Private access roads and abutting streets and highways.
 - [3] Abutting and/or adjacent districts and land uses.
 - [4] Existing watercourses and proposed alterations to assure stream quality and quantity.
 - [5] Fencing and buffer planting.
 - [6] Title, scale, North arrow and date.
 - [7] Ownership.
- (2) A rehabilitation-reclamation plan which shall set forth the following information:
 - (a) An engineering drawing showing ownership, existing and future topography, streams, existing roads, buildings, boundaries, and metes and bounds description of the tract.
 - (b) A description of the location, type, extent, method and time schedule for the operation proposed.
 - (c) A drawing showing the location and/or proposed relocation of land, trees, buildings, structures, public roads, streams, drainage facilities and utility lines on the tract or adjacent tracts as may require protection, repairs, clearance, demolition, restoration, either during or following completion of the operations proposed.
 - (d) A statement describing methods for handling operations, plus any drainage, air pollution, soil erosion or other environmental problems created during the operations, including production, transportation, processing, stock piling, storage and disposal of by-products and waste.

- (e) A plan for reuse of the land after completion of the operations which shall permit the carrying out of the purpose of this chapter and appropriately provide for any rehabilitation, restoration, reclamation, reforestation or other correction work deemed necessary.

E. Emergency, Preparedness, Prevention and Contingency Plan.

- (1) Prior to any Mineral Extraction, the Operator shall provide to the Township's First Responders including the Police Department, Fire Department, and Zoning Officer a copy of its Emergency, Preparedness, Prevention and Contingency Plan. The Operator shall make available, at its sole cost and expense, an appropriate site orientation for First Responders. Such site orientation shall be made available at least annually during the period when the Operator anticipates extraction and related activities in the Township. The Emergency, Preparedness, Prevention and Contingency Plan shall be updated at least annually, or upon changes occurring, and shall include provisions regarding the following:
 - (a) Well Leakage.
 - (b) Spill Containment.
 - (c) Vandalism.
 - (d) Defective casing or cementing.
 - (e) Potential contamination between the well or excavation site and public water supply.
 - (f) Emergency contact telephone numbers.
 - (g) Fire Response Plan
 - (h) Plan for the location and rescue of trapped employees in the event of a mining or drilling disaster
- (2) Prior to any drilling, or the development of a Well Site, the Operator shall provide to the Township's First Responders including the Police Department, Fire Department, and Zoning Officer a copy of its Preparedness, Prevention and Contingency Plan. The Operator shall make available, at its sole cost and expense, an appropriate site orientation for First Responders. Such site orientation shall be made available at least annually during the period when the Operator anticipates construction, drilling, development, production, and related activities in the Township. The Preparedness, Prevention and Contingency Plan shall be updated at least annually, or upon changes occurring, and shall also include provisions regarding the following:
 - (a) Vandalism.

- (b) Emergency contact telephone numbers.
 - (c) Fire Response Plan
 - (d) Plan for the location and rescue of trapped employees in the event of a drilling disaster
- (3) The Operator shall provide at least 30 days advance notice prior to any site development to enable the Township time to establish a 911 address for the site.
- F. Site Preparation, Site Planning, Traffic Control and Hours of Operation.
- (1) The Operator shall strive to consider location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with Township residents' enjoyment of their property and future Township development activities, to preserve the character of residential neighborhoods, and to encourage beneficial and compatible land uses.
 - (2) The Operator shall not clear or dispose of brush or trees by way of burning, and shall dispose of all brush and trees by chipping and grinding from properties it clears for development purposes.
 - (3) Prior to securing a Permit pursuant to subsection B. above, the Operator shall obtain a Grading Permit and comply with the provisions of the Subdivision and Land Development Code §§ 180-109 to 180-129.
 - (4) The Operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example persons waiting for public or school transportation). Where there is anticipated heavy or frequent vehicle traffic associated with development, the Operator will provide flagmen to ensure the safety of children and other persons at or near schools, school bus stops, public buildings, and parks, and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.
 - (5) Hours of operation - The hours of operation for site preparation, construction and Well Site development shall be from 7:00 a.m. to 8:00 p.m.
- G. Lighting requirements. The Operator of an Oil and Gas Development or Mineral Extraction shall cause all temporary and permanent site lighting to be located to prevent direct glare from such lighting on adjacent public roads and residential property, to have a maximum foot candle at all property lines of 0.5 and to direct light downward and inward.
- H. Fencing and landscaping.

- (1) During the drilling of an oil and gas well, or site construction for a Mineral Extraction operation, the installation of temporary safety fencing at least six (6) feet in height is required around the established drilling pad containing drilling and hydraulic fracturing equipment, storage basins, detention facilities, and any open excavation site including mineral quarries and strip mine.
- (2) Once drilling, fracturing and initial site construction is complete, all extraction wells, mineral quarries, storage basins, and appurtenances (including all materials, tanks, equipment and apparatus), whether producing or abandoned, and all entrances to mines shall be enclosed by a minimum six-foot-high chain link fence with locked gate, which shall be screened from view by a buffer yard type C.
- (3) The Operator shall keep the fence and gate in good repair at all times, and all landscaping shall be maintained and in good condition.
- (4) All outdoor supplies, equipment, materials and apparatus shall be concealed at all times.

I. Noise and emissions.

The Township recognizes and acknowledges that Oil and Gas Development or Mineral Extraction is accompanied by inherent noise. The regulations in this section are intended and shall be interpreted and applied to establish a process for reasonable noise control that provides for response to individual complaints, and requires that undue noise be addressed, where feasible, without the Township dictating the particular operational steps that must be taken.

The Operator shall take the following steps to minimize, to the extent practicable, the noise resulting from the Development:

- (1) Prior to drilling of an oil and gas Well or Mineral Extraction operation, the Operator shall establish a continuous 72 hour ambient noise level at the nearest Protected Structure property line or 100 feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure or, alternatively, and in lieu of establishing the above 72 hour ambient noise level, the 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 Institutes standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
- (2) The Operator shall provide documentation of any established, 72 hour evaluation, relied upon to establish an ambient noise level greater than 55 dBA, to the Township's zoning officer within three business days of such a request from the Zoning Officer.

- (3) The noise generated during drilling and hydraulic fracturing activities when measured at the nearest Protected Structure property line or 100 feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure, shall not exceed the average ambient noise level (as determined by the 72 hour evaluation) or default level, whichever is higher:
- (a) during drilling activities, by more than 7 decibels during the hours of 7:00 a.m. to 9:00 p.m.
 - (b) during drilling activities, by more than 5 decibels during the hours of 9:00 p.m. and 7:00 a.m.; or
 - (c) by more than 10 decibels during hydraulic fracturing operations.

The Operator shall inform the Township of which level (average ambient noise level or default level) is being used.

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

- (4) Adjustments to the foregoing noise limits may be permitted in accordance with the following:

Permitted Increase (dBA)	Duration of Increase (minutes)*
5	15
10	5
15	1
20	1
*Cumulative minutes during any one hour.	

- (5) If a complaint is received by the Township from any person using a Protected Structure, whether a resident or otherwise, regarding noise during drilling or hydraulic fracturing activities, the Operator shall, within 24 hours of receipt of the complaint from the Township, continuously monitor for a 48 hour period at a point which is the closer of:
- (a) the complainant's Protected Structure property line nearest to the Well Site or equipment generating the noise; or
 - (b) one hundred (100) feet from the Protected Structure.

- (6) Once the monitoring is complete, Operator will provide monitoring data to the Township and will meet with Township representatives and affected property owners to discuss whether possible noise abatement measures are warranted, if the permitted levels set forth herein were exceeded. If permitted levels are exceeded, the Operator shall utilize the services of a person with expertise in noise measurement, noise remediation and in gas and oil well drilling and operation, to study, with the involvement and input of the Township Engineer, any possible remedial measures, including but not limited to construction of sound walls and placement of acoustic blanketing for sound insulation. The results of the study shall be provided in a written report to the Township as to whether any such remedial measures are effective and feasible based on all the relevant circumstances, including the noise level, the extent that the permitted noise level is exceeded, the number of Protected Structures adversely affected and their location, the nature and type of drilling equipment being utilized, and whether the use of any such remedial measures would create a safety hazard or be contrary to state or federal regulation.

If the written report concludes that any effective and feasible remedial measures are available, then such measure or measures shall be implemented as recommended by the report, to bring noise within permitted levels.

- (7) To reduce noise, 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 Oil and Gas Development or Mineral Extraction shall be equipped with (i) an exhaust muffler or (ii) an exhaust box. The exhaust muffler or exhaust box shall be constructed of non-combustible materials designed and installed to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to manufacturer's specifications.
- (8) All workover operations shall be restricted to the hours of 6:00 a.m. to 10:00 p.m., except as necessary, as reasonably determined by the 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.
- (9) In cases where noise has exceed permitted levels and gas and oil well drilling rigs can be outfitted with acoustic barrier insulation blankets, such barriers shall be installed in accordance with best management practices in the industry provided, however, that no such acoustic barrier shall be required where its use would be contrary to a pre-empted applicable state or federal regulations, or where its use would create a safety hazard in the opinion of the Township Engineer or of any regulatory agency with jurisdiction.
- (10) Where electricity is reasonably available to the site, an electric-powered pump motor is preferred. Where electricity is not utilized, petroleum-powered pump motors shall have an adequate muffler system so that the noise level of the

engines during the actual drilling does not exceed the noise level of 55 decibels at the property line. Noise from Natural Gas Compressor Stations and Natural Gas Processing Plants shall not exceed the noise level of 55 decibels at the property line.

- (11) The emissions of dust, smoke, refuse matter, odor, gas, fumes or similar substances or conditions which can endanger the health, safety or general welfare or which can cause any soiling or staining of persons or property at any point beyond the property line of the use creating the emission is prohibited. Dust control measures shall be used to stabilize soil from wind erosion and to reduce dust generated from drilling or site activities, including:
- (a) Stabilize exposed soils using vegetation, mulching, spray-on adhesives, calcium chloride, sprinkling, and stone and gravel layering.
 - (b) Stabilize unpaved haul roads, parking and staging areas within the site.
 - (c) Minimize the impact of dust by anticipating the direction of prevailing winds.
 - (d) Direct construction and commercial vehicle traffic to stabilized roadways within the site.
 - (e) Pave, vegetate, or chemically stabilize access points where unpaved traffic surfaces adjoin paved public streets.
 - (f) Provide covers for haul trucks transporting materials that contribute to dust.
 - (g) Provide for wet suppression or chemical stabilization of exposed soils.
 - (h) Provide for rapid clean-up of sediments deposited on paved roads.
 - (i) Furnish vehicle wash down areas.
 - (j) Reduce speed to 15 MPH or less and reduce trips on unpaved roads on site.
 - (k) Implement dust control measures for material stockpiles.
 - (l) Stabilize abandoned construction/staging areas on site using vegetation or chemical stabilization methods.
 - (m) Minimize extent of site areas which is disturbed.

A Dust Control Plan shall be submitted with the Site Plan, demonstrating compliance with this subsection.

- (12) The Township will require the temporary or permanent erection and use of sound barriers when the Operator has failed to demonstrate the ability to comply with the noise provisions of Subsection H.

J. Over-posted-weight local traffic and Excess Maintenance Agreement.

- (1) The Operator shall show the proposed Township routes of all vehicles to be utilized for hauling and the estimated weights of those vehicles. The Operator shall show evidence of compliance with designated weight limits on Township streets, unless bond and an Excess Maintenance Agreement has been entered into to assure road damage repair. The Operator shall design the hauling routes for the Oil and Gas Development or Mineral Extraction operation to minimize the use of and impact upon Township roads wherever feasible.
- (2) The Operator shall show evidence satisfactory to the Township Engineer that intersections along proposed hauling routes provide a sufficient turning radius for vehicles to be utilized for hauling, such that all turns can be safely made without damage to vehicles, sidewalks or curbs.
- (3) The Township Engineer shall review the proposed routes provided by the Operator, and reasonably determine whether preventive measures, such as shoring of bridges or putting protective mats over utility lines, should be taken to prevent damage to Township roads, bridges or utilities. If such preventive measures are recommended, the Operator shall install such protective measures as directed by the Township Engineer prior to beginning operations.
- (4) As required by section 189-43 of the Township Code, the Operator shall post a bond and enter into an Excess Maintenance Agreement.

K. Access drives. An access drive shall be provided along and from the street to the drilling/extraction area in compliance with the following:

- (1) The access drive shall be installed prior to the arrival of any equipment to the site and shall be maintained in good condition.
- (2) The access drive shall be of such design and material so as to keep vehicular traffic exiting the site from carrying mud or dirt onto a public road. No Operator shall allow mud or dirt to be carried on to the public road from the site. All access drives must also comply with the Dust Control Measures provided in subparagraph I.(11) above.
- (3) The Operator shall cause the access drive to a site to be reasonably clear of snow, ice, mud, garbage, trash, abandoned vehicles and debris as long as site is active, or in a state of development or production, to enable emergency access.

- (4) An off-street area for construction, maintenance, and site vehicles to stand while gaining entrance to the access road shall be provided that does not disrupt the normal flow of traffic on the public street.
- (5) Driveways and access roads connecting directly to State roads shall require Pennsylvania Department of Transportation (PADOT) Highway Occupancy Permit approval. Prior to initiating any work at a drill site, the Operator shall provide the Township a copy of its Highway Occupancy Permit.

L. Signs.

- (1) Every Oil and Gas Development and Mineral Extraction area shall have a sign posted at the site to list the following:
 - (a) Name, address and telephone number of the Operator.
 - (b) The Pennsylvania well no. and permit no. or other similar type of identifying data.
 - (c) "DANGER" or "Warning" in conspicuous print.
 - (d) "Dial 911 to reach the Brighton Township Police Department or Fire Department in case of emergency."
 - (e) Emergency telephone numbers for the driller, owner and Operator.
- (2) The Operator shall keep the information provided on the sign current.

M. Setback requirements for Oil and Gas Development and Mineral Extraction.

- (1) Oil and Gas Development:
 - (a) No person shall locate a Natural Gas Compressor Station or a Natural Gas Processing Plant within 500 feet of a public road right-of-way, private street, property line or residence.
 - (b) In the R-1 Rural Residential District, no person shall locate a Well Site within 500 feet of a public road right-of-way. In the R-1 Rural Residential District, no person shall locate a Well Site within 500 feet of a private street, property line or residence unless the landowner and all landowners abutting the private street or property line has signed a lease with the Operator, or has signed a waiver of the required 500 foot setback.
 - (c) In all other zoning districts, no person shall locate a Well site with 200 feet of a public road right-of-way, private street, property line or residence.
- (2) Mineral Extraction, excluding Oil and Gas Development:

- (a) The open excavation or quarrying of minerals, and stockpiles, waste piles, processing and manufacturing equipment shall be located a minimum of 500 feet from a residential boundary line or any existing building or structure.
- (b) The open excavation or quarrying of minerals, and stockpiles, waste piles, processing and manufacturing equipment shall be located a minimum of 500 feet from the right-of-way line of a public street.

N. Restoration/abandonment/rehabilitation-reclamation.

- (1) With respect to restoration, abandonment, and rehabilitation-reclamation of oil and gas wells, the Operator, driller and/or landowner shall provide the Zoning Officer with a complete copy of its Pennsylvania and/or federal permit(s), and any order by any government or agency requiring it to suspend drilling or the operation of any well, within seven days.
- (2) With respect to Mineral Extraction, the excavation site and surrounding area shall be rehabilitated as follows:
 - (a) Time period. Within three years after the termination of operations, the area must be rehabilitated to conform with the rehabilitation plan as approved.
 - (b) Standard. In the rehabilitation of the area, the following standards must be met:
 - [1] The entire area disturbed by excavating, quarrying, mining and other natural production use shall be planted in such a manner as to control soil erosion.
 - [2] The entire area shall be graded wherever necessary to provide for the conveyance of stormwater. Finished grade shall not have a slope of less than 2% so as to provide for natural drainage.
 - [3] Overburden shall be replaced, and stockpiles, refuse, plant facilities or equipment shall be removed immediately upon the termination of operation. In no case shall removal exceed one year.

O. Protection of water resources regarding Mineral Extraction.

- (1) In no case shall any Mineral Extraction impede the flow of natural watercourses.
- (2) All uses of land or processes which pollute natural watercourses shall be prohibited.
- (3) All uses of land shall be conducted in a manner which will not allow water to collect and permit stagnant water to remain in quarries or excavations.

P. Natural Gas Compressor Station and Natural Gas Processing Plant.

Natural Gas Compressor Station and Natural Gas Processing Plant shall meet all requirements set forth in § 195-131 for Oil and Gas Development, except as otherwise provided herein.

Q. Public Information Meetings.

The Operator is encouraged, but not required, to hold a public information meeting wherein it will describe the planned development activities and allow questions from Township residents. The Operator shall advertise the meeting(s) in a newspaper of general circulation within the Township. If drilling or development activities continue for more than one year, the Operator may consider annual meetings to update the residents as long as drilling or development is continuing or planned.

Section 10. Severability:

The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason thereof, held to be invalid or unconstitutional by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or part of this Ordinance.

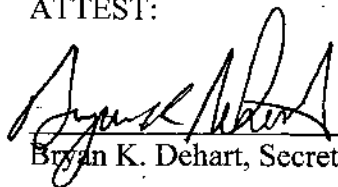
Section 11.

Enactment and Effective Date:

This Ordinance shall become effective upon adoption by the Board of Supervisors of Brighton Township.

ENACTED AND ORDAINED this 12th day of September, 2011, by the Board of Supervisors of Brighton Township.

ATTEST:


Bryan K. Dehart, Secretary

BRIGHTON TOWNSHIP BOARD OF
SUPERVISORS


Dennis E. Nichols, Chairman


John Curtaccio, Vice Chairman


James E. Equels, Sr., Supervisor