

**TOWNSHIP OF UPPER BURRELL
WESTMORELAND COUNTY, PENNSYLVANIA
ORDINANCE NO.**

**AN ORDINANCE OF THE TOWNSHIP OF UPPER BURRELL,
WESTMORELAND COUNTY, UPPER BURRELL PENNSYLVANIA
AMENDING CODE CHAPTER 350 ZONING, AND SETTING STANDARDS
FOR THE OPERATION AND LOCATION OF INJECTION WELLS WITHIN
THE TOWNSHIP AS A CONDITIONAL USE IN THE INDUSTRIAL ZONE
ONLY.**

WHEREAS, the TOWNSHIP of UPPER BURRELL wishes to update Chapter 350, Zoning, to provide zoning district locations, standards, application procedures and definitions for Injection Wells, and

WHEREAS, the TOWNSHIP of UPPER BURRELL wishes to impose standards necessary to provide for the public health, safety, and welfare for this land use.

NOW THEREFORE, BE IT HEREBY ORDAINED AND ENACTED, by the TOWNSHIP of UPPER BURRELL, the Zoning Ordinance is amended as follows:

SECTION I.

The following definitions, shall be added, as follows:

INJECTION WELL -An Injection Well is a device which helps in placing fluids underground in porous rock formations like limestone and sandstone, or below in the shallow soil layer. For the purposes of this definition, an Injection Well is limited to a Class II Oil and Gas Related Injection Well as defined by the Environmental Protection Agency's Underground Injection Control program. The fluids could be wastewater, brine, water, or water mixed with chemicals. Disposal of fluids is included. An Injection Well is not intended to extract gas like Marcellus Shale Wells.

SECTION II.

Injection Well shall be a Conditional Use in the Industrial Zone Only.

SECTION III.

Injection Wells, subject to:

- (1) The minimum site required shall be 25 acres.
- (2) The site shall have frontage on and direct vehicular access to an arterial or collector street.
- (3) The site shall not be located within 2640 feet of any protected use (residential dwelling, church, commercial building, public building, hospital, school, or public park) measured from any property boundary of the site in a straight line along a public street right-of-way to the nearest wall of a residential dwelling.
- (4) All activities shall comply with the performance standards specified in Article XVI, Supplemental Regulations, where applicable. Injection Wells setbacks will be regulated in accordance with 350-63 unless otherwise stated herein.
- (5) Adjacent public streets shall be adequate to accommodate traffic volumes and weight limits associated with truck traffic to and from the site.
- (6) The storage, handling, transportation and disposal of hazardous or potentially hazardous materials shall be in accordance with all applicable permits and requirements of UPPER MERION, the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).
- (7) No permanent component of the injection well site shall be closer than 300 feet from the property line in which the well is located.
- (8) Written permission from the Industrial Zone property owner(s) with legal or equitable title to the property where the proposed development or facility is located or demonstrable documentation of the applicant's authority to occupy the property.
- (9) The GPS location and 911 address of the Injection Well.

- (10) Copies of any and all applications and permits required from all applicable local, county, state, and federal agencies for development of the Injection Well.
- (11) A site plan prepared by an engineer or surveyor licensed in PENNSYLVANIA shall be provided to establish compliance with all applicable regulations. All temporary and permanent structures, equipment, machinery, and sediment and erosion controls shall be identified. All protected structures within 1,500 feet of the property lines shall be identified. All roads related to the development or facility must also be shown. A sufficient number of copies of the site plan shall be provided for review and comment by all TOWNSHIP emergency service organizations.
- (12) Scheduling. The applicant shall provide a schedule with the application indicating the anticipated beginning and ending dates for all proposed activities.
- (13) A Risk Assessment Report. A report prepared by a professional expert in that field, that identifies the potential hazards stemming from the injection well at the proposed site and determines the quantitative and qualitative risk associated with the identified hazards. The quantitative risk assessment shall include calculations of two components of risk (R), the magnitude of the potential loss (L), and the probability (P) that the loss will occur. The report shall include a public health risk assessment including potential impacts to water supply. This assessment is the process of characterizing the nature and likelihood of harmful effects to individuals or populations within one linear mile from the well site. The report shall also include an assessment of potential seismic impacts created by the operations of the injection well.
- (14) A Traffic Impact Study. The study shall include:
 - a. A description of plans for the transportation and delivery of equipment, machinery, water, chemicals, products, materials and other items to be utilized in the siting, drilling, stimulating, completion, alteration and operation of the development or facility. Such description shall include a map showing the planned vehicular access roads and the transportation infrastructure being proposed and the type, weight, number of trucks and delivery schedule necessary to support each phase of the development.
 - b. An inventory, analysis and evaluation of existing road conditions on TOWNSHIP roads along the proposed transportation route identified by the application, including photography, video and core boring as determined to be necessary by the TOWNSHIP engineer(s).

Traffic Impact Study Guidelines. The Traffic Impact Study shall be performed by a qualified PA professional traffic engineer.. The following is an outline of issues to be addressed by the Study.

1. Description of the proposed project in terms of land use type and magnitude.
 2. An inventory of existing conditions in the site environs including:
 - A. Roadway network and traffic control;
 - B. Existing traffic volumes in terms of peak hours and Average Daily Traffic (ADT)
 - C. Planned improvements to roadways by others.
 3. An analysis of existing traffic conditions including:
 - A. Intersection levels of service;
 - B. Roadway levels of service (where appropriate);
 - C. Other measures of roadway adequacy; i.e., lane widths; traffic signal warrants; vehicle delay studies, etc.
 4. Projected site generated traffic volumes in terms of:
 - A. Peak hours and ADT;
 - B. Approach/departure distribution including method of determination;
 - C. Site traffic volumes on roadways;
 - D. Comparison of existing zoning to proposed site generation.
 5. An analysis of future traffic conditions including:
 - A. Future design year (development fully completed) combined volumes (site traffic plus future roadway traffic);
 - B. Intersection levels of service;
 - C. Roadway levels of service (where appropriate);
 - D. Other measures of roadway adequacy; i.e., lane widths, traffic signals warrants, vehicle delay studies, et cetera.
 6. A description of the recommended access plan and off-site improvements.
 - A. Schematic plan of access and on-site circulation;
 - B. General description of off-site improvements required. The aforementioned guidelines shall be used to determine a scope of work. The specific roadways and intersections to be studied shall be identified along with the planned data collection and analysis procedures.
- (15) An Environmental Impacts Analysis. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide an environmental impact analysis. The environmental impact analysis shall describe, identify and analyze all environmental aspects of the site and of neighboring properties that may be affected by the proposed operations or the ultimate use

proposed to be conducted on the site. The limits of the impact area to be studied shall be reviewed and approved by the TOWNSHIP Board of Supervisors. The environmental impact study shall include, but not be limited to, all critical impact areas on or off-site that may be impacted by the proposed or ultimate use of the facility, including the impact on the critical areas, the protective measures and procedures to protect the critical areas from damage, and the actions to be taken to minimize environmental damage to the critical areas on the site and surrounding areas during and after completion of the operation. Critical impact areas include, but are not limited to stream corridors; streams; wetlands; slopes in excess of twenty-five (25%) percent; sites where there is a history of adverse subsurface conditions or where available soils information or other geotechnical data, including data from the Bureau of Mines indicates the potential for landslides, subsidence or other subsurface hazards; Class I agricultural lands; highly acidic or erodible soils; carbonate or highly fractured bedrock; aquifer recharge and discharge areas; areas of unique or protected vegetation, wildlife habitat, and areas of historic, cultural and/or archaeological significance.

- (16) An Air Quality Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide an Air Quality Study. The Study shall be prepared by experts acceptable to the TOWNSHIP and submitted with the application and shall include an analysis of the existing and predicted air quality levels, including smoke, odors, fumes, dust, and pollutants at the site. This report shall contain the sources of the information, the data and background tests that were conducted and the conclusions and recommendations of the professionals preparing the report that would be required to maintain the air quality at a level equal to or better than the existing background level prior to the proposed use; or the applicant/developer shall submit a statement prepared by an engineer warranting that the nature of the use will produce no impact on air quality.
- (17) A Geological Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide a Geological Study. The Study shall be prepared by experts acceptable to the TOWNSHIP and submitted with the application and shall include an analysis of the existing geological formations in and surrounding the proposed site. This report shall contain the sources of the information, the data and background tests that were conducted and the

conclusions and recommendations of the professionals preparing the report regarding the potential geological impact of the proposed use.

- (18) A Hydrological Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units, and herewith submitted or where no such permit is required, the applicant shall provide a hydrological study. The study shall be prepared by a hydrogeologist acceptable to the TOWNSHIP. The study shall evaluate the existing surface and subsurface hydrogeology, based upon historical data and on-site investigation and studies. The study shall identify groundwater discharge and recharge areas that may be affected by the proposed use, map the groundwater table and analyze and delineate the effects of the proposed use on the hydrology, including surface and ground water quantity and quality. Acceptance of the study is subject to final approval by the TOWNSHIP Board of Supervisors. If the study shows an alteration to the groundwater, the application shall be denied.
- (19) Pre-Development and Post-Development Soil Testing. Prior to beginning any injection well development activities, the operator shall be responsible for testing soil conditions within 300 feet of each Injection Well site. The purpose of testing is to determine the baseline soil conditions surrounding the proposed Injection Well site and address resultant changes that may occur or have an impact on the soils of the site and surrounding area.
 - a. Pre-drilling testing results shall be submitted as part of the Conditional use application.
 - b. Post-development testing shall be completed twelve (12) months after operations have begun.
 - c. The results shall be submitted to the TOWNSHIP and PA DEP within ten (10) days of their receipt.
 - d. The operator shall be responsible for all costs associated with testing and testing shall be done by an independent state-certified testing laboratory agreed upon by the TOWNSHIP.
- (20) Insurance. Applicant shall furnish to the TOWNSHIP a Certificate of Liability Insurance naming the TOWNSHIP as an additional insured with respect to operations conducted within the TOWNSHIP, showing proof of liability insurance covering commercial, personal injury, and general liability in amounts not less than \$25,000,000 per occurrence. The applicant shall fully defend, protect, indemnify, and hold harmless the TOWNSHIP, its departments, agents, officers, employees, or volunteers from and against such and every claim, except for those claims relating to any negligent, willful or intentional acts of the

TOWNSHIP, its department, agents, officers, employees, or volunteers. The insurance coverage may consist of a combination of self-insurance, excess coverage, and umbrella coverage.

- (21) Conditional Use approval is non-transferable without consent from TOWNSHIP Board of Supervisors and shall automatically terminate, unless extended, if operations have not commenced within one (1) year from the date of issuance of the approval. The Conditional use approval may be extended by the TOWNSHIP Board of Supervisors upon written request by the operator, after notice and hearing. The operator shall provide proof that the requested Conditional Use meets the applicable criteria contained in this Section.
- (22) The applicant shall comply with Zoning Ordinance, Code Article II Chapter 320, pertaining to over weight vehicles, where applicable.
- (23) Security fencing shall be required as set forth in Code 350-107Q and this section:
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Security fencing shall not be required at injection well sites during the initial drilling or redrilling operations, as long as manned twenty-four-hour on-site supervision and security are provided.

Upon completion of the Injection Well processes, security fencing consisting of a permanent chain-link fence shall be promptly installed at the injection well site to secure all facilities, and other associated equipment and structures on the injection well site.

The Township First Responders shall be given means to access injection well sites in case of an emergency. Applicant must provide Westmoreland County 911 Communications Center necessary information to access the site in case of an emergency.

Warning signs shall be placed on the fencing surrounding the injection well site providing notice of the potential dangers and the contact information in case of an Emergency. During injection operations, clearly visible warning signage must be posted on the well pad site.

SECTION IV.

The provisions of this Ordinance are severable. If any clause, sentence, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decisions of the court shall not impair the validity of any of the remaining sections, clauses, sentences, part or provisions of the Ordinance. It is hereby declared the intent of the Board of Supervisors of UPPER BURRELL TOWNSHIP that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

ORDAINED AND ENACTED by Board of Supervisors of UPPER BURRELL TOWNSHIP this
_____, day of _____ 2025.

BOARD OF SUPERVISORS OF UPPER BURRELL
TOWNSHIP

By: _____
Chairman

_____)

ATTEST: _____

Secretary