



### Questions and Procedures Local Government Officials Should Consider Before Granting Project Approvals

As oil and gas development expands into suburban communities, it is important that citizens and local leaders have the opportunity to fully review ALL the facts associated with any proposed project. In some cases, communities are facing these industrial proposals for the first time – and for some, it is unclear where to begin and what questions to ask.

In an effort to assist local communities as they contemplate these proposed projects, the following information provides important facts along with guidance on how community leaders might consider establishing protocols to ensure more transparency and accountability from each applicant.

**Most important: before any time clocks are started, industrial applicants must be required to submit their entire plans for any proposed project.**

Information local communities should consider requiring – as part of any application process – includes the following:

- Name of company – corporate structure – including all names of all subsidiaries
- Address of company – corporate and local addresses
- Company contact(s) – including all local contacts addresses, phone numbers and emails
- Signed lease agreements with landowners signature and contact information
- Drilling – how many well pads; how many well heads; how long to prepare, drill and fracture each well
- Expected truck traffic – how many trucks per day/month/year and over what period of time
- Proposed truck route
- Written proof that applicant will abide by all road maintenance bonding and agreements
- Proof of insurance – is this a company-wide insurance policy, or is it a site-specific certificate? Keep in mind, a company-wide insurance policy may not provide enough financial assurance in the event of major damage/emergency
- Exact description of the location of the proposed facility and all associated operations – **including all latitude/longitude coordinates.**
- **Application approvals should not be granted where an applicant has not disclosed the full-capacity build-out (i.e., footprint) of the project upfront.** Over and over again, communities have been faced with overwhelming expansion projects never contemplated by local decision-makers during the initial project application process but absolutely contemplated by the industrial applicant. Because oil and gas operations are never individual, stand-alone operations, all applications should be required to provide full details on all planned operations/infrastructure/build-out including the following:
  - **Well pads** – location, number(s), sizes
  - **All above and below ground impoundments or storage areas/tanks** – maps of exact locations should be required, as well as full narratives included all proposed sizes, designs, operations and length of operation

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- **Pipelines** – location, number(s), sizes, expected final through put capacity and when anticipated to be added
  - **Gathering lines** – location, number(s), sizes, expected final through put capacity and when anticipated to be added
  - **Compressor Stations** – location, number(s), type of engines, numbers of flares, expected final through put capacity
  - **Pig Launchers and Receivers (pigging operations)**– location, number(s), expected final through put capacity and when anticipated to be added
  - **Processing plants** – cryogenic/fractionation plants– location, expected final through put capacity and when anticipated to be added
- Name and addresses of all landowners within 1,000 feet of the proposed project (as per PA Oil and Gas Act, Chapter 2, General Requirements, Section 201)
  - Written proof that all of these landowners have been notified of the proposed project
- **Full documentation of all application and supporting information submitted** to the Pennsylvania Department of Environmental Protection (PA DEP), Allegheny County Conservation District (ACCD), Allegheny County Health Department (ACHD) and/or the United States Environmental Protection Agency (US EPA)
- Full documentation of all permits and supporting information associated with such permits as granted by the PA DEP, ACCD, ACHD and/or US EPA
- As well as any other documentation required as part of local ordinances and/or the Pennsylvania Municipal Planning Code (MPC)
- All Planning, Preparedness and Contingency Plan (PPC) details – more specific details included below
- Bonding and Insurance requirements – be sure bonding/insurance requirements include financial assurances for site specific damages/emergencies – often, company-wide bonding/insurance requirements can be insufficient.
- **Comprehensive Plan Requirements:** The Board of Supervisors/Commissioners/Council and Planning Commission should evaluate each application on the basis of whether or not it complies with the required Comprehensive Plan(s).
  - Does the proposed project meet all the requirements of the comprehensive plan in the Township/Borough as well as surrounding communities and municipalities?
  - Does the proposed project meet all the requirements of any multi-community comprehensive plan(s)?
  - Are ALL the required setbacks being met?
  - Are ALL the requirements of all zones being met and protected?
- **Underground Storage Tanks (UST) and Aboveground Storage Tanks (AST) may be part of oil and gas operations. Full disclosure on all tanks, their location, contents and capacity need to be made clear so as to protect local residents, air, land and water sources.** Questions the Township/Borough should ask to be answered, in writing, as part of any application process:
  - Exactly what is the capacity and purpose of each?
  - Exactly where are these underground storage tanks to be located?
  - Exactly what will be stored in each tank?
  - Exactly how many gallons for each?
  - How far from water sources?
  - Will they be located in or near the flood plain or other low lying areas?

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- How far from property lines?
  - How far from inhabited structures?
  - How far from farmland?
  - Please provide Material Safety Data Sheets (MSDS) sheets to the Township/Borough for all “fluids.”
- **Environmental Impact Study (EIS):** The Township/Borough should require an Environmental Impact Study (EIS).
    - This study should be conducted before any deliberations begin on the Conditional Use permit.
    - All findings as to the potential environmental impacts to water sources, land, air and local residents should be provided, in writing, to the Township/Borough as part of any application submitted for consideration.
    - Example of EIS language in a local ordinance:  
<http://www.churchillborough.com/uploads/ordinances/731-%20gas-oil-well%20prod.%20ordinance.pdf>
  - **Continuous Monitoring Questions for the Township/Borough:** In order to document if there was a problem, in real time, the Township/Borough should consider requiring the following important information in order to provide immediate action to protect the public health, safety and welfare. **Oil and gas companies submitting applications for consideration should be required to provide actual data from at least three of their currently operating sites. The following information should be required to be submitted as part of the application process:**
    - Air emissions for each
    - Water testing/monitoring data for all impoundments, above ground storage tanks (AST), underground storage tanks (UST) all other tanks or waste water holding areas
    - Sound levels for each operation – including high and low sound levels
  - **Flares are often necessary components of natural gas and petrochemical production processes.** However, the number of these potential pollution sources is shockingly high throughout the United States. According to *Scientific American*, “... scientists have found 6,292 flares in the U.S., burning off 10.65 billion cubic meters of natural gas.” And, “Satellites reveal large quantities of methane dumped into the atmosphere.” **Flaring may be essential to these operations, but their emissions can pose risks to humans. It is important that the Township/Borough require full disclosure on exact details of any proposed flaring as part of any oil and gas application.**

**For example:**

- Exactly how many flares are planned for each well and/or each operation that will be part of this operation?
- Exactly how many flares are planned for any planned/expected expanded operations?
- Exactly where will the flare be located?
- How far from property line?
- How close to inhabited structures?
- How far from farmland?
- How often will flares occur?

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- Please provide logs/data from other Energy Transfer and/or ETC cryogenic plant flares on how often flaring occurs and exactly what is emitted during each flaring event
- Is this the only flare planned, or will there be expansions of flaring operations in the future?
- **If no expansion planned, please provide proof of that in written statement to the Township/Borough.**
- <https://www.scientificamerican.com/article/u-s-has-more-gas-flares-than-any-country/>

**Consider adopting a two-step application review process that includes more specific clarifications and requirements for submittal of applications to the Township/Borough:**

Local government officials have sworn an oath to uphold important rules, regulations, and constitutional laws - many of which have provisions that require the protection of public health, safety and welfare. According to Section 105 of the Pennsylvania Municipal Planning Code (MPC), "It is the intent, purpose and scope of this act to protect and promote safety, health, welfare and morals ... [and] accomplish coordinated development" by locally elected officials. Based on the primary intent of the MPC, local government representatives are responsible for outlining the rules for all applicants seeking approvals for operations within the community's jurisdiction. Those rules take the form of comprehensive plans, zoning maps and ordinances and other rules specific to land use. Local decision makers then review submitted materials, hold require proceedings, receive public comments and are expected to render decisions that uphold all applicable laws and rules.

In an effort to ensure full disclosure of the entirety of each proposed oil and gas operation, it is important the Township/Borough consider adopting the following requirements:

**Step one – a completeness review:**

Similar to the way PA DEP evaluates applications, the Township/Borough should consider adding a requirement for a "completeness review" before any application is "accepted" and before the requirements of Conditional Use proceedings begin. Applications would be reviewed by Township/Borough officials to verify that all requirements of local zoning and land use details have been met. Any deficiencies or missing documentation required as part of the application process would be identified in a letter from the Township/Borough to the applicant. **It is important that each applicant is notified – in writing – of any/all deficiencies so as to ensure the time clock for decision-making is not started prematurely.**

**Step two – technical review and conditional use procedures:**

Once all required submittals have been received the Township/Borough would send a letter to the applicant notifying them that their application has been officially "accepted"; the issuance of this letter would mark the start of a technical review period consistent with the Conditional Use proceedings as outlined by the PA Municipal Planning Code.

Using this process, the Township/Borough can ensure that all required submittals have been received so that all applicable Boards/Commissions/Councils can consider a complete application package and render their decision on all the facts and not just incomplete or partial submittals. **All applicants would be subject to this two-step review process.**

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**Additional disclosure necessary for a thorough local review process:**

**Full disclosure of on-going communications with state, county, and federal regulatory authorities that impact or alter the application before the Township/Borough:**

Approvals for oil and gas operations involve many, moving pieces – with reviews and approvals from multiple agencies – including local government officials. Because of the nature of the multi-faceted review and approval processes, **it is essential that local Township/Borough officials are kept apprised of communications with other reviewing/regulatory agencies, particularly if/when changes deviate from approvals granted by local officials.** To that end, **Township/Borough protocols/ordinances should be amended to include a requirement that all emails, letters and meeting notes applicable to all discussions the applicant is having with PA DEP and any other regulatory agency be submitted to the Township/Borough, simultaneously as those communications are submitted to the PA DEP and/or County officials.** Additionally, **all responses from the PA DEP, County officials and/or any other reviewing agencies should be required to be shared with the Township/Borough, in real time.** Elected boards must be kept in the loop on all developments, delays, extensions and modifications, including property boundaries and names of facilities.

**If possible, Township/Borough should consider a ban on open air, in-ground impoundments.**

Impoundments have posed significant problems in other communities:

- September 18, 2014, Pittsburgh Post-Gazette, Range Resources to Pay \$4.15 Penalty: <http://www.post-gazette.com/local/2014/09/18/DEP-orders-Range-Resources-to-pay-4-million-fine/stories/201409180293?pgpageversion=pgevoke>
- October 7, 2014, State Impact, DEP Seeks Record Fine Against Gas Driller as AG Files Criminal Charges - <https://stateimpact.npr.org/pennsylvania/2014/10/07/dep-seeks-record-fine-against-gas-driller-as-ag-files-criminal-charges/>
- October 7, 2014, Pittsburgh Tribune Review, DEP seeks \$4.5 Million Record Fine Against EQT for Impoundment Leak - <http://triblive.com/news/adminpage/6924316-74/state-dep-impoundment>

**Land access, grading activities, commence construction activities – need more clarity, rules and appropriate fines:**

Unfortunately, several Pennsylvania communities have experienced oil and gas companies and/or their sub-contractors commencing construction and/or operations with proper approvals. In an effort to prevent that from happening – and appropriately holding violators accountable, if and when it does, we ask the following be incorporated into the revised ordinances:

- All applicants must provide the Township/Borough with written proof of all land access and right-of-way agreements as part of any local permit applications and **before** commencing any work.
- Including in such approvals would be:
  - Land clearing
  - Clear cutting trees
  - Grading

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- Construction of any portion of any proposed well pad, compressor station, pipelines, gathering lines, processing plants, petrochemical plants or any other part of the proposed operation
- Any breach of this protocol should result in a Notice of Violation (NOV) and an appropriate fine.

Examples of where problems of constructing without proper permits have occurred:

- **Robinson Township, Washington County, PA:**
  - November 20, 2015, MarkWest Cited, Withdraws 24/7 Work Request - <http://www.observerreporter.com/apps/pbcs.dll/article?AID=/20151120/NEWS/151129934>
- **Chartiers Township, Washington County, PA:**
  - December 4, 2014, MarkWest Operates Donegal Compressor Station Without Permit - <http://www.observer-reporter.com/apps/pbcs.dll/article?AID=/20141204/NEWS01/141209763>
  - September 22, 2014, MarkWest Fined for Flaring at Chartiers Processing Plant - <http://www.observer-reporter.com/apps/pbcs.dll/article?AID=/20140922/NEWS01/140929807>

**Questions local government officials should consider asking of all applicants seeking approval for oil and gas operations:**

Far too often, local officials are unfamiliar with such operations and find themselves without enough knowledge to frame appropriate questions. In an attempt to assist local citizens and their community leaders better prepare for public meetings and public hearings on proposed oil and gas operations, the following should be considered:

**Public Safety Issues:**

Because oil and gas operations can pose serious dangers and risks to local communities, it is important that public safety information and procedures that might be necessary before and during operations are clearly known before any approvals are granted. **Local government officials should incorporate the following into their oil and gas ordinance:**

**Emergency Planning, Preparedness and Notification Processes:** Full disclosure, in writing, of each of the following important questions/concerns as part of the local zoning and Conditional Use application process.

If there were to be an explosion, fire or other disaster, what is the protocol for the following?

- Is it company policy to have written disaster protocols?
- Where are written protocols kept?
- Who has access to these emergency protocols?
- How often are they reviewed and updated? And by whom?
- Is the company responsible for notifying the local communities of any emergency and or evacuation? If not, why not?
- Or, is the company only responsible for notifying/evacuating workers and staff inside their operational fence line?

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- What is the area that will be considered the impact or “blast zone?” Please provide maps for the “Blast zone” and Evacuation zone(s).

How will the **residents** be notified of an emergency?

- Door to door notifications?
- Phone calls?
- Siren?
- Other?
- What information will be shared about how residents *will* be notified in the event of an emergency – educational outreach before any emergency – and how will that information be dispersed?

If an evacuation is necessary:

- How will the site/neighborhood be evacuated?
- Where will residents be taken and by whom?
- What form(s) of transportation will be provided?
- How will residents be notified of transportation opportunities?
- Who will pay for necessary transportation opportunities?
- What provisions will be made for elderly and other physically challenged residents?

What emergency/evacuation requirements and protocols fall under each of the following?

- Local government jurisdiction?
- County government jurisdiction?
- State regulatory jurisdiction?

What, if any, notification/evacuation procedures will be coordinated between governmental bodies/agencies?

- Exactly what governmental bodies/agencies are included in any coordinated efforts?
- What plans/procedures/training for coordinated exercises are required?
- How often will those coordinated training exercises take place?
- Where will those coordinated training exercises take place?
- How often will those coordinated training exercises take place?

**First Responder Training Questions:**

- How will local and county First Responders be trained for all emergency contingencies?
- Who will conduct this training?
- Who will pay for this training?
- How often with this training occur?
- What equipment will be needed by our First Responders?
- Who will pay for that equipment?
- Who will provide the training on that equipment?
- How often will equipment training be provided?
- Have all First Responders been briefed on the Material Safety Data Sheets (MSDS) details?
- Are there maps of the worksite clearly identifying where chemicals and other hazards are stored, on site?
- Where are those maps kept?

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- How quickly can these maps and other key informational fact sheets (MSDS) be accessed in the event of an emergency?
- All applicants must submit written plans and signed agreements to certify that all the necessary training for First Responders has taken place?

**School Notifications/Evacuation Questions:**

- Who will notify the local schools of an emergency?
- How will the schools be evacuated?
- By which route?
- Where will the children be taken?
- How will the parents be notified?
- If evacuations of schools are required, what is the protocol?
- Have school officials been briefed and trained? If not, why not?
- Where will students be taken if an evacuation is required?
- How will parents be notified of this procedure and location(s) where students will be taken?
- Where will parents pick up their children?
- How many school busses will be needed to evacuate all impacted schools?
- How long will it take to evacuate the impacted schools? Have there been training exercises? If not, why not? When can those be expected?

**Hospital Training and Notification Questions:**

Have hospitals ... including trauma centers in Pittsburgh been notified of all necessary protocols?

- Do local and regional hospitals have the necessary staff and equipment to treat all types of injuries that might occur?
- Have physicians, nurses and other hospital staff been made aware of any potential risks from exposure to chemicals and other toxins that may affect victims injured at the location of the emergency? How will those physicians, nurses and staff protect themselves from exposure to toxins during treatment of the injured?
- Have training exercises taken place? If not, when might those begin?
- How often will those exercises take place?
- How can the public and health professionals be assured those training exercises will take place?
- Who will pay for those training exercises?

**Safety Concerns:**

Accidents do happen and we rely on the Township/Borough officials to ensure public safety. The public needs to know more about this company's safety record.

- In what other cities do they have similar operations/plants?
- How long have they been in operations?
- How many emergencies have they had at EACH operation/plant?
- What are the specific facts about each emergency?
- How many people were evacuated as a result of each emergency?
- What pollution was released during each emergency?
- If there was a fire, how long did those fires burn?
- How long did it take for the fires to be put out?
- What was the size of the evacuation zone for each emergency?

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EXACTLY what accidents or malfunctions have occurred at any of the applicant's operations or any of its subsidiaries? Please provide dates and details.

- In which states have these accidents or malfunctions occurred?
- Exactly what happened in each instance?
- How much property damage occurred?
- Was there human injury or loss of life?
- Were people evacuated? From where and for how long?
- How long were people kept from their homes/farms?
- Please provide reports on all accidents and/or malfunctions: police, fire, EMT, state regulatory agencies, county regulatory agencies, federal regulatory agencies, others.

**Roads – Ingress and Egress Concerns:**

- What roads will be used for each proposed operation?
- Are they state, county or Township/Borough roads?
- What is the planned ingress and egress for each proposed operation?
- What is the weight limit for each proposed roadway planned as part of the proposed operation(s)?
- Will core samples be done on any Township/Borough roads?
- When will those samples be taken and who will pay for those samples?
- All results should be required to be provided to the Township/Borough before any applications are approved.
- Township/Borough should require a Traffic Study for each application.

**Leak Detection Methods:**

- Exactly what type of leak detection methods will be used on each portion of the proposed operations?
  - Name each portion and the corresponding leak detection method planned.
  - Will any portion of the proposed operation utilize FLIR imaging? If not, why not?
  - How often will leak detection monitoring be employed?
  - Please provide data from other company operations detailing leak detection monitoring.

**Pollution Concerns:**

The Township/Borough has a responsibility to fully investigate and consider the potential impacts to our health, safety and welfare. Elected officials and the public need to know more about the following:

- Exactly which way will the pollution travel?
- How will local families, their homes/farms be impacted by this pollution?
- In the communities where the applicant has other well pads, compressor stations and/or processing plants – how many farms were in operation before the built and how many after the plants were built?
- Exactly what are the sound levels at their other well pads, compressor stations and/or processing plants? Elected officials and the public should not have to rely on reports that predict or guess exactly what humans will be exposed to. The public has a right to know what the risks may be. And, elected officials need to consider these risks as they are responsible for protecting public health, safety and welfare. Full disclosure is essential.

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