



Legislation Details (With Text)

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**Effective date:**

**Title:** Ordinance supplementing the Pittsburgh Code, Title Nine, Zoning Code, Article V, Use Table, Section 911.02, and Use Regulations, Section 911.04.A.101 with the addition of "Mineral Extraction."

**Sponsors:** Patrick Dowd, Reverend Ricky V. Burgess

**Indexes:** PGH. CODE ORDINANCES TITLE 09 - ZONING

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**Attachments:** 1. 2012-0758.doc

Date	Ver.	Action By	Action	Result
10/3/2012	1	Standing Committees	Held for Cablecast Public Hearing	Pass
10/3/2012	1	Standing Committees	Referred for Report and Recommendation	Pass
9/24/2012	1	City Council	Read and referred	

Ordinance supplementing the Pittsburgh Code, Title Nine, Zoning Code, Article V, Use Table, Section 911.02, and Use Regulations, Section 911.04.A.101 with the addition of "Mineral Extraction."  
(Including but not limited to Marcellus Shale Gas)

**Be it resolved that the Council of the City of Pittsburgh hereby enacts as follows:**

**Section 1.** The Pittsburgh Code, Title Nine, Zoning Code, Article V, Use Regulations, is hereby supplemented at Chapter 911, Section 911.02, Use Table, as follows:

Mineral Extraction District

**Mineral Extraction**

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**Section 2.** The Pittsburgh Code, Title Nine, Zoning Code, Article V, Use Regulations, is hereby supplemented at Chapter 911, Section 911.04.A.101, as follows:

**911.04.A.101 Mineral Extraction**

Mineral Extraction shall be subject to the following standards:

(a) The proposed use shall be in compliance with an approved Mineral Extraction Master Plan established in accordance with Section 922.15

(b) *Disclosure of Permits, Plans, Authorizations*

(1) As part of the Mineral Extraction Master Plan application and prior to beginning site construction, the applicant shall submit to the City of Pittsburgh a copy of all permits (General permits, well permit(s), joint permits, earth disturbance permit, ESCGP-1, etc.) issued by the Pennsylvania Department of Environmental Protection (PA DEP). In addition, the City of Pittsburgh shall be provided copies of all plans (erosion and sedimentation control, grading,

water management plan, water withdrawal plan, Pollution Prevention Contingency, alternate waste disposal, etc.) required by PA DEP. The City of Pittsburgh shall be provided with a timeline and activity schedule and all required permits shall be maintained throughout the duration of the drilling operation. Any suspension or revocation of permits by PA DEP shall be reported to the City of Pittsburgh and shall constitute a violation of City of Pittsburgh zoning approval and may result in the suspension of zoning approval.

(2) As part of the MEMP application, the applicant shall provide the City of Pittsburgh with a copy of the PA DEP approved preparedness, prevention and contingency (PPC) plan. Prior to drilling and at the applicant's sole expense, the applicant shall make available with at least thirty (30) days notice appropriate group training program(s) for emergency responders. Such training shall be made available at least annually during any year that drilling activities take place at approved sites.

(3) As part of the Mineral Extraction Master Plan application, the applicant shall provide the name of the person(s) supervising the drilling operation and a phone number where such person (s) can be reached twenty-four (24) hours a day as well as a list of contact information for all sub-contractors associated with the oil and gas drilling operations must be provided he list shall include verification that all supervisors/operators and sub-contractors at the drill site are aware and understand this ordinance.

(4) As part of the Mineral Extraction Master Plan application, the applicant shall provide a survey of the drill site with all on-site associated gas production equipment (tanks or other surface installations), with locations and distances to property lines shall be filed with the application. All sensitive natural features including but not limited to waterways, wetlands, steep slopes, and floodplains including those one hundred (100) feet outside the limits of disturbance, as defined on the approved PA DEP Erosion and Sedimentation Plan, must also be shown.

(5) Prior to drilling an oil and gas well or multiple oil and gas wells at a location, but no later than two (2) weeks beforehand, the applicant shall provide to each resident within one thousand (1,000) feet of the planned surface location of the well(s):

- i. A copy of the well survey plat showing the locations(s) of the planned well(s)
- ii. A general description of the planned operations at the planned well(s) and associated equipment used in the development of the well(s)
- iii. The contact information of the applicant, the name and contact information of the person(s) supervising the drilling operation and a phone number where such person(s) can be reached twenty-four (24) hours a day as well as a list of contact information for all sub-contractors associated with the oil and gas drilling.

*(c) Pre-Drilling, Post-Hydraulic Fracturing, and Baseline Water Survey Requirements*

Prior to drilling and post-hydraulic fracturing, the applicant shall be responsible for testing all existing water supplies (surface and groundwater) within one thousand (1,000) feet of the well location. The purpose of testing is to determine the baseline quality and quantity of surface water and groundwater surrounding the proposed well site and address resultant changes that may occur or have an impact on the water supply of the site and surrounding area. In addition, prior to drilling, the applicant will be required to drill a test well outside of the limits of the well pad but no more than seven hundred and fifty (750) feet from the well location for the purposes of obtaining a baseline assessment of water quality in the vicinity of the site. All testing shall adhere to the following:

- (1) Pre-drilling testing results, both from existing water supplies and from the applicant-drilled

test well, shall be submitted as part of the MEMP application.

(2) Post-hydraulic fracturing testing shall be completed no sooner than one month after hydraulic fracturing activities have ceased and no later than two months after hydraulic fracturing activities have ceased.

(3) Testing shall be performed by an independent state-certified water testing laboratory agreed upon by the City of Pittsburgh and the applicant shall be responsible for all costs associated with drilling and testing.

(4) The applicant shall hire a hydrogeologist agreed upon by the City of Pittsburgh to conduct water quantity testing. The hydrogeologist shall submit a pre-testing and a pre-drilling plan to be approved by the City of Pittsburgh. The hydrogeologist shall test for gallons per minute (gpm) flow rates, yield, groundwater levels, and other pertinent information for all water wells via draw down tests or other suitable means. The results shall be certified by the hydrogeologist.

(5) The applicant shall test for the following list of parameters for all surface water and groundwater. The list is not exhaustive and the City of Pittsburgh reserves the right to add additional parameters: Inorganic Trace Metal Organic Microbiology Other Alkalinity Barium Ethane Total Coliform/E.Coli Volatile Organic Compounds Chloride Calcium Methane Detergents (MBAS) Conductivity Iron Total Organic Compounds Hardness Magnesium Nitrate Oil and Grease Manganese Radionuclides gross alpha, radium Ph Potassium Radon Sulfate Sodium Lead Total Dissolved Solids Strontium Residue - Filterable Arsenic Total Suspended Solids Residue - Non Filterable Analyte F.

*(d) Pre-Drilling and Post-Hydraulic Fracturing Soil Survey Requirements*

Prior to drilling and post-hydraulic fracturing, the Operator shall be responsible for testing soil conditions within one hundred (100) feet of the limits of disturbance as defined by the Erosion and Sedimentation Plan. The purpose of testing is to determine the baseline soil conditions surrounding the proposed well site and address resultant changes that may occur or have an impact on the soils of the site and surrounding area.

(1) Pre-drilling testing results shall be submitted as part of the Mineral Extraction Master Plan application.

(2) Post-hydraulic fracturing testing shall be completed no sooner than one month after hydraulic fracturing activities have ceased and no later than two months after hydraulic fracturing activities have ceased and shall be submitted within ten (10) days of their receipt.

(4) Testing shall be done by an independent state-certified testing laboratory agreed upon by the City of Pittsburgh and the Operator shall be responsible for all costs associated with testing.

*(e) Transportation Plan*

Access directly to State roads shall require Pennsylvania Department of Transportation (PennDOT) Highway Occupancy Permit approval. As part of the MEMP application the applicant shall provide

(1) A copy of the Highway Occupancy Permit.

(2) A plan showing the proposed truck routes to be utilized during the drilling operation. The proposed hauling routes must be designed to minimize the impact on City of Pittsburgh roads. The City of Pittsburgh reserves the right to designate reasonable required truck hauling routes consistent with the Pennsylvania Motor Vehicle Code and Pennsylvania Department of Transportation throughout the City of Pittsburgh. The City of Pittsburgh shall consider all potential routes and, when possible, designate routes that are the least intrusive to the City of Pittsburgh, its operation, and the general health, safety and welfare of the public. When

determining the least intrusive routes, the City of Pittsburgh shall account for roadway jurisdiction, traffic, physical characteristics/conditions, location of school bus stops/routes, and the amount of residential units along potential routes. Routes shall be coordinated with the school district to minimize impact on peak school operations.

(3) An executed excess maintenance agreement with the City of Pittsburgh for a Type 2 permit as per the Pennsylvania Code Chapter 189.4(B) Road Bonding, and post a bond at the paved highway rate in favor of the City of Pittsburgh in a form acceptable to the City of Pittsburgh prior to beginning any work on a drill site. The bond is to guarantee restoration of City of Pittsburgh roads and bridges damaged as a result of hauling associated with the drilling operation.

*(f) Site Security*

The applicant shall take all necessary precautions to ensure the safety of persons in and around the site using the following measures:

- (1) In areas established for road crossings and/or adjacent to roadways, during periods of anticipated heavy or frequent truck traffic to and from the drill site, flagmen shall be present and used to ensure the safety of motorists and pedestrians and take measures that may include adequate signs and/or other warning measures for truck and vehicular traffic
- (2) The drill site shall be gated at the entrance to prevent illegal access into the drill site. The drill site assigned address shall be clearly visible on the access gate for emergency 911 purposes. In addition, the sign shall include the well name and number, name of the operator and the telephone number for a person responsible who may be contacted in case of emergency. In lieu of a gate the operator can provide 24/7 security on sites during the drilling operation.
- (3) All drill site pads and impoundments shall be secured with a temporary fence with a secured gate.
- (4) The City of Pittsburgh may, at its sole discretion, require fencing and or landscaping to buffer the facilities gas production equipment from adjacent properties.
- (5) The public street entrance and the property on which a drill site is located shall at all times be kept free of mud, debris, trash or other waste materials.

*(g) Lighting*

No drill site lighting used for or associated with the drilling operation shall be positioned or directed in such a manner so that it shines directly upon public roads, adjacent property or property in the general vicinity of the drill site. Site lighting shall be directed downward and shielded so as to avoid glare on public roads and adjacent properties. Lumen levels shall not exceed zero (0) foot-candle at the property line.

*(h) Dust, vibration, odors*

All drilling operations shall be conducted in such a manner to minimize dust, vibration or noxious odors and shall be in accordance with the best accepted practices incident to drilling for oil or gas in urban/suburban areas. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying effects are minimized by the operations carried on at the drill site to avoid injury to or annoyance of persons living in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly or unsafe. Proven technological improvements in industry standards of drilling shall be adopted as they become available if capable of reducing factors of dust vibration and odor, watering, wetting or other methods or materials must be used to control dust adjacent to residential properties.

(i) *Site Restoration*

(1) After the drilling operation is complete, the applicant shall clean the site and complete all restoration activities in accordance with Section 601.206 of the Pennsylvania Oil and Gas Act. Any damage to public property caused by such operations must be repaired and restored within sixty (60) days of completing the drilling operation or as agreed to by the City of Pittsburgh.

(2) Clean-up operations must begin immediately upon knowledge that a spill, leak or malfunction occurs. After any spill, leak or malfunction, the applicant shall remove or cause to be removed to the satisfaction of the City of Pittsburgh and the PA DEP inspectors all waste materials from any public or private property affected by such spill, leak or malfunction.

(j) *Inspection*

During the active operation at a drill site the City of Pittsburgh or its designees shall have access to the site to determine continuing compliance with the Mineral Extraction Master Plan approval.

(k) *Indemnification and Express Negligence Provisions*

The applicant shall fully defend, protect, indemnify, and hold harmless the City of Pittsburgh, its departments, officials, officers, agents, employees and contractors from and against each and every claim, demand, or cause of action and any and all liability, damages, obligations, judgments, losses, fines, penalties, costs, fees, and expenses incurred in defense of the City of Pittsburgh including, without limitation, personal injuries and death in connection therewith which may be made or asserted by any third parties on account of, arising out of, or in any way incidental to or in connection with the performance by the operator.