

**WEST DEER TOWNSHIP PLANNING COMMISSION MINUTES
JUNE 24, 2021 (Live and Via Zoom)**

The Meeting was called to order with the following members in attendance:
John Butala, Patrick Stark, Robert Bechtold, Alan Banks, and Mark Schmidt

Absent Members: Suzanne Garlena, Kathy Rojik

Other Attendees: William Payne (Code Enforcement Officer)
Scott Shoup (Shoup Engineering)
Gavin Robb (Solicitor)
Dorothy Moyta (Zoning & Planning Administrator)

Applicant Presenters:
David Lucchia, Victor-Wetzel Associates, Eastview Farms

Dave Hennon, 41A Blue Row, Elevated Properties

Blaine Lucas, Legal Representative, Olympus Energy
Kimberly Price, Olympus, Communications Director

Outline and Order of Meeting

1. Approval of May Minutes
2. Eastview Farms: Final Subdivision Plan
3. Cell Tower: 41A Blue Row: Elevated Properties
4. Leto and Dionysus: Discussion/ Resident Questions and Comments
5. Leto Gas Well: Conditional Use Recommendation
6. Leto Gas Well: Land Development Recommendation
7. Dionysus Gas Well: Conditional Use Recommendation
8. Dionysus Gas Well: Land Development Recommendation

Approval of Meeting Minutes

The May Minutes were unanimously approved.

Eastview Farms: Final Subdivision Plan

Mr. Lucchi presented a 6 page Powerpoint. He reviewed that this is a cluster residential development and these are the final plans. It's a 17.5 acre site with 17 single family homes built in 2 phases: 15 homes will be built in Phase 1 and 2 homes will be built in Phase 2. The structures on Parcel A (Lot 201) will remain until Phase 2 and then will be divided into 2 lots. A 29- page set of Final Subdivision Plan drawings was submitted as well as a 5 page set of Post Construction Stormwater Management Plans. A Final Subdivision Plan Narrative dated 5.28.2021 was also submitted.

1. Mr. Bechtold asked whether any of the parcels would have access to Bakerstown Rd. Mr. Lucchi said yes that Parcel 2 will have access in Phase 2.
2. Mr. Shoup went over the comments on his 2 page letter dated 6.23.2021.
3. Mr. Bechtold asked whether Mr. Lucchi would have the planning module before the Supervisor's meeting.
4. Mr. Payne said that we could make that one of the Conditions for approval.
5. Conditions for Approval: Address and meet all requirements/ comments on Mr. Shoup's letter dated 6.23.2021 and procure Planning Module.

Susan Eisenbarth of 136 Donaldson Rd. asked whether a sight line study from the entrance had been done. Has PennDOT required any mitigation ? Mr. Lucci said that they had met with PennDOT and have done a traffic study. No mitigation was required. Mr. Butala said that the entrance sightlines had been discussed at a previous meeting.

A motion was made by Mr. Bechtold and seconded by Mr. Banks to approve Eastview Farms – Final Subdivision Plan. The motion was unanimously approved. Mr. Schmidt abstained from voting.

Cell Tower – 41 A Blue Row – Elevated Properties

Mr. Hennon represented Elevated Properties and presented the updated project. This included the 11 page drawing set of Zoning Drawings updated 6.24.2021, 3 page answers to Shoup Engineering comment date 6.24.2021, the FAA findings, the Verizon Compliance letter, and the Ground lease agreement. Comments were as follows:

1. Mr. Shoup said that height, mapping, and all dimensions is still needed. Some items were not addressed and the materials were received late – this morning.
2. Mr. Hennon said that regarding item #10, the Tower will collapse on itself. He will have signed and sealed drawings. The tower will collapse within 50 of the tower base.
3. Mr. Robb said that for a Conditional use hearing, you must have all boxes checked. The Planning Commission cannot recommend approval until all the items are submitted. Mr Robb asked whether Mr. Hennon would have all the items by July 21, 2021. Mr. Hennon said that yes he would have all the information by then, Mr. Robb said that the difficulty is that we got this information today late. Mr. Hennon said that they received all the information from the FAA.

4. Mr. Stark said that he would like to see the signed and sealed engineering drawing.
5. Mr. Schmidt said that regarding Section 2, he feels that there should be something better than just vinyl slats in cyclone fencing. Mr. Schmidt would like to see plantings for instance. Mr. Hennon said that he's open to recommendations; they typically plant arbor vitae although deer tend to eat those plants in such a location.
6. Mr. Schmidt asked Mr. Hennon whether he would be able to grant the Township an extension of 30 days for the Public Hearing and Mr. Hennon said yes. Mr. Payne will get Mr. Hennon the form for the 30 day extension.

A motion was made by Mr. Bechtold and seconded by Mr. Butala to table the Cell Tower – Elevated properties. The motion was unanimously approved.

Leto and Dionysus: Discussion/ Resident Questions and Comments

Blaine Lucas, legal representative for Olympus said that everything has been presented regarding the wells and traffic and acoustical issues. He discussed some overall points and answered questions as follows:

1. Mr. Lucas said that Olympus will adjust Leto well pad so that the Clean streams building is outside the 650' distance. They will also adjust the Dionysus well pad so that the 2 corners maintain the 650 ' distance from any buildings.
2. Mr. Lucas also said that the acid mine pool issue will be addressed at the Public hearing.
3. Mr. Payne asked whether the clean streams buildings were no longer in operation. Mr. Lucas said that the facility had been closed for a number of years. Olympus will present more information on that at the public hearing and to the Board of Supervisors.
4. Mr. Payne wants to see testing that the water is alkaline.
5. Mr. Shoup was asked if he had anything to add and he said that no his letters stand.
6. Mr. Butala asked whether Olympus would consider utilizing 1 detention ponds and preserving more trees. Mr. Lucas said that they did look at that they already looked at the ponds and were unable to do that but will try to preserve more trees.
7. Mr. Butala discussed the use of propylene oxide at length and its proposed use in drilling as it is a carcinogen. He asked whether they will be using any other carcinogenic chemicals. In summary regarding the use of propylene oxide (Methyloxyrane), Mr. Butala asked, if Olympus Energy receives approval to install wells in West Deer Township, is it your Company's intention to use as a component of fracking fluid substances that use EPA and OSHA probably MSDA have identified as carcinogenic as capable of causing cancer ?

8. Ms. Price said that all chemicals used by Olympus are regulated and used carefully according to regulations. They operate in such a way as to cause no harm. They abide by all the regulations for the safe use of chemicals.
9. Mr. Stark asked whether they had anything to say in regards to Mr. Detwiler's Powerpoint presentations about acid mine pools. Mr. Lucas said there will be more detail regarding the acid mine pools at the public hearings. Also he said they use 4-5 layers of casings and that the acid mines are not an issue as the PH of the water has changed. Also, the DEP looks at issues such as this in Southwest PA.
10. Mr. Robb said that the Township has jurisdiction over where the drilling activities occur but not on how they are carried out. The operating of wells is regulated by the state of PA.
11. Mr. Stark said that nobody is regulating but Mr. Robb disagrees.

Community comments and related comments are as follows;

1. Barbara Scheinberg of 392 Saddlebrook; She has concerns as to whether 70 Lbs. of carcinogenic can be safely used. She would like to know whether Olympus has any pending lawsuits. And when and where the public hearing will occur. Also, where is the agenda on the township site? When she built her home, she didn't know that there was going to be fracking allowed in West Deer Township. How long has this been talked about ?
2. Mr. Robb inserted that the public Hearing will be at the end of July or August. It will be advertised in the paper, letters will be mailed out to residents, and the properties will be posted.
3. Mary Kalivoda of 702 Crystal Springs Ct: She says that if you go the DEP Website, you can see that there have been safety violations associated with drilling. The DEP does not notify landowners. Also light pollution has been a problem with wells. She wants to know what would happen in an emergency ?
4. David Kalivoda of 702 Crystal Springs Ct: He thinks that the Township should charge Olympus for a traffic signal at 910 and Middle Rd Extension. He also feels that they should point the lights downward and away from the homes, install a sound barrier, and do a baseline water study before they start the drilling to determine if there is any groundwater pollution.
5. Gary Torrick of 1531 Palmer Way: He is mainly concerned about the evacuation plans in the case of a large spill. There are youth children, schools, and parks. Olympus needs to present a plan for safety.
6. Marshall Brindza of 634 Whispering Pines: He is on the Board of the HOA and wonders how the Township is allowing Olympus to put cancer causing chemicals into the ground.
7. Gary Williams of Deer Lakes Mobile Home Park: He has been in the drilling business with compressors and ask whether they are going to put compressors near these wells and

whether they will be able to stay within the sound ordinance. Also are they gathering their own gas or do they have a midstream company. Will trucks come up Oak Rd ?

8. Tom Tish of 628 Whispering Pines: He says he will be 8/10 of a mile or 4000 ‘ from Dionysus. He says that Olympus will have 7000 – 15000 ‘ laterals. He wants to know locations of product storage, piping, and midstream operations. Also there are 318 violations out there. Also how will we know when the methane levels are elevated ?
9. David Fredly of 83 Trump Rd: How many wells are allowed on each pad ? (Mr. Schmidt said that 5 are allowed on each pad.) Are there any coal mines under the well pads ?
10. Jonathan Randza of 210 Locust: Wants to know the emergency plan for the red X heliopad at the Leto well pad. This is not detailed anywhere else. What kind of helicopter is expected to land and how loud will it be ? Who else has seen this for the first time ?
11. Jo Rescinati of 1006 York Way: The mine pool is idle at the clean streams site because the water level is now self managing. Olympus follows the DEP regulations but still has \$175,000.00 worth of fines that goes into the gas and oil field fund.
12. Tim Resciniti of 1006 York Way: He feels that the conditions proposed do not protect the residents of West Deer. CROWD’s letter details how Olympus does not meet the requirements of the West Deer Ordinance. The applicant does not meet the requirements of the Ordinance. Do the right thing and recall the applications.
13. Tom Ballantine of 294 Oak Road: The Leto pad is across from his home. Where exactly is the pad ? Where are they dropping the Pins ? Where is the traffic study? Will this be the same as Dollar General ? (Mr. Payne explained where the location of the well pads was and will show Mr. Ballantine the drawings after the meeting.)
14. Jack Rearick of 37 Cor-Bri-Wood Lane: He would like to send a message to the supervisors to deny the applications. Olympus hasn’t answered all the questions. Olympus has problems in Westmoreland with 20-30% of their casings failing and methane leaks.
15. John Detwiler would like to make himself available to the West Deer residents. He also wants the Supervisors to deny the applications.
16. Marcia Brisset of 37 Cor-Bri-Wood Lane: Where are the compressor stations ? Are there any other wells that don’t have compressor stations ? She feels that the compressor status will change.
17. Yeliz Sozeri-Brinker of 2454 Saxonburg Blvd.: He moved in in September of 2021. He feels that the Township should find other streams of revenue. No amount of money is worth this . We’ll never regain what the Township once was.

18. Jason Parczyk of 868 Ashley Road: He agrees that the Township should deny the applications. Environmentally, West Deer can never go back. He will move his children from the daycare located near the Leto well.
19. Nancy Barton of 208 Locust St.: She said that the Supervisors should deny anything that they want to build back there. She is a cancer survivor and will need to move again.
20. John Lambert of 1135 Middle Rd Extension: He feels that fracking has been going on for a long time and that it will be good for West Deer Township monetarily. He is concerned about people using Middle Rd. as a cut-through although most of the traffic will be on 910. He feels that speed on Middle Rd. should be 25 mph to 35 mph
21. Laura Henderson of 204 Locust St.: She is mainly concerned about getting a good night's sleep and the noise associated with the wells. Residents will hear noise and traffic associated with wells. She is also concerned about the Dionysus site.
22. Sherry Sweeney of 1135 Links Way: She has worked in heavy equipment sales and ask whether these are the only sites that fracking can take place in the Township ? What is the benefit to West Deer ? The golf course was up for sale and that was nixed. Is this the only place to frack ?
23. Mr. Payne asked that since Olympus is not proposing a compressor, are they close enough to the Eastern Dominion line that a compressor is not needed. Mr. lucas said that the higher ups are comfortable with the pressure at this time.
24. Marcia Brisset of 37 Cor-Bri-Wood Lane : She feels that the pressure will drop over time and a compressor will be needed down the road.
25. Ms. Price said that more than 90% of the violations that Olympus has received are not safety violations. They are E & S and building sequencing. They have not caused any danger to human residents. All violations were contained within the limit of disturbance and were cleaned up.

Leto Gas Well – Conditional Use Recommendation

Mr. Schmidt read the 8 pages of 51 conditions.

The list of conditions proposed were discussed as follows:

1. Mr. Stark asked whether other corrosive materials should be addressed?
2. Mr. Mr. Butala said that there should be prohibitions against carcinogens being used; perhaps this could be codified. Mr. Robb said this goes to the how of drilling and that is regulated by the DEP process.
3. Mr. Stark said that the chemicals should be used as they are deemed in a safe manner.
4. Mr. Butala wants to make sure that no chemicals make their way in to the creek.

5. #23 is being deleted.
6. The left turn lane may be covered in the widening of the lane.
7. Add wording regarding carcinogenic chemicals.

A motion was made by Mr. Stark and seconded by Mr. Banks to approve the Conditional Use recommendations for the Leto Gas Well. The motion was a tie. Mr. Banks and Mr. Stark voted to accept. Mr. Butala and Mr. Schmidt voted to oppose. Mr. Bechtold abstained from voting. The final Conditions are as follows:

1. Applicant shall have obtained from the appropriate Commonwealth, and if applicable, Federal regulatory agencies or authorities all permits required to be issued in accordance with applicable laws and regulations for the proposed use and specific number of proposed wells to be drilled at the Applicant's site and copies of said permits shall be provided to the Township prior to any activity taking place.
2. Applicant shall at all times comply with all applicable laws and regulations of the Commonwealth of Pennsylvania and the United States Federal Government as they relate to activities conducted by the Applicant within the Township. If the Applicant receives notice of any notice of violation from any State or Federal Agency of any such law or regulation causing a public safety or serious environmental hazard in the Township, it shall give the Township notice as soon as practical, but in no event later than 24-hours of the Applicant receiving notice.
3. Applicant shall comply with Chapter 210-Section 120.A(21) – Gas and Oil Production contained in the West Deer Township Code of Ordinances.
4. Said application submitted by the Applicant is for the construction of one (1) well pad to consist of 5 wells. Applicant may construct additional wells on the site without having to seek conditional use approval provided (a) there are no changes in the access drive and well pad location, (b) the Applicant obtains and provides to the Township a copy of the well permit issued by the Pennsylvania Department of Environmental Protection (“DEP”), (c) the Applicant notifies the Township at least 15 days before commencing any drilling activity for any such well, and complies with the conditions of approval contained herein for any additional well on the site.
5. The Applicant shall provide to the Township and first responders its Preparedness, Prevention and Contingency Plan and any updates thereto.
6. Prior to any construction activity, the Applicant shall meet with the Township safety control individuals designated by the Township Board of Supervisors to discuss or provide information regarding any proposed emergency responses to the Preparedness, Prevention and Contingency Plan.

7. The Applicant shall provide proof of the required blanket bond, or other financial security, provided or being held by DEP to ensure proper plugging when the well is classified as inactive by the DEP.
8. There shall be no bunk houses, employee trailers or any such employee residential type housing of employees on site. However, temporary on-site housing during vertical or horizontal drilling for essential personnel to provide 24-hour supervision/security/safety, is permitted, subject to written approval by the Township Manager or his designee.
9. Applicant shall comply with the idling limitations contained in the Pennsylvania Diesel-Powered Motor Vehicle Idling Act, Act 124 of 2008.
10. There shall be no activities associated with the proposed use that will result in malodorous gas or matter discernible at any point on or beyond the property lines of the site.
11. There shall be no physical vibrations associated with the proposed operations detectible without instruments on any lot lines shared with adjacent properties.
12. Applicant will provide adequate and obvious truck route signage, including no well traffic on unpermitted roads signage, where necessary, to ensure the approved truck routes are utilized. Additionally, Applicant shall notify all subcontractors, suppliers and vendors of the approved truck route.
13. Applicant shall continue to review the efficiency and safety of all traffic plans and routes and will meet with the Township representatives to address issues regarding said plan or route, including traffic flow and safety.
14. Applicant agrees to restrict heavy truck traffic on roads during those periods of time in which the School District schedules morning and afternoon school bus drop-off and pick-up on that road. Applicant also shall provide a contact to the school transportation office. This requirement applies to any public or private school and childcare centers.
15. Applicant agrees to restrict heavy truck traffic on roads during those periods of time in which West Deer Township or Deer Lakes School District sets regarding to special events including but not limited to Community Days, Fall Festivals, Parades, Homecoming, and Prom.
16. Applicant shall provide traffic control, including flag persons, traffic control devices and escorts during heavy periods of truck traffic or upon Township request, when reasonable, in order to maintain the safe flow of traffic.
17. West Deer Township Police shall be utilized for all traffic control, excluding truck escorting. All associated costs for said traffic controls shall be paid exclusively by the well pad operator.

18. Truck escorting shall be utilized for both ingress and egress of each phase for rig up and rig down (construction/drilling/fracking/workover) operations.
19. If any truck staging is to be utilized with staging areas located within the Township it shall be presented at the Land Development stage of the well pad development projects where traffic and noise can be addressed.
20. A left turning lane shall be installed at the intersection of 910 (Gibsonia Road) and Oak Road prior to the construction of the Leto well pad.
21. A complete water hauling plan shall be presented to the Township in the land development phase that illustrates all water hauling if a water pipeline is not possible. This will include 100% of the trucks utilized the each well pad.
22. Applicant shall inform its operators and subcontractors that jake brake or engine brake usage on trucks is to be restricted. The Applicant shall place signs along designated transportation routes advising of this restriction. No Jake Brake signs shall be installed at quarter mile intervals on truck traffic routes within the Township. Additionally, Applicant shall notify all subcontractors, suppliers and vendors of the jake brake restrictions.
23. A formal procedure for addressing truck traffic issues/complaints shall be submitted for Township approval in the Land Development portion of the development process. The procedure shall address accident notification, truck release intervals from staging areas, response to traffic congestion of the well truck traffic, etc.
24. Applicant shall undertake reasonable efforts to prevent water, sediment, or debris from being carried onto any public street. Additionally, the first one hundred (100') feet of the access road shall be paved, which must be swept/washed to keep said paved access clean of debris in order to prevent tracking of debris onto any public street. The one hundred (100') feet measurement shall start at the edge of the public road right of way. In addition to the asphalt paving a rock construction drive shall also be utilized and built to West Deer Twp standards set forth in the ordinance and shall be a minimum of One Hundred (100') feet in length. Cattle guards shall be placed in between the large rock construction drive and well pad itself to ensure the public roadway remains mud free. The cattle guards, large rock drive, and asphalt drive shall be maintained as needed to ensure no mud accumulates on the public roadways. If upon Township inspection of public roadways it is determined that mud is causing a public safety issue the roadway shall be cleared, cleaned and swept immediately. Street sweeper type equipment shall be used to provide the final cleaning. If weather temperatures are above freezing a final water rinse can be applied if needed. If the condition persists no truck traffic shall occur until the condition is resolved to the satisfaction of the Township. The construction entrance and driveway shall be installed prior to the construction of the well pads or drilling activity occurring. If through time, originally installed surfacing and/or implemented measures result in water, sediment or debris being carried onto any public

street, said surfacing and measures shall be reevaluated and reconstructed to achieve the aforementioned results.

25. A current contact list of state and county standards as it relates to road mud and cleaning of the road as well as their contact information shall be submitted to the Township prior to any construction work being performed at the well sites.
26. No production or frac water shall be hauled in for use in any of the operations.
27. Applicant shall provide a schedule to the Township identifying anticipated dates for site preparation, anticipated drilling activity, anticipated completion, and anticipated stimulation or fracturing work to begin. The Township recognizes that said dates may be dependent upon variables such as weather, availability of equipment, leasing, permitting, production and the like. However, such scheduling shall be updated and provided to the Township on a periodic basis (no less than monthly) as requested by the Township.
28. Applicant, during drilling operations and completion operations, shall provide twenty-four (24) hour security, seven (7) days a week at the access road. All other times the Applicant shall secure the site, as necessary.
29. A formal dust control program shall be established and approved by the Township in the land development portion of the development process. The dust control program will consist of a dust monitoring program with an appropriate control point to properly identify if the dust controls are working. If dust monitoring levels raise more than 10% of the control point then dust control measures including but not limited to extending paving, installing a truck wash, dust control spraying, and the pressure washing of neighboring resident homes and guiderails at the well operator's expense.
30. There shall be no activities associated with the proposed use that will emit electrical disturbances adversely affecting the operation of radio or other equipment not located at the subject property.
31. All earth moving activities and stormwater management on the subject property shall be subject to the terms and conditions of a DEP, or other authorized agency, approved erosion and sedimentation control plan and all related applicable permits. A copy of said plan and permit are to be provided to the Township for review prior to such work is to begin and shall be on file at the construction site.
32. Applicant shall provide the Township with contact information which will allow representatives of the Applicant to be contacted twenty-four (24) hours a day, seven (7) days a week to address an emergency as well as other issues and complaints. Said contact information shall also be clearly posted at the entrance to the site.
33. If a reasonable complaint is registered with the Township, the Applicant will respond to said complaint within 24 hours of notification and take whatever reasonable means necessary to alleviate and cure said complaint, should it be found to be with merit.

34. No flaring shall occur unless it is necessary for safety. At time of flaring the Township shall be notified immediately. Notification shall be made to 911 emergency dispatch. A report shall be submitted to the Township stating the date, time, cause, follow up actions, any resulting conditions, and action plan to eliminate flaring in the future.
35. A graphic detail of the fencing shall be provided in the land development section of the development process and shown on the final set of land development plans.
36. Electric fleet fracturing shall be utilized when possible and appropriate sound walls shall be installed to completely enclose, with the exception of openings utilized for ingress and egress, the well pad when conventional fleet fracturing is used.
37. Applicant shall comply with all State and Federal regulations regarding the handling of any radioactive materials.
38. Applicant shall maintain a current list and Material Safety Data Sheet (MSDS) for all chemicals used in the drilling and fracturing operation at the property. The applicant shall also provide MSDS sheets to first responders.
39. Applicant agrees to hold the Township harmless from any and all liability arising out of actions or non-actions committed by the Applicant, its representatives, contractors or subcontractors in connection with the construction or operation of wells at the proposed site, excluding any such liability arising out of the negligence or intentional acts of the Township, its employees, officials, contractors or agents.
40. Applicant shall comply with all Township Ordinances related to construction activity, and activity for construction of the proposed well pad or access road. Hours of operation for construction shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Saturday only, excluding Holidays. However, 24-hour drilling and fracturing shall be permitted.
41. Applicant shall provide the Township with a list of contractors and subcontractors who will be accessing the well site. Applicant shall notify such contractors and subcontractors that they will be responsible for and shall remedy any damages they may cause to public or private properties within the Township. In the event the Township notifies the Applicant of a damage claim, Applicant will cooperate with the Township in identifying the potentially responsible contractor or subcontractor. In the event the Township notifies the Applicant of a damage claim, Applicant will cooperate with the Township in identifying the potentially responsible contractor or subcontractor. In the event the responsible contractor fails to remedy said damages within 30 days of notification by the Township the well operator will assume all responsibility and remedy damages within 30 days of assuming responsibility.

42. Applicant acknowledges that if it fails to meet and maintain any condition of this approval, the Township may enforce the same in accordance with applicable provisions of the Pennsylvania Municipalities Planning Code.
43. Township roads shall not be used for any heavy truck traffic.
44. A general lighting plan shall be submitted to the Township for review and approval in the land development process. The lighting plan shall include typical fixtures, lumens produced, approximate placement location, etc.
45. In the event of a delay (1 day or more) in production or a prolonged stoppage the site shall be fully secured with either constant on-site supervision or fencing.
46. All wells drilled on the well pad shall be drilled in a group like fashion consisting of no less than 3 wells at a time. Wells drilled at the same time shall mean continuous and not necessarily simultaneous.
47. A Traffic Impact Fee payment shall be made to the Township at the time of the building permit application in the amount of 46 Trips calculated at the current traffic impact fee rate forth by Township fee schedule.
48. Conditional use approval and expiration shall be governed by § 210-119 (Permit Expiration) of the on the date of recommendation.
 - a. Once a conditional use has received approval, the applicant shall apply for a building permit and/or occupancy permit within 12 months from the date of approval, or the conditional use approval shall become null and void.
 - b. The Board of Supervisors may, upon written request being filed by the applicant at least 30 days prior to the expiration, grant an extension of time, not to exceed 12 months. Upon granting any extension of time, the Board shall ensure that the conditional use permit complies with all current ordinances and codes.
49. Provide documentation that the Clean Streams Foundation site located adjacent to the proposed Leto well pad is permanently no longer in operation.
50. Provide documentation of testing that the mine pool is no longer acidic or otherwise corrosive, conducted by a reputable 3rd party as approved by the Township and/or the DEP.
51. The Applicant shall not be permitted to use methyloxirane at any time during the gas and oil and production process and instead shall use an alternative substance which is not classified as a carcinogen by the United States Environmental Protection Agency.

Leto Gas Well – Land Development Recommendation

A motion was made by Mr. Stark and seconded by Mr. Banks to table the Land Development recommendations for the Leto Gas Well till the July meeting. The motion was unanimously approved. Mr. Bechtold abstained from voting.

Dionysus Gas Well – Conditional Use Recommendations

Mr. Schmidt read the 8 pages of 50+ conditions.

A motion was made by Mr. Butala and seconded by Mr. Stark to approve the Conditional Use recommendations for the Dionysus Gas Well. The motion was approved by all. Mr. Bechtold abstained from voting. Approved conditions were as follows.

1. Applicant shall have obtained from the appropriate Commonwealth, and if applicable, Federal regulatory agencies or authorities all permits required to be issued in accordance with applicable laws and regulations for the proposed use and specific number of proposed wells to be drilled at the Applicant's site and copies of said permits shall be provided to the Township prior to any activity taking place.
2. Applicant shall at all times comply with all applicable laws and regulations of the Commonwealth of Pennsylvania and the United States Federal Government as they relate to activities conducted by the Applicant within the Township. If the Applicant receives notice of any notice of violation from any State or Federal Agency of any such law or regulation causing a public safety or serious environmental hazard in the Township, it shall give the Township notice as soon as practical, but in no event later than 24-hours of the Applicant receiving notice.
3. Applicant shall comply with Chapter 210-Section 120.A (21) – Gas and Oil Production contained in the West Deer Township Code of Ordinances.
4. Said application submitted by the Applicant is for the construction of one (1) well pad to consist of 5 wells. Applicant may construct additional wells on the site without having to seek conditional use approval provided (a) there are no changes in the access drive and well pad location, (b) the Applicant obtains and provides to the Township a copy of the well permit issued by the Pennsylvania Department of Environmental Protection ("DEP"), (c) the Applicant notifies the Township at least 15 days before commencing any drilling activity for any such well, and complies with the conditions of approval contained herein for any additional well on the site.
5. The Applicant shall provide to the Township and first responders its Preparedness, Prevention and Contingency Plan and any updates thereto.
6. Prior to any construction activity, the Applicant shall meet with the Township safety control individuals designated by the Township Board of Supervisors to discuss or

provide information regarding any proposed emergency responses to the Preparedness, Prevention and Contingency Plan.

7. The Applicant shall provide proof of the required blanket bond, or other financial security, provided or being held by DEP to ensure proper plugging when the well is classified as inactive by the DEP.
8. There shall be no bunk houses, employee trailers or any such employee residential type housing of employees on site. However, temporary on-site housing during vertical or horizontal drilling for essential personnel to provide 24-hour supervision/security/safety, is permitted, subject to written approval by the Township Manager or his designee.
9. Applicant shall comply with the idling limitations contained in the Pennsylvania Diesel-Powered Motor Vehicle Idling Act, Act 124 of 2008.
10. There shall be no activities associated with the proposed use that will result in malodorous gas or matter discernible at any point on or beyond the property lines of the site.
11. There shall be no physical vibrations associated with the proposed operations detectible without instruments on any lot lines shared with adjacent properties.
12. Applicant will provide adequate and obvious truck route signage, including no well traffic on unpermitted roads signage, where necessary, to ensure the approved truck routes are utilized. Additionally, Applicant shall notify all subcontractors, suppliers and vendors of the approved truck route.
13. Applicant shall continue to review the efficiency and safety of all traffic plans and routes and will meet with the Township representatives to address issues regarding said plan or route, including traffic flow and safety.
14. Applicant agrees to restrict heavy truck traffic on roads during those periods of time in which the School District schedules morning and afternoon school bus drop-off and pick-up on that road. Applicant also shall provide a contact to the school transportation office. This requirement applies to any public or private school and childcare centers.
15. Applicant agrees to restrict heavy truck traffic on roads during those periods of time in which West Deer Township or Deer Lakes School District sets regarding to special events including but not limited to Community Days, Fall Festivals, Parades, Homecoming, and Prom.
16. Applicant shall provide traffic control, including flag persons, traffic control devices and escorts during heavy periods of truck traffic or upon Township request, when reasonable, in order to maintain the safe flow of traffic.

17. West Deer Township Police shall be utilized for all traffic control, excluding truck escorting. All associated costs for said traffic controls shall be paid exclusively by the well pad operator.
18. Truck escorting shall be utilized for both ingress and egress of each phase for rig up and rig down (construction/drilling/fracking/workover) operations.
19. Truck escorting shall be utilized for both ingress and egress of all water and sand trucking on Middle Road Ext. Said escorting shall be comprised of groups no larger than 5 trucks per grouping, with the pilot vehicle visually displaying the accurate number of trucks they are escorting on the pilot vehicle.
20. If any truck staging is to be utilized with staging areas located within the Township it shall be presented at the Land Development stage of the well pad development projects where traffic and noise can be addressed.
21. A traffic signal light and turning lanes shall be installed at the intersection of 910 (Gibsonia Road) and Middle Road prior to the start of construction for the Dionysus well pad. The Township is aware that the current levels of traffic warrant both a traffic light and turning lanes and feel that any adding additional heavy truck traffic will create a liability to the safety of its residents.
22. Middle Road Extension shall be improved in such a way to provide 2 way traffic in all phases of operation with the exception of transport of the rig.
23. A complete water hauling plan shall be presented to the Township in the land development phase that illustrates all water hauling if a water pipeline is not possible. This will include 100% of the trucks utilized for the well pad.
24. Applicant shall inform its operators and subcontractors that jake brake or engine brake usage on trucks is to be restricted. The Applicant shall place signs along designated transportation routes advising of this restriction. No Jake Brake signs shall be installed at quarter mile intervals on truck traffic routes within the Township. Additionally, Applicant shall notify all subcontractors, suppliers and vendors of the jake brake restrictions.
25. Applicant shall post "Gas Well Truck Traffic 25 MPH" signs on Middle Road Extension prior to construction starting.
26. A formal procedure for addressing truck traffic issues/complaints shall be submitted for Township approval in the Land Development portion of the development process. The procedure shall address accident notification, truck release intervals from staging areas, response to traffic congestion of the well truck traffic, etc.

27. Applicant shall undertake reasonable efforts to prevent water, sediment, or debris from being carried onto any public street. Additionally, the first one hundred (100') feet of the access road shall be paved, which must be swept/washed to keep said paved access clean of debris in order to prevent tracking of debris onto any public street. The one hundred (100') feet measurement shall start at the edge of the public road right of way. In addition to the asphalt paving a rock construction drive shall also be utilized and built to West Deer Twp standards set forth in the ordinance and shall be a minimum of One Hundred (100') feet in length. Cattle guards shall be placed in between the large rock construction drive and well pad itself to ensure the public roadway remains mud free. The cattle guards, large rock drive, and asphalt drive shall be maintained as needed to ensure no mud accumulates on the public roadways. If upon Township inspection of public roadways it is determined that mud is causing a public safety issue the roadway shall be cleared, cleaned and swept immediately. Street sweeper type equipment shall be used to provide the final cleaning. If weather temperatures are above freezing a final water rinse can be applied if needed. If the condition persists no truck traffic shall occur until the condition is resolved to the satisfaction of the Township. The construction entrance and driveway shall be installed prior to the construction of the well pads or drilling activity occurring. If through time, originally installed surfacing and/or implemented measures result in water, sediment or debris being carried onto any public street, said surfacing and measures shall be reevaluated and reconstructed to achieve the aforementioned results.
28. A current contact list of state and county standards as it relates to road mud and cleaning of the road as well as their contact information shall be submitted to the Township prior to any construction work being performed at the well sites.
29. No production or frac water shall be hauled in for use in any of the operations.
30. Applicant shall provide a schedule to the Township identifying anticipated dates for site preparation, anticipated drilling activity, anticipated completion, and anticipated stimulation or fracturing work to begin. The Township recognizes that said dates may be dependent upon variables such as weather, availability of equipment, leasing, permitting, production and the like. However, such scheduling shall be updated and provided to the Township on a periodic basis (no less than monthly) as requested by the Township.
31. Applicant, during drilling operations and completion operations, shall provide twenty-four (24) hour security, seven (7) days a week at the access road. All other times the Applicant shall secure the site, as necessary.
32. A formal dust control program shall be established and approved by the Township in the land development portion of the development process. The dust control program will consist of a dust monitoring program with an appropriate control point to properly identify if the dust controls are working. If dust monitoring levels raise more than 10% of the control point then dust control measures including but not limited to extending paving, installing a truck wash, dust control spraying, and the pressure washing of neighboring residents homes and guiderails at the well operator's expense.

33. There shall be no activities associated with the proposed use that will emit electrical disturbances adversely affecting the operation of radio or other equipment not located at the subject property.
34. All earth moving activities and stormwater management on the subject property shall be subject to the terms and conditions of a DEP, or other authorized agency, approved erosion and sedimentation control plan and all related applicable permits. A copy of said plan and permit are to be provided to the Township for review prior to such work is to begin and shall be on file at the construction site.
35. Applicant shall provide the Township with contact information which will allow representatives of the Applicant to be contacted twenty-four (24) hours a day, seven (7) days a week to address an emergency as well as other issues and complaints. Said contact information shall also be clearly posted at the entrance to the site.
36. If a reasonable complaint is registered with the Township, the Applicant will respond to said complaint within 24 hours of notification and take whatever reasonable means necessary to alleviate and cure said complaint, should it be found to be with merit.
37. No flaring shall occur unless it is necessary for safety. At time of flaring the Township shall be notified immediately. Notification shall be made to 911 emergency dispatch. A report shall be submitted to the Township stating the date, time, cause, follow up actions, any resulting conditions, and action plan to eliminate flaring in the future.
38. A graphic detail of the fencing shall be provided in the land development section of the development process and shown on the final set of land development plans.
39. Electric fleet fracturing shall be utilized when possible and appropriate sound walls shall be installed to completely enclose, with the exception of openings utilized for ingress and egress, the well pad when conventional fleet fracturing is used.
40. Applicant shall comply with all State and Federal regulations regarding the handling of any radioactive materials.
41. Applicant shall maintain a current list and Material Safety Data Sheet (MSDS) for all chemicals used in the drilling and fracturing operation at the property. The applicant shall also provide MSDS sheets to first responders.
42. Applicant agrees to hold the Township harmless from any and all liability arising out of actions or non-actions committed by the Applicant, its representatives, contractors or subcontractors in connection with the construction or operation of wells at the proposed site, excluding any such liability arising out of the negligence or intentional acts of the Township, its employees, officials, contractors or agents.

43. Applicant shall comply with all Township Ordinances related to construction activity, and activity for construction of the proposed well pad or access road. Hours of operation for construction shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Saturday only, excluding Holidays. However, 24-hour drilling and fracturing shall be permitted.
44. Applicant shall provide the Township with a list of contractors and subcontractors who will be accessing the well site. Applicant shall notify such contractors and subcontractors that they will be responsible for and shall remedy any damages they may cause to public or private properties within the Township. In the event the Township notifies the Applicant of a damage claim, Applicant will cooperate with the Township in identifying the potentially responsible contractor or subcontractor. In the event the responsible contractor fails to remedy said damages within 30 days of notification by the Township the well operator will assume all responsibility and remedy damages within 30 days of assuming responsibility.
45. Applicant acknowledges that if it fails to meet and maintain any condition of this approval, the Township may enforce the same in accordance with applicable provisions of the Pennsylvania Municipalities Planning Code.
46. Township roads shall not be used for any heavy truck traffic.
47. A general lighting plan shall be submitted to the Township for review and approval in the land development process. The lighting plan shall include typical fixtures, lumens produced, approximate placement location, etc.
48. In the event of a delay (1 day or more) in production or a prolonged stoppage the site shall be fully secured with either constant on-site supervision or fencing.
49. All wells drilled on the well pad shall be drilled in a group like fashion consisting of no less than 3 wells at a time. Wells drilled at the same time shall mean continuous and not necessarily simultaneous.
50. A Traffic Impact Fee payment shall be made to the Township at the time of the building permit application in the amount of 46 Trips calculated at the current traffic impact fee rate forth by Township fee schedule.
51. Conditional use approval and expiration shall be governed by § 210-119 (Permit Expiration) of the on the date of recommendation.
52. Once a conditional use has received approval, the applicant shall apply for a building permit and/or occupancy permit within 12 months from the date of approval, or the conditional use approval shall become null and void.
53. The Board of Supervisors may, upon written request being filed by the applicant at least 30 days prior to the expiration, grant an extension of time, not to exceed 12 months.

Upon granting any extension of time, the Board shall ensure that the conditional use permit complies with all current ordinances and codes.

54. The Applicant shall not be permitted to use methyloxirane at any time during the gas and oil and production process and instead shall use an alternative substance which is not classified as a carcinogen by the United States Environmental Protection Agency.

Dionysus Gas Well – Land Developments Recommendations

A motion was made by Mr. Stark and seconded by Mr. Banks to table the land development recommendations for the Dionysus Gas Well till the July meeting. The motion was unanimously approved. Mr. Bechtold abstained from voting.

Olympus will likely give a 1 month extension until August 31, 2021 to begin the Public hearings on the wells. A motion was made by Mr. Butala to adjourn the meeting and seconded by Mr. Stark.

The July meeting will be on July 22, 2021. It will be conducted both in person and via Zoom. The meeting link will be posted on the web site.