

FRANKLIN TOWNSHIP

Erie County, Pennsylvania

Gas Well Emergency Information Requirements

ORDINANCE NO. 4 of 2010

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF FRANKLIN TOWNSHIP, ERIE COUNTY, PENNSYLVANIA REQUIRING ALL INDIVIDUALS OWNING, OPERATING, OR MANAGING PRODUCTION WELLS, EITHER OIL OR GAS, IN FRANKLIN TOWNSHIP TO FILE, WITH THE TOWNSHIP OFFICE, EXPLICIT DIRECTIONS STATING WHERE THE GAS OR OIL WELL(S) HAVE SHUT OFF VALVES, PROVIDE THE CONTACT INFORMATION OF THE PERSON RESPONSIBLE IN THE EVENT OF AN EMERGENCY, AND FURNISH A MAP SHOWING THE LOCATION OF THE GAS OR OIL LINES EMANATING FROM SAID WELL(S), PROVIDING FOR LIABILITY INSURANCE COVERAGE, AND PROVIDING BONDING REQUIREMENTS FOR FAITHFUL PERFORMANCE OF PROVISIONS OF THE ORDINANCE BY THOSE OWNING, OPERATING, OR MANAGING GAS OR OIL WELLS IN FRANKLIN TOWNSHIP.

WHEREAS, recently gas wells have caused a hazardous condition when clouds of leaking gas have drifted into residential areas, which has occasioned the Franklin Township Volunteer Fire Department to be dispatched for the emergency;

WHEREAS, said Franklin Township Volunteer Fire Department has been unable to find the leak or the location of the subterranean shut off valves, and when contacted the Pennsylvania Department of Environmental Protection was unable to provide the name of the owner(s), contact information, name of the manager(s), etc.;

WHEREAS, the Department of Environment Protection was unable to provide maps showing the location of the underground pipelines or the location of any shut off valves for wells in Franklin Township; and

WHEREAS, this lack of information has created a dangerous situation in the township with regard to oil and gas wells, which directly impacts the health and safety of the Franklin Township residents, travelers, and others in the Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of Franklin Township, Erie County, Pennsylvania, that this Ordinance shall be known and may be cited as the "Gas Well Emergency Information Requirements Ordinance".

Section 1.

All individuals owning, operating, or managing production wells, either gas or oil, in Franklin Township are hereby required to file with the Franklin Township municipal office the name of the well, the name of the property owner, the name of the leaseholder, the name of the person(s) overseeing, operating or taking care of the well, the name and contact information of the person designated as an emergency responder. Said individual is to have on file at the Franklin Township municipal office, for dissemination to emergency service providers, a current landline telephone number, a current cellular telephone number, and an alternative telephone number for his substitute.

Section 2.

All individuals owning, operating, or managing production wells, either gas or oil, in Franklin Township are hereby required to file with the Franklin Township municipal office explicit directions for the precise physical location of the underground pipelines and shut off valves.

Section 3.

All individuals owning, operating, or managing production wells, either gas or oil, in Franklin Township are hereby required to file with the Franklin Township Office the name(s) and contact information of each person responsible for responding to an emergency concerning that gas well.

Section 4.

All individuals owning, operating, or managing production wells, either gas or oil, in Franklin Township are hereby required to file with the Franklin Township municipal office a paper map showing the direction and location of the underground pipelines emanating from said well(s). The map must show latitude and longitude coordinates at each change of direction and have a resolution of plus or minus one foot latitude and longitude. The GPS coordinates taken along the course run of the pipelines must be provided to the Township as a Shapefile for use in a GIS program. Additionally, the paper map must be provided to the Township in digital form as a Portable Document File document.

Section 5.

The Supervisors of Franklin Township shall, for the protection of township residents, require that a performance bond or acceptable cash surety be posted by those owning, operating or managing gas wells in Franklin Township. The surety or bond, in the sum of \$2,500, all or part of which shall be forfeited to Franklin Township, if any amount is necessary to correct any deficiencies in complying with the provisions of this ordinance or any other deficiencies of the well including, but not limited to, operation, maintenance, distribution, collection or transmission piping and equipment resulting from an incident that required the Township or its Fire Department to take action to protect the health, safety and welfare of the Township. If the surety is insufficient to reimburse the Township for costs incurred, the owner, operator, or manager of the well shall be subject to any remedy available at law for the collection of a sufficient amount to cover Township costs. Private residents, who own gas wells for their personal use and do not sell gas to suppliers or others via pipes running across their property boundaries, are exempt from the bond requirements.

Section 6.

Commercial gas and oil producers, transporters, and suppliers, operating within the boundaries of Franklin Township shall secure and keep current liability insurance in an amount of \$1,000,000 per incident to indemnify persons and property due to injuries or damage proximately related to production wells, either gas or oil, their piping and equipment, etc.

Section 7.

Franklin Township shall notify the owner, operator, or manager of any forfeiture, the amount of the forfeiture, and the reason of the forfeiture, as well as any other information that the Township Supervisors would feel to be relevant. Said notice shall be mailed by registered mail to the owner's, operator's, or manager's principal place of business or any office from which said owner, operator, or manager conducts business in the State of Pennsylvania. Said owner, operator, or manager thereafter shall have ten (10) days in which to appeal the action of the Township Supervisors. Upon receipt of any such appeal, the Township Supervisors shall conduct a hearing at which time the Township will present evidence documenting damages. The owner, operator, or manager will then have the opportunity to show cause, if any there may be, as to why the forfeiture should be set aside in full or in part.

Section 8.

All individuals owning, operating, or managing gas or oil wells in Franklin Township must inform the Franklin Township municipal office of all new or changed information required by this ordinance, which includes but is not limited to underground pipeline locations, contact information, telephone numbers, fax numbers, address, email addresses, etc., within fifteen (15) days.

Section 9.

If any sentence, clause, section of this ordinance is for any reason found to be unconstitutional, pre-empted by state law, illegal, or invalid, such unconstitutionality, pre-emption, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Township that this ordinance would have been adopted had such unconstitutional, pre-empted, illegal, or invalid sentence, clause, section or part thereof had not been included herein.

This Ordinance shall become effective five (5) days after the adoption hereof.

**APPROVAL PAGE
FRANKLIN TOWNSHIP ORDINANCE NO. 4 OF 2010**

FRANKLIN TOWNSHIP
BOARD OF SUPERVISORS

JOHN J. SACHAR
Chairman

GARY L. TRUITT
Vice-Chairman

DAVID G. HENDERSON
Supervisor

Attest:

DAVID G HENDERSON
Secretary

I hereby certify that the foregoing Ordinance was advertised in the Albion News on the _____ day(s) of _____, 2010, a newspaper of general circulation in the municipality and was duly enacted and approved as set forth at the regular meeting of the Franklin Township Board of Supervisors held on the _____ day of _____, 2010.

DAVID G HENDERSON
Secretary