

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2412 Session of
2012

INTRODUCED BY DERMODY, HANNA, GEORGE, WHITE, FREEMAN, STURLA,
DeLUCA, K. BOYLE, BRADFORD, BRENNAN, BRIGGS, BROWNLEE,
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KIRKLAND, KOTIK, KULA, MAHER, MARKOSEK, MATZIE, MIRABITO,
MULLERY, MUNDY, MURPHY, MURT, M. O'BRIEN, SANTARSIERO,
STABACK, VITALI, WATERS, YOUNGBLOOD, SCHMOTZER AND PASHINSKI,
MAY 31, 2012

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY, MAY
31, 2012

AN ACT

1 Amending Title 58 (Oil and Gas) of the Pennsylvania Consolidated
2 Statutes, in local ordinances relating to oil and gas
3 operations, further providing for uniformity of local
4 ordinances.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 3304 of Title 58 of the Pennsylvania
8 Consolidated Statutes, added February 14, 2012 (P.L.83, No.13),
9 is amended to read:

10 § 3304. Uniformity of local ordinances.

11 [(a) General rule.--In addition to the restrictions
12 contained in sections 3302 (relating to oil and gas operations
13 regulated pursuant to Chapter 32) and 3303 (relating to oil and
14 gas operations regulated by environmental acts), all local
15 ordinances regulating oil and gas operations shall allow for the

1 reasonable development of oil and gas resources.

2 (b) Reasonable development of oil and gas resources.--In
3 order to allow the for the reasonable development of oil and gas
4 resources, a local ordinance:

5 (1) Shall allow well and pipeline location assessment
6 operations, including seismic operations and related
7 activities conducted in accordance with all applicable
8 Federal and State laws and regulations relating to the
9 storage and use of explosives throughout every local
10 government.

11 (2) May not impose conditions, requirements or
12 limitations on the construction of oil and gas operations
13 that are more stringent than conditions, requirements or
14 limitations imposed on construction activities for other
15 industrial uses within the geographic boundaries of the local
16 government.

17 (3) May not impose conditions, requirements or
18 limitations on the heights of structures, screening and
19 fencing, lighting or noise relating to permanent oil and gas
20 operations that are more stringent than the conditions,
21 requirements or limitations imposed on other industrial uses
22 or other land development within the particular zoning
23 district where the oil and gas operations are situated within
24 the local government.

25 (4) Shall have a review period for permitted uses that
26 does not exceed 30 days for complete submissions or that does
27 not exceed 120 days for conditional uses.

28 (5) Shall authorize oil and gas operations, other than
29 activities at impoundment areas, compressor stations and
30 processing plants, as a permitted use in all zoning

1 districts.

2 (5.1) Notwithstanding section 3215 (relating to well
3 location restrictions), may prohibit, or permit only as a
4 conditional use, wells or well sites otherwise permitted
5 under paragraph (5) within a residential district if the
6 well site cannot be placed so that the wellhead is at least
7 500 feet from any existing building. In a residential
8 district, all of the following apply:

9 (i) A well site may not be located so that the outer
10 edge of the well pad is closer than 300 feet from an
11 existing building.

12 (ii) Except as set forth in paragraph (5) and this
13 paragraph, oil and gas operations, other than the
14 placement, use and repair of oil and gas pipelines, water
15 pipelines, access roads or security facilities, may not
16 take place within 300 feet of an existing building.

17 (6) Shall authorize impoundment areas used for oil and
18 gas operations as a permitted use in all zoning districts,
19 provided that the edge of any impoundment area shall not be
20 located closer than 300 feet from an existing building.

21 (7) Shall authorize natural gas compressor stations as a
22 permitted use in agricultural and industrial zoning districts
23 and as a conditional use in all other zoning districts, if
24 the natural gas compressor building meets the following
25 standards:

26 (i) is located 750 feet or more from the nearest
27 existing building or 200 feet from the nearest lot line,
28 whichever is greater, unless waived by the owner of the
29 building or adjoining lot; and

30 (ii) the noise level does not exceed a noise

1 standard of 60dbA at the nearest property line or the
2 applicable standard imposed by Federal law, whichever is
3 less.

4 (8) Shall authorize a natural gas processing plant as a
5 permitted use in an industrial zoning district and as
6 conditional uses in agricultural zoning districts if all of
7 the following apply:

8 (i) The natural gas processing plant building is
9 located at the greater of at least 750 feet from the
10 nearest existing building or at least 200 feet from the
11 nearest lot line unless waived by the owner of the
12 building or adjoining lot.

13 (ii) The noise level of the natural gas processing
14 plant building does not exceed a noise standard of 60dbA
15 at the nearest property line or the applicable standard
16 imposed by Federal law, whichever is less.

17 (9) Shall impose restrictions on vehicular access routes
18 for overweight vehicles only as authorized under 75 Pa.C.S.
19 (relating to vehicles) or the MPC.

20 (10) May not impose limits or conditions on subterranean
21 operations or hours of operation of compressor stations and
22 processing plants or hours of operation for the drilling of
23 oil and gas wells or the assembly and disassembly of drilling
24 rigs.

25 (11) May not increase setback distances set forth in
26 Chapter 32 (relating to development) or this chapter. A local
27 ordinance may impose setback distances that are not regulated
28 by or set forth in Chapter 32 or this chapter if the setbacks
29 are no more stringent than those for other industrial uses
30 within the geographic boundaries of the local government.]

1 Nothing in this chapter shall prohibit a municipality from
2 enacting a local ordinance that does not directly conflict with
3 the provisions in Chapter 32 (relating to development) or
4 environmental acts. Further, a municipality may enact a local
5 ordinance to increase the setback distance provisions found in
6 Chapter 32 to protect the health and safety of its residents.

7 Section 2. This act shall take effect immediately.