

*Board Approved: October 27, 2014*

Union Township Board of Supervisors  
Continued Regular Board Meeting of 09/22/14  
September 25, 2014

The Board held an Executive Session from 6:30 p.m. until 7:07 p.m.

The Board of Supervisors Meeting was called to order by Chairperson Larry Spahr at 7:08 p.m. The meeting was held at the Union Township Municipal Building, 3904 Finleyville-Elrama Road, Finleyville, PA. The pledge of allegiance was recited.

Board Members in Attendance by roll call were Stephen Parish, Larry Spahr, Brenda Cushey, and Paul Chasko. Charles Trax could not attend. Also in attendance, Dennis Makel–Solicitor, Judy Taylor–Treasurer, Debra Nigon–Secretary.

Mr. Makel, solicitor for the Township, said that an executive session was held for deliberations, as allowed by law, on the conditional use application of EQT. He also made note that Mr. Trax has had no involvement with the deliberations and/or discussions on the conditional use application. He said that the Township has reviewed the transcript and looked at the exhibits and discussed at length the environmental rights amendment. He informed those present that it was the Board's considered opinion that the granting of a conditional use for the water impoundment, on the condition of it being for freshwater only, would lessen the impact to the Township in regard to noise and pollution related to traffic as well as injuries and/or traffic accidents and would be safer for children travelling in school buses.

The solicitor reviewed the Findings of Fact and Conclusions of Law which he drafted with all present including the additional conditions or concerns which were mentioned in executive session which will need to be incorporated into the document. The Findings of Fact and Conclusions of Law reviewed facts from the hearing in regard to the testimony of EQT and testimony on behalf of residents, or their representatives, who attended. It was noted that, during the testimony, EQT said that they would not be placing any other kind of liquids besides fresh potable water in the impoundment. Mr. Makel said that this was a major consideration of the Board in their deliberations concerning approval of the conditional use. He said the Board balanced the environmental and safety impacts of a potable water pond (impoundment) not containing any back flow or frac water against the impact of the amount of truck traffic which would otherwise be needed.

He said that the creation of a fresh water impoundment by EQT was under certain limitations as follows: the freshwater impoundment could only be used for the site itself and could not be used for or contain fluids from another well site and other drilling projects. The site cannot be expanded for another use. Monitoring wells are to be placed on the property to determine whether there are environmental issues or problems or chemicals in the water. The Township engineer or representative of the Township will conduct a test of the water every two weeks on a regular basis.

The type of testing was discussed, and Mr. Makel said that this will be determined by the engineer. EQT requested prior notification before anyone enters onto the property to collect

samples or perform testing-related activities so that safety protocols can be followed. The solicitor said that the testing would be done every two weeks and that the Township would provide notification should it occur outside of the normal testing schedule. The solicitor said that the Township is requesting that EQT pay the cost for the testing. It was discussed that a third-party company could be hired to perform this bi-weekly testing.

The solicitor said that there will also be limitations on the Conditional Use regarding noise. No construction is to occur in the hours after 7:00 p.m. and prior to 7:00 a.m. in the morning. Also, no construction is to occur on holidays and Sundays. EQT was requested to generally minimize the impact of noise to the Township's residents.

Once the pond is reclaimed in the Spring, the solicitor stated that this Conditional Use terminates and cannot be continued.

EQT representatives said that the Findings of Fact contains language that there will be no other containment devices. However, EQT said that they have tanks to contain the frac water which will be on site and these tanks are technically containment devices which are necessary and have already been discussed. The solicitor will revise the language to include these tanks necessary in storing the back flow and frac water.

Mr. Parish said that a grading permit is necessary. EQT will apply for a grading permit as soon as possible.

The gentleman from EQT agreed that they intend to comply with all Ordinances of the Township including the Grading Ordinance and Noise Ordinance and all laws of the state of Pennsylvania.

### Public Comment

Mr. Baumgardner asked about the sound wall around the generator which he said was incomplete. Also, he inquired about what would happen if the noise were to end up making it unlivable near the site and what recourse would be available to residents if there is a violation. He said that the way he understood our Ordinance, that once there was a complaint, the Code Enforcement Officer was to contact EQT and another sound study was to be conducted. He said that he had made documented complaints in the past, after which, there was no additional sound study ordered. It was discussed that during the complaints drilling was not shown to be occurring; and on another instance EQT resolved a sound issue with a generator which was humming loudly. The sound was bouncing off a partial sound wall back towards the property of Mr. Baumgardner, and EQT confirmed that they had taken action and built another wall to reduce the noise.

Mr. Baumgardner wanted the exact time frame stated more definitely in the Findings of Fact regarding when the land would be reclaimed. It was agreed to add that the area would be reclaimed 90 days after the frac has ended, weather permitting.

Mr. Baumgardner also asked about the dust created. Mr. Manchin said that the crew has the most advanced containment system for dust available. Mr. Makel confirmed with EQT that they do comply with all the laws of the EPA and further added that natural gas drilling is not considered an industrial application. Mr. Manchin also added that they will be using dual fuel.

**Motion** to approve the Conditional Use application of the EQT production company for a freshwater storage and conveyance system for a natural gas protection facility known as the EQT/TRAX farm site pursuant to the Findings of Fact and Conclusions of Law as deliberated by the Board of Supervisors and discussed at tonight's meeting with the addition of the following items:

- (1) monitoring wells to be placed on site with cooperation between EQT and the township engineer;
- (2) testing to be done at the site every 2 weeks by the Township engineer or his designee with the cost to be borne by EQT;
- (3) special observation to the noise emanating from the site;
- (4) if fracing water is detected in the impoundment, production is to be stopped and the water is to be removed;
- (5) collective devices/systems to be permitted for the purpose of collecting frac water / back flow water only;
- (6) any testing to be done outside the two week period to be done with notification between UT and EQT;
- (7) once the drilling/fracing is done (11<sup>th</sup> well) then the pond is to be removed and remediated within ninety days, weather permitting;
- (8) this conditional use is only granted for the potable freshwater impoundment for this period of fracing only and any "ponds" envisioned in the future for other drilling shall use the conditional use application process of the township;
- (9) EQT shall make an application forthwith for a grading permit; and
- (10) EQT will coordinate its construction activities with the school district.

Motion by Brenda Cushey, Second by Paul Chasko

Roll call vote: Parish-yes, Spahr-yes, Cushey-yes, Trax-absent, Chasko-yes. Motion carried.

As reported by the Treasurer recently, the municipalities gas supplier has been bought out by another utility company, UGI Corporation. A contract from UGI was reviewed by the Board.

**Motion** to enter into a contract with UGI to be the gas energy supplier for a one-year period covering November 2014 through October 2015.

Motion by Brenda Cushey, Second by Steve Parish

Roll call vote: Parish-yes, Spahr-yes, Cushey-yes, Trax-absent, Chasko-yes. Motion carried.

Mr. Parish said a new law was passed that any commercial entity with public water must have a back flow preventer so that, if anything should happen to the main line, water from the building cannot flow back into the line. He spoke with Mr. Barner of Barner Plumbing Service who has already installed several of these back flow devices. He is willing to perform the work for the Township should they desire to hire him.

**Motion** to have Barner Plumbing Service install the required back flow device in the Township building and at Brownsville Park having him send in the certifications on behalf of the Township.

Motion by Steve Parish, Second by Brenda Cushey

Roll call vote: Parish-yes, Spahr-yes, Cushey-yes, Trax-absent, Chasko-yes. Motion carried.

Mr. Parish also mentioned the open manhole in the driveway of Mrs. Stich in the Overlook Street area where the digging had revealed the illegal tap area. He suggested having the hole in her driveway temporarily repaired so that it is no longer a liability issue. He said that he also spoke with Barner Plumbing Service on having it filled in as a temporary fix to weatherproof it for winter until such time as the Township decides how to proceed and how many homes will be tapped. The pump will be removed. Mr. Parish said that he could go tomorrow and make a list of items necessary for the repair and will have the road crew lift the plate and fix the leak, fill it with stone, and cover it with cold patch. Mr. Parish said that once the pump is removed, the Township will no longer have to pay the electric for the pump.

**Motion** to have Barner Plumbing Service repair the damaged line and perform the temporary repair and remediation in the driveway of Mrs. Stich.

Motion by Brenda Cushey, Second by Paul Chasko

Roll call vote: Parish-yes, Spahr-yes, Cushey-yes, Trax-absent, Chasko-yes. Motion carried.

Mr. Parish also mentioned that along McClelland Road inlets and pipes are needed near the Lawson property. He reported that Mr. Lawson was willing to do the installation if the Township covered the cost of materials.

**Motion** to authorize the Township engineer to look at McClelland Road along the Lawson property in regard to installation of new catch basins and cross drains and the remediation of a swampy section with stone with Mr. Lawson installing the aforesaid items at no cost to the Township with the Township providing the materials.

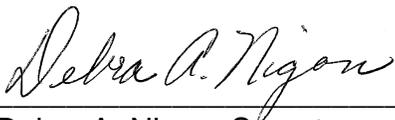
Motion by Brenda Cushey, Second by Steve Parish

Roll call vote: Parish-yes, Spahr-yes, Cushey-yes, Trax-absent, Chasko-yes. Motion carried.

**Motion** to Adjourn 7:55 p.m.

Motion by Steve Parish, Second by Brenda Cushey

Roll call vote: Parish-yes, Spahr-yes, Cushey-yes, Trax-absent, Chasko-yes. Motion carried.

  
Debra A. Nigon, Secretary