

Union Township Board of Supervisors
Public Hearing on Conditional Use Request
By Chesapeake Appalachia LLC, Well Pad "B"
March 19, 2012

The public hearing was called to order by Chairperson Linda Evans-Boren at 7:03 pm. The hearing 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, Linda Evans-Boren, Andrew Tullai, and Brenda Cushey. Also in attendance: Carl Dei Cas—Township Engineer, Harold Ivery—Building Code Official, Peter Grieb—Interim Code Enforcement Officer, Dennis Makel—Solicitor, Judith Taylor—Secretary—Treasurer, Debra Nigon—Secretary

A court reporter from Seiler Court Reporting was also present and a full transcript will be provided.

All those providing testimony were sworn in.

Motion to approve as an exhibit the application for conditional use by Chesapeake LLC, Well Pad "B"

Motion by Steve Parish, Second by Andrew Tullai

Roll Call Vote: Parish-yes, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

Motion to approve as an exhibit the advertisement in the Observer-Reporter of this Conditional Use Hearing as proof of publication to be substituted by the actual publication affidavit when it is received in the Township office.

Motion by Linda Evans-Boren, Second by Brenda Cushey

Roll Call Vote: Parish-yes, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

Motion to approve as an exhibit the Public Notice to Affected Property Owners dated March 5, 2012 sent to the impacted property owners by certified and regular mail and posting of the property by the Township Zoning Officer.

Motion by Linda Evans-Boren, Second by Brenda Cushey

Roll Call Vote: Parish-yes, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

Colin Monahan, Coordinator of Corporate Development of Chesapeake Energy, provided testimony for the natural gas well site on Trax Farms property, Well Pad "B" which is a separate well pad site from Well Pad "A" which was constructed previously. Mr. Monahan informed the Board that the Township office and the building code official at Union Township would be included in Chesapeake's operational update email distribution which lists all current operations. In addition, they have been working with local and county first responders who are also included in this operational update. In Spring 2011, various local and county emergency responders were trained in proper emergency response procedures. They also intend to offer refresher courses.

Mr. Parish noted that there is limited sight distance on Route 88 prior to the intersection with Beach Street which will be used by Chesapeake for access to the Well Pad site. He requested Chesapeake to contact PennDot to request the installation of a sign cautioning drivers that trucks will be entering and exiting Route 88 at that point.

Larson Hampton, Principle Environmental LLC, explained the sound study which was performed. Sound mitigation will consist of two walls, one on the southwest edge and one on the westerly edge of the well pad. Stacey Brodak, Director of Corporate Development at Chesapeake, assured the Board that Chesapeake would take live audio sound readings should there be noise complaints from residents and that Chesapeake would contract with Environmental LLC to bring the sound level down to within Union Township's ordinance requirements.

Motion to approve as an exhibit, collectively, the three letters from Chester Engineers reviewing: (1) the Conditional Use Application (2) Storm Water Management Plan, and (3) the Grading Plan.

Motion by Steve Parish, Second by Larry Spahr

Roll Call Vote: Parish-yes, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

The Building Code Official indicated that the appropriate fee was paid and that he recommends approval based on satisfactory explanation by Chesapeake to Items questioned by the engineer in Chester Engineer's Conditional Use letter dated March 19, 2012.

The Township engineer also indicated that he recommends approval based on satisfactory explanation and agreement by Chesapeake to Items noted in his review. For Item D, Chesapeake will notify Penn Dot of the use of the state road, especially in light of the fact that a sign is being requested by the Township. For Item M, Chesapeake agreed to water the road as needed should dust be an issue. For Items O and R, the sound mitigation walls will serve as "the fence" on those two sides and that a 6ft. chain link fence will be installed on the sides without sound walls. The Chesapeake engineer will add the 6 ft. chain link fence to the drawing and, should the sound walls come down at a time in the future, the entire area will be enclosed by a 6ft chain link fence. Item Q, earth tone paint will be selected for any permanent facilities. For Item DD, the Storm Water Management plan has been approved; however, as a good neighbor, the Board requested Chesapeake, while they are working at the site, to regrade the shoulder of McClelland Road to eliminate a condition of pooling water during very wet weather at that location.

Public Comment:

Richard Lawson, 561 McClelland Road Finleyville, inquired as to how much dirt was being moved to the site and had concerns about the compaction methods being used to ensure that any hill that was formed would not give way. The Township engineer explained that, aside from the grading permit, the compaction of the well site is regulated by the Department of Environment Protection (DEP) and not the Township. Stacey Brodak agreed that, should the Township desire our engineering company to view the site, she would make that possible as

long as a 24 hour notice is provided. Mr. Lawson also requested that Chesapeake consider local contractors for on-site construction related activities.

Robert Donnan, inquired as to why Chesapeake applied for a permit for a frac pond or an impoundment if they do not intend on using a frac pond. Ms. Brodak explained that there was an older permit prior to the one that was approved by the DEP which used the language "frac pond." However, she explained that the terminology is a misnomer in that it refers to a fresh water impoundment only. In the past they had referred to the fresh water impoundment as a frac pond because it was the water they intended on using to frac the shale, but that Chesapeake does not use impoundments for back water or waste water. In the case of Well Pad "B," a fresh water impoundment is not necessary as they have access to water lines at the site.

Donald Baka, 6286 Route 88, Finleyville, PA, requested to see a map of the area and was given a Chesapeake application for his review.

Mr. Makel will write Chesapeake an email summing up all the issues requiring additional information prior to final approval.

Motion to close public testimony.

Motion by Larry Spahr, Second by Brenda Cushey

Roll Call Vote: Parish-yes, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

Motion to adjourn at 8:25 p.m.

Motion by Steve Parish, Second by Larry Spahr

Roll Call Vote: Parish-yes, Spahr-yes, Evans-Boren-yes, Tullai-yes, Cushey-yes. Motion carried.

Debra A. Nigon, Secretary