

WEST NEWTON BOROUGH
ORDINANCE NO. 2025-10

AN ORDINANCE OF WEST NEWTON BOROUGH, WESTMORELAND COUNTY, PENNSYLVANIA AMENDING THE CODIFIED ORDINANCES OF THE BOROUGH OF WEST NEWTON TO REGULATE INJECTION WELLS WITHIN THE BOROUGH LIMITS

A. Purpose

The purpose of this Ordinance is to provide for the health, safety and welfare of the residents and their property in the Borough of West Newton, to ensure compliance with the laws and Ordinances of the Borough of West Newton; to provide the procedure for the issuance of zoning permits to enable injection wells; to protect the character of the community, facilitating beneficial and compatible land uses; and to further the Borough's interest in the orderly development and use of land in a manner consistent with local demographic and land use concerns.

8. Definitions

- i. As used in this Ordinance, the following terms shall be interpreted or defined as follows:

BEST MANAGEMENT PRACTICES (BMPs)- State of the art mitigation measures applied to the development and operation of oil and natural gas facilities to help ensure those activities are conducted in a safe and environmentally responsible manner that protects air and water quality landscapes, natural resources and public health.

INJECTION WELL - A well-used to place fluid underground into porous geologic formations. These underground formations may range from deep sandstone or limestone to a shallow soil layer. Injected fluids may include water, wastewater, brine (salt water), or water mixed with chemicals.

BOROUGH-The Borough of West Newton, Westmoreland County, Pennsylvania.

PROTECTED STRUCTURE - Any occupied structure with walls and a roof within which people live or customarily work. This term shall not include any structure on which construction commenced after the filing of a completed application for conditional use pursuant to this Ordinance; or any structure located on a property other than an oil and gas property, where the surface owner of the property has signed a waiver relieving the operator from implementation of the requirements of this Ordinance. In the waiver, the surface owner must

acknowledge that he has notified all residents on the property and that the operator is explicitly relieved from complying with the regulations applicable to the protected structure. The waiver must be notarized and approved by the Borough Solicitor.

WELL- A bored, drilled, or driven shaft whose depth is greater than the largest surface dimension; or a dug hole whose depth is greater than the largest surface dimension; or an improved sinkhole; or, a subsurface fluid distribution system.

WELL SITE - Shall consist of the area occupied by any of the facilities, structures and equipment associated with or incidental to the construction, drilling, fracturing, production, or operation of an oil or gas well. If multiple areas are used, then the total combined areas shall be considered the well site.

WELL OPERATOR OR OPERATOR - Any person, partnership, company, corporation and its subcontractors and agents who have an interest in real estate for the purpose of exploring or drilling for, producing, or transporting oil or gas. The person designated as the well operator or operator on the permit application or well registration. If the owner is a separate entity than the operator, then the owner shall also be listed. Where a permit or registration was not issued, the term shall mean any person who locates, drills, operates, alters, or plugs any well or reconditions any well with the purpose of production there from. In cases where a well is used in connection with the underground storage of gas, the term also means a storage operator.

WELL PAD - The area extending to the limits of disturbance of the grading plan for a drilling site where a well is to be drilled and occupied by any of the facilities, structures, and equipment associated with or incidental to the construction, drilling, fracturing, production, or operation of an oil or gas well. Notwithstanding the foregoing, the well pad site does not include the access road.

WELLHEAD - The precise point of entry into the ground where the drilling of a gas well takes place.

C. Conditional Use.

1. Injection Well shall be evaluated as a Conditional Use within the Light Industrial District, subject to the procedures and provisions of this Ordinance and the Zoning Ordinance of the Borough of West Newton.

D. Application Requirements.

To be evaluated as a conditional use, the applicant shall be required to submit the following documents and information to the Borough:

- I. A person or entity desiring approval of a conditional use application pursuant to

this subsection shall submit a written application. Before applying, the applicant is strongly encouraged to meet with the municipal staff to determine the requirements of and the procedural steps for the application. The intent of this process is for the applicant to obtain necessary information and guidance from the staff about the site, plan preparation and governing laws.

2. The application shall not be complete and properly filed unless and until all items required by this subsection, including the application fee, have been received. Such application shall include the following information and plans:
 1. Two paper copies and one electronic copy of the completed application form supplied by the Borough along with supporting documentation as identified in this section.
 2. Written permission from the property owner(s) who have legal or equitable title in and to the surface of the drill site or a demonstrable documentation of the applicant's authority to occupy the surface for the purpose of injection well.
 3. The GPS location and 911 address of the Well Site.
 4. Copies of all permits and applications submitted to the various local, county, state, and federal agencies. Permits and plans shall include but not be limited to the Pennsylvania Department of Environmental Protection well application and permit, Erosion and Sediment Control General Permit- 2, or current permit requirements, and all other required erosion and sediment, air, water and waste management permits or approvals.
 5. A site plan prepared by an engineer or surveyor licensed in Pennsylvania shall be provided to establish compliance with all applicable regulations. All improvements and equipment on the site shall be identified. All required yard setbacks, location and owners of Protected Structures shall be identified. All roads related to the development or facility must also be shown. Enough copies of the site plan shall be provided for review and comment by all Borough emergency service organizations.
 6. The minimum site area shall be 5 acres.
 7. The site shall have frontage on and direct vehicular access to an arterial or collector road as required by the West Newton Borough Zoning Ordinance.
 8. No permanent component of the injection well site shall be closer than 250 feet from the property line in which the well is located and 750 feet to a protected structure, unless waived.
 9. Traffic Study:
 - i. A description of plans for the transportation and delivery of equipment, machinery, water, chemicals, products, materials, and

other items to be utilized in the siting, drilling, stimulating, completion, alteration and operation of the development or facility. Such description shall include a map showing the planned vehicular access roads and the transportation infrastructure being proposed and the type, weight, number of trucks and delivery schedule necessary to support each phase of the development.

- ii. An inventory, analysis, and evaluation of existing road conditions on Borough roads along the proposed transportation route identified by the application, including photography, video and core boring as determined to be necessary by the Borough engineer(s).
10. Noise Study. An acoustics study shall be submitted with the application that has been prepared by an acoustics expert pursuant to a study scope approved by the Borough. The applicant will be required to provide continuous noise monitoring during the construction phase and operational phase of the development.
11. A Risk Assessment Report. A report prepared by a professional expert in that field, that identifies the potential hazards stemming from the injection well at the proposed site and determines the quantitative and qualitative risk associated with the identified hazards. The quantitative risk assessment shall include calculations of two components of risk (**R**), the magnitude of the potential loss (**L**), and the probability (**P**) that the loss will occur. The report shall include a public health risk assessment including potential impacts to the water supply. This assessment is the process of characterizing the nature and likelihood of harmful effects to individuals or populations within one linear mile of the well site. The report shall also include an assessment of potential seismic impacts created by the operations of the injection well.
12. An Environmental Impact Analysis. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide an environmental impact analysis. The environmental impact analysis shall describe, identify, and analyze all environmental aspects of the site and of neighboring properties that may be affected by the proposed operation, or the ultimate use proposed to be conducted on the site. The limits of the impact area to be studied shall be reviewed and approved by the Borough. The environmental impact study shall include, but not be limited to, all critical impact areas on or offsite that may be impacted by the proposed or ultimate use of the facility, including the impact on the critical areas, the protective measures and procedures to protect the critical areas from damage, and the

actions to be taken to minimize environmental damage to the critical areas on the site and surrounding areas during and after completion of the operation. Critical impact areas include, but are not limited to stream corridors; streams; wetlands; slopes in excess of 25%; sites where there is a history of adverse subsurface conditions or where available soils information or other geotechnical data, including data from the Bureau of Mines indicates the potential for landslides, subsidence or other subsurface hazards; Class I agricultural lands; highly acidic or erodible soils; carbonate or highly fractured bedrock; aquifer recharge and discharge areas; areas of unique or protected vegetation, wildlife habitat, and areas of historic, cultural and/or archaeological significance.

13. An Air Quality Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide an air quality study. The study shall be prepared by experts acceptable to the Borough and submitted with the application and shall include an analysis of the existing and predicted air quality levels, including smoke, odors, fumes, dust, and pollutants at the site. This report shall contain the sources of the information, the data and background tests that were conducted and the conclusions and recommendations of the professionals preparing the report that would be required to maintain the air quality at a level equal to or better than the existing background level prior to the proposed use; or the applicant/developer shall submit a statement prepared by an engineer warranting that the nature of the use will produce no impact on air quality.
14. A Geological Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide a geological study. The study shall be prepared by experts acceptable to the Borough and submitted with the application and shall include an analysis of the existing geological formations in and surrounding the proposed site. This report shall contain the sources of the information, the data and background tests that were conducted and the conclusions and recommendations of the professionals preparing the report regarding the potential geological impact of the proposed use.
15. A Hydrological Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide a hydrological study. The study shall be prepared by a hydrogeologist acceptable to the Borough. The study shall evaluate the existing surface and subsurface hydrogeology, based upon historical data and on-site investigation and studies. The study shall identify groundwater discharge and recharge areas that may be affected by the proposed use, map the groundwater table, and

analyze and delineate the effects of the proposed use on the hydrology, including surface and ground water quantity and quality. Acceptance of the study is subject to final approval by the Borough. If the study shows an alteration to the groundwater, the application shall be denied.

16. Pre-development and Post-development Soil Testing. Prior to beginning any injection well development activities, the operator shall be responsible for testing soil conditions within 300 feet of each injection well site. The purpose of testing is to determine the baseline soil conditions surrounding the proposed injection well site and address resultant changes that may occur or have an impact on the soils of the site and surrounding area. The Borough will identify the parameters.

- i. Pre-drilling testing results shall be submitted as part of the application.
- ii. Post-development testing shall be completed 6 months after operations have begun.
- iii. The results shall be submitted to the Borough and PA DEP within 10 days of their receipt.
- iv. The operator shall be responsible for all costs associated with testing and testing shall be done by an independent state-certified testing laboratory agreed upon by the Borough.

17. Water Quantity Test

The Operator shall hire a consultant (hydrogeologist) agreed upon by the Borough to conduct water quality testing. The consultant shall submit a pre-testing and a pre-drilling plan to be approved by the Borough. The consultant shall test for gallons per minute (gpm) flow rates, yield, groundwater levels, and other pertinent information for all viable aquifer zones via drawdown test or other suitable means. The consultant shall measure and record flow rates in gallons per minute (gpm) for all surface water sources. Groundwater levels and other pertinent information via drawdown test or other suitable means shall be measured from all available wells. Also, GPS coordinate information shall be recorded for all surface water and groundwater sites. The results shall be certified by the hydrologist.

18. Water Quality Test

Operators shall test for the following list of parameters for all surface water and groundwater. The list is not exhaustive, and the Borough reserves the right to add additional parameters;

INORGANIC Alkalinity Ph
Chloride
Sulfate
Conductivity
Hardness Oil/Grease/Bromide
Total Dissolved Solids Reside- Filterable Turbidity
Ethylene Glycol
Acetone

TRACE METAL

Barium
Calcium
Potassium
Sodium
Selenium
Boron
Iron
Stontium
Magnesium
Manganese
Aluminum
Lithium

ORGANIC

Ethane
Methane
Propane
Total
Petroleum
Hydrocarbons

MICROBIOLOGY

Total Colifonn/E. Coli

OTHER

Volatile Organic Compounds
Detergent (MBAs) Total Organic Carbon Nitrate
Radionuclides gross alpha, radium
Radon
Lead
Total Coliform

19. Scheduling. The applicant shall provide a schedule with the application indicating the anticipated beginning and ending dates for all proposed activities.

E. Area, Yard, Height, Setback and Location Requirements Applicable to Injection Well

All area, yard, height, and setback requirements of the Light Industrial District as well as setback requirements established by the Commonwealth of Pennsylvania or United States government shall apply, except for the following requirements below:

1. The wellhead of an injection well shall be located not less than 500 feet any protected structure.
2. All injection well operations and the well pad, including but not limited to derricks, vacuum pumps, compressors, storage tanks, vehicle parking, structures, machinery, ponds, pits, and ancillary equipment, shall be located not less than 250 feet from the nearest property line.
3. No injection well or associated surface structure shall be located within:
 - 500 feet of any school, childcare facility, or place of worship
 - 300 feet of any public park or playground

F. Performance Standards and Other Requirements

The applicant shall demonstrate compliance with the following performance standards that are associated with the development site and its impact upon the Borough and neighboring property owners:

1. Best Management Practices for all operations shall be followed.
2. The uses regulated by this Ordinance are determined to be land developments and subject to the applicable provisions of the West Newton Borough Subdivision and Land Development Ordinance (SALDO), as set forth in Chapter 175 of the Codified Ordinances, as amended from time to time.
3. Any hazardous or toxic material shall be securely contained, stored and removed in accordance with applicable state or Federal regulations. On-site disposal is prohibited. All hazardous materials stored must be clearly marked, identifying the contents, chemicals, and hazards as required by the OSHA Hazard Communication Standard 29 CFR 1910.1200 and National Fire Protection Association ("NFPA") Code 104 - Standard System for the identification of the Hazards of Materials for Emergency Response. All regulated tanks are to be labeled to a NFPA specification.
4. All operations shall be in accordance with applicable Federal laws and regulations, the Pennsylvania Oil and Gas Act (58 P.S. §§ 601. IOI et seq.), as amended, and pursuant to all other applicable rules, regulations, and

procedures adopted pursuant thereto.

5. The operator shall be responsible for prevention and prompt removal of spills involving waste materials, oil, and toxic or hazardous materials.
6. Changes in the site plan require a new conditional use approval pursuant to the terms and conditions of this Ordinance.
7. Traffic Controls
 - a. The proposed routes must be designed to minimize the impact on streets within the Borough. The Borough reserves the right to designate alternate routes in the event that the applicant's proposed routes are deemed inadequate, unsafe or overly disruptive to normal vehicular traffic by the Borough. Vehicles are to operate on state roads and may only use municipal roads when the use of state roads is not feasible.
 - b. Prior to the commencement of any activity at the development or facility, the operator shall enter into a municipal roadway maintenance and repair agreement with the Borough, in a form acceptable to the Borough, regarding maintenance, repair and bonding of municipal roads that are to be used by vehicles for development activities. The municipal roadway maintenance and repair agreement will identify the responsibilities of the applicant to prepare, maintain, and repair municipal roads before, during and immediately after drilling operations associated with the development or facility. The operator shall take all necessary corrective action and measures as directed by the Borough pursuant to the agreement to ensure the roadways are repaired and maintained during and at the conclusion of all development activities.
 - c. The operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and or/adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and allowed, during periods of anticipated heavy or frequent truck traffic associated with the development of the facility, the operator will provide flagmen to ensure the public safety and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.
 - d. There will be no staging of trucks or equipment on public roads.
 - e. The access driveway off the public road to the site shall be gated at the entrance to prevent illegal access. The site assigned address shall be clearly marked.
 - f. A traffic control plan in conformance with PennDOT standards shall be provided.
8. Hours of Operation. Except for emergency and governmental compliance

activity, hours of operation are limited to Monday through Saturday, 7:00 a.m. to 7:00 p.m. All deliveries and pickup incidental to the injection well development or facility must occur during defined hours of operation.

9. Notice. At least 30 days prior to any activity at the development or facility, the operator shall provide the following information to each property owner within 1000 feet of the planned surface location of the development or facility:
 - a. A copy of the site plan submitted as part of the conditional use application;
 - b. A general description of the planned operations at the development or facility and associated equipment to be used;
 - c. The contact information for the operator; and
 - d. The date to hold a meeting locally with such residents to present the operator's plans for the development or facility and to allow for questions and answers. The meeting shall be held prior to the commencement of development activity.
10. Inspection and monitoring. A duly authorized representative(s) of the Borough, trained by the operator or his agents, shall have the authority in relation to the enforcement of this Subsection EE to enter upon the property of a development or facility for the purpose of inspecting the site, equipment and all other aspects of the site necessary to assure compliance with this Subsection EE, and the Borough requires continuous air and water quality monitoring at and around the facility both during construction and ongoing operations. Monitoring shall include fence line perimeter monitoring to detect fugitive emissions and ensure public safety.
11. Notification. The operator of any development or facility shall notify the Emergency Management Coordinator, Municipal Zoning Officer, Municipal Engineer, and DEP no less than 90 days prior to the startup and abandonment or shutdown of any well site.
12. Visual.
 - a. The injection well facility shall be located, designed, and constructed to minimize the removal of trees and shrubs, protect all natural resources, and minimize the amount of surface disturbance.
 - b. The operator shall not clear brush or trees by way of burning and shall chip, grind, or remove all tree stumps from properties it clears for development purposes.
 - c. The location and design of structures and site improvements shall be integrated with the natural color, form, and texture of the surrounding

area.

13. Hazards

- a. Upon request of the Emergency Management Coordinator, the operator shall, prior to start of operations, make available with at least thirty (30) days' notice, at the applicant's sole cost and expense, an appropriate group training program or emergency responders and Borough code enforcement personnel. Such training shall be made available at least annually during any year when the injection well is in operation. Training should cover each phase of the development from site work to well completion. If additional wells are drilled at the site, the operator and Emergency Management Coordinator will determine if additional training is required.
- b. The applicant shall maintain at the property and on file with the Borough a current list and the Material Safety Data Sheets ("MSDS") for all chemicals used in the drilling operations (including but not limited to types of additives, acids, polymers, salts, surfactants, and solvents) and in any fracturing operations. If the PPC requires availability and/or utilization of special equipment or supplies particular to the hazards or conditions addressed in the PPC, the Borough shall require the operator to reimburse the Borough for the cost of procurement of such special equipment or supplies.

14. Fencing.

- a. Security fencing shall be at least six feet in height and shall be installed around the well pad area. The fencing shall be equipped with lockable gates at every access point and have openings no less than 12 feet wide. Gates shall be kept locked except when being used for access to the site. The fence posts shall be set in concrete at sufficient depths to maintain the stability of the fence.
- b. The Borough's first responders shall be given means to access the well site in case of an emergency via lock box or a Borough-approved equivalent. The applicant must provide the Westmoreland County 911 Communications Center with necessary information to access the development or facility in case of an emergency.
- c. Warning signs shall be placed on the fencing surrounding the development or facility, providing notice of the potential dangers and the contact information in case of an emergency.
- d. In construction of the injection well, the natural surroundings should be considered, and attempts made to minimize impacts to adjacent properties.

15. Lighting

- a. Lighting at an injection well and well pad shall, when practicable, be limited to

security lighting.

- b. All temporary outdoor lighting shall be shielded and/or reflected away from adjoining properties so that no direct beam of light, but only diffuse or reflected light, enters adjoining properties.
- c. No site lighting used for or associated with well site construction, drilling operations or post-drilling production shall be positioned in a manner such that it shines directly on public roads, protected structures, or any property within 3,000 feet of the well site. Site lighting must be directed downward and shielded to prevent glare on public roads and adjacent properties.

16. Access

- a. Beginning with its intersection with a public street, any ingress, egress or off-loading areas shall meet the requirements of Chapter 202, Article IV of the Codified Ordinances of the Borough of West Newton. No water, sediment, or debris shall be carried onto any public street. If any amount of mud, dirt or other debris is carried onto public or private ROW from the well site, the operator shall immediately clean the roads and implement a remedial plan as directed by the Borough to keep the streets continuously clean.
 - b. Ingress, egress point shall be located and improved to:
 - i. Meet Pennsylvania Code 67, Chapter 441, Access to and Occupancy of Highways by Driveway and Local Roads, PennDOT Design Manual 2.
 - ii. Ensure adequate capacity for existing and projected traffic volume.
 - iii. Provide efficient movement of traffic, including appropriate turning radii and transition grade.
 - iv. Minimize hazards to highway users and adjacent property and human activity.
 - c. All applicable permits or approvals must be obtained, including, without limitation:
 - i. Access or driveway permits to state or county roads.
 - ii. Overweight or oversize loads.
1. Parking. One off-street parking space for each employee, plus one off-street parking space for each facility vehicle should be provided.
 2. Storage of Equipment

- a. No equipment, including drilling, re-drilling, re-working, or other portable equipment, shall be stored on the development or facility which is not essential to the everyday operation of the development or facility. This includes the removal of idle equipment unnecessary for the operation of wells.
 - b. Lumber, pipes, tubing and casing shall not be left on the development or facility except when drilling or well-servicing operations are being conducted on the site.
 - c. It shall be illegal to park or store any vehicle or item of machinery on any street, ROW or in any driveway, alley or on the development or facility which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires, except that equipment which is necessary for the maintenance of the development or facility or for the gathering or transporting of hydrocarbon substances from the site.
3. Conditional use approval. Conditional use approval shall automatically terminate, unless extended, if drilling is not commenced within one year from the date of issuance of the written approval of the conditional use. The conditional use approval may be extended by Council, in its discretion, upon written request by the operator. The operator shall provide proof that the requested conditional use permit for such location has not changed.
 4. Developer's agreement. The applicant and any subcontractors associated with the development of the injection well operation shall be required to sign, upon receiving conditional use approval, a developer's agreement, prepared by the Borough. Such developer's agreement shall contain the conditions of approval as granted by Council and hold all parties responsible for compliance with those conditions.
 5. Severability Clause. That if any section, subsection, sentence, clause phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect validity of the remaining portions thereof.
 6. Repealer. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.
17. Environmental Monitoring
- a. The operator shall implement a Borough-approved environmental monitoring plan to assess air and water quality before, during, and after construction and operations.
 - b. Baseline water testing must be conducted within 1,000 feet of the well site, with quarterly water quality testing required during active operations and post-closure for at least 12 months.

c. Continuous fenceline air monitoring is required around the site perimeter for volatile organic compounds (VOCs), methane, hydrogen sulfide (H₂S), and particulate matter.

d. Monitoring results must be reported quarterly to the Borough and made publicly available.

e. Any exceedances must be reported immediately to the Borough and appropriate regulatory agencies.

G. Severability


If any provision of this Ordinance is declared unconstitutional or invalid, the remaining portions shall remain in full force and effect.

ORDAINED AND ENACTED at a regular meeting of the Council of the Borough of West Newton, County of Westmoreland, Commonwealth of Pennsylvania, this 16th day of Sept., 2025.

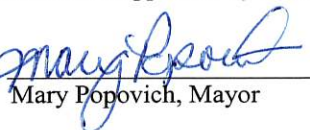
ATTEST



West Newton Borough Council



Examined and approved by me this 16th day of Sept., 2025.

By: 
Mary Popovich, Mayor