TOWNSHIP OF WEST DEER

RESOLUTION NO. 2031-32

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WEST DEER, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, DENYING THE CONDITIONAL USE APPLICATION FILED BY OLYMPUS ENERGY, LLC, TO CONSTRUCT A WELL PAD FOR OPERATION OF A DEEP WELL SITE AT THE PROPERTIES LOCATED AT CRESTWOOD DRIVE (BLOCK AND LOT 1508-K-302) AND MIDDLE ROAD EXTENSION (BLOCK AND LOT 1667-S-288)

WHEREAS, on or about October 30, 2019, the Applicant, Olympus Energy, LLC, ("Applicant") filed a Conditional Use Application and supporting documents seeking approval from the Township of West Deer ("Township") to construct a well pad for operation of a Deep Well Site on the parcels located at Crestwood Drive (Allegheny County Block and Lot No. 1508-K-302) and Middle Road Extension (Allegheny County Block and Lot No. 1508-K-302) (collectively, the "Property"); and

WHEREAS, the Property is located in the R-2 Semi-Suburban Residential Zoning District in the Township; and

WHEREAS, a Deep Well Site may be authorized as a conditional use in the R-2 Zoning District of the Township subject to the requirements of the Zoning Ordinance of West Deer Township, including Section 210-120(A)(21) ("Zoning Ordinance"), and the Code of the Township of West Deer ("Code"); and

WHEREAS, after a number of extensions were requested/granted by the Applicant, a duly advertised and timely conditional use hearing was commenced before the Township Board of Supervisors on August 11, 2021, and was subsequently continued to August 25, 2021, September 29, 2021, October 14, 2021, October 21, 2021, October 27, 2021, November 4, 2021, November 10, 2021, and November 16, 2021, before concluding on November 16, 2021, for a total of nine (9) nights of hearings and more than forty (40) hours of testimony and public comment.
NOW THEREFORE, BE IT RESOLVED, that after careful review of the testimony and evidence presented at the above-referenced public hearings, the West Deer Township Board of Supervisors hereby makes the following Findings of Fact, Conclusions of Law and Decision:

**FINDINGS OF FACT**

1. The foregoing recitals are incorporated herein by reference.

2. On October 30, 2019, Applicant submitted a conditional use application and supporting plans, studies and other documents (collectively hereafter, the “Application”) to the Township seeking approval to construct a well pad to be known as the Dionysus Well Pad for operation of a Deep Well Site pursuant to Section 210-120(A)(21) of the Code. Applicant’s Ex. A, Tab 1.

3. The Township Planning Commission reviewed the Application at multiple meetings before recommending that the Application be approved at its June 24, 2021 meeting, subject to fifty-two (52) conditions including compliance with laws and mitigation of traffic, dust, noise, lighting, and other environmental impacts. Township Ex. 3.

4. The Property is owned by John and Susan Ippolito. Applicant’s Ex. A, Tab 1.

5. The Property is located approximately 0.6 miles north of State Route 910. Tr. 8/11/21, at 78.


**A. Overview Of The Proposed Deep Well Site**

7. The Dionysus Well Pad is proposed be located toward the rear of the agricultural field on the Property. Tr. 8/11/21, at 85.

8. The entrance to the Dionysus Well Pad is proposed by Applicant to be accessed from Middle Road Extension. Tr. 8/11/21, at 85; Applicant’s Ex. A and C.
9. Vehicular access to the Property, starting at the intersection of Route 910 and Route 8 in Richland Township, is proposed to proceed on Route 910 into the Township for approximately one mile to the intersection of Middle Road Extension. At that point it will turn left onto Middle Road Extension and continue approximately 0.6 miles to the entrance of the access road on the Property. Route 910 is a state road and Middle Road Extension is an Allegheny County road. Tr. 8/11/21, at 85-86; Applicant’s Ex. C.

10. The Dionysus Well Pad is proposed be accessed via a 24-foot wide, 950-foot long access drive that runs off of Middle Road Extension, with the first 50 feet from the centerline of Middle Road Extension being paved. The balance of the access drive will be constructed of gravel. Tr. 8/11/21, at 87; Applicant’s Ex. C.

11. The Dionysus Well Pad is proposed to have dimensions of 350 feet by 500 feet and to be surfaced with gravel. Tr. 8/11/21, at 88; Applicant’s Ex. C.

12. Applicant applied to the Pennsylvania Department of Environmental Protection ("DEP") for an Erosion and Sedimentation Control General Permit – 3 ("ESCGP-3") for the Dionysus Well Pad. Applicant received approval of its ESCGP-3 application on October 19, 2019, and received approval of an amended ESCGP-3 application on June 24, 2021. The ESCGP-3 application addresses temporary erosion and sedimentation controls during construction, as well as permanent stormwater controls. There are three stormwater management ponds proposed on the Deep Well Site. Tr. 8/11/21, at 88-89.

**B. Township Zoning Ordinance Requirements for a Deep Well Site**


14. The Zoning Ordinance comprehensively regulates oil and gas development, including unconventional gas wells, within the Township, setting forth 13 single-spaced pages of specific requirements and restrictions. Zoning Ordinance, Section 210-120A(21).
15. More specifically, Section 210-120A(21) of the Zoning Ordinance provides by way of introduction:

A deep well site which would be placed more than 650 feet from any preexisting building located off the property where the deep well site is sited may be permitted as a conditional use in the R, R-1, R-2, R-3 and I Zoning Districts, provided such property upon which the oil and gas well site would be placed is 1/2 acre or more in size. Otherwise, such siting and/or use shall be prohibited in the residential and commercial zones not otherwise permitted above.

16. A “Deep Well Site” is defined by Section 210-6 of the Zoning Ordinance as:

The areas occupied by the facilities, structures, materials and equipment, whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, fracturing, production or operation of a deep well. This definition also includes any exploratory wells. If multiple areas are used, then the total combined areas shall be considered the deep well site area.

17. A “Building” is defined by the Zoning Ordinance as: “A structure that is enclosed, and portions of which are protected from the weather and are usually climate controlled (heated and/or air-conditioned), and that is usable for habitation or as a working environment.”

18. The Zoning Ordinance at Section 210-117 also sets forth general “health and safety” criteria applicable to all conditional uses, including this Application and oil and gas development more generally.

19. Section 210-117 of the Zoning Ordinance provides, in pertinent part:

A conditional use shall be granted approval, predicated upon the submission of a written application demonstrating that the development:

(1) Will not endanger the public health, safety, morals and general welfare if located where proposed, and that the use will not deteriorate the environment and will meet all performance standards of § 210-110.
(2) Meets all other requirements of this Chapter in the zoning district where the use is proposed.
(3) Is in general conformity with the Township’s Comprehensive Plan.
(4) Is an appropriate use on the proposed site.

C. The Public Hearings On The Application

20. Nine (9) duly advertised public hearings on the Application were held before the Board of Supervisors beginning on August 11, 2021, with subsequent continuances to August
21. At the commencement of the public hearing on August 11, 2021, and on several occasions thereafter, a number of Township residents sought party-objector status. Applicant did not object to the standing of those individuals who testified that they resided within one-half mile of the Dionysus Well Pad, but did object to those who testified that they resided at greater distances. The Board granted party status to those individuals residing within one and one-quarter miles (1.25 mi) of the proposed Dionysus Well Pad because the Board determined that those individuals were aggrieved parties and met the requirements to establish standing. Tr. 8/11/21, at 73. A list of those individuals granted party status ("Individual Objectors") is attached as Appendix "A."

22. At the public hearing on August 11, 2021, Tim Resciniti and Joey Resciniti¹ testified that they represented an unincorporated association known as Concerned Residents of West Deer ("CROWD") and that certain of its members resided within one-half mile of the Dionysus Well Pad and sought party status. The Board granted party status to CROWD. Tr. 8/11/21, at 76.

23. At the public hearing on August 11, 2021, Tim Resciniti submitted correspondence from CROWD’s legal counsel requesting that Board members Beverly Jordan and Shirley Hollibaugh recuse themselves from participating or voting on the Dionysus Well Pad application. After due consideration, both Board members declined to recuse themselves, stating that (1) there was no “conflict of interest” which would preclude their participation pursuant to the Public Official and Employee Ethics Act; (2) they had not prejudged the application and (3) that they are able to listen to the evidence and decide the issues in an unbiased manner. Tr. 8/11/21, at 70-72.

24. At the September 29, 2021 public hearing, CROWD renewed its request that Supervisor Jordan recuse herself. At the public hearing on October 14, 2021, Ms. Jordan declined

¹ The Board did not grant party status to the Rescinitis individually, as they testified that they resided approximately two miles from the Dionysus Well Pad.
to do so, and again stated that she was able to listen to the evidence and make a determination on the application in a fair and unbiased manner. Tr. 10/14/21, at 495-496.

25. At the public hearing on September 29, 2021, one of the Individual Objectors who is also a member of CROWD, Ryan Koleno, requested that the Board issue a subpoena compelling Applicant to produce documents related to the detailed construction plans, timelines, and operational impacts of a pig receiver and pigging pad, gathering lines and pipeline interconnect. Tr. 9/29/21, at 437-438. The Board asked and Dr. Koleno subsequently memorialized that request in correspondence dated October 14, 2021. In correspondence dated October 19, 2021, Applicant objected to that request on the basis that the requested documents did not relate to the Dionysus Well Pad application pending before the Board, but instead to a separate “interconnect” on other property, the final design and precise location of which had not been determined, and for which Applicant would submit a separate conditional use application when those plans were finalized. The Board denied the requested subpoena on October 21, 2021. Tr. 10/21/21, at 698-699.

26. The following witness testified on August 11, 2021:

   i. For Applicant, Joseph Blickenderfer, P.E., Civil Engineer, direct and cross-examination.

27. The following witness testified on August 25, 2021:

   i. For Applicant, Joseph Blickenderfer, P.E., continued cross-examination and redirect.

28. The following witnesses testified on September 29, 2021:

   i. For Applicant, Manny Johnson, P.E., Vice President of Operations, Olympus Energy, LLC, direct and cross-examination.

29. The following witnesses testified on October 14, 2021:

   i. For Applicant, Joseph Guley, P.E., Traffic Engineer, direct, cross-examination, redirect and recross-examination; and
ii. For Applicant, Tage Rosendahl, Acoustical Consultant, direct, cross-examination and redirect.

30. The following witness testified on October 21, 2021:
   i. Manny Johnson, P.E., continued cross-examination.

31. The following witnesses testified on October 27, 2021:
   i. Manny Johnson, P.E., continued cross-examination.
   ii. For CROWD, Norann Shuey, direct, cross-examination and redirect;
   iii. For CROWD, Gillian Graber, direct, cross-examination and redirect; and
   iv. For CROWD, Frederick Bickerton, Jr., direct, cross-examination and redirect.

32. On November 4, 2021, Tim Resciniti testified on behalf of CROWD. The following Individual Objectors also testified and/or provided argument in opposition to the Application:
   i. Tom Tisa;
   ii. Les Bennett;
   iii. Victoria Austin;
   iv. Mary Yates;
   v. Neil Crowley;
   vi. Kathy Burke;
   vii. Kathryn Westman;
   viii. John Daskivich;
   ix. Christine Sobehart; and
   x. Sharon Genser.

33. The following Individual Objectors testified and/or provided legal argument on November 10, 2021, in opposition to the Application:
   i. Mary Kay Kalivoda;
ii. Ryan Kolen;
iii. Norann Shuey;
iv. Allen Bullen;
v. Kathleen Donegan;
vi. Jack Rearick;
vii. James Shuey;
viii. Julie Cousley;
ix. Rachelle Baburich;
x. Emily Woodring;
xi. Marcia Brissett;
xii. Roth Stump; and
xiii. Renee Buczkowski.

34. On November 10, 2021, Kimberly Price, a representative of Olympus Energy, also briefly testified in response to questions raised by Individual Objector and CROWD Member Ryan Kolen.

35. The following witness testified on November 16, 2021:
   i. For Applicant, Ross Walker, III, direct and cross-examination.

36. On November 16, 2021, members of the public made comments and the hearing was then closed.

37. During the course of the hearings, the Township, Applicant, CROWD, Individual Objectors, and members of the public introduced, or attempted to introduce, into the record various exhibits. A list of these exhibits is attached as Appendix “B”.

**D. Applicant’s Witnesses and Evidence In Support Of The Application**

*Witness—Joseph Blickenderfer, P.E. (Site Plans, Lighting, Visibility, and Setbacks)*

38. Applicant’s first witness was Mr. Blickenderfer, the technical lead for oil and gas operations for Michael Baker International and the project manager and design professional of
record for civil engineering and environmental permitting for the Dionysus Well Pad. Tr. 8/14/21, at 84.

39. Mr. Blickenderfer provided general testimony as to the site, the location of the well pad, and proposed access routes to the site. Tr. 8/14/21, at 85.

40. The entrance to the well pad will be accessed from Middle Road Extension. Tr. 8/14/21, at 85; Applicant Ex. A and Ex. C.

41. Vehicular access to the Property, starting at the intersection of Route 910 and Route 8 in Richland Township, will proceed on Route 910 into the Township for approximately one mile to the intersection of Middle Road Extension. At that point it will turn left onto Middle Road Extension and continue approximately 0.6 miles to the entrance to the access road on the Property. Tr. 8/14/21, at 85-86; Applicant Ex. C.

42. Mr. Blickenderfer testified that lighting on-site during drilling and hydraulic fracturing will be downcast and inward-facing to minimize glare on public roadways. Tr. 8/14/21, at 92-93.

43. Mr. Blickenderfer testified that during permanent production, minimal on-site lighting will be provided after drilling and completions are finished. There will be no lighting along the access road. Tr. 8/14/21, at 93.

44. Mr. Blickenderfer testified that for access and safety reasons, trees cannot be planted immediately around wellheads and that trees cannot grow in the gravel pad area. Tr. 8/14/21, at 94-95; Applicant Ex. C.

45. Mr. Blickenderfer testified that Michael Baker completed a viewshed analysis to evaluate the visibility of the well site by the traveling public and nearby residents. The analysis took photographs and looked at sight line information that included the existing vegetation and topography. Tr. 8/14/21, at 95; Applicant Ex. C and E.
46. Mr. Blickenderfer testified that the area immediately around the access drive and well pad is heavily wooded and the topography does not lend itself to sightlines that would allow visibility of well site operations. Tr. 8/14/21, at 96; Applicant’s Ex. C and E.

47. Mr. Blickenderfer testified that to provide screening related to the visibility of the well site from the access drive, Applicant proposes planting two new rows of trees along each side of the access drive in order to screen the view from Middle Road Extension. Tr. 8/14/21, at 97-98; Applicant’s Ex. C and E.

48. Mr. Blickenderfer concluded that the proposed planting arrangement will appropriately screen not just the wellheads, but also the other permanent facilities on the Dionysus Well Pad. Tr. 8/14/21, at 97; Applicant’s Ex. C and E.

49. The Board finds Mr. Blickenderfer’s testimony with respect to lighting and screening to be credible, but lacking in comprehensiveness, because he did not confirm visibility and screening of the proposed Deep Well Site in the winter, when the trees are bare, or from higher elevations in the Township. Tr. 8/25/21, at 241-242.

50. Mr. Blickenderfer also admitted that he has never visited one of Applicant’s deep well sites at night or when the lights are on (Tr. 8/25/21, at 178-181), which calls into question the accuracy and credibility of his statements that the proposed lighting and screening would make the site less visible to the traveling public and Township residents.

51. Further, Mr. Blickenderfer acknowledged that Section 210-120A(21) of the Zoning Ordinance requires a Deep Well Site to be at least 650 feet from any existing building. Tr. 8/14/21, at 100-101.

52. Mr. Blickenderfer admitted that a warehouse with a small office on the Speedd property to the east of the well site and a warehouse building on the Safety Products, LLC property to the west of the well site encroach within the 650-foot setback radius at the southwest and southeast corners of the Dionysus Well Pad. Tr. 8/14/21, at 100-101.
Witness—Manny Johnson, P.E. (Operations)

53. Applicant's second witness was Manny Johnson, P.E., the Vice President of Operations for Applicant who oversees all construction, drilling, hydraulic fracturing, production, and pipeline operations. Tr. 9/29/2021, at 344-345.

54. Upon approval, pad construction is projected to begin in May of 2022, with drilling commencing in approximately September of 2022 and completions (hydraulic fracturing) activity expected to begin in December of 2022. Flow-back and permanent production is anticipated to begin in February of 2023. The schedule is subject to change. Tr. 9/29/21, at 345-346.

55. Applicant is proposing to drill 11 Marcellus wells on the Property. Five wells are proposed in the first phase of drilling. Tr. 9/29/21, at 346.

56. Mr. Johnson discussed the various stages of well pad development. The first stage is the grading and construction of the well pad and the access drive. Tr. 9/29/21, at 346.

57. During this first stage, after the proper permits have been received, erosion and sedimentation controls are installed, followed by any necessary tree clearing, excavation, and compaction to create a level pad. Pad construction can take between 60 and 90 days to complete. Tr. 9/29/21, at 347.

58. Well pad and access road construction activities take place during daylight hours only. Tr. 9/29/21, at 347.

59. The Dionysus Well Pad is a balanced fill site with regard to earthwork, meaning that soil will not be hauled on or off of the Property. Tr. 9/29/21, at 347.

60. During the first stage of pad and access drive construction, typical vehicle traffic includes daily passenger vehicles, along with bulldozers, excavators, rollers, stone trucks that would be on-site during construction and the placement of stone on the pad and access drive. Tr. 9/29/21, at 347-348.

61. The second stage of development is the vertical drilling stage, which takes place 24/7, with each well on average taking seven to 10 days to drill. The first phase of development
of the Dionysus Well Pad consists of five wells, which will take a total of approximately 35 to 50 days to vertically drill. Tr. 9/29/21, at 348-349.

62. Applicant typically vertically drills all proposed wells and then comes back and horizontally drills the wells, and upon completion of horizontal drilling, brings in its completion crews. Tr. 9/29/21, at 349.

63. The third stage of development is the horizontal drilling stage, which is very similar to vertical drilling with regard to the length of time, types of vehicles, and typical crew size on-site. Tr. 9/29/21, at 350-351.

64. Mr. Johnson discussed the types of vehicles and typical crew size on-site during the vertical and horizontal drilling stages. Typical vehicles on-site include the drilling rig, pick-up trucks, cement trucks, and trucks delivering the well casing pieces. A typical crew size ranges from 10 to 12 during vertical drilling and 10 to 15 during the horizontal drilling stage. Tr. 9/29/21, at 349-351.

65. Mr. Johnson discussed Applicant’s updated proposed drilling layout for the pad, which shows the southwest and southeast corners of the pad being fenced off and not being used by Applicant during the vertical or horizontal drilling phases. Tr. 9/29/21 at 351-353; Applicant’s Ex. C, Page 9.

66. Applicant will employ flaggers during the vertical and horizontal drilling and the completions/hydraulic fracturing stages to assist in the movement of larger pieces of drilling equipment. It will also utilize escort vehicles for larger loads being brought on site during all these phases. Tr. 9/29/21, at 350-351, 357.

67. Mr. Johnson provided an overview of the types of equipment and materials that would be seen on the well pad site during the vertical and horizontal drilling stages. Typical equipment includes the “walking rig,” which is a rig that can move forward, backward, or sideways in order to move to the various drill locations on the well pad and to comply with the permits issued
by DEP. Other types of equipment include air packs, fluid pumps, generator sets, fuel tanks, and the site’s mud system. Tr. 9/29/21, at 351-352; Applicant’s Ex. C.

68. There will be no open pits or mud pits on the well pad site. The drilling mud system is closed-loop and utilizes tanks to hold the drilling mud. Permanent production also utilizes a closed-loop system with enclosed tanks. Tr. 9/29/21, at 352, 392.

69. Applicant will utilize a secondary containment system on the well pad site. The secondary containment system consists of a hard plastic liner that is placed underneath all of the equipment to capture any spills that may occur. This system is in place during the drilling stages, the completions/hydraulic fracturing stage, and the permanent production stage. The secondary containment system is checked daily during the drilling, hydraulic fracturing, and completion stages to ensure its integrity. Tr. 9/29/21, at 354, 360, 392.

70. The completions phase of development involves the hydraulic fracturing of the wells. Testing of well casings is performed and the required notifications are submitted to DEP. Tr. 9/29/21, at 354-355.

71. Mr. Johnson discussed Applicant’s updated proposed completions layout for the pad, which shows the southwest and southeast corners of the pad being fenced off and not being used by Applicant during the hydraulic fracturing phase. Tr. 9/29/21 at 354-355, 359; Applicant’s Ex. C, Page 10.

72. The completion/hydraulic fracturing stage is expected to take anywhere from 30 to 45 days on the Dionysus Well Pad for all five wells. The follow-up drill-out activity that occurs after the hydraulic fracturing is expected to take an additional 30 to 36 days. Tr. 9/29/21, at 355-356.

73. If water is required to be trucked to the site, the maximum anticipated peak-hour water truck trips in and out of the well site would be 23 trucks per hour, which equates to 46 total trips or approximately 500 water trucks per day. Tr. 9/29/21, at 356-357.
74. Freshwater and recycled water will be stored in above-ground storage tanks. There will be no open impoundments or earthen areas used for the storage of any fluids. Tr. 9/29/21, at 358; Applicant’s Ex. C.

75. Approximately 95 percent of the water on site will be freshwater, with approximately five percent being recycled water brought in from other well sites. Tr. 9/29/21, at 358.

76. Mr. Johnson provided an overview of the process for water usage during the completions/hydraulic fracturing stage. Tr. 9/29/21, at 359.

77. Applicant’s preference is to pipe freshwater to its well sites, as opposed to trucking it. Applicant has obtained letters of intent from the Oakmont Water Authority to provide approximately 1,000 gallons per minute and from the Hampton-Shaler Water Authority to provide approximately 700-750 gallons per minute for its hydraulic fracturing operations. The execution of formal agreements with each authority is the next step in order to complete the process. Tr. 9/29/21, at 361-362; Applicant Ex. H and H.1.

78. Water truck traffic could be reduced by 60 percent or more by purchasing water from the Oakmont Water Authority and the Hampton-Shaler Water Authority. Tr. 9/29/21, at 363-364.

79. To the extent water would need to be trucked in, there would be no staging area located in the Township. Mr. Johnson testified that if Applicant need to establish a staging area in the Township, it would obtain any required approvals from the Township. Tr. 9/29/21, at 364.

80. There will be no stacking or queuing of trucks entering the site off of Middle Road Extension. Tr. 9/29/21, at 364.

81. Mr. Johnson provided an overview of the final stages of the well development process, the flow-back and production stages. On average, flow-back activity takes between 21 and 45 days. During this time, flow-back water is taken off-site, using approximately 10 to 15
trucks per day. Truck traffic volume decreases as the flow-back water volume decreases after the 21 to 45 day period. Tr. 9/29/21, at 366.

82. During the production stage, truck traffic is reduced to an individual pick-up truck coming on-site daily to check on the wells, and a water truck every few days. Tr. 9/29/21, at 367.

83. Mr. Johnson provided an overview of the permanent facilities that will be located on the Dionysus Well Pad, which are designed to remove water and sand from the gas wells. No other processing occurs on the well site, and the permanent production equipment will not service any other wells other than the Dionysus Well Pad wells. The gas at the Dionysus Well Pad is "dry" gas, meaning there are no liquid hydrocarbons, and as a result there will be no removal of ethane, propane, butane or similar constituents. Tr. 9/29/21, at 368-371; Applicant’s Ex. C, Page 11.

84. Mr. Johnson displayed a photograph of Applicant’s Midas Well Pad in Plum Borough as being similar to the layout for the Dionysus Well Pad during permanent production. He pointed out the location of the wellheads, flow lines, sand separators, pipe rack, manifolds, production units and dehydration units and permanent production tanks. The tallest equipment pieces are the production tanks, 20 feet in height, and the dehydration units, ranging from 20 to 30 feet in height. Tr. 9/29/21, at 371-372; Applicant’s Ex. C, Page 12.

85. Mr. Johnson provided an overview of a pig launcher, including information on its size, purpose, and location. According to Mr. Johnson, emissions are not generated, and there is not much noise generated when a pig launcher is utilized. For the Dionysus Well Pad, the pig launcher is expected to only be utilized once or twice a year during production, with each use typically taking less than one hour. Tr. 9/29/21, at 369-372.

86. No on-pad compression is proposed at this time. Should that change, Mr. Johnson testified that Applicant would apply to the Township for any necessary approvals. Tr. 9/29/21, at 372-373.
87. Gas generated from the Dionysus Well Pad would flow and connect into the Eastern Gas Transmission & Storage ("EGTS") transmission line via an interconnect. The specifics of the interconnect with EGTS have not been finalized at this time, and Applicant would be required to come back to the Township to receive the appropriate approvals for any interconnect site. However, Mr. Johnson did provide a brief overview of a typical interconnect, detailing the types of equipment found on such a site. Tr. 9/29/21, at 373-375.

88. Applicant obtained an extension on the highway occupancy permit it received from the County for its site access onto Middle Road Extension. Tr. 375-376; Applicant's Ex. D and I.

89. Applicant prepared a water hauling plan to address the impact its activity may have on the Township should it need to truck water to the site. In a worst-case scenario, a six-truck convoy would be utilized to transport water to the site, and escort and pilot vehicles would be utilized. Tr. 9/29/21, at 376-379; Applicant's Ex.J.

90. Applicant reviews its water hauling best practices with all its water haulers and provides a water haul route plan to them. The water hauling plan includes the proactive measures used by Applicant to keep roadways clean of dust and debris, as required by the DEP. Tr. 9/29/21, at 376-380; Applicant's Ex. J.

91. Applicant will work with the school district to establish "blackout" periods during school bus hours in the morning and afternoon to minimize interaction between its vehicles and district buses. Tr. 9/29/21, at 380.

92. Mr. Johnson provided an overview of the various layers and depths of well casings utilized by Applicant in accordance with American Petroleum Institute standards. Tr. 9/29/21, at 381-385; Applicant's Ex. L.

93. Applicant prepares a casing plan that details how it will construct the wells it drills. Each time Applicant cements a section of casing, it submits spud and cement notifications to DEP. Casing integrity tests are also submitted to DEP. Tr. 9/29/21, at 385.
94. The existence of unmined coal or mined out coal areas with water pools is a common occurrence for Applicant when it drills wells in southwestern Pennsylvania. DEP is aware of the existence of these conditions when issuing well permits. Tr. 9/29/21, at 388.

95. Applicant is aware of the water quality of the mine pool that exists below the surface of the Dionysus Well Pad, and how it has been treated. This mine pool covers a large part of the Township and other municipalities. Tr. 9/29/21, at 388-389.

96. The Berry Mine Pool is located underneath the Dionysus Well Pad. This water was pumped and treated at an off-site location on Oak Road, with pumping discontinued in October 2016. Data was collected and analyzed by DEP between 2016 through 2018 at the Brick Hydrant, and this information was provided to Applicant’s consultant by DEP’s Mining Specialist, Martin Picklo. Tr. 9/29/21, at 389.

97. This data showed the water pH levels to be consistently neutral to slightly alkaline, indicating the non-acidic nature of the water. Tr. 9/29/21, at 389-390, Applicant’s Ex. K.

98. In Mr. Johnson’s experience with Applicant and previous employers, acidic or alkaline mine water has not had any adverse impact on any wellbores or wells. Tr. 9/29/21, at 390-391.

99. With respect to safety and security protocols, Applicant will install a six-foot-high chain-link fence around the perimeter of the well pad with gates to enable worker and equipment access. During drilling and completions, security gate guards will man the site 24 hours a day, seven days a week. Equipment is in place to constantly monitor well pressure, flow, and temperature and to automatically shut down the well should the need arise. There also are shutdown safety buttons on the site that can be manually triggered. Applicant also has a remote monitoring system that alerts via text message or e-mail that something on-site may need attention. Tr. 9/29/21, at 392-394.

100. Flaring of gas wells is mandated by DEP for safety reasons and only occurs during Applicant’s drilling process if drilling through a shallow gas zone. Typical flaring can range from
a few minutes to a few hours depending on the situation. There is no permanent flaring of the
gas wells. Tr. 9/29/21, at 394-395.

101. Pennsylvania Act 9 of 2012 requires that signage be posted containing an
emergency contact phone number for the operator. To comply with this, Applicant provides a
hotline number that is available 24 hours a day, seven days a week. Applicant provides annual
first-responder training and has already met with the Township’s first responders to discuss its
operations and safety measures. Applicant will partner with the Township’s first responders on
emergency and response drills. Tr. 9/29/21, at 396-397.

102. While DEP’s Chapter 78a regulations require a summary of risk hazards within ½
mile of a well site, they do not require the establishment of a mandatory evacuation zone.
Applicant has an emergency response plan, which it provides to first responders, with information
on what is located within a ½ mile and one-mile radius of the well site. Tr. 9/29/21, at 397-398.
The emergency response plan does not call for mandatory evacuations. In his experience, Mr.
Johnson has not had a well control event resulting in a mandatory evacuation. Tr. 9/29/21, at 398.

Witness – Joe Guley, P.E. (Traffic)

103. Applicant’s third witness was Mr. Guley, a traffic engineer and project manager
with Stahl Sheaffer Engineering. In this capacity he oversees highway design projects, permitting,
traffic impact studies, and traffic impact assessments. Tr. 10/14/21, at 499-500.

104. Stahl Sheaffer was retained by Applicant to undertake a traffic impact study (“TIS”)
in connection with its development of the Dionysus Well Pad. A TIS is used to assess the existing
roadway infrastructure and operations and any impact of a proposed project on the study network
in order to identify on and off-site improvements that may be necessary due to a proposed
development. A TIS was prepared and submitted to the Township. Tr. 10/14/21, at 501-502;
Applicant’s Ex. B.1.H.
105. The TIS identifies the study area, collects traffic counts and crash data, and conducts field views to calculate the traffic generation based on the proposed development which is then distributed through the study area to complete a traffic analysis at intersections within the study area. Tr. 10/14/21, at 501-502.

106. Applicant’s haul route will utilize Route 910 from Route 8 to the west to Middle Road Extension. Route 910 is a state road and is not weight-restricted. Middle Road Extension is a County road and is not weight-restricted. Tr. 10/14/21, at 503-504; Applicant’s Ex. M.

107. There are no residential properties on the haul route along Route 910 from the municipal boundary line to the turn onto Middle Road Extension. Tr. 10/14/21, at 504; Applicant’s Ex. M.

108. There are no residential properties on the haul route from the intersection of Route 910 to the Dionysus Well Pad access drive off Middle Road Extension. Tr. 10/14/21, at 504-505; Applicant’s Ex. M.

109. There will be no truck staging points in the Township along the haul route. Tr. 10/14/21, at 505.

110. The TIS evaluated three intersections with respect to the Dionysus Well Pad: Route 910 and Middle Road, Route 910 and Middle Road Extension, and Route 910 and Oak Road. Tr. 10/14/21, at 505-506; Applicant’s Ex. M.

111. The TIS evaluated levels of service, traffic signal needs, and left turn lane needs at the three intersections based on (a) 2021 existing conditions (Applicant’s Ex. M, Appendices E1, M1 and L1), (b) 2022 conditions without the Dionysus Well Pad development (Applicant’s Ex. M, Appendices G1/H1), and (c) 2022 conditions with the Dionysus Well Pad development (Applicant’s Ex. M, Appendix I1).

112. The TIS concluded that certain of these intersections currently (i.e., pre-Dionysus Well Pad development) operate at acceptable levels of service, while others did not, and that certain of these intersections currently warrant additional turning lanes or traffic signals based on
Pennsylvania Department of Transportation ("PennDOT") standards, while others did not. Applicant's Ex. M, Appendix A1.

113. Mr. Guley's TIS concluded that even during the highest traffic stage, hydraulic fracturing, and even assuming that Applicant had to truck all of its freshwater, there would be no significant traffic impact caused by the development of the Dionysus Well Pad. Tr. 10/14/21, at 522; Applicant's Ex. B.1.H; Applicant's Ex. M.

114. The TIS assumed a worst-case scenario that one hundred percent (100%) of the water would need to be trucked to the Dionysus Well Pad during hydraulic fracturing. This volume of traffic would add a little over one percent to the total volume of traffic presently on Route 910. The projected peak hour traffic was 46 peak hour trips, 44 of which were assumed to be water or sand trucks and two to be passenger vehicle trips. The 46 trips equate to 23 vehicles in and 23 vehicles out of the site. Tr. 10/14/21, at 511-512, 519-520.

115. If water could be piped to the Dionysus Well Pad, the TIS determined that the projected peak hour truck traffic volume would be reduced to 26 vehicle trips, which equates to 13 vehicles in and 13 vehicles out of the site. Tr. 10/14/21, at 512-513, 520.

116. The projected truck traffic level during permanent production would be two trips per hour, or one vehicle in and one vehicle out. Tr. 10/14/21, at 513-514, 520.

117. Middle Road Extension and the Dionysus Well Pad access drive, site driveway, and the overall intersection meet PennDOT level of service criteria. Tr. 10/14/21, at 516.

118. The TIS recommended that the Dionysus Well Pad access drive be a minimum-use driveway providing one lane in and one lane out, with a stop sign installed at its intersection with Middle Road Extension. Tr. 10/14/21, at 516.

119. Applicant received a renewed highway occupancy permit from the County for the use of Middle Road Extension. Applicant continues its discussions with the County regarding any necessary improvements to Middle Road Extension, which may include curve widening.
Improvement plans, once finalized with the County, will be provided to the Township. Tr. 10/14/21, at 516-517; Applicant’s Ex. l.

120. In light of the winding nature of Middle Road Extension, Stahl Sheaffer utilized a program called Auto Turn to determine if water trucks could pass in one direction while passenger vehicles were passing in the other direction. This analysis showed that a water truck and passenger vehicle could pass each other along Middle Road Extension between Route 910 the Dionysus Well Pad access drive. Tr. 10/14/21, at 518.

121. Flagger stations to control vehicle traffic would be set up at the intersection of Middle Road Extension and Route 910. An additional flagger would be stationed on the east side of Middle Road Extension at the entrance to a business to ensure that there would be no cut-through traffic from Oak Road or Route 910 westbound, and a flagger would also be stationed on Middle Road Extension in the vicinity of the access drive. Tr. 10/14/21, at 517.

122. Flaggers will be used to control vehicle traffic during the hydraulic fracturing stage of development for truck convoys. No more than six trucks would be permitted at any one time during a convoy. Flaggers will also be used to control sand truck traffic and any necessary rig movements. Tr. 10/14/21, at 518.

123. The Township enacted a joint impact fee ordinance with Indiana Township in 2010. Applicant’s operations will be subject to a $336 per peak hour trip fee. In connection with that ordinance, the Township also adopted a capital improvements plan that also identified existing deficiencies at the Route 910 and Middle Road, Middle Road Extension, and Oak Road intersections, a conclusion consistent with Mr. Guley's conclusions in the TIS. Tr. 10/14/21, at 519-521; Applicant’s Ex. L.

124. Mr. Guley concluded that the Dionysus Well Pad traffic will have minimal impact at the Route 910 and Middle Road, Middle Road Extension, and Oak Road intersections. Mr. Guley concluded that during the most significant traffic period at the completions stage, traffic will
continue to operate at its current levels of service, and during production and permanent operations there will be roughly no impact on traffic conditions. Tr. 10/14/21, at 522.

125. The Board finds Mr. Guley to be a credible witness, but finds Applicant’s traffic study to be incomplete and that Mr. Guley’s own testimony suggested that Applicant is not in compliance with the Zoning Ordinance.

126. The Zoning Ordinance provides that at the time of submission of a conditional use application, the Applicant shall establish that the proposed “location shall be configured to allow the normal flow of traffic on public streets shall be undisturbed.” Section 210-120(A)(21)(e)[1][e].

127. The intersections of Haven Hill Road, McIntyre Road, Turner Road, Lori Road, all equally impacted by the proposed conditional use, were not included in the TIS. Tr. 10/14/21, at 528-529.

128. The TIS examined only peak traffic hours on weekdays from 7:00 – 8:00 AM and 4:15 to 5:10 PM. Tr. 10/14/21, at 528-529, 536, 585-586.

129. During Hydraulic Fracturing operations, convoys of 6 water trucks will run 24 hours a day, 7 days per week. The 24 hour daily trips for the completion stage with 100% of the water hauled would be 1,144 trips. Tr. 10/14/21, at 529.

130. The TIS included a limited examination of Middle Road Extension which concluded that one car passing one water truck could safely pass on Middle Road Extension. However, Mr. Guley testified that water trucks would be in convoys of six trucks at a time and the ability to safely pass was not studied. Tr. 10/14/21, at 524-525.

131. Mr. Guley testified that “Flagging Operations” would be used on Middle Road Extension and, based upon the number of convoys of water trucks, the normal flow of traffic on Middle Road Extension would be disturbed and impeded 50% of the time (or more) for 30-45 days each time hydraulic fracturing operations are performed. Tr. 10/14/21, at 528.
132. The Board finds that this amount of proposed truck trips, the proposal for convoys of trucks, and the necessity for flaggers qualifies as a disturbance of the normal flow of traffic, in violation of the Zoning Ordinance.

133. The Zoning Ordinance provides that "[t]he well operator shall inventory the condition of the roads and provide video and photo documentation to the Township." Section 210-120(A)(21)(f)(1).

134. According to Mr. Guley's testimony, the Applicant has not provided the Township with video and photo documentation of the condition of the roads in the proposed haul route:

Q. So is it your testimony that to the best of your knowledge, Olympus has never provided you and, if it's within your knowledge, the Township with videos or photo documentation of the conditions of the roads used in the haul route?

A. I do not know if Olympus has provided those to the Township, no.

Tr. 10/14/21, at 565-566.

Witness—Tage Rosendahl

135. Mr. Rosendahl is the regional manager for Acoustical Control, and in this capacity, he manages the installation of noise mitigation measures, monitoring activities, and impact assessment activities for clients in the Appalachian region, Canada, and most of the East Coast. Acoustical Control provides acoustical services primarily to the oil and gas industry, in addition to the construction and utility industries. Tr. 10/14/21, at 600-602.

136. Acoustical Control was retained by Applicant to undertake a sound impact analysis ("SIA") in connection with its development of the Dionysus Well Pad. A SIA was initially provided early in the application process, and an updated SIA was prepared in April of 2021. Tr. 10/14/21, at 603-604; Applicant’s Ex. B.1.F; Applicant’s Ex. N.

137. A SIA is a computer-generated impact model, which takes acoustical data and overlays it over topographical maps to illustrate the propagation of sound across the map. The
established sound levels are taken and modeled to indicate what the sound impact would be using Bruel and Kjaer's predictor software. Tr. 10/14/21, at 602.

138. Predictor software can incorporate numerous inputs from point source noise, linear noise, and a variety of other noise generators and incorporate it with topographical data such as elevation, structures, vegetation, and wind. Tr. 10/14/21, at 602-603.

139. The Zoning Ordinance sets a default ambient sound level at 65 decibels A-weighted ("dBA"). During drilling operations, the ambient sound level cannot be exceeded by five dBA, providing an effective limit of 70 dBA. During completions or hydraulic fracturing, the ambient sound level cannot be exceeded by 10 dBA, providing an effective limit of 75 dBA. Tr. 10/14/21, at 604; Applicant's Ex. N.

140. Numerous sound receptor locations were selected in a radius around the Dionysus Well Pad to complete the sound modeling analysis. The modeling analysis took into account the various stages of well development. At the request of the Township, an analysis of water transfer operations was added, although that activity may not be necessary if Applicant can pipe water to the site. Tr. 10/14/21, at 605-606; Applicant's Ex. N.

141. The vertical drilling impact model, horizontal drilling impact model, completions impact model, and completions with water transfer model all indicated that the sound levels at all 19 receptor locations were within the acceptable decibel limits during these various stages. Tr. 10/14/21, at 605-610; Applicant's Ex. N.

142. The vertical drilling impact model indicated that the highest decibel level was at Receiver 1, located on the surface owner's property, with a projected sound level of 48.0 dBA. The highest dBA level not on the surface owner's property was located at Receiver 7, with a projected sound level of 45.1 dBA, well under the maximum 70 dBA permitted by the Zoning Ordinance. Tr. 10/14/21, at 607, 611; Applicant Ex. N.

143. The horizontal drilling impact model indicated that the highest decibel level was at Receiver 1, located on the surface owner's property, with a projected sound level of 45.4 dBA.
The highest dBA level not on the surface owner's property was located at Receiver 7, with a projected sound level of 42.3 dBA, well under the maximum 70 dBA permitted by the Zoning Ordinance. Tr. 10/14/21, at 608, 611; Applicant Ex. N.

144. The completions impact model indicated that the highest decibel level was at Receiver 1, located on the surface owner's property, with a projected sound level of 54.9 dBA. The highest dBA level not on the surface owner's property was located at Receiver 7, with a projected sound level of 51.3 dBA, well under the maximum 75 dBA permitted by the Zoning Ordinance. Tr. 10/14/21, at 609, 611; Applicant Ex. N.

145. The completions with water transfer model requested by the Township indicated that the highest decibel level was at Receiver 1, located on the surface owner's property, with a projected sound level of 55.2 dBA. The highest dBA level not on the surface owner's property was located at Receiver 7, with a projected sound level of 51.7 dBA, well under the maximum 75 dBA permitted by the Zoning Ordinance. Tr. 10/14/21, at 609-611; Applicant Ex. N.

146. The SIA reflected that all of the projected decibel levels at the various receivers on the surface owner's property and non-surface owners' properties generally range in dBA from the upper 40s to low to mid-50s. The SIA did not assume the use of any sound walls based on the fact that predicted sound levels were not expected to be near the maximum levels established by the Zoning Ordinance. Tr. 10/14/21, at 611-612; Applicant Ex. N.

147. By way of comparison, casual conversation is approximately 60 dBA, and insect noises are generally in the 50 to 60 dBA range. Noise levels near the engines of trucks are approximately 80 dBA, with the decibel level dropping quickly as a truck moves away from an individual. Tr. 10/14/21, at 612, 674; Applicant Ex. N.

148. The Board finds Mr. Rosendahl's testimony to be credible.
E. CROWD’s and Individual Objectors’ Testimony And Evidence In Opposition Of The Proposed Deep Well Site

Witness—Norann Shuey

149. CROWD offered the testimony of Norann Shuey, a West Deer Township resident and member of CROWD. Ms. Shuey is retired from the North Pittsburgh Telephone Company (now Consolidated Communications), where she was employed as its carrier access billing manager. Tr. 10/27/21, at 911-912; CROWD Ex. 1.

150. Ms. Shuey testified regarding the Consolidated Communications equipment hut located on Oak Road. Tr. 10/27/21, at 919-931.

151. Ms. Shuey testified that the building was used and usable as a working environment. Tr. 10/27/21, at 934.

152. Ms. Shuey testified that the building is climate-controlled. Tr. 10/27/21, at 934-935.

153. Ms. Shuey confirmed that the primary purpose of the hut is to house telecommunications equipment. She indicated that one to two Consolidated Communications employees regularly visit the hut to maintain the equipment inside. Tr. 10/27/21, at 935-936.

154. Although Ms. Shuey admitted that she has never herself been inside the Consolidated Communications hut at issue, she stated credibly that she had been in a similar communications hut during her time working for the phone company (Tr. 10/27/21, at 935-936), and the Board finds her testimony to be credible as to activities undertaken within the hut. Tr. 10/27/21, at 934. Further, it is clear from the company van photos and testimony provided at the public hearings that there is regular work performed at the hut by Consolidate Communications employees and/or contractors.

155. Based on Ms. Shuey’s testimony and the Zoning Ordinance’s definition of "building," the Board finds that the Consolidated Communications building qualifies as a “building” for purposes of Section 210-120(a)(21)’s requirement that a Deep Well Site “be placed more than 650 feet from any preexisting building located off the property where the deep well site is sited.”
156. The Board finds that Consolidated Communications hut is a "building" under the Township Zoning Ordinance because it is "climate controlled" and "usable as a working environment." Zoning Ordinance at Section 210-6.

Witness—Gillian Graber

157. CROWD offered the testimony of Gillian Graber. Ms. Graber was a founding member of Protect PT in 2014 and has been employed by Protect PT as its executive director since 2016. Ms. Graber graduated from Duquesne University in 2003 with a Bachelor of Science degree. Tr. 10/27/21, at 938.

158. Ms. Graber testified that Protect PT collects data on noise complaints filed by residents related to unconventional gas well development. Protect PT has evaluated noise complaints in Penn Township allegedly related to Applicant’s Gaia and Poseidon wells. These complaints were received via the Protect PT website and its mobile application. Tr. 10/27/21, at 951-953.

159. Ms. Graber testified that sound studies undertaken by Protect PT in Elizabeth Township included information on sound levels generated at night that she attributed to the operations of Applicant during the construction phase of its well pad in the Township. Tr. 10/27/21, at 995-996.

160. Ms. Graber was trained by a professor of audiology on citizen sound monitoring techniques. Tr. 10/27/21, at 939.

161. The Board finds that although she is not an expert in sound engineering or acoustics like Mr. Rosendahl, Ms. Graber’s testimony is relevant with respect to perceived sound levels at comparable Deep Well Sites operated by Applicant in Western Pennsylvania.

162. The logs of alleged anonymous noise complaints from comparable Deep Well Sites presented by Ms. Graber suggest to the Board that the Applicant’s proposed Dionysus Well Pad might result in similar noise complaints from Township residents. Tr. 10/27/21, at 959.
Witness—Frederick Bickerton, Jr.

163. CROWD offered the testimony of Frederick Bickerton, Jr. Mr. Bickerton resides in Elizabeth Township and is a member of Protect Elizabeth Township ("PET"). 10/27/21, at 1009.

164. Mr. Bickerton testified that he lives approximately two and a half miles from Applicant’s Apollo B and Plutus well sites in Elizabeth Township and is very involved in monitoring oil and gas development in the Township. Tr. 10/27/21, at 1009-1011.

165. Mr. Bickerton claimed that he saw what he believed to be an Applicant contractor’s truck allegedly dumping water over a hillside into a stream, although he later admitted that he did not see anything flowing out from the bottom of the hose. Tr. 10/27/21, at 1017.

166. Mr. Bickerton testified he saw grading, open burning, and tree cutting activities, which included a tree falling on a power line, that he attributed to Applicant or its contractors. Tr. 10/27/21, at 1038.

167. The Board finds that Mr. Bickerton’s testimony is credible toward establishing potential health and safety impacts associated with the Applicant’s other Deep Well Sites in Western Pennsylvania and could be indicative of future impacts at the Dionysus Well Pad.

Witness—Tim Resciniti

168. On behalf of CROWD, Mr. Resciniti reiterated the testimony of others, and argued that Applicant did not meet its burden of demonstrating compliance with the Zoning Ordinance. Tr. 11/4/21, at 1084-1097; CROWD Ex. 33.

Witness—Tom Tisa

169. Mr. Tisa is a party objector who resides at 628 Whispering Pines Drive, Gibsonia, PA, 15044. Mr. Tisa attempted to introduce testimony and evidence regarding environmental and health and safety issues that are regulated by the DEP and not specifically related to the Dionysus
Well Pad application, which the Board determined not to be within the Board’s decisional purview regarding this Application. Tr. 11/4/21, at 1107-1114; Tisa Ex. 3.

170. Mr. Tisa also purported to summarize Applicant’s DEP violation and response history from 2016 to 2021, and testified as to his personal concerns related to information provided in Applicant’s PPC Plan. Tr. 11/4/21, at 1116-1133; Tisa Ex. 3.

_Witness—Les Bennett_

171. Mr. Bennett is a party objector who resides at 303 Luke Court, Gibsonia, PA, 15044. Mr. Bennett attempted to introduce testimony and evidence on environmental issues that are regulated by the DEP and the Allegheny County Health Department and not specifically related to the Dionysus Well Pad application, which the Board determined not to be within the Board’s decisional purview regarding this Application. Tr. 11/4/21, at 1116-1133, 1140, 1142; Bennett Ex. 2.

172. Mr. Bennett reiterated the testimony of others with regard to noise concerns. Tr. 11/4/21, at 1147-1150; Bennett Ex. 2.

_Witness—Victoria Austin_

173. Ms. Austin is a party objector who resides at 19 Hemlock Street, Bairdford, PA. Ms. Austin reiterated the testimony of others and attempted to introduce evidence on the impacts of oil and gas drilling and hydraulic fracturing in general, which the Board determined not to be within the Board’s decisional purview regarding this Application. Tr. 11/4/21, at 1155-1171.

_Witness—Mary Yates_

174. Ms. Yates is a party objector who resides at 4413 Skyview Terrace, Gibsonia, PA, 15044. Ms. Yates testified regarding her general opinions on the location of the Dionysus Well Pad, but did not present any new additional evidence. Tr. 11/4/21, at 1177-1179.
Witness—Neil Crowley

175. Mr. Crowley is a party objector who resides at 4032 Crestwood Drive, Gibsonia, PA, 15044. Mr. Crowley purported to summarize Applicant’s DEP violation and response history. Mr. Crowley presented charts that he created summarizing data from the DEP website regarding violations and penalties attributed to Applicant. Tr. 11/4/21, at 1183-1206, 1216-1221; Crowley Ex. 4, 5, 6, and 7.

176. The Board recognizes the relevance of Crowley’s analysis in a limited capacity to only establish that Applicant has an ongoing history of DEP violations. The Board acknowledges that the ultimate result or impact of many of these DEP violations cannot be determined from the evidence submitted by Crowley.

Witness—Kathy Burke

177. Ms. Burke is a party objector who resides at 4306 Paradise Drive, Gibsonia, PA, 15044. Ms. Burke testified regarding her general opinions and concerns related to the Dionysus Well Pad, but did not present any new additional evidence. Tr. 11/4/21, at 1230-1234.

Witness—Kathryn Westman

178. Ms. Westman is a party objector who resides at 104 Steeplechase Drive, Gibsonia, PA, 15044. Ms. Westman is a member of the Alliance of Nurses for Environmental Health. Ms. Westman attempted to introduce evidence regarding the impact of oil and gas development in general as it pertains to environmental and health issues that are regulated by the DEP, which the Board determined not to be within the Board’s decisional purview regarding this Application. Tr. 11/4/21, at 1237-1243.
Witness—John Daskivich

179. Mr. Daskivich is a party objector who resides at 311 Ridgeview Court, Allison Park, PA, 15101. Mr. Daskivich testified regarding his general opinions and concerns related to the Dionysus Well Pad, but did not present any new additional evidence. Tr. 11/4/21, at 1244-1249.

Witness—Christine Sobehart

180. Ms. Sobehart is a party objector who resides at 306 Ridgeview Court, Allison Park, PA, 15101. Ms. Sobehart testified regarding her general opinions and concerns related to the Dionysus Well Pad, but did not present any new additional evidence. Tr. 11/4/21, at 1249-1253.

Witness—Sharon Genser

181. Ms. Genser is a party objector who resides at 219 Hytyre Farms Drive, Gibsonia, PA, 15044. Ms. Genser testified regarding her general opinions and concerns related to the Dionysus Well Pad, but did not present any new additional evidence. Tr. 11/4/21, at 1255-1258.

Witness—Mary Kay Kalivoda

182. Ms. Kalivoda is a party objector who resides at 702 Crystal Springs Court, Gibsonia, PA, 15044. Ms. Kalivoda reiterated testimony presented by others and argued that Applicant did not meet its burden of demonstrating compliance with the setback requirements of the Zoning Ordinance. Tr. 11/10/21, at 1274-1339.

Witness—Dr. Ryan Kolenio

183. Dr. Kolenio is a party objector who resides at 3998 Crestwood Drive, Gibsonia, PA, 15044. Dr. Kolenio testified regarding his general opinions and concerns related to the Dionysus Well Pad, but did not present any new additional evidence. Tr. 11/10/21, at 1353-1364.
Witness—Norann Shuey

184. Ms. Shuey is a party objector who resides at 147 Bryson Road, Gibsonia, PA, 15044. Ms. Shuey testified regarding state impact fees related to unconventional well drilling and attempted to testify and introduce evidence related to general environmental issues that are regulated by the DEP, which the Board determined not to be within the Board’s decisional purview regarding this Application. Ms. Shuey also testified regarding her general opinions and concerns related to the Dionysus Well Pad. Tr. 11/10/21, at 1366-1387.

Witness—Allen Bullen

185. Mr. Bullen is a party objector who resides at 237 Hytyre Farms Drive, Gibsonia, PA, 15044. Mr. Bullen reiterated testimony of others with regard to traffic and also testified regarding his general opinions and concerns related to the Dionysus Well Pad. Tr. 11/10/21, at 1389-1390.

Witness—Kathleen Donegan

186. Ms. Donegan is a party objector who resides at 125 Lex Lane, Allison Park, PA, 15101. Ms. Donegan reiterated testimony of others with regard to traffic and also testified regarding her general opinions and concerns related to the Dionysus Well Pad. Tr. 11/10/21, at 1392-1402.

Witness—Jack Rearick

187. Mr. Rearick is a party objector who resides at 37 Corbriwood Lane, Gibsonia, PA, 15044. Mr. Rearick reiterated testimony of others with regard to traffic and also testified regarding his general opinions and concerns related to the Dionysus Well Pad. Tr. 11/10/21, at 1405-1429.
Witness—James Shuey

188. Mr. Shuey is a party objector who resides at 147 Bryson Road, Gibsonia, PA, 15044. Mr. Shuey reiterated testimony or others with regard to water and DEP violations and also testified regarding his general opinions and concerns related to the Dionysus Well Pad. Tr. 11/10/21, at 1435-1446.

Witness—Julie Cousley

189. Ms. Cousley is a party objector who resides at 61 Lick Road, Gibsonia, PA, 15044. Ms. Cousley testified regarding her concerns for her water well and the Dionysus Well Pad. Tr. 11/10/21, at 1447-1448.

Witness—Rachelle Baburich

190. Ms. Baburich is a party objector who resides at 117 Lex Lane, Allison Park, PA, 15101. Ms. Baburich reiterated testimony of others with regard to line of site studies, noise, and traffic and also testified regarding her general opinions and concerns related to the Dionysus Well Pad. Tr. 11/10/21, at 1451-1454.

Witness—Emily Woodring

191. Ms. Woodring is a party objector who resides at 60 Corbriwood Lane, Gibsonia, PA, 15044. Ms. Woodring testified regarding her concerns related to the Dionysus Well Pad. Tr. 11/10/21, at 1455-1456.

Witness—Marcia Brissett

192. Ms. Brissett is a party objector who resides at 37 Corbriwood Lane, Gibsonia, PA, 15044. Ms. Brissett attempted to testimony and introduce evidence regarding the impact of oil and gas in general as it pertains to environmental and health issues regulated by the DEP, which
the Board determined not to be within the Board’s decisional purview regarding this Application. Tr. 11/10/21, at 1461-1477.

Witness—Roth Stump

193. Mr. Stump is a party objector who resides at 7011 Middle Road, Gibsonia, PA, 15044. Mr. Stump testified regarding his concerns related to his water well and the location of the Dionysus Well Pad. Tr. 11/10/21, at 1479-1503.

Witness—Renee Buczkowski

194. Ms. Buczkowski is a party objector who resides at 3527 West Stag Drive, Gibsonia, PA, 15044. Ms. Buczkowski reiterated testimony of others with regard to truck traffic and noise and testified regarding her general opinions and concerns related to the Dionysus Well Pad. Ms. Buczkowski attempted to testify and introduce evidence regarding health issues not related to the Dionysus Well Pad, which the Board determined not to be within the Board’s decisional purview regarding this Application. Tr. 11/10/21, at 1506-1537.

F. Applicant’s Rebuttal Case

195. At the commencement of its rebuttal case, Applicant introduced additional exhibits and one additional witness.

Witness—Ross Walker, III

196. Mr. Walker resides in Upper Burrell Township, Westmoreland County. Mr. Walker has been a Township Supervisor since 1997 and has served as Board Chairman since 1998. He recently was re-elected to serve his fifth six-year term, beginning in January 2022. Tr. 11/16/21, at 1560-1561.
197. In his capacity as a Township Supervisor, Mr. Walker heard and voted on the conditional use applications for Applicant’s Zeus, Calliope, and Selene well pads and its Nyx valve yard. Tr. 11/16/21, at 1561.

198. Mr. Walker has a lease with Applicant on a contiguous property that he owns in Upper Burrell Township. While he received a bonus payment upon signing the lease, he receives no royalty payments, and his leases are not in any of the Zeus, Calliope, or Selene well units. Mr. Walker testified that he did not obtain any financial benefit from Applicant’s development of any of the aforementioned well pads. Tr. 11/16/21, at 1561-1562.

199. Mr. Walker described his positive perception of the impact of Applicant’s well pads in Upper Burrell Township. Id.

200. The Board finds Mr. Walker to be a credible lay witness as to his observations of and interactions with Applicant.

G. Public Comments

201. On November 16, 2021, the hearing was opened up to public comments. Tr. 11/16/21, at 1595.

202. At least twenty-five residents and/or taxpayers of the Township provided public comments on the Application during the November 16, 2021 hearing. Public comment was nearly equally split between commenters in favor of the Application and those opposed to the Application. Tr. 11/16/21, at 1544.

203. At the conclusion of the November 16, 2021 hearing, the record was closed with the instruction to the parties to submit proposed findings of fact and conclusions of law by December 3, 2021, if they wished to do so. Tr. 11/16/21, at 1658.
CONCLUSIONS OF LAW

1. The Subject Property is located in the R-2 Zoning District where, according to Section 210-120A(21)(a) of the Zoning Ordinance, a “Deep Well Site” use is permitted as a conditional use.

2. A “conditional use” is a legislatively-granted entitlement contained in a zoning ordinance. A conditional use is a permitted use to which an applicant is entitled if the applicant demonstrates compliance with the specific, objective requirements contained in the zoning ordinance. McGinty v. Zoning Bd. of Adj. of the City of Pittsburgh, 717 A.2d 34 (Pa. Commw. Ct. 1998).

3. The respective burdens of an applicant and any potential objector to a conditional use application were delineated by the Pennsylvania Commonwealth Court in Bray v. Zoning Board of Adjustment. Bray articulated three types of standards applicable to a conditional use case. Those standards, and the applicable burdens are as follows:

   1. Specific requirements, ‘e.g., categorical definition of the [conditional use] as a use type or other matter, and objective standards governing such matter as a special exception and generally: The applicant has both the duty [of presenting evidence] and the burden [of proof].’

   2. General detrimental effect, ‘e.g., to the health, safety and welfare of the neighborhood: Objectors have both the duty and burden.’

   3. General policy concern, ‘e.g., as to harmony with the spirit, intent or purpose of the ordinance: Objectors have both the duty and the burden.’

Bray, 410 A.2d at 913.

4. Initially, the applicant for a conditional use has both the persuasion burden and the initial evidence presentation duty to show that the proposal complies with the “terms of the ordinance” which expressly govern such a grant. Bray, 410 A.2d at 910.

5. Once the applicant for a conditional use meets its burden of persuading a governing body that its proposed use satisfies the ordinance’s specific requirements, it is presumed that the local legislature has already considered that such use satisfies local

6. The burden then shifts to the objectors to rebut the presumption and persuade the governing body that the proposed use will have a generally detrimental effect. *Broussard v. Zoning Bd. of Adjustment*, 831 A.2d 764, 772 (Pa. Commw. Ct. 2003).

7. It is the duty of the Board in the exercise of its discretionary power to determine whether a party has met its burden of proof. *Pennsy. Supply, Inc. v. Zoning Hearing Bd.*, 987 A.2d 1243, 1250-1251 (Pa. Commw. 2009). Determinations as to the credibility of witnesses and the weight to be given to the evidence are matters left solely to the Board in the performance of its fact-finding role. *Id.*


9. The proposed Dionysus Well Pad is a “Deep Well Site” use within the meaning of the Zoning Ordinance. *See* Zoning Ordinance § 210-6.

10. As part of its enactment of the Zoning Ordinance in 2012, by designating the “Deep Well Site” use as a conditional use, the Board of Supervisors determined that a Deep Well Site is an acceptable use in the R-2 Zoning District, provided that the proposal complies with all of the Deep Well Site-specific criteria of Section 210-120A(21) and the general conditional use criteria of Section 210-117.

11. The Board of Supervisors finds that the substantial evidence including the documents, plans, studies, testimony, and other evidence presented at the public hearings demonstrates that the proposed Dionysus Well Pad does not comply with all of the criteria for a “Deep Well Site” as set forth in Section 210-120A(21) of the Zoning Ordinance.
A. Setback Violations Measured from the Dionysus Well Pad

12. The Board finds that the Application’s setback encroachments as measured from the buildings on the Spedd property and the Safety Products property violate the setback requirements of the Zoning Ordinance for a Deep Well Site.

13. Applicant argues that it should be exempt from this requirement because it obtained setback waivers from Spedd and Safety Products, LLC. Tr. 8/14/21, at 100-101; Applicant’s Ex. A.10; Applicant’s Ex. C.

14. Applicant has interpreted the Zoning Ordinance as only requiring that any equipment and facilities, not the outside edge of the well pad itself, to be set back at least 650 feet from any existing building.

15. The Board’s finds that Applicant’s interpretation is incorrect.

16. Section 210-120A(21) establishes that “A deep well site ... be placed more than 650 feet from any preexisting building located off the property where the deep well site is sited.”

17. According to the definition of “deep well site” in the Zoning Ordinance, the “deep well site” includes the complete “areas occupied by the facilities, structures, materials and equipment, whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, fracturing, production or operation of a deep well.” Section 210-6.

18. It is this Board’s interpretation that the “deep well site” includes all facilities and structures necessary for operation of a deep well.

19. Necessarily, then, the entire well pad itself shall be treated as a facility included as part of the “deep well site.”

20. Thus, the edges of the well pad itself must be at least 650 feet from any preexisting building to be compliant with the Zoning Ordinance. Applicant has failed to establish compliance with this provision.

21. According to the Township’s measurements from examining Olympus Ex. C, page 8, three buildings encroach within 650 feet of the boundaries of the well pad:
a. The Consolidated Communications hut is approximately 466 feet from the edge of the flat well pad;

b. The Safety Properties, LLC building is approximately 602 feet from the edge of the flat well pad; and

c. The Speedd, Inc. building is approximately 620 feet from the edge of the flat well pad.

22. The setback waivers that Applicant obtained from Speedd and Safety Products, LLC do not exempt Applicant from the Zoning Ordinance’s 650-foot setback requirement.

23. During Mr. Blickenderfer’s testimony, counsel for Applicant stated that he was authorized to commit on behalf of Applicant that if the Township reaches a different interpretation, Applicant would reduce the size of the well pad to be outside of the 650-foot setback from the Speedd and Safety Products, LLC properties. Tr. 8/14/21, at 102.

24. This Board finds, with reliance on Pennsylvania zoning jurisprudence, that Applicant’s promises are not the equivalent of plans and testimony showing compliance with the requirements of the Zoning Ordinance. See Edgemont Township v. Springton Lake Montessori School, Inc., 622 A.2d 418 (Pa. Cmwlth. 1993); see also In re Thompson, 896 A.2d 659, 680 (paraphrasing, Edgemont Township, 622 A.2d 418) (“If we were to adopt a rule that to obtain a [conditional use] all that would be required is for an applicant to promise to come into compliance at some future date, it would make the approval process meaningless because once an applicant promises it would be entitled to receive the [conditional use].”) (emphasis added).

---

2 The Board acknowledges that the Thompson and Edgemont cases were decisions regarding special exceptions and not conditional uses. However, conditional uses are governed by the same standards as special exceptions, and the only difference is that applications for special exceptions are heard before the zoning hearing board. Therefore, case law applying to a special exception applies equally to a conditional use. See White Advertising Metro, Inc. v. Zoning Hearing Bd., 453 A.2d 29, 33 (Pa. Cmwlth. 1982) (quoting, Greensburg City Planning Commission v. Threshold, Inc., 315 A.2d 311, 313 (Pa. Cmwlth. 1974) (“There is little difference in this regard between applications for a conditional use and a special exception.”)
25. Further, Applicant acknowledged during Mr. Blickenderfer’s testimony that there is a small equipment hut or shed located off of Oak Road on an easement occupied by the former North Pittsburgh Telephone Company (now Consolidated Communications) for its “installation and maintenance of equipment building(s), associated conduits, poles, anchors, guides, cables, electrical service, and etc. that may be required from time to time.” Tr. 9/29/21, at 316-317; Applicant’s Ex. G.

26. Applicant admitted that this hut is located within the 650-foot setback, but was not shown on the updated 650-foot setback drawings based on a determination made by Michael Baker that it did not qualify as a “building” under the Zoning Ordinance. Tr. 9/29/21, at 316.

27. The Board disagrees and finds that based on the testimony of Ms. Shuey and the Board’s own interpretation of the Zoning Ordinance’s definition, the Consolidated Communications hut qualifies as a “building” under the Zoning Ordinance.

28. Therefore, the hut is a third building in violation of the 650-foot setback requirement from the well pad.

B. Setback Violations Measured from Facilities Outside the Dionysus Well Pad but Necessary for and Incidental to the Operation of the Deep Well

29. Additionally, because a “deep well site” is defined to include all “areas occupied by the facilities, structures, materials and equipment, whether temporary or permanent, necessary for or incidental to the preparation, construction, drilling, fracturing, production or operation of a deep well,” the Board finds that additional structures and facilities including the stormwater ponds, valve site, and soil stockpile - while outside of the boundaries of the well pad - also qualify as part of the Dionysus “deep well site.” See Olympus Ex. C, Page 8.

30. The stormwater ponds, valve site, and soil stockpile are all “necessary for or incidental to...operation of a deep well.”
31. During cross examination by Mr. Resciniti, Mr. Blickenderfer read from Applicant's ESCGP-3 permit narrative, which stated: "Huntley & Huntley Exploration, LLC (HHEX) is proposing the Dionysus well pad project which consists of a well pad, valve site and associated access road. Additional facilities at the site include stockpiles, erosion, and sedimentation controls and post-construction stormwater management facility." Tr. 8/11/21, at 125.

32. Therefore, in its own ESCGP-3 submission, Applicant admitted that valve site and soil stockpiles are part of "Dionysus well pad project," and that the proposed stormwater ponds and related erosion controls are "facilities" included for operation of the well pad.

33. Further, Mr. Blickenderfer's testimony established that the stormwater ponds are necessary and incidental to a deep well site the same as they would be necessary and incidental to any residential or commercial development. Tr. 8/11/21, at 88.

34. Mr. Blickenderfer's testimony also established that the valve yard was moved from the location on its original submission to the Township to intersect with the well pad and be sited immediately west of the access road. Tr. 8/11/21, at 100.

35. This valve yard and the soil stockpile are incidental to the operation of the Dionysus well.

36. Therefore, because these associated structures and facilities are part of the "deep well site," they must also be set back 650 feet from any preexisting building under the Zoning Ordinance.

37. When measuring from the stormwater ponds, the valve site, and the soil stockpile, several additional preexisting buildings can be identified - and were identified by CROWD, Mr. Resciniti, and Ms. Kalivoda - as being within 650 feet of such proposed facilities that are incidental to the operation of the deep well. See e.g. CROWD Ex. 32 and Kalivoda Ex. 16.
38. Therefore, Applicant has failed to comply with the setback criteria of the Zoning Ordinance.

C. Violation of Ordinance General Criteria and Health & Safety Conditional Use Standards

39. Section 210-117 of the Zoning Ordinance requires the Board of Supervisors, in making a decision on each application for a conditional use, to address the "general criteria" set forth in that section of the Zoning Ordinance.

40. In applying the Bray standards, the Board of Supervisors finds that the "general criteria" set forth in Section 210-117 constitute either general detrimental effects or general policy concerns, for which both the duty and burden are placed upon the objectors. Bray, 410 A.2d at 913.

41. The Individual Objectors and CROWD demonstrated "with a high degree of probability" that the proposed Deep Well Site will substantially affect the health, safety and welfare of the community, greater than what is normally expected from this type of use. Thus, the objections were sufficient to demonstrate a "detrimental impact" and were sufficient to support denial of the conditional use application. See Sunnyside, 739 A.2d at 650.

42. The Individual Objectors and CROWD established through cross-examination of Mr. Blickenderfer that Applicant had not established that the Dionysus Well Pad will be screened appropriately.

43. The Individual Objectors and CROWD established through cross-examination of Mr. Guley that the TIS was incomplete and that the haul route will cause a disturbance to traffic patterns on frequently travelled roads in the Township.

44. The Individual Objectors and CROWD established through the testimony of Ms. Graber that residents in other municipalities where Applicant's similar well pads are operating have suffered from detrimental sound and vibration effects.
45. The Individual Objectors established that Applicant has a significant and disproportionate history of DEP violations at other, similar Deep Well Sites which calls into question whether the Applicant conforms to the Zoning Ordinance's general conditional use criteria that the proposed use "will not endanger the public health, safety, morals and general welfare if located where proposed, and that the use will not deteriorate the environment." Section 210-117(A)(1).

46. The DEP violations cited are significantly in excess of the pro rata number of violations assessed against similar gas well operators (i.e., violations per well), which leads the Board to conclude as a matter of law that the proposed Application will have a detrimental impact on the health, safety, and welfare of residents in the Township and will deteriorate the environment in the Township, in violation of the conditional use criteria contained in Section 120-117 of the Zoning Ordinance.

47. The Board of Supervisors finds that Applicant has not demonstrated that the Dionysus Well Pad will comply with all of the specific and general criteria for approval of a conditional use for a "Deep Well Site" in the R-2 Zoning District.

48. Accordingly, it is the decision of this Board of Supervisors to deny Applicant's application for the Dionysus Well Pad.
DECISION

For the reasons set forth above, including Applicant’s failure to establish compliance with each of the Zoning Ordinance’s requirements at Section 210-120(a)(21) for a Deep Well Site, and a failure to establish that the use will not endanger the health and safety of residents or deteriorate the environment as required by Section 210-117(a), the Application for the Dionysus Well Pad is hereby denied.

RESOLVED, this 15th day of December, 2021.

ATTEST: 

Township Manager

By: Chair of Board of Supervisors

Township of West Deer
I, Daniel J. Mator, Jr., as Township Manager for the Township of West Deer, County of Allegheny, Commonwealth of Pennsylvania, certify that this document constitutes an official communication by the Township of West Deer and accurately reflects its decision in this matter.

Daniel J. Mator, Jr.
Township Manager

---

3 Supervisors Beverly Jordan and Shirley Hollibaugh concur with the result but do not approve the foregoing Findings as written. Specifically, Supervisors Jordan and Hollibaugh find that the Consolidated Communications hut is not a "Building" as that term is defined by the West Deer Township Zoning Ordinance and therefore the hut should not have been included in the setback analysis. Supervisors Jordan and Hollibaugh concur with the remainder of the Findings, Conclusions and Decision of the Board.
Appendix A
Individual Objectors

1. Allen Bullen
2. Anita Hancox
3. Bernadette H. Casciato
4. Beth Hoffman
5. Bianca Sasin
6. Charles Duboy
7. Christine Fromherz
8. Christine Sobehart
9. Christine Zacherl
10. Chuck Gehring
11. Corinne Caye
12. Concerned Residents of West Deer (CROWD) represented by Timothy and Jo Resciniti
13. David Knechtel
14. David Leonard
15. David Ujazdowski
16. Diane Donnermeyer
17. Diane Watson
18. Diane Young
19. Dr. David S. Parker
20. Dr. Ryan Koleno
21. Eileen O'Connor
22. Elizabeth Murrin
23. Emily Woodring
24. Fatium Shabani
25. George Kanidis
26. Gisele Dudek
27. Gregory Pietrone
28. Gretchen Meyer
29. Jack Rearick
30. Jackie Mazurek
31. James Donegan
32. James Fromherz
33. James Shuey
34. James Zacherl
35. Jane Okerberg
36. Janet Imhof
37. Janice Leonard
38. Jim Ostrowski
39. Jocelyn Caye
40. Joe Sasin
41. John Daskivich
42. John Quagliotti
43. John Rathke
44. John Vento
45. John Williams
46. Jonathan Randza
47. Joseph Vitunic
48. Julie Cousley

46
49. Kathleen Donegan
50. Kathryn Westman
51. Kathy Burke
52. Katie Koleno
53. Kelly Ujazdowski
54. Ken Bahle
55. Lee Marks
56. Les Bennett
57. Lynn Woodring
58. Marcia Brissett
59. Mark Dudek
60. Mark Murrin
61. Mary Kay Kalivoda
62. Mary Yates
63. Melissa Williams
64. Miste Wiegand
65. Neil Crowley
66. Nicole Pungitore
67. Norann Shuey
68. Pat Camarda
69. Perry Drum
70. Pete Camarda
71. Renee Buczkowski
72. Robert Sobehart
73. Robert Watson
74. Roberta Daskivich
75. Rochelle Baburich
76. Ronald Genser
77. Roth Stump
78. Samantha Weber
79. Sandra Marks
80. Sharon Genser
81. Shawn McNulty
82. Steve Baburich
83. Sue Drum
84. Tim Young
85. Tom Tisa
86. Val Ostrowski
87. Victoria Austin
88. Virginia Weaver
89. Vivian Rathke
# Appendix B

## Exhibits

<table>
<thead>
<tr>
<th>Olympus Exhibit A</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Application Form</td>
<td></td>
</tr>
<tr>
<td>2. Checklist</td>
<td></td>
</tr>
<tr>
<td>3. Narrative</td>
<td></td>
</tr>
<tr>
<td>4. Drawings</td>
<td></td>
</tr>
<tr>
<td>5. Emergency Response Plan</td>
<td></td>
</tr>
<tr>
<td>6. Haul Route Map</td>
<td></td>
</tr>
<tr>
<td>7. PPC Plan</td>
<td></td>
</tr>
<tr>
<td>8. ESCGP-3</td>
<td></td>
</tr>
<tr>
<td>9. Water Management Plan</td>
<td></td>
</tr>
<tr>
<td>10. Setback Waivers</td>
<td></td>
</tr>
<tr>
<td>11. Sound Impact Assessment</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Olympus Exhibit B</th>
<th>Land Development Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Application Form</td>
<td></td>
</tr>
<tr>
<td>2. Checklist</td>
<td></td>
</tr>
<tr>
<td>3. Narrative</td>
<td></td>
</tr>
<tr>
<td>4. Drawing</td>
<td></td>
</tr>
<tr>
<td>5. ESCGP-3</td>
<td></td>
</tr>
<tr>
<td>6. Haul Route Map</td>
<td></td>
</tr>
<tr>
<td>7. PPC Plan</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Olympus Exhibit C</th>
<th>Michael Baker International PowerPoint Presentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Olympus Exhibit D</td>
<td>Allegheny County Highway Occupancy Permit</td>
</tr>
<tr>
<td>Olympus Exhibit E</td>
<td>Updated Line of Site/Planting Drawings</td>
</tr>
<tr>
<td>Olympus Exhibit F</td>
<td>Chart and Plans of Recent Developments Approved by</td>
</tr>
<tr>
<td></td>
<td>Township with Stormwater Facility Information</td>
</tr>
<tr>
<td>Olympus Exhibit G</td>
<td>Oak Road Telephone Company Utility Hut, Map, and Deed</td>
</tr>
<tr>
<td>Olympus Exhibit H</td>
<td>Oakmont Water Authority Letter of Intent</td>
</tr>
<tr>
<td>Olympus Exhibit I</td>
<td>Hampton-Shaler Water Authority Letter of Intent</td>
</tr>
<tr>
<td>Olympus Exhibit J</td>
<td>Allegheny County Updated Highway Occupancy Permit</td>
</tr>
<tr>
<td>Olympus Exhibit K</td>
<td>Water Hauling Plan</td>
</tr>
<tr>
<td>Olympus Exhibit L</td>
<td>DEP Water Data</td>
</tr>
<tr>
<td>Olympus Exhibit M</td>
<td>Photograph of Well Casing Display</td>
</tr>
<tr>
<td>Olympus Exhibit N</td>
<td>Stahl Sheaffer PowerPoint Presentation</td>
</tr>
<tr>
<td>Olympus Exhibit O</td>
<td>Acoustical Control PowerPoint Presentation</td>
</tr>
<tr>
<td></td>
<td>Township Planning Commission 2/27/2020 Meeting Minutes</td>
</tr>
<tr>
<td>Olympus Exhibit Q</td>
<td>Trans Associates 6/14/2021 Review Letter</td>
</tr>
<tr>
<td>Olympus Exhibit R</td>
<td>Tribune-Review 10/5/2017 Article &quot;Protect PT Wants Court to Halt Fracking in Penn Township&quot;</td>
</tr>
<tr>
<td>Olympus Exhibit S</td>
<td>Protect PT Spring 2019 Newsletter</td>
</tr>
<tr>
<td>Olympus Exhibit T</td>
<td>Protect Elizabeth Township Website Screen Shot “This or That?”</td>
</tr>
<tr>
<td>Olympus Exhibit U</td>
<td>Protect Elizabeth Township Website Screen Shot re Partnership with Food and Water Watch</td>
</tr>
<tr>
<td>Olympus Exhibit V</td>
<td>Zoning ordinance definitions and lot area table excerpts</td>
</tr>
<tr>
<td>Olympus Exhibit W</td>
<td>Township zoning ordinance and map</td>
</tr>
<tr>
<td>Olympus Exhibit X</td>
<td>Oakmont Water Authority RTK request and response</td>
</tr>
<tr>
<td>Exhibit</td>
<td>Description</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>Olympus Exhibit Y</td>
<td>Deer Creek Drainage Basin Authority RTK request and response</td>
</tr>
<tr>
<td>Olympus Exhibit Z</td>
<td>Township RTK request and response</td>
</tr>
<tr>
<td>Olympus Exhibit AA</td>
<td>PA DEP Surface Inspection Report (Midas)</td>
</tr>
<tr>
<td>CROWD Exhibit 1</td>
<td>Official List of Members/Map-CROWD Members by Household</td>
</tr>
<tr>
<td>CROWD Exhibit 2</td>
<td>1/21/2021 Letter to Township Planning Commission with Questions</td>
</tr>
<tr>
<td>CROWD Exhibit 3</td>
<td>1/21/2021 Follow-Up Questions from Olympus 11/25/2020 Response Letter to Township</td>
</tr>
<tr>
<td>CROWD Exhibit 4</td>
<td>Conditional Use Project Narrative</td>
</tr>
<tr>
<td>CROWD Exhibit 5</td>
<td>Township Zoning Ordinance Excerpts—Definitions</td>
</tr>
<tr>
<td>CROWD Exhibit 6</td>
<td>ESCGP-3 Notice of Intent</td>
</tr>
<tr>
<td>CROWD Exhibit 7</td>
<td>Smith Butz 8/11/2021 Letter re Application Conflicts</td>
</tr>
<tr>
<td>CROWD Exhibit 8</td>
<td>ESCGP-3 Permit Drawings</td>
</tr>
<tr>
<td>CROWD Exhibit 9</td>
<td>Mechanical Proposed Production Layout Site Plan Dated 9/6/2019</td>
</tr>
<tr>
<td>CROWD Exhibit 10</td>
<td>Smith Butz 8/11/2021 Letter re Conditional Use Application</td>
</tr>
<tr>
<td>CROWD Exhibit 11</td>
<td>Plutus night lighting photograph</td>
</tr>
<tr>
<td>CROWD Exhibit 12</td>
<td>Dionysus land development application</td>
</tr>
<tr>
<td>CROWD Exhibit 13</td>
<td>Deer Creek mine pool project map</td>
</tr>
<tr>
<td>CROWD Exhibit 14</td>
<td>Dionysus setback waiver (Spedd)</td>
</tr>
<tr>
<td>CROWD Exhibit 15</td>
<td>Dionysus setback exhibit</td>
</tr>
<tr>
<td>CROWD Exhibit 16</td>
<td>Supervisor conflict letter</td>
</tr>
<tr>
<td>CROWD Exhibit 17</td>
<td>Township Zoning Ordinance page number 136</td>
</tr>
<tr>
<td>CROWD Exhibit 18</td>
<td>Redland Brick Hydrant Sample 4104 116</td>
</tr>
<tr>
<td>CROWD Exhibit 19</td>
<td>Redland Brick Hydrant Sample 4104 117</td>
</tr>
<tr>
<td>CROWD Exhibit 20</td>
<td>Apollo B Well Permit Application</td>
</tr>
<tr>
<td>CROWD Exhibit 21</td>
<td>Apollo B Well Permit Application for Coal Module</td>
</tr>
<tr>
<td>CROWD Exhibit 22</td>
<td>Shuey CV</td>
</tr>
<tr>
<td>CROWD Exhibit 23</td>
<td>Oak Road Carrier Serving Area (CSA) Hut information sheet</td>
</tr>
<tr>
<td>CROWD Exhibit 24</td>
<td>Richberger noise article</td>
</tr>
<tr>
<td>CROWD Exhibit 25</td>
<td>Protect PT advertisement</td>
</tr>
<tr>
<td>CROWD Exhibit 26</td>
<td>Protect PT mobile application noise complaint</td>
</tr>
<tr>
<td>CROWD Exhibit 27</td>
<td>Poseidon noise complaint</td>
</tr>
<tr>
<td>CROWD Exhibit 28</td>
<td>Ambient noise study</td>
</tr>
<tr>
<td>CROWD Exhibit 29</td>
<td>Protect PT PowerPoint</td>
</tr>
<tr>
<td>CROWD Exhibit 30</td>
<td>Photos taken by Bickerton</td>
</tr>
<tr>
<td>CROWD Exhibit 31</td>
<td>Trib article re Elizabeth Township fracking site spill</td>
</tr>
<tr>
<td>CROWD Exhibit 32</td>
<td>CROWD PowerPoint 11-4-21</td>
</tr>
<tr>
<td>CROWD Exhibit 33</td>
<td>Compliance matrix sheet</td>
</tr>
<tr>
<td>CROWD Exhibit 34</td>
<td>Allegheny County Natural Heritage Inventory</td>
</tr>
<tr>
<td>CROWD Exhibit 35</td>
<td>Murrysville meeting minutes from 10-16-2019</td>
</tr>
<tr>
<td>Austin 1</td>
<td>Blow-out video</td>
</tr>
<tr>
<td>Austin 2</td>
<td>Photo of venting of pigging station in Mt. Pleasant</td>
</tr>
<tr>
<td>Austin 3</td>
<td>Property Values PowerPoint (NOT ADMISSIBLE)</td>
</tr>
<tr>
<td>Austin 4 AG</td>
<td>Grand Jury Report excerpt (NOT ADMISSIBLE)</td>
</tr>
<tr>
<td>Austin 5</td>
<td>State Impact article</td>
</tr>
<tr>
<td>Austin 6</td>
<td>Property Values PowerPoint</td>
</tr>
</tbody>
</table>