

**Present:**

Present at the meeting: Bob Mitall, Ed Patrick, Frank Muzika, Bill Yant, John Bosetti, Hayley Welsh - Municipal Planner, and Tony Spadaro, Council Liaison.

**Absent:** Zachary Kansler and Jayne Hoy

**Pledge of Allegiance**

**Minutes:** Mr. Yant noted that at the February 5<sup>th</sup> meeting, he had requested tabling the January 15<sup>th</sup> minutes and has since read them. Other than a few minor words missing, he has no issue with those minutes. Regarding the February 5<sup>th</sup> minutes, he suggested a few corrections: as to the car wash public hearing, Commission members were advised that it was to be a “members only” car wash and subsequently told that was not so; Commission member John Bosetti was inadvertently not marked in attendance (he was present). Mr. Yant moved to approve both the January 15<sup>th</sup> and February 5<sup>th</sup> minutes as corrected. Mr. Patrick seconded. All present voted aye. Motion approved.

**Old Business: SP-4-18; CU-1-18, Titan Well Pad, 6109 Bollinger Road, 71 Acres, R-R Zoning District**

Mr. Mitall noted that, via the Public Hearing process, expert testimony was presented on hydrology, noise, and sound. The only issue not addressed was the traffic study/impact. He recalled that there was some discrepancy between the applicant’s experts as to what was the actual anticipated truck count. There was also a question as to whether a water source could be brought via a pipeline and, if not, how that would influence the truck traffic count.

Kate Gafner, speaking on behalf of HHEX, said that it is HHEX’s position that they have indeed covered everything but traffic. She updated the members on what has occurred since the January 15<sup>th</sup> meeting, at which there was a presentation. On January 29<sup>th</sup>, HHEX received additional comments from a number of the Municipality’s consultants with respect to air, hydrogeo, and sound, and, on February 11<sup>th</sup>, in addition to traffic, HHEX submitted another supplemental packet of materials and provided additional information with respect to those consultants. In the February 11<sup>th</sup> submission, HHEX responded to Mr. Mudry’s traffic comments and provided two additional traffic studies. She said that, as a result of the members’ questions, it was clear that they wanted to see a “worst case” scenario, which HHEX had not provided; HHEX had tried to provide what the anticipated truck traffic would be, and, based on the Commission’s conversation and the Municipality’s traffic consultant’s comments, the reports were revised to ensure that an absolute “worst case” scenario would be provided. In addition to traffic, HHEX also provided information on air emissions. A request for determination (RFD) was submitted to PADEP with respect to air emissions and the response will be provided to staff when received. In HHEX’s opinion, it has satisfied the Municipality’s consultant’s comments pending a decision from PADEP on the request for determination.

The Municipality's sound consultant provided comments and, on February 11<sup>th</sup>, HHEX provided supplemental proposed sound waiver language in great detail. Regarding comments from the Municipality's hydrogeo expert, it is HHEX's understanding that the consultant would like groundwater monitoring wells and additional water samples; it is HHEX's position that that is comprehensively and exclusively regulated by PADEP and EPA and she suggested that Mr. Sittig can provide the Commission members with legal consultation to determine whether the members agree with HHEX's position. With the final submissions provided, HHEX now believes it has addressed sound, hydrogeo, and air, and that today's presentation will focus on traffic.

Manny Johnson addressed the issue of school bus traffic. He said that before operations begin, meetings are held with the school Superintendent, bus manager, etc. to determine the number of stops, times the buses will be going through the area, etc., and then try to ensure that none of HHEX's large trucks will be in those areas at the same time as the buses. He said that this has been, and continues to be, a standard practice with HHEX. In the event a larger piece of equipment, i.e. drilling rig, would be scheduled to be trucked in, the school district would be given advance notice of the time and route. Mr. Johnson said that, in previous meetings, questions arose as to how the roads were handled. He said that they sometimes come in ahead of time, before the location building is commenced, to assess the roads. The edge of the road may be in bad shape so they do a "mill and fill" and base repair, or they may mill and overlay an entire section of the haul route road in order to handle the larger truck traffic. He provided several pictures of road work done at prior sites, as well as a drain that had to be put in to eliminate water run-off to an abutting property due to the improvement of the road.

Mr. Johnson then presented photos of areas where they trimmed back shrubs and trees in order to improve sight distance for the traffic coming through the area. He said they put signage up in the area and give haul routes to the contractors. He said that, as the person in charge of operations, they take it very seriously when it comes to traffic coming through, especially in a worst-case scenario, and it's important to maintain the roads. He continued by explaining that the roads are not just upgraded and left in disarray. If there is wear and tear during the operation, the roads are repaired. He said they work hand-in-hand with a road master and let him know about the traffic patterns and possible repair work.

Mr. Patrick asked what the largest gross vehicle weight would be that would be coming through the area and if it would be bringing in water or hauling out material. Mr. Johnson said the trucks weigh between 50,000 and 110,000 pounds, but there is one unit that could potentially be brought in which weighs around 200,000 pounds. That vehicle is used infrequently. There was some discussion on the permits needed for the vehicles. Mr. Mitall noted that there was some mention in HHEX's regular maintenance plan where the engineer recommended some improvements to several roads and the cost was in the neighborhood of \$300,000-\$400,000. Mr. Johnson said there were recommendations for Silvis, Hilty, and Bollinger Roads, and if they are tied together, the proposed cost would be around \$300,000. When asked about the procedure, Mr. Johnson said the recommendation is to do full-depth reclamation with a binder course over it all. Mr. Mitall asked if the plan would be to do the work prior to bringing in equipment. Mr. Johnson said that, for the completion activity,

HHEX would want to upgrade ahead of time. Mr. Johnson also said that there would be conversations with township officials to determine what works best for everyone because the time of year and activities come into play. However, the intent is to get the work done before the completion activities. Mr. Yant asked if the full-depth reclamation would close the roads to traffic; Mr. Johnson said the roads would be kept open and would be coordinated with emergency services and the school. He explained the procedure done in Upper Burrell, where meetings were held and efforts to ensure the work went as smoothly as possible. Mr. Muzika asked if the number cited for truck traffic (500) was in/out or one-way. Mr. Johnson said that number was one-way, so it would be double for trip totals.

Ms. Gafner said that there were questions at a prior meeting and in the comment letters regarding a portion of HHEX's operations going through Washington Township and noted that a letter from Washington Twp. was provided indicating that it was fine with HHEX's operations through the Township and has not asked for any supplemental studies or anything of that nature. Therefore, it is the position of both HHEX and Washington Twp. that everything regarding that issue has been taken care of. She said there were some requests for modifications to the traffic impact study and introduced Melissa Southern from Stahl Sheaffer to address those issues.

Ms. Southern advised that she was one of the analysts for the traffic impact study and discussed highlights of the changes made to the revision of the October 2018 study, which were based on comments received in the letter from Traffic Planning and Design (TPD) and information provided to HHEX at a prior Commission meeting. Ms. Southern discussed, in detail, the requests made in TPD's letter of January 7<sup>th</sup>, 2019 and HHEX's response to those requests, including roadway conditions, trip generation numbers, capacity analysis/operating conditions, and sight distance/turning template analyses. Attorney Sittig asked for clarification as to whether the school bus analysis would be an A.M. peak issue. Ms. Southern said in looking at A.M. peak, 7-9 A.M. is considered as the worst case water hauling and trip generation peak hours. Mr. Yant asked for clarification of Level A and Level B regarding delay time in making a maneuver. Ms. Southern explained that, based on the analysis, delays are less than 10 seconds (during the peak hour which has the highest volume of traffic). If some vehicles have to wait less than 10 seconds and others have to wait longer than 10 seconds, it would average out to Level A. Mr. Patrick asked if sequential well drilling was anticipated, i.e. drill, wait, drill, or drill wells consecutively one after another. Mr. Johnson responded that if it is determined that 6 wells will be drilled, HHEX drills all six and then comes in with the hydraulic fracturing crew and completes all six wells. So, they are done sequentially.

Ms. Southern then introduced Jennifer King, who prepared the roadway report, to discuss the sight distance and turning templates. To prepare the report, she looked at the intersections of Silvis/Hilty and Hilty/Bollinger for intersection sight distance and safe stopping sight distance. It was determined the existing intersection sight distance at Silvis/Hilty is sufficient; the exception is if a vehicle is sitting at the stop sign on Silvis and looking left down Hilty, the intersection sight distance is only 175' due to vegetation and trees on the hillside along Hilty (required distance is 420'). It is recommended that the vegetation and tree growth be removed to improve the sight distance. She said that clearing the vegetation and trees would

be in PennDOT's right-of-way; however, if any grading needed to be done to the terrain, it would be outside of PennDOT's right-of-way. Ms. King noted that, if at the same intersection looking right, there is sufficient sight distance. Ms. King then said that there was some question regarding sight distance for trucks on some of the smooth curves on Silvis. The intersections were run using a program called AutoTurn for the semi-trucks (WB-62). Ms. King displayed a map showing the area in question and it was determined that a recommendation be made to trim trees in the area, which is in Murrysville's right-of-way. Mr. Patrick asked if the 420' sight distance is a recommendation or requirement, and, if it can't be met, what options are available, such as a request for variance. Ms. King said that since it is an existing condition, there isn't a request for waiver and that PennDOT uses a standard for a preferred method of intersection sight distance. She also mentioned the safe stopping distance, which is the distance needed for drivers to see an object on the roadway ahead and bring a vehicle to a safe stop. Intersection sight distance is defined as the distance a motorist can see approaching vehicles before the line of sight is blocked near an intersection. There is sufficient safe stopping distance at the intersection. Responding to a question from Mr. Yant, Ms. King said the sight distance is based on the posted speed limit and the grade of each leg of the intersection.

Ms. King discussed the Bollinger/Hilty intersection and said there is insufficiency in intersection sight, but it is a better scenario than the Silvis/Hilty intersection. She explained that, if at the stop sign on Bollinger looking left, the required intersection sight distance is 477' and the distance is measured at 425'. She said there is adequate stopping sight distance. A test was also done on turns using the AutoTurn program and it was determined that there is a significantly greater area on the inside of the curve that needs to have trees cleared or removed. That portion of the road is outside of the existing right-of-way. Additional sight distance tests were done to determine if a vehicle would be able to see a truck that may be turning and taking up both lanes; the sight distance along both Silvis and Bollinger was sufficient. Mr. Patrick asked how many WB-62s were projected. Ms. King said that, working with HHEX on figures, there would be approximately 49 semi-truck vehicles and 324 water trucks per day. Mr. Sittig asked about the Bollinger/Hilty intersection and if mitigation is proposed. Ms. King said vegetation clearing could be done but the area is tight and there are possible turning issues that might not be able to be corrected inside of existing right-of-way. Mr. Mitall asked if the recommendations regarding vegetation are in the regular maintenance plan. Ms. King said that was put into the traffic impact study in response to Mr. Mudry's comments.

Ms. King addressed the load of the vehicles used for the analysis when looking at oil and gas traffic on public roadways and said that the practice is to use a fully-loaded triaxle dump truck as the design vehicle, knowing that it's not the full make-up of the trucks coming in.

Ms. King then summarized the maintenance plan and said that bores were taken on Silvis and Bollinger of the existing pavement structure and subgrade and conducted field tests. These bores were then logged into a GIS database, which allows them to look at the existing condition of the paved roads. Based on the existing defects (primarily fatigue cracking, edge cracking, and longitudinal cracking) it was determined that neither road is in good condition and both are in serious-to-failed condition based on those defects. The roads are not capable

of handling the truck traffic proposed to be using the roads for the HHEX operation. Based on the tests, it is proposed to do either a base repair and asphalt overlay on Silvis or an FDR and overlay. The final recommendation from HHEX is to do a full deck reclamation with cement stabilization and 2 ½" overlay. Ms. King also said the FDR layer would extend 1' beyond the existing roadway, but the travel way doesn't change on the asphalt surface. Mr. Patrick said that it was mentioned several times about work that needs done outside of the existing right-of-way and asked if any of the property owners have been contacted yet. Manny Johnson said that, specifically regarding sight distance, none of the landowners have yet been contacted.

Mr. Mitall said the letter from Stahl Sheaffer was dated February 8<sup>th</sup> and asked Mr. Mudry if he has had a chance to review the responses. Mr. Mudry said he has been able to review the large binder of information provided, but has not had an opportunity to put together an official review letter. He did, however, address a few of his concerns that will be put into his review letter. Regarding the number of vehicles entering/exiting the site, his review of log information from other sites indicated operations spanning 24 hours a day at some point with heavy vehicles entering/exiting. He asked if information could be provided as to whether the site in question has any similarity to those sites as far as 24-hour operation with heavy vehicles going in and out. He also had concerns about the number of vehicles, especially the tractor trailers, visiting the site hourly and if one is exiting and one is entering at about the same time, both will have to swing out into the oncoming lane to make the turn on narrow roads. Mr. Mitall asked Mr. Mudry if he has seen any mitigating measures, such as flagmen, at the intersections. He said he hasn't, but mentioned it only to see if HHEX had any type of proposed response and how those issues would be addressed. Mr. Johnson said that the sand trucks usually arrive in groups of three – they seldom arrive individually – so there is some convoying specifically to the sand trucks. The process involves the truck arriving, a fork lift removing the sand box, putting an empty box on the truck, and the truck leaving. Mr. Mitall asked if it would be possible to have flagmen if a convoy of trucks is coming in. Mr. Johnson said they have used flagmen in the past, as well as CB radios so that there is communication between the site and drivers on the route. Mr. Patrick asked at what point a decision is made as to whether water has to be trucked in. Mr. Johnson said that once construction and drill dates are set, discussions will be held with Municipal authorities regarding close/accessible water sources, as well as other possible sources in nearby townships. Mr. Yant asked when a decision would be made as to whether water will be piped or trucked in. He said that, from his perspective, 50% of the traffic will go away if the water is piped in. Mr. Mitall said that was a reason that the Commission asked for a "worst case" scenario and it will be up to HHEX to weigh the cost of the recommendations.

Mr. Mitall referred to the design drawings previously presented and asked if there is an impoundment planned. Mr. Johnson said there is an above-ground impoundment (tank) proposed on the site plan.

Mr. Mitall asked Ms. Welsh what the timeframe is for the Planning Commission to make a recommendation to Council on this application. Ms. Welsh said she and Mr. Morrison are looking at the March 19<sup>th</sup> meeting, which will require a time waiver at some point. Mr. Patrick asked about the timeline and when HHEX plans to start the project. Mr. Burke said

that there is currently a lawsuit challenging the validity of the ordinance as it pertains to oil and gas development and is in the process of hearings before the Zoning Hearing Board. No matter what the decision is, there will be an appeal to the Common Pleas Court, which is impacting HHEX's decision. Mr. Mitall said that the Commission still has an obligation to put forth some sort of recommendation, with conditions, or recommend denial. Mr. Mitall asked if the members wished to discuss the rough draft of the proposed conditions. Ms. Welsh said the applicant has not yet received a copy of the proposed conditions. Ms. Gafner said she would like to see the proposed conditions and be able to provide responses, which might facilitate faster negotiations and explanations, especially because there may be some additional revisions based on tonight's discussions. Mr. Mitall asked Mr. Sittig if he thinks there is a problem with giving HHEX a copy of the draft conditions. Mr. Sittig said no, the earlier the better to give them time to respond; he said he can't expect them to respond right now. Mr. Mitall agreed, but said he believes staff needs some input from the Commission members regarding some of the proposed conditions.

Mr. Yant said that most of the conditions are long on what should be done but short on details on how they should be done. Regarding the hydrogeology and water quality condition, Mr. Yant said he thought the Commission was supposed to get a legal ruling on this since HHEX and its consultants believe the Municipality can't require those conditions. As to the acoustical performance conditions, Mr. Yant said he believes the applicant's acoustical people testified that they can stay within the dBA limits most of the time, but cannot stay within those limits all of the time and asked if that was an accurate statement. Ms. Gafner said it is her understanding that, because the ordinance authorizes going above 55 or 45 Monday through Friday during daytime hours, during those operations there is no problem; however, she believes that during the nighttime and all weekend, there were problems at a number of receptors during drilling and completions operations, regardless of whether there is sound mitigation. She said there was no issue during construction and production. She added that there will be receptors that will be problematic, even with sound mitigation. Mr. Yant said that the condition regarding another acoustics study in order to potentially enforce the condition to stay within the 1-2 dBA range of a lowered newfound ambient dBA value, thus making it "easier for the applicant to uphold," doesn't make sense. If the applicant can't meet 58 dBA as recorded in the applicant's acoustic study, how does it make it easier to meet 45-50? Ms. Welsh said that would be the best-case scenario. Mr. Yant said those words (in parentheses) should be scrapped because, unless he is misunderstanding the whole thing, it's not possible.

Mr. Mitall said that, as far as the conditions, fewer words are better. Mr. Sittig said that some of the proposed conditions have already been incorporated into the Municipality's consultant's recommendations so those recommendations can just be adopted and referenced, which is much clearer, since HHEX's consultants have looked at that and engineers understand each other. Mr. Mitall disagreed, saying that if the Municipality's consultants made a recommendation, rather than referring to the recommendation, it should be in the conditions document. Mr. Sittig said that, in terms of the language, it can be cut and pasted. Mr. Sittig said that some of the conditions that the Municipality wants to impose on HHEX are pre-empted by State regulations, so as much as the Municipality wants to impose those

conditions (specifically water and air quality), the legal standing is in HHEX's favor since those are regulated by the State.

Mr. Mitall said that he suggests that Mr. Mudry and staff meet and review the Municipality's conditions and HHEX's recommendations in an attempt to get an understanding among all parties. Mr. Sittig said there is a need for some waivers, especially on sound, but the Municipality must be very careful as to exactly where the deviations are, which will allow the Commission to make a recommendation. He said that issues concerning water and air, whether supported by the ordinance or not, are on shaky ground. There was no further discussion.

**Other Business:** None.

**Adjournment:**

Mr. Yant: Moved to adjourn at 8:48 p.m.

Mr. Patrick: Seconded

Motion Approved: 5-0