

FAYETTE COUNTY ZONING HEARING BOARD

RESOLUTION 10-20 REMAND

Laurel Mountain Midstream Operating, LLC

WHEREAS, Laurel Mountain Midstream Operating, LLC, filed a petition before the Fayette County Zoning Hearing Board on April 12, 2010; and,

WHEREAS, said petition requested the Board to grant a Special Exception for the approval of a “Public/Private Works Facility” for a natural gas compressor station, accessory buildings, and related equipment, on property zoned “A-1”, Agricultural-Rural; and,

WHEREAS, property concerned, owned by James Delansky, P.O. Box 2400 MD 46-4, Tulsa, Oklahoma is located southwest of the intersection of Morgantown Road and Hope Hollow Road, Springhill Township, Fayette County, Pennsylvania and is shown on Fayette County Zoning Map as District 36, Map 7 and Lot 147-1; and,

WHEREAS, The Fayette County Zoning Hearing Board conducted a hearing on May 13, 2010, wherein objectors, Joseph A. Bezjak, Mildred P. Bezjak, Carl F. Bezjak and Lara Bezjak, appeared and were represented by Counsel; and,

WHEREAS, the Fayette County Zoning Hearing Board passed Resolution 10-20, approving the application for Special Exception, imposing six (6) conditions to the same, on July 2, 2010; and,

WHEREAS, an appeal to the Court of Common Pleas of Fayette County was filed by the Bezjaks on or about August 6, 2010; and,

WHEREAS, the Court of Common Pleas of Fayette County entered an Order dated July 24, 2014, affirming the Fayette County Zoning Hearing Board’s Resolution, in part, and remanding the matter for the limited purpose of allowing the objectors to “present any evidence in favor of conditions that should be attached to any approval of the applied for special exception.”; and,

WHEREAS, the Fayette County Zoning Hearing Board held hearings on April 22, 2015, April 13, 2016, and May 25, 2016, on this limited remand purpose; and,

WHEREAS, the Fayette County Zoning Hearing Board finds the following facts:

1. William Thornton of Thornton Acoustics & Vibrations, testified on behalf of the Bezjaks that although the noise levels from the compressor station are below the Fayette County Zoning Ordinance requirements and standards set forth in Section 1000-503 (90dBA at a distance of 25 feet from the property line), it is nonetheless a highly disruptive and

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objectionable noise level, and the FERC and EPA have adopted standards limits at levels much lower, namely 55 dBA.

2. The average noise/sound reading conducted by William Thornton over a one hour period, from twenty five (25) feet from the property line was 59 dBA, which is in compliance with the performance standards stated in the Fayette County Zoning Ordinance at Section 1000-503.
3. Residents living near the compressor station, namely Stan Burns and John Ryczek, testified that the sound levels coming from the compressor station are higher now than they had been in the past.
4. LMM presented testimony and evidence demonstrating that the noise levels for the compressor station, at twenty five (25) feet from the property measured below the 90 dBA as required by the ordinance. They further presented evidence that the noise levels, measured at Stan Burns' home, approximately 0.4 miles from the property line, averaged 34 dBA. Again, these are below the performance standards of the Fayette County Zoning Ordinance.
5. Objectors request that conditions be imposed on the Petitioner so as to require a daytime sound level of 50 dBA and a nighttime sound level of 35 dBA, as measured at any property line boundary or location on an adjacent property.
6. LMM presented testimony through Taylor James, Operations Supervisor for LMM, that new engines installed on the property have state of the art starter silencers that muffle the noise levels in the event that the engine needs to restart, and that the new engines do not stall as often as the previous ones, so there is significantly less noise associated with the restarting of the engines. Moreover, upon installation of the new engines, a sound wall was removed, which LMM is in the process of reinstalling on the property, to further reduce the noise levels.
7. Objectors presented evidence that tended to show that this particular compressor station emitted a large quantity of toluene for the calendar year 2013. Specifically, Jim Rosenberg, a concerned citizen, presented DEP documentation showing that this Springhill Compressor Station reported a figure of 5.1 tons of toluene for 2013. This was 5 times more than the toluene levels reported for any other compressor station in Pennsylvania in 2013.

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8. LMM presented testimony and evidence to demonstrate that the reported toluene levels for 2013, were a typographical error and should have read 0.5 tons per year, rather than 5.05 tons per year. There was no evidence that the toluene levels for any year other than 2013, were reportedly large and/or significantly out of proportion to other compressor stations.
9. The objectors also presented a FLIR video of the Springhill Compressor Station. The video was taken by Sharon Wilson who testified by telephone and who stated that it shows the emissions coming from the compressor station, but could not provide the Board with testimony as to whether or not the emissions seen contained hazardous or toxic materials or merely showed heat and steam.
10. Objectors presented testimony from neighbors reporting medical concerns which they believe to be associated with the Springhill Compressor Station.
11. Testimony was presented by Phyllis Carr and Rhonda Carr that Nathan Carr, a minor child, has suffered tremors of the central nervous system. Similarly, Delma Jean Burns, has also suffered tremors of the central nervous system. None of these witnesses presented any medical records, medical testimony and/or any other medical documentation to show that the tremors are related to the Springhill Compressor Station.
12. Other residents testified as to the diminution of their property values because of the Springhill Compressor Station. Bezjak testified that he intended to construct a nursing home on his property, which he no longer feels he can do because of the location and effects of the Springhill Compressor Station.
13. John Ryczek testified that he believes his property value has decreased because of the Springhill Compressor Station. He presented an appraisal for his property in support of this allegation. The appraisal states that the presence of a gas well approximately 2,000 feet from his home might "effect certain buyers that are looking for a quiet rural location." It does not state that the Springhill Compressor Station has devalued his property value.
14. David Headley testified that he owns vacant property near the site, and he cannot sell the vacant property because of the location of the Springhill Compressor Station.
15. LMM presented testimony that they have obtained and maintain all state and federal permits regarding the operation of the Compressor Station. LMM has a valid DEP

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Permit No. GP5-26-00587D, which covers the air emissions. LMM has never been cited for any state or federal environmental violations.

16. The Board finds that the Objectors have raised some valid concerns regarding the noise and emissions resulting from the Springhill Compressor Station but that additional conditions can be enacted in order to prevent any adverse effects on the health, safety, and welfare of the residents of the surrounding and adjoining areas.

NOW THEREFORE BE IT HEREBY RESOLVED, by the Fayette County Zoning Hearing Board, the Remand of the Petition of Laurel Mountain Midstream, after due consideration, the following additional Conditions are **APPROVED**:

1. All of the conditions previously adopted by the Fayette County Zoning Hearing Board, by Resolution dated July 2, 2010, are incorporated herein by reference, as if fully stated.
2. LMM shall install, within forty-five (45) days of the date of this Resolution, a sound wall to replace the one that had previously been removed, in order to further reduce the sound and noise issues associated with the compressor station.
3. LMM shall otherwise install and maintain sound mitigation so that the measured sound level at the compressor station is at all times compliant with Section 1000-503 of the Fayette County Zoning Ordinance.¹
4. LMM shall file quarterly with Fayette County Zoning Office, which shall be considered a public record under the terms of the Right to Know Law, a report providing the following information:
 - a. All data appropriate to the facility as described in the DEP publication "Spreadsheet Reporting Guide for Conventional and Unconventional Midstream Natural Gas Compressor Station Emissions Reporting System", or its successor document;
 - b. Total amount of gas input into the compressor station for the same reporting period;
 - c. Total amount of gas output from the compressor station for the same reporting period;
 - d. Copies of any and all LDAR "FLIR" (or equivalent technology) imaging taken pursuant to the BAQ-GPA/GP-5 section "REQUIREMENTS FOR EQUIPMENT LEAKS" for the same reporting period;

¹ It is noted that Edward P. Payson objected to this provision of the resolution as he wanted the ZHB to adopt the FERC requirements of 55dBA for the sound level limitations for this compressor station.

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- e. Copies of any and all EPA Air Compliance Inspection Reports and copies of its responses for the same reporting period; and,
- f. Copies of any and all PaDEP incident reports filed with the PaDEP during the reporting period.

The first quarterly report under this section shall be due on or before September 30, 2016, and each quarter thereafter. (i.e., March 31st, June 30th, September 30th, and December 31st).

- 5. LMM shall file with Fayette County an Emergency Response Plan, including an evacuation plan residents of Hope Hollow Road and Honor Roll Road, in the event of an accident. The evacuation procedure under this plan will be communicated to nearby residents of Hope Hollow Road and Honor Roll Road, in writing, and shall be completed within six (6) months from the date of this Resolution.
- 6. LMM shall communicate to neighboring property owners advance notice of all emergency drills and planned blowdowns.
- 7. LMM shall not operate the gas fired engines at any time with the doors to the engines enclosures open, except at times that it may be prohibited by state or federal regulations and/or that may create a safety concern.
- 8. LMM shall plant and maintain a Number 3 bufferyard pursuant to Table 5 of Section 1000-212 of the Fayette County Zoning Ordinance along the common border of the Bezjak property line.
- 9. LMM shall otherwise operate the site in accordance with the Fayette County Zoning Ordinance.
- 10. The Fayette County Zoning Hearing Board strongly encourages LMM to continue to explore new and developing techniques to mitigate emissions and blowdowns on the site, and recommends that LMM engage in a voluntary study on how they may achieve a reduction in emissions and blowdowns for the site.²

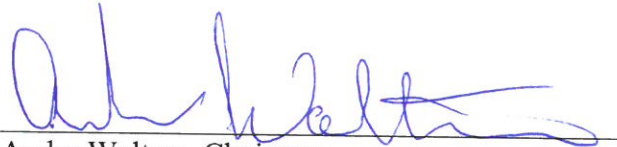
² It is noted that Board Member Edward P. Payson sought a resolution that required LMM to install additional equipment and mechanisms that prevented and/or grossly mitigated all emissions and blowdowns at the site.

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11. This resolution was passed upon motion by Board Member Joseph Ambrose, which was seconded by Chairman, Andre Walters. Secretary, Edward P. Payson, voted in opposition to passing this resolution.



Andre Walters, Chairman

8/5/2016

Date:



Edward P. Payson, Secretary

8.5.2016

Date: