

# Lycoming County's April 2<sup>nd</sup> Gas Impact Fee Meetings

## Questions asked during the meeting or received afterwards

**Q:** *Regarding maximum funding limit for each municipality: When dealing with annual budgets, municipalities include expected revenues and expenses. Does the money received from Act 13 get counted into the budget amount from which the 50% maximum cap is calculated?*

**A:** The language says the PUC will use the total municipal budget from the previous year. We have recommended that the state clarify what is allowed to be included in the budget figure that is used by the PUC to determine a municipality's cap. Chances are the state may use existing information you have previously provided to them, through DCED or municipal statistics, but we are seeking more clarification on that from PUC and DCED.

**Q:** *The allocation chart in the presentation shows the City is set to receive over \$500k yet they don't have a single gas well. Why is that, when it's the townships which are experiencing all the traffic and related impacts?*

**A:** The funding allocation formula was established by the state legislature and is set forth in the Act. The funding slice that is shared by all municipalities and those contiguous with drilling operations is determined by the percent of population and road miles in a given municipality. Williamsport has more than 25% of the County population. Thus, it's not surprising that the state formula provided the City this amount of funding. The County did not write the legislation, but it is the law. In defense of the City, however, they do have tremendous impacts on Reach Road. A lot of the gas industries have located in that industrial park and there are some real impacts with traffic, safety and road conditions. Also issues on 4<sup>th</sup> Street with expansion there. Bottomline: the rulebook has been written. It's up to us to play by the rules.

**Q:** *The presentation indicates that the County may allocate some of its Act 13 funding to its municipalities. A municipality has a bridge with hundreds of truck trips going over it a day. Ten years from now when that municipality's residents can't get in and out, who's going to fix that bridge? Can the County help us.*

**A:** In general, regarding locally owned bridges in Lycoming County, we have 70 structurally deficient bridges. When talking about leveraging dollars, we would strongly suggest that we work as partners

with this impact fee money. If you touch federal funds for a highway or road project, you will increase the cost of that project four-fold and drag out the process four times longer. In most cases with local bridges, we'll try to avoid federal money to try to get these projects done quicker and more efficiently.

**Q:** *Regarding the “coffee cup” slide, if we’re going to lose 50% or more of the money earned by wells in our municipality, will a portion of those funds stay local?*

**A:** The dollars that exceed the threshold cap for a given municipality must go to the PA Housing Finance Agency. By law, those dollars must be returned via PHFA programs to benefit housing projects in any county in the play that has active on-going drilling. Act 13 defines that those excess dollars go to PHFA for affordable housing projects. We believe that the legislation is structured this way because of the overwhelming volume of requests legislators received in Harrisburg about the need for housing.

**Q:** *For a township that has maintenance agreements with the gas companies, does this affect those agreements?*

**A:** No. All road and bridge bonding agreements must be honored as written. Gas company expenses for these types of maintenance expenses are outside (or and above) the impact fee they pay the state. The thing to keep in mind is that if you have an agreement, a road bond or anything like that, the impact fee money doesn't affect that arrangement. You need to keep your existing agreements. Some municipalities have informal agreements and have not followed the guidelines of the PA vehicle code to set up a posting and bonding program. The County won't tell you not to do that, but we recommend from a legal standpoint that you set that program up according to the standard regulations. If not, it's doubtful if you have a legal leg to stand on.

The industry is supportive of this impact fee; maybe not 100%, but they know what the municipalities are faced with. Please, do not disrupt the good communication you have with the industry. Continue to talk with them. It's still in the best interest that everyone works well together. The industry is still willing to continue its road programs. There was a rumor that they were going to spend 50% less this year. When we asked the industry decision makers, we were told they had already done so much work on the roads that most of the roads they use are now done. The budget decrease for road improvements has nothing to do with the implementation of the impact fee. They know it's in their best interest to maintain those roads so they don't have to buy axles and leaf springs.

**Q:** *If Lycoming County had a representative on the Marcellus Shale Commission, why did you sell the townships down the drain with this funding limit? We are the ones suffering the impact, but this limit caps our funding.*

**A:** When we sat on that commission, our charge was to identify and prove through testimony that there were real and deep impacts and establish what they were. It was not our charge to determine the fee or how it should be allocated. The allocation process and the cap mentioned were created during the legislative process. Those decisions occurred long after we put our report on the Governor's desk. Our report was shared with the legislature as well. Are we 100% happy with Act 13? No! But we're just very grateful that the governor gave us flexibility. That is very important as we move forward. Those municipalities with a lot of spud wells can partner with their neighbors to help address infrastructure projects that are mutually beneficial. For example, there may be a bridge in the neighboring municipality that your residents have to use to get to work: you may decide it's in your best interest to help fund that bridge project. We have to look at how to best use the limited resources we have. That's what sets Lycoming County apart, working well together with limited dollars.

**Q:** *A number of these impacts are things that we must deal with today and are already spending money on. If we have a list of eligible projects and funding has already been spent on eligible items, can the County or a municipality apply the impact fee dollars to reimburse money already spent on such an eligible expenditure?*

**A:** We don't have an answer to that question yet, but we are currently seeking guidance and clarification from PUC. The County has very few tools available to pay for water and sewer projects; the impact fee is a crucial source of dollars that can help with water and sewer needs for all of us.

We believe that the Governor is giving us an opportunity with this fee. He believes that the closer those monies are to the general public and the farther away from Harrisburg, the better they're spent. He did not want to build another skyscraper in Harrisburg with bureaucrats to check our paperwork. We believe it's going to be somewhat of a self-policing, very transparent program. The burden is on all elected officials to best use these Act 13 dollars. Legislative changes to Act 13 are very unlikely over the next few years, which is why the County is emphasizing the need to develop and send a comprehensive list of policy considerations to the executive agencies who have responsibility regarding funding and regulations.

**Q:** *Do you feel this impact fee is causing the industry to move out of the state?*

**A:** No. The industry is moving to other areas of the Marcellus Shale play to capitalize on the wet gas there due to the currently depressed price of natural gas; not because of the impact fee legislation in PA. The good news is that there are 3-5 new well pad sites under permit for Lycoming County. Will there be a slow-up? Probably yes. Natural gas was almost \$14 per unit in 2008 and last week it was \$2.21 per unit. That shows you what has been taken off the table. In a way, we're glad it slowed down a little because it allowed time for municipalities to move toward addressing their infrastructure needs. The good news is the gas is still here; it's a natural resource that's going to be harvested for decades.

Funding generated by the impact fee will continue for 15 years per well. There will be new wells coming on line each year. Barring any legislative change, this revenue is going to go on for decades.

**Q:** *When calculating which municipalities will be eligible to receive a portion of the fee, does the 5 mile radius from a spud well rule recognize wells in adjacent counties?*

**A:** No, it does not. It only applies to your own county.

**Q:** *Who is tasked with determining the legitimacy of an eligible expense?*

**A:** The recipient of the funds is. Expenditures of your impact fee funds are to be reported to the PUC on the forms provided in your packet, and subsequently placed on a website available to the public—either your municipality’s or the County’s. There will be a certain amount of public scrutiny because this information will be displayed for the general public to review. We are recommending to the PUC that each municipality be responsible for making a determination related to the linkage between an eligible project and its relationship to a Marcellus Shale impact.

Transparency is a critical, important aspect of this process. The PUC takes its charge very seriously that the dollars be spent in accordance with the law. Is someone going to micromanage? No. If there is an egregious misuse of the dollars, yes, the State will want to see that remedied. The annual reporting forms and transparency with your constituents is important, and you have a menu of eligible categories and maximum flexibility. Choose what your community needs.

If a municipality has a question about what may be a grey area, you could vet your questions through the PUC or present your questions to our County Planning Department who will work with PUC to get you an answer and share the results with other municipalities. If there is a grey area, look before you leap.

**Q:** *When do you anticipate receiving an answer to the question regarding a municipally’s budget? For some townships, the annual budget could jump quite a bit in 2012 as this money comes in.*

**A:** We’re already working with representatives of the responsible state agencies and we’ve scheduled meetings in mid-April to follow up on those questions.

It is a timely question, and the PUC is going through a public input process to ferret through these questions and provide guidance. For the first year, the PUC is using the 2010 municipal budgets as a baseline. Obviously a municipality’s 2010 budget does not include impact fee dollars.

The PUC is going to address this question in the final order slated for release on April 26th. The PUC just met with the Lycoming County Planning Commission and realized that municipalities have different ways to account for their budgets. The PUC plans to look at a uniform way to capture what's in the municipal budgets, and hopefully address that in their April 26th order.

**Q:** *What does the definition of spud well include? Does that eliminate a lot of wells from producing impact fee revenue?*

**A:** No it does not eliminate a lot of wells in Lycoming County. Spud is defined as the start of drilling; it's when the big drill starts drilling to depth. Actually, the inclusion of spud wells in the legislation has had the opposite effect—it increases the number of wells in the count. The legislation originally intended to count only the wells that entered production and achieved a certain volume of gas delivery. In that case the impact fee would not apply to many wells for months or years following the initiation of drilling activity. But, the impacts are felt immediately.

**Q:** *Bill Nichols: How about a well drilled 2 years ago? How far back do they go?*

**A:** It's all wells. The way the statute was written, any well drilled prior to 2011 will be treated as if it was spud (drilled) in 2011. That accelerates the first year revenues.

**Q:** *Will townships have to put their Act 13 revenues in a special account or can they be placed in their general fund?*

**A:** Act 13 does not specifically mention separate accounting for impact fee funds, however the County is currently seeking guidance on that issue from PUC. We would recommend you deposit the impact fee revenue you receive in a special fund so that you have exact accounting, rather than blending money, so you can maintain the maximum amount of transparency.

**Q:** *Two questions on the eligible uses. First, was the list you showed in the presentation comprehensive, or just exemplary? More importantly, are there provisions that require municipalities to hold funding constant? So, for example, if we use impact fee money to fund roadways, does that have to be on top of what we funded in a prior year? There are two approaches the legislation could take. One is that the impact fee must be used on new spending above and beyond what you have allocated in previous years. The alternative would be to say that as long as you're spending money on eligible sources, you can spend the impact fee money on your local needs, whatever they may be.*

**A:** The list we presented shows 12 of the 13 eligible categories—the 13<sup>th</sup> eligible expense is for affordable housing. Remember that the state is already allocating dollars to PHFA in two ways—first via a direct allocation off the top of the local share and second, those municipal funds that exceed the municipal budget cap. Municipal’s share of the Act 13 dollars represent a third source of funding for affordable housing projects. With regards to holding funding constant, your 2010 municipal budget is a starting point. We are working with PUC to determine if budgets can reflect increases attributable to the Act 13 funding for future year allocations. One more important item to remember is that a municipality must track its expenditures on the reporting forms provided.

The Governor wants the impact fee money to return to meet local needs. Keep in mind that your expenditures will be shown on your website (or the County’s) and thus will be very transparent. The Governor invites the public to scrutinize the use of funds via the website reporting. The Governor is going to be very flexible, but there are realistic limits. When in doubt, ask—County Planning staff, your solicitor, the PUC. We highly recommend you open up a separate account for these funds or use a computer program to keep the records separate, so you can maintain a clear paper trail.

Keep in mind that expenditures are intended to address impacts from Marcellus Shale. It’s critical for municipal leaders to establish a linkage between their expenditures of the impact fee funds and the Marcellus Shale impact they intend to address. For example, street improvements by the City to Reach Road industrial Park would be an eligible expense with a strong, direct linkage.

**Q:** *If a municipality does not have a township office, can a building construction project be considered an eligible expense under the public infrastructure category? The need for the structure is largely due to the increase in workload attributable due to gas matters.*

**A:** We recommend you deposit your impact fee revenues into a dedicated account and wait to get a ruling on whether this proposed project is eligible. We will add this question to our list of policy considerations to address with the PUC. By the way, just because you get a certain allocation of Act 13 funds each year does not mean you have to spend it in that year. It is not “spend it or lose it.” The capital reserve account is an eligible category set forth in the Act. This allows municipalities to get the money, think it through, put all our heads together and leverage these dollars effectively.

There is always a grey area on that list of eligible activities that may not be spelled out clearly. Be responsible. Communicate those grey areas to our planning staff and we will add them to our current list of questions to ask state agencies. Regardless of how you choose to spend your Act 13 dollars, you need to be able to defend and document that your project or expenditure is Marcellus Shale impact-related. If you can’t defend it in your own mind, you’re probably on a slippery slope.

**Q:** *Given all the recent earthquakes in Ohio, would the concept of “reasonable development” allow a municipality to prohibit deep injection wells—for disposal of fracking fluids?*

**A:** The topic of deep injection wells is currently being considered by the PA state legislature. However, US EPA has jurisdiction on deep injection wells, not PA state agencies. There are four deep injection wells in process in two northwestern PA counties. It should be noted that deep injection wells that have been used in Texas may not function properly in PA due to the differences between our geologies. You need to stay alert for more info to follow on that question as specific legislation comes out on that matter.

**Q:** *Are frackwater treatment/processing plants considered a gas operation and subject to Act 13 provisions?*

**A:** We don't think they are considered a gas operation under Act 13. Since these facilities are not typically located on or near a well pad, you're probably on solid ground to regulate those facilities with your local zoning and land development ordinances. We'll seek confirmation on that point with the PUC.

**Q:** *Under the state allocation that is taken off the top, emergency management is listed as a recipient of \$750,000 annually. For the city, where our firemen have already gone through eligible training, can we access that fund for equipment, such as a new fire truck, without using our own impact fee funds?*

**A:** The money for the state fire office is for a well site “first responder training” program. Other programs will be developed as technologies and curriculum change. That is the bulk of what is headed to the State Fire Commissioner's office. The PEMA money is for projects related to the planning side rather than fixed assets. This is going to be better defined in policy and regulations and is one of the issues we will be discussing with the PUC at our meeting with them in mid-April. We would suggest that you follow the State Fire Commission's and PEMA's websites to see what guidance they provide. We know the initial discussions relate to funding training of first responders. However, we believe your own impact fee allocation could be utilized for the purchase of a fire truck if you so choose; but we're checking with the PUC on that as well.

**Q:** *Act 13 was supposed to provide relief to municipalities being impacted. Our municipality is right in the heart of this gas development/drilling activity. The maximum projected allocation for our community is far in excess of the cap of \$500,000? Sounds like we're going to take another pounding.*

**A:** There are a lot of things in the legislation that we collectively may not agree with. We at the County advocated some things to be done differently. However, we're not legislators; this is the rulebook,

provided to us by Harrisburg. As Senator Yaw has said -- the more we work with this bill, the more we like it because of the flexibility it offers. There are things that local officials, state legislators, and the industry are not universally happy with; maybe that means Act 13 is a reasonable compromise. County officials fought vigorously against the possibility of all the money going to Philadelphia. The legislative process was a give and take session. It's unlikely that Act 13 will return to the legislative process for any changes any time soon. The vote in the House was very close. You have to remember that while 60% of the state is covered in Marcellus Shale, the state's population is centered in other parts of the state with legislators representing those constituents as well.

When we first saw the legislation proposed by the administration over a year ago, our goal was to advocate for keeping the vast majority of the funding here locally. The Governor's proposal morphed as it went through the legislative process. As we reviewed the details of Act 13, we saw there would be a cap placed on an individual municipality's allocation. We tried to influence the legislation to allow those excess monies to be retained in the county where they were earned. Our thought was that if individual local municipalities cannot keep the money, at least let us retain it locally so we can get it back out where it belongs—directly into our local communities. It's important to watch for that late April ruling that will come out of the PUC for any additional details.

**Q:** *Regarding drilling in floodplain areas, are oil and gas operations going to be allowed in the floodway with the DEP waiver, or is the floodway completely off limits as it is with other activities?*

**A:** We attempted to educate the folks in Harrisburg regarding this language, such as the distinction between flood fringe and floodway to help them appreciate that difference. At the County our policy is that we discourage building in the floodplain, but definitely don't support building in the more dangerous floodway. We highly discouraged legislators and state agencies from allowing oil and gas operations anywhere in the floodplain. We have included this concern in our policy recommendations as well and will share those with both the PUC and DEP.

To reiterate, the County did not see any differentiation made in Act 13 between the flood fringe and the floodway—the language consistently states the floodplain. While DEP is allowed to issue waivers to allow drilling in the floodplain, we strongly object to allowing drilling in the floodway. Hopefully, common sense will prevail. Most of the drilling companies were here during the flood event in September 2011. We trust they realize the potential consequences of drilling in the floodplain.

**Q:** *Does it sound like the PHFA income parameters will be widened beyond Low-Moderate Income (LMI) so that the impact fee funds can reach a broader group of housing needs and impacts?*

**A:** PHFA programs are generally aimed at affordable housing endeavors, which generally mean those of low-moderate income and below. We have heard that the needs for housing throughout the County are

at all income levels. We previously asked for more flexibility to accommodate needs at income levels above the LMI threshold, and we are actively seeking clarification and guidance on that point with both the PUC and PHFA. We would like municipalities to be able to use local judgment to effectively meet their most pressing needs.

**Q:** *With reference to sharing and leveraging funds, will the County provide direction to targeted housing areas with a ten-year type of community planning timeframe?*

**A:** At this time we do not intend to create any new plans to provide guidance related to the use of Act 13 funds. However, we have several plans already completed or nearly completed that can be utilized by the Commissioners and local officials to better understand community needs and target funding. In 2006, we adopted the 20-year Lycoming County Comprehensive Plan and six multi-municipal plans that, for the first time, established growth areas in the County. Since that time we have worked to provide infrastructure in those growth areas and also to add quantitative planning efforts to better identify the County's needs driven by both the Marcellus Shale industry and growth and economic development trends. Last year we began an Infrastructure Assessment of the designated growth areas in the County which will become part of the Comprehensive Plan. We are also currently undertaking a study of Marcellus Shale local impacts as they relate to Housing, Water and Sewer, Transportation, and Public Health and Safety. All of these planning efforts will be utilized by County Commissioners and officials when making funding decisions. Keep in mind that this stream of funding will continue for decades. However, our needs are many and our projects will no doubt, dwarf our expected individual allocations, so we have to work together to complete a lot of these projects. There will obviously be things that have to be fixed now and projects and needs will have to be reevaluated often. Collectively, we as a community can tackle these impacts and get things fixed, if we work together.

**Q:** *For funds completely within the County's control, what is your process going to be for consideration of different eligible projects?*

**A:** We're certainly going to prioritize the funding requests based largely upon the aforementioned planning documents and the applicant's ability to leverage additional funding. We're going to be working on a program that could be implemented by the LCCs if they wish. It may be something similar to the competitive grant on liquid fuels, using that as a type of model, with points for various factors: Safety impact, local share, etc. This is in the planning stages at this point. It has not been fully developed yet or presented to the commissioners for approval; just some ideas we're considering in the planning office. We're trying to better define and quantify our impacts related to housing, water and sewer, transportation, and public health and safety. It's extremely important that we identify in the study these needs. We need to be able to document the needs against the provisions of the study. We strongly recommend your active involvement in reviewing the four reports in this study—make sure they are inclusive and complete and capture your concerns.

**Q:** *Can Williamsport apply to the CFA for Levee Certification Funds, made available from the 40% State share allocated to CFA? Can the WMWA apply for Chesapeake Bay related funds, specifically for the new Treatment plant?*

**A:** Act 13 allows up to 25% of the funds given to the CFA to be used for flood control projects. We will ask CFA and supporting Departments if Levee Certification expenses (a defined and critical step in the maintenance of the levee) would be recognized as a legitimate expenditure. WWTP expenses appear to be eligible for PennVEST and CFA funding since those agencies are slated to receive 25% of the state's funding share.

**Q:** *If a municipality needs to create infrastructure improvements (water & sewer, for example) to support housing development would those expenditures be eligible for PHFA funding?*

**A:** This is not clearly defined in Act 13. We will address this question with PHFA when we meet with them later in April.

**Q:** *Can money be used to purchase "Road Maintenance" equipment (i.e., backhoe, grader, etc.)*

**A:** We are seeking that answer from PUC.

**Q:** *Can an association obtain money for facility upgrades?*

**A:** We are seeking that answer also from the PUC

**Q:** *"Locals Benefit from Local Shares" (40% to state). Why do ALL counties benefit from funds that are generated by wells and associated wells in only certain counties? Report indicates funds would be distributed by COUNTY POPULATION – most counties with wells have low populations.*

**A:** There are two designated state funds (specified in Act 13) that are distributed (according to population) to every county in the state—Highway Bridge Improvement Restricted Account and funds for Environmental and Recreational initiatives. The dollars allocated to PHFA for affordable housing needs can only be spent in the Counties where there is active drilling occurring. The other allocations in the state's 40% share are competitive for all counties to pursue. That's simply the way the legislation was drafted.

**Q:** *If a municipality's zoning currently does NOT address gas drilling (by virtue that it is not mentioned or referenced at all), do we need to amend our Zoning Ordinance (ZO)?*

**A:** At a minimum, it may be wise for your ZO to recognize the pre-eminence of Act 13 provisions if they relate to your ZO. Remember that Act 13 says that drilling is to be allowed in every zoning district so

you should work closely with your zoning officer and solicitor to get prepared. The County will contact PA PUC to see what actions are required of a municipality that has a ZO that does not contain any provisions about oil and gas development.

**Q:** *Would Public Infrastructure include a Township Building for public access to Township meetings and for a voting?*

**A:** Good question. It has been added to our set of recommendations and questions we are addressing with the PA PUC

**Q:** *What happens to the 36% that the County gets and why should they get it?*

**A:** Funds the County receives will be prioritized to help address impacts based largely upon the needs which are baselined in the aforementioned planning documents and the applicant's ability to leverage additional funding. The County has not yet established a "funding request process." Act 13 allocated 36% to the counties hosting active drilling to help address impacts that they experience in the 13 eligible categories. It is Lycoming County's intent to reallocate a significant share of our funds to help municipalities and authorities meet and address some of their documented impacts.

**Q:** *Can I get a copy of the report showing the \$2 billion in infrastructure projects that the County listed?*

**A:** Yes—the document is available in our Planning Department. Please call 570-320-2130 to secure a copy of that document.

**Q:** *How can I get a copy of the model zoning ordinance the County is developing*

**A:** County is making a small number of revisions to our adopted zoning ordinance so we align with Act 13 provisions. Our adopted zoning ordinance (adopted in early 2011) is available to review on the County web site—see planning department page. Please contact our Planning Department in early-mid May 2012 to arrange for a copy of our draft update provisions.

**Q:** *How will the County help coordinate zoning adoption for PUC approval in municipalities we serve so they are eligible to apply for funding to meet infrastructure or operating cost?*

**A:** First, our municipalities are now eligible for funding by virtue of the Impact Fee ordinance that the Commissioners passed on April 5<sup>th</sup>. To remain eligible, we (County and municipalities) must update our zoning ordinances per the provisions of Act 13. The County zoning partnership currently has 17 municipal partners and they will be covered by us. There are three ways the County can help our "non-zoning partnership" municipalities: 1) get answers to your zoning process questions directly from the PUC and 2) offer to help review or assist municipalities during their review process and 3) send a copy of our zoning ordinance (with updates) once we have amended it to align with Act 13.

**Q:** *Lycoming County has identified WMWA's Lycoming Creek Water Transmission Main Project as a priority for many years. This is a project which will deliver millions of gallons of water to gas well via pipeline rather than trucks on our county roads and create revenue for our critical water infrastructure needs. Is this a priority funding project?*

**A:** All infrastructure projects must be evaluated by host municipalities as well as the County for competitive allocation of their Act 13 funds. If your project is in the Water & Sewer Report (LOCAL IMPACT STUDY) then it would be a viable candidate for assistance. The County will be generating a "Grant application" procedure in the near future—stay tuned.

**Q:** *Our Zoning Ordinance has no reference to anything gas-related; can we simply use Act 13 or add it to our ordinance?*

**A:** At a minimum, it may be wise for your ZO to recognize the pre-eminence of Act 13 provisions as it relates to your ZO. Remember that Act 13 says that drilling is allowed in every zoning district so you should work closely with your zoning officer and solicitor to get prepared. . The County will contact PA PUC to see what actions are required of a municipality that has a ZO that does not contain any provisions about oil and gas development.

**Q** *Is there a priority list for transportation projects for the County?*

**A:** The County's TIP has traditionally served that purpose for transportation infrastructure projects

**Q:** *How do you apply? For example: Rte 220/Rte 405*

**A** County will develop a "grant funding" request process, criteria and form to assist you in the near future.

**Q:** *1.) What is status of Robinson Twp case--Washington County's legal action to overturn HB 1950? 2.) Who measures dbA @ compressor stations & is federal standard 55 dbA? 3.) Who updates population figures every year? 4.) What exactly is an "occupied structure" does shed qualify?*

**A:** 1). The law suit was ruled upon and the judge blocked the immediate implementation of ACT 13 zoning provisions until August 12<sup>th</sup> —the date by which all local zoning ordinances are required to be updated as necessary to comply with Act 13. Your existing zoning ordinance provisions pertaining to oil and gas operations remain in effect until the August 12<sup>th</sup> date.

**2)** For municipalities in the County Zoning Partnership, noise is measured by the County's Zoning administrator; for other municipalities their noise requirements would be measured/enforced by their zoning office/permit office/code enforcement officer. The noise standard currently contained in the County zoning ordinance is 32 to 67 dBA depending on the frequency range involved; it's applicable to all uses in any zone and is measured for compliance at the parcel lot line.

**3)** We are to use the latest census figures distributed by the US Census Bureau—we are asking PUC to determine who is to produce the number to be used.

**4)** Act 13 defines a building as an “occupied structure with walls and a roof within which individuals live or customarily work.” Then, one could ask: does my occupied structure have a roof, walls and provide a place where people live or work. If yes, then it’s defined as a building.