



## OAKLAND TOWNSHIP, BUTLER COUNTY

### TEMPORARY HOLDING TANK AGREEMENT

THIS TEMPORARY HOLDING TANK AGREEMENT (“Agreement”) made this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between **THE TOWNSHIP OF OAKLAND**, County of Butler, Commonwealth of Pennsylvania, with its principal office at 565 Chicora Road, Butler, PA 16001 (the “Township”) and \_\_\_\_\_, of \_\_\_\_\_, (the “Applicant”).

#### **WITNESSETH**

WHEREAS, the Township Supervisors and Applicant agree to the following terms for all temporary sewage holding tank(s) to be installed at gas well drilling sites within the Township. Permits for any individual well pad operation may be issued for a period not to exceed eighteen (18) months. Permits issued will be site specific and are not transferable between sites; and

WHEREAS, Applicant fully understands that holding tank(s) may be permitted for a period of ONE YEAR from the date of issuance of the permit by the Sewage Enforcement Officer with the option of an additional SIX (6) MONTHS if requested. This period will not be extended; and

WHEREAS, Applicant will obtain a permit issued by the Township Sewage Enforcement Officer for each existing well pad site immediately and prior to installation of any additional holding/retaining tank(s) and prior to any use of any new sewage facilities; and

WHEREAS, Applicant fully understands that it must obtain sewage approval for any new well site in the Township prior to the commencement of any operations including construction; and

WHEREAS, an agreement between the Applicant and the company contracted for pumping and disposing of the contents of the holding tanks(s) must be submitted with this agreement. This agreement must cover the entire period of operation of the temporary holding/retaining tank(s); and

WHEREAS, disposal of the waste from the holding/retaining tank(s) shall be at a site approved by the Department of Environmental Protection and shall be indicated on the

agreement between Applicant and the company subcontracted to remove the waste from the holding/retaining tank(s); and

WHEREAS, Applicant will submit all pumping records to the Township office at 565 Chicora Road, Butler, PA 16001 on a quarterly basis. If operation is completed in less than three (3) months the pumping records are due at the time of completion of the drilling operation; and

WHEREAS, a cash bond of One Thousand Dollars (\$1,000.00) for each well pad site will be submitted to the Township prior to installation of the holding/retaining tank(s), which will be deposited in a non-interest bearing account, for the purpose of pumping, maintenance and inspection, in the event Applicant fails to fulfill the requirements. This bond will be refundable at the end of the permitted use period provided the holding tank(s) have been removed and the Township has not been required to contract for pumping or for repairs to the holding tank system or incurred any other expenses therewith. If at any time the Township is required to draw on the escrow fund, Applicant shall, upon 10 days written notice, provide the Township with such funds as are necessary to restore the security to such amount as shall then be in effect; and

WHEREAS, a non-refundable permit fee of \$300.00 for each well pad site will be submitted to the Township prior to installation of the holding/retaining tank(s); and

WHEREAS, Applicant will complete a Sewage Application for each well pad site and submit a \$750.00 Inspection Application Fee per each well pad in advance of installation of the holding/retaining tank(s); and

WHEREAS, Applicant hereby agrees to indemnify and hold harmless the Township, its officials and agents, from all liability, claims, demands, actions or causes of action whatsoever, including costs of investigation and defense of such claims, either in law or equity, arising from or in any way incidental to or resulting from the undertakings of the Applicant herein, including but not limited to, any activities of the hauler of Applicant in performing the obligations set forth herein; and

WHEREAS, a minimum of 1,550 gallon tank(s) will be installed with warning devices to indicate when the tank is filled to within 75% capacity, and meet the specifications, rules and regulations of the Department of Environmental Protection. Multiple tanks may be installed in a series to accommodate the required volume. If multiple tanks are utilized, the alarm will be installed in the last tank in the series. Applicant agrees to notify and obtain approval from the Township Sewage Officer and any requested changes to tank capacities. Actual tank capacities will be indicated on Application and Permit; and

WHEREAS, Tank and alarm specifications must be submitted prior to issuance of the temporary holding tank permit; and

WHEREAS, Applicant agrees to permit inspections as deemed necessary by the Township Sewage Enforcement Officer; and

WHEREAS, violation of any terms of this agreement will result in the revocation of the Temporary Holding Tank Permit and the Permit issued by the Township for the operation of the well. Applicant shall be liable for reasonable attorney fees incurred by the Township in connection with the enforcement of this agreement; and

WHEREAS, all notices provided herein shall be in writing and sent to the following addresses by first class mail, postage pre-paid:

Township Contact Information: Oakland Township  
ATTN: Nadine A. Neff  
565 Chicora Road  
Butler, PA 16001

Applicant Contact Information: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

INTENDING TO BE LEGALLY bound hereby witness the hands and seals of the parties the day and year first written above.

ATTEST: OAKLAND TOWNSHIP

\_\_\_\_\_  
Township Secretary  
(seal)

\_\_\_\_\_  
Chairperson

WITNESS:  
\_\_\_\_\_

APPLICANT:  
\_\_\_\_\_