Marcellus Gas Activities and Community Planning Tools

This column is presented weekly by the Public Education sub-committee of the Clinton County Natural Gas Task Force in an effort to provide accurate, up-to-date information on activities surrounding the Marcellus Shale formation and the natural gas exploration industry. For more information on Task Force activities, visit the Task Force page on the Clinton County government website at www.clintoncountypa.com.

As Marcellus Shale natural gas activity increases in central Pennsylvania and Clinton County, County and municipal officials are working hard to understand the associated land use issues and their role in the process.

The Pennsylvania Oil & Gas act of 1984 specifically assigns responsibility for the permitting of gas wells to the Department of Environmental Protection. Clinton County communities are working within the constraints of the Oil & Gas Act, the Pennsylvania Municipalities Planning Code, and case law to locally regulate those aspects of gas well drilling activities not regulated by the Oil & Gas act.

The State of Pennsylvania has leased thousands of acres within the Sproul and Tiadaghton State Forests for drilling in addition to private land owner leases. Drilling is here, so what can your municipality do to lessen the impact?

Local municipalities are enacting natural gas related ordinances in four main areas: basic zoning that identifies which district(s) gas well drilling is allowed; road use and maintenance agreements; noise regulations; and, lighting regulations.

The Clinton County Commissioners and Clinton County Planning Commission have been very involved in the Pennsylvania Wilds concept which seeks to promote ecotourism and compatible development in rural areas. The County has adopted the Pennsylvania Wilds Design Guide which identifies site sensitive design elements, emphasizing natural materials such as wood and stone and neutral colors, and minimizing light and noise pollution. The Pennsylvania Wilds also seeks to preserve the natural, serene and remote feeling of rural central Pennsylvania.

Clearly there is a basic conflict between the Pennsylvania Wilds concept and the natural gas industry's development of the Marcellus Shale play. In response to Marcellus development, the Clinton County Natural Gas Task Force and the Clinton County Planning Commission are distributing information, sample ordinances and guidelines to municipal governments for their consideration and adoption.

The Clinton County Planning Commission recently amended the County Zoning Ordinance to address Marcellus drilling activities. The Commission added definitions and identified zoning districts where drilling will be permitted. We also added noise and light regulations for any permanent improvements such as metering and compressor facilities that will remain after the drill rigs have left the area. The County's amendment was reviewed by several gas companies and the County Solicitor prior to adoption. The amendment was then forwarded to the municipalities in the County that administer their own land use regulations for their consideration.

Many municipalities in the County have undertaken natural gas drilling zoning ordinance amendments to specifically include drilling activity in their ordinance and to identify in which zoning districts drilling is permitted and in which zoning districts drilling is prohibited. These amendments also identify the process and procedures required for approval.

There are two main areas where drilling can be locally regulated or prohibited without running afoul of the Oil and Gas Act: highly developed areas, and flood plains. As the number

of wells increase there will likely be a tendency for well pad sites and compressor stations to be located closer to communities and in flood plains. Getting ordinances amended now will establish guidelines and expectations and reduce potential conflicts in the future.

Many of the municipalities in the northern tier of the County are dealing with large numbers of heavy trucks that are being used to develop and serve natural gas drilling facilities and the impact of those trucks on municipal roads. In general the drilling companies have an interest in maintaining and repairing these local roads to allow continued access to their sites. For municipalities to effectively protect these roads there are several steps that must be taken.

First, the municipality must survey their roads to establish the load bearing capacity of the roads. Second, the roads need to be posted with a weight limit based on the results of the survey. Users of posted roads are required to get a permit from the municipality and post a bond to insure any damage is repaired. These steps establish a legal framework to protect local roads.

In addition, there is a new tool now being used, municipal road use agreements. These agreements are in addition to the posting and bonding. A road use agreement basically specifies improvements that will be made prior to the road being used and when periodic maintenance and damage repair will be made. Without a road use agreement a trucking or gas company could wait until they were done using the road before making repairs. This could leave the road damaged for long periods. Road maintenance agreements usually specify that repairs to damage will occur immediately. A complication to this process occurs when several drilling operations are using the same road. The solution is to develop an allocation formula for the users based on their percentage of use of the road.

Drilling rigs on well pad sites are temporary. The rigs eventually will be moved to other pad sites in other areas. What will be left behind will be new pipeline right of ways, metering and compressor facilities. These facilities are regulated locally and are not covered by the Oil and Gas Act. The County's noise regulation sets a 75 decibel limit. Depending on the property size and ownership there are different locations specified for the measurement. On private property the measurement is taken at the property line. On public property the measurement is taken at 150 feet from the source. There are exclusions to noise regulations for intermittent sounds such as chain saws.

The County Planning Commission also reviews development plans for compressor stations and metering facilities for their impact on the dark skies initiative as described in the Pennsylvania Wilds Design Guide. We require motion activated lighting at the gate or door and all other lights to be manually operated. This excludes dusk to dawn lighting and preserves the night sky for star viewing.

As the Marcellus natural gas field is developed in central Pennsylvania there will be many opportunities and challenges for the residents of Clinton County. By planning for the changes that are here now and others that are coming and adopting some basic regulations, we can protect and preserve our community assets.

Clinton County Planner Tim Holladay can be reached at the County Planning Office at 570-893-4080 or via e-mail at thollada@clintoncountypa.com.