

News

Local ordinances will be Marcellus shale battlegrounds

Sunday, May 22, 2011

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HARRISBURG — Natural gas industry officials are asking Pennsylvania officials to provide clarity and consistency in municipal zoning ordinances that make drilling inconvenient or even impossible in certain parts of the state.

An environmental group behind some of the restrictive drilling ordinances claims the industry is trying to undermine the right of self-government.

That issue is one of many Gov. Tom Corbett's Marcellus Shale Advisory Commission will address before submitting a final report to the governor on July 22.

The commission consists of 30 members representing state and local government, the drilling industry, environmental groups and academia. It is charged with presenting a policy recommendation to the governor on the controversial natural gas industry in the state.

Kathryn Klaber, president of the Marcellus Shale Coalition, an industry group, told the commission Friday that drilling firms are having difficulty navigating the 779 zoning ordinances in the 1,491 municipalities in the Marcellus shale region.

Klaber compared the circumstances to residents having to obtain a new driver's license for every town through which they might drive.

"Some have expressly banned natural gas extraction altogether; others banned stages of development," Klaber said.

Klaber said the "exclusionary" ordinances violate the state Oil and Gas Act, which supersedes local regulation of the natural gas industry. She specifically pointed the finger at the Community Environmental Legal Defense Fund, which works with local governments to pass environmental ordinances.

Ben Price, Pennsylvania projects director for the fund, said the Oil and Gas Act only prevents municipalities from regulating the industry, not banning it.

"For the industry to say that communities may not govern the activities of corporations chartered in the name of the people in the state is an absurdity," Price said, during a phone interview Friday. He said a "cozy relationship" between drilling firms and the state was responsible for the attempt to undermine local control.

The city of Pittsburgh has adopted the anti-drilling ordinance, along with three other municipalities in Allegheny County,

said Price. Similar ordinances have been adopted by 66 communities in western Pennsylvania, said Klaber.

Klaber said the new ordinances were being selectively enacted and enforced against the natural gas industry.

At the conclusion of Friday's meeting, Lt. Gov. Jim Cawley, chairman of the commission, said the local ordinance issue would be addressed in the final report.

The commission will not hear directly from representatives of local governments in drilling-affected areas until its next full meeting June 17.

One of the commission's four working groups has been focused on the local impacts. Other working groups are examining environmental issues, infrastructure impacts and economic development.

At the start of the meeting, Cawley requested preliminary recommendations from committee members no later than May 31, though he said an early draft of the commission's report was premature.

"The testimony that is going to be taken on June 17 is going to be equally as important as any testimony that's been taken at any other commission meeting," Cawley said.

On a parallel track to the commission, Senate President Joseph Scarnati, R-Jefferson, has proposed a "local impact fee" to help counties and municipalities deal with the effects of gas drilling. In that proposal, municipalities which prevent drilling from taking place would not be eligible for any of the revenues generated by the \$10,000-per-well levy.

The legislation introduced by Scarnati also includes a model ordinance for municipalities.

David Sanko, executive director of the Pennsylvania State Association of Township Supervisors, which represents the heads of 1,500 municipalities in the state, said Scarnati's approach made sense, since banning drilling in certain areas did not prevent negative impacts elsewhere.

"You have to enforce it across the board," Sanko said. "There are some bad actors everywhere, but making the law more strict isn't going to stop those."

Price said the model ordinance would tempt local officials to surrender their control for "nominal revenue."

Scarnati wants to include the impact fee as part of the state budget, which must be passed by June 30.

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