

## Drilling closer in township

By: **HILARY BENTMAN** (Wed, Apr/18/2007)

The day gas-drilling rigs come to Nockamixon could soon be here.

A Michigan firm is in the process of applying for a drilling permit from the state and has also identified a 70-acre property off Route 611 where it would like to dig.

Meanwhile, on Tuesday, township officials adopted further restrictions on where, when and how drilling can occur in Nockamixon. Most noticeably, their actions limit drilling to industrial and quarry areas of the township.

Arbor Resources LLC wants to search and extract natural gas they believe lies beneath the Upper Bucks township and for the last few years has been getting landowners to lease their properties so the firm can search and remove what it finds.

In February, Arbor applied for a drilling permit from the state Department of Environmental Protection, but the application was deemed "administratively and technically incomplete" and sent back to the company. Last month, Arbor sent additional information to the DEP, but "the application, as of today, is still administratively incomplete," DEP spokeswoman Lynda Rebarchak said on Tuesday.

She said the department is still waiting for an erosion and sedimentation control plan and cannot start the technical review of the drilling permit application until this is complete.

At Tuesday's supervisors meeting, Nockamixon engineer Steve Baluh said Arbor has applied for a National Pollutant Discharge Elimination System permit, which explains how it will "treat storm water runoff with this project."

The permit applies specifically to a 70-acre vacant lot on Route 611 near Frogtown Road, just south of the village of Revere. Now the township has 30 days to review the discharge permit. Baluh said he believes Arbor must receive permits for each specific property it wishes to drill on.

When drilling may start is uncertain. Once the drilling permit application is complete, the review process can take about 90 days or longer in Nockamixon's case since this is new territory for gas drilling and it's a company that state officials have not worked with in the past, said DEP spokesman Tom Rathbun.

Residents will also have an opportunity to provide comments at a hearing. Once the DEP says the project can move forward, the department will ask the company to post a bond and will issue a permit. The DEP could also reject an application, but the department's decision can be appealed by either the company or members of the community, said Rathbun.

Although DEP regulates drilling and issues permits, Nockamixon, under its land use powers, can establish its own regulations. Last year, officials passed a law prohibiting drilling in the villages and environmentally sensitive areas, but have been working on further restrictions.

On Tuesday, supervisors voted 3-1 in favor of amendments that limit drilling to only the industrial and quarry zoning districts. The ordinance also addresses hours of operation, noise level, financial security the company would have to post and environmental issues. The township will continue to look at other issues associated with drilling and could pass further regulations in the future.

"We consider this amendment really a living document because this type of operation in our community is new," said Supervisor James Litzenberger. "There is always new technology ... that could impact us. We need to keep it as a living law and keep our ears to the ground."

But some have worried these regulations would not hold up in court if challenged. The ordinance is written so that if a judge finds any restriction unconstitutional or invalid, it would not affect the validity of the rest of the law.

Supervisor Henry Gawronski voted against the amendments, calling them "too restrictive." He pointed out there are already state and federal regulations in place. "We're not going to stir any big fires one way or another."

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