



RECEIVED/DELAWARE RIVER  
BASIN COMMISSION

# Wayne County Planning Commission

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Director of Planning

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March 2, 2011

Delaware River Basin Commission  
PO Box 7360  
West Trenton, NJ 08628-0360

RE: Draft Natural Gas Regulations

Dear Commission Members,

The Wayne County Planning Commission is very concerned over the approach the DRBC draft Natural Gas Regulations have taken. These draft regulations have consequences that extend far beyond the natural gas regulatory issue. Your regulations should be limited to oversight of those issues involving water allocation and wastewater disposal only.

The approach the regulations are taking in regard to well pads in forested areas is very troubling.

This can be seen as the first step in DRBC's expanded power to identify other land uses that it deems inappropriate to be located in forested areas. Deciding what land use, is to be allowed where, is the rightful function of local government. It would be wrong for the DRBC to institute regulations that attack local government functions. In addition, setbacks, circulation plans and other similar issues have traditionally been addressed through local zoning ordinances. Such issues should never be a function of DRBC regulations. The DRBC needs to focus on the functions of water allocation and wastewater disposal only.

The draft regulations are an overreaching exercise and power grab on the part of the DRBC that can lead to countless other instances of the DRBC intervening in local land use issues.

Although this issue, at the present, is limited to the discussion on natural gas, this is a tremendously dangerous first step where the DRBC could widen its reach on just about any traditional local land use function. It will eventually lead to an erosion of local governance. What will be the next land use that the DRBC deems inappropriate in forested areas? Could it be a grocery store? A bank? A home? With the right mix of self-proclaimed proactive envelope pushers in place at the DRBC, this first step is all that would be needed to justify the continued growth of DRBC's intervention in local land use issues

We all appreciate the need to protect our water resources. This task is addressed from many different positions by many different governmental agencies at the local and state levels.

We believe the DRBC needs to focus on water use allocations and disposal issues only. It is much more appropriate for local officials who are elected by, and accountable to, their neighbors to be able to retain their rightful authority to make land use decisions, rather than a detached regional bureaucracy located hours away. Local officials know their neighborhoods and know the needs of the people they serve and see every day. In terms of local land use policy, local governments possess a familiarity with the needs of their communities that cannot be replaced by a distant regional authority.

The draft regulations needlessly duplicate many functions of local and state government through the "Natural Gas Development Plan" procedure. The Commonwealth of Pennsylvania, through its agencies and through local governments, can provide the proper oversight needed in this regard. We believe the "Natural Gas Development Plan" requirements should be removed from the draft DRBC regulations. The DRBC should neither attempt to infringe upon or duplicate the authority of state governments to carry out their environmental policies, nor should the DRBC seek to usurp the legal rights of local governments in the management of their land use policies. The DRBC should focus solely on the issues of water allocation and wastewater disposal.

Sincerely,

A handwritten signature in black ink, appearing to read "Kuni Holbert", with a stylized flourish at the end.

Kuni Holbert, Chairman  
Wayne County Planning Commission