

3042
Cooper, Kathy

From: RegComments@pa.gov
Sent: Wednesday, January 22, 2014 2:17 PM
To: Environment-Committee@pasenate.com; apankake@pasen.gov; IRRRC;
RegComments@pa.gov; eregop@pahousegop.com;
environmentalcommittee@pahouse.net
Cc: ra-epmsdevelopment@pa.gov
Subject: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites



Re: Proposed Rulemaking - Environmental Protection Performance Standards at Oil and Gas Well Sites

The Environmental Quality Board (EQB) has received the following comments regarding the above-referenced proposed rulemaking.

Commentor Information:

Alma Forsyth
League of Women Voters of Chester County (jalklforsyth@verizon.net)
P.O. Box 126
Chads Ford, PA 19317 US

Comments entered:

Submitted at Jan. 9, 2014 hearing in West Chester.

These links provide access to the attachments provided as part of this comment. You are advised to save the attachments to your local computer or a network share when prompted by your browser.

Comments Attachment: [Alma Forsyth.pdf](#)

Please contact me if you have any questions.

Sincerely,
Hayley Book

Hayley Book
Director, Office of Policy
PA Department of Environmental Protection
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2014 JAN 22 PM 2:59

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January 9, 2014
DEP/Environmental Quality Board Hearing

2014 JAN 22 PM 2:59

Thank you for the opportunity to present comments regarding the proposed changes to the state's oil and gas regulations as a conservation specialist and land use planner, local and regional planning commission member, Township Land Trust founder.

In 2012, Governor Corbett signed the 2012 Oil and Gas Act which significantly revised Pennsylvania's oil and gas laws in the Commonwealth. Act 13 requires municipalities to allow oil and gas operations except for processing plants in all zoning districts, and consequently infringes upon the rights of local governments throughout the Commonwealth to protect the health, safety, and welfare of its citizens. Act 13 removes all meaningful zoning and planning authority from local governments as to the oil & gas industry, while all other entities, be they individual, corporate or institutional, still abide by local ordinances.

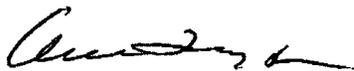
The PA Supreme Court has ruled Act 13 is unconstitutional on the grounds that it violates the Environmental Rights Amendment to the Pennsylvania Constitution. Notably, the Court stated, "As the citizens illustrate, development of the natural gas industry in the Commonwealth unquestionably has and will have a lasting, and undeniably detrimental, impact on the quality of these core aspects (life, health, and liberty, surface and ground water, ambient air, etc.) of Pennsylvania's environment, which are part of the public trust." Opinion at 117.

Additionally, the Court stated. "By any responsible account, the exploitation of the Marcellus Shale Formation will produce a detrimental effect on the environment, on the people, their children, and future generations, and potentially on the public purse, perhaps rivaling the environmental effects of coal extraction" Opinion at 118.

In ruling so, the Court struck down the shale gas industry's effort to force every municipality in the state to allow gas drilling and related industrial operations in every zoning district. The Court's decision upholds the ability of local governments to protect their local communities and natural resources through zoning.

The Court held that the provisions violate Article 1 Section of the Pennsylvania Constitution – the Environmental Rights Amendment. Sections 3215(b)(4) and (d), 3303, and 3304 are incompatible with the Commonwealth's duty as trustee of Pennsylvania's public natural resources. Concluding also that the Act forced some citizens to bear "heavier environmental and habitability burdens than others" in violation of Section 27's mandate that public trust resources be managed for the benefit of all the people.

Respectfully Submitted by



Alma Forsyth,
Conservation Specialist