

Local Rights Matter: Key reasons to oppose SB1100/HB1950

*As the Pennsylvania legislature works to reconcile Senate and House bills on natural gas development, lawmakers are being asked to trade municipal rights for limited impact fees and regulatory changes. **That's why residents, local government officials, and organizations across the Commonwealth oppose the bills. They are asking—through letters, phone calls, visits, petitions, and rallies—that state legislators do the same and vote “NO” if a final bill with these provisions come to the floor.***

The requirement in both bills to allow gas development anywhere is a special favor to only the gas industry. Other types of businesses (from hair salons to light construction) could face more restrictions on locating in a residential area than gas wells, pipelines, compressor stations, and chemical and waste storage.

Both bills would allow gas operations close to homes, schools, and health facilities (such as well pads and drill rigs at 500 feet and wastewater and chemical impoundments at 300 feet). Based on trends in Pennsylvania and nationwide, citizens could see home and property values decline from having industrial operations nearby or air and water quality problems.

Municipalities across Pennsylvania have enacted or are working to enact measures that protect the health, safety, and welfare of their communities and residents. This bill would eliminate the possibility of doing this through zoning, which is essential to limit traffic, noise, odors, hours of operation, pollution, and other impacts of industrial gas operations.



Communities deserve better than a “cookie cutter” approach to policy. The bills would establish statewide pre-emption of certain local zoning requirements so that the development of gas would be given higher priority than protections for health, property, and air and water quality. This approach puts communities in harm's way by limiting what they can do to protect residents from pollution and disruptions from gas operations and requiring them to follow only minimal standards. The bills also ignore the diverse economic and environmental conditions—and wishes of residents for the future of their communities—found across the Commonwealth.

Municipalities now have the legal right to decide where and how gas development occurs. Pennsylvania's Municipalities Planning Code vests municipalities with the authority and responsibility to address local environmental protection and preservation, while the State Constitution obliges municipalities to be stewards of public resources. Pennsylvania Supreme Court rulings have made it clear that the state Oil and Gas Act allows municipalities the right to use zoning codes to restrict the location of gas wells, just as they can restrict other types of industrial and commercial activities.

The State can punish municipalities by withholding impact fees. The bills would give the Attorney General (AG) power to review and pass judgment on local ordinances and to deny a municipality access to drilling impact fees if it doesn't comply with the AG's opinion.

Towns could face new lawsuits, at taxpayer expense. The bills give oil and gas operators the ability to force a state review of a municipality's ordinance and to sue to overturn an ordinance—and to even collect legal fees from the municipality.

Towns are denied the right to challenge the industry. Under the bills, municipalities would have no right to appeal a well or other gas operation permit granted by the Department of Environmental Protection, regardless of the planned location or potential risks to health and the environment.