



FOR IMMEDIATE RELEASE

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Judge Allows Gas Drilling Ordinance to Stand
Opponents Vow to Continue On

Butler County, PA: Friday, November 20, 2015, Honorable Dr. S. Michael Yeager of the Court of Common Pleas of Butler County issued a ruling that affirmed the Middlesex Township Zoning Hearing Board decision to allow the town's amended zoning ordinance to stand. The zoning ordinance as proposed and passed had been challenged by Delaware Riverkeeper Network, Clean Air Council and residents of Middlesex Township. After receiving written briefing and hearing oral arguments, Judge Yeager dismissed the case and allowed the Zoning Hearing Board decision to stand in its "entirety".

The zoning amendment at issue, first passed on August 13, 2014, allows shale gas extraction in over 90% of the township, and permits industrial infrastructure, like compressor stations, to operate in agricultural and residential districts.

The appeal filed by 3 residents, the Delaware Riverkeeper Network and the Clean Air Council challenged the ordinance on multiple grounds, including for violation of Pennsylvania Constitution Article I, Section 1 protecting life, liberty and property rights, Article 1, Sections 27 protecting environmental rights, and provisions of the Municipalities Planning Code. During the hearings before the Zoning Hearing Board seeking to overturn the ordinance, the plaintiffs presented expert testimony on air pollution, water pollution, noise pollution, and health effects that demonstrate the adverse impacts shale gas extraction has on the community and its risks to future generations.

The legal challenge argued that the zoning amendments passed remove core protections to residential neighborhoods from dangerous industrial activities; that the amendment violates the people's right to pure water, clean air, a healthy environment; and that it fails to protect public health, safety, and welfare by allowing shale gas extraction, drilling, and gas infrastructure to occur where children, families and residents live, learn, work, and play.

Maya van Rossum, the Delaware Riverkeeper and head of the Delaware Riverkeeper Network says, "the right to pure water, clean air and healthy environments for present and future generations is a substantive legal obligation that must be protected by all government officials in Pennsylvania including township officials. In this case the town officials gave little regard to both environmental rights and property rights and failed to even consider the vast amount of science and expert opinion that the Delaware Riverkeeper Network and Clean Air Council brought forth in arguing our case. We are certainly disappointed in this legal decision that fails to give due regard, respect and protection to environmental rights and plan to appeal."

"Zoning powers cannot be used to industrialize a township," said Joseph Otis Minott, Esq., Chief Counsel and Executive Director for Clean Air Council. "In Robinson Township, Delaware Riverkeeper Network, the Commonwealth Court reasoned that Act 13 was unconstitutional because if a township could not allow drilling everywhere, then certainly the state cannot. The Middlesex Township ordinance tries to accomplish on the township level what Act 13 failed to do state-wide. It would be illogical to allow townships to perform an end-run around constitutional protections by industrializing Pennsylvania township by township."

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[Delaware Riverkeeper Network \(DRN\)](#) is a nonprofit membership organization working throughout the 4 states of the Delaware River Watershed including Pennsylvania, New Jersey, Delaware and New York. DRN provides effective environmental advocacy, volunteer monitoring programs, stream restoration projects, public education, and legal enforcement of environmental safety laws. The Delaware Riverkeeper Network's For The Generations project was initiated in response to the Pennsylvania Supreme Court decision the organization helped secure, Robinson Township, Delaware Riverkeeper Network, et al. v. Commonwealth, 83 A.3d 901. (Pa. 2013), in order to advance the Constitutional Environmental Rights of people in Pennsylvania, in states across the nation and at the federal level.

[Clean Air Council](#) is a member- supported, non-profit environmental organization dedicated to protecting everyone's right to breathe clean air. The Council has over 8,000 members and works in Pennsylvania,

Delaware and New Jersey on public education, community advocacy, and legal oversight and enforcement of environmental laws. The Council is a founding member of Protect Our Children, a coalition of parents, concerned citizens, and advocacy organizations, dedicated to protecting school children from the health risks of shale gas drilling and infrastructure.

In this [video](#) produced by the Delaware Riverkeeper Network, parents in the Mars School District discuss their concerns and experiences as they work to protect their children.