



Tell Your Pennsylvania Legislator What You Think! **HB1950 is now law – Governor Corbett signed Act 13** **Communities and the environment will pay the price**

The Pennsylvania Legislature approved HB1950, the so-called “Impact Fee” Bill that is more accurately described as the “Gas Driller Takeover” Bill. Municipalities in Pennsylvania are in the crosshairs; their zoning rights have been gutted so that drilling and natural gas operations have free reign over where we live. Effective environmental protections are impossible under the hard and fast limits set in the new law, which amends the PA Oil and Gas Act.

Through provisions contained in the bill, municipalities will no longer be able to play a central, critical role in protecting the health, safety, and welfare of residents and determining which uses of land are most beneficial.

The bill requires that all types of oil and gas operations (except for natural gas processing plants)—unlike any other commercial or industrial business—be allowed in all zoning districts, even in residential neighborhoods and near schools, parks, hospitals, and sensitive natural and cultural resource protection areas. As a result, people could be forced to live only 300 feet away from a gas well, open frack waste pit, or pipeline, despite growing evidence that such development causes pollution, damages health, and lowers property values.

The bill also mandates a one-size-fits-all ordinance that supersedes all existing ordinances and prevents municipalities from adopting any zoning provisions that are stricter than the weak, mandated standards. Municipalities can’t even comment effectively on or appeal state permits.

How did your Legislators vote? Please call and tell them what you think.

To find your Legislators: <http://www.legis.state.pa.us/>

To find out how they voted: [Click here for PA House Roll Call Votes](#) [Click here for PA Senate Roll Call Votes](#)

WHAT ACT 13 MEANS FOR YOU AND YOUR MUNICIPALITY IN TERMS OF ZONING AND PLANNING – call and tell your legislators; some are covering up the awful truth

- **Act 13 preempts local zoning of gas operations, including gas wells, pipelines, and other gas “operations” and applies universally to all municipalities in Pennsylvania, regardless of whether they decide to collect an impact fee through Act 13 and regardless of whether or not they are in the Marcellus shale fairway. Municipalities have NO CHOICE as to whether the standards in Act 13 apply to them or not; no municipality can escape the new law. All gas drilling and fracking bans and**

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municipal ordinances that are stricter than the standards in Act 13 are superseded by Act 13. The setbacks from streams and homes in Act 13 cannot be made stricter.

- The law, by clear language, forces municipalities to allow gas drilling and “oil and gas operations”, except for natural gas processing plants, in all zoning districts within their boundaries. “Oil and gas operations” is defined broadly and includes gas well drilling, hydraulic fracturing (or “fracking”), location assessment, seismic testing, and pipeline operations.
- Open waste pits - which hold fracking chemicals, flowback and other dangerous pollutants such as radioactive materials, hydrocarbons and volatile organic compounds, heavy metals, and gaseous toxins that are freely released to the air and can be spilled or leaked – must be allowed under the new law in all zoning districts, including residential districts, so long as they are not closer than 300 feet from an existing building. Gas wells can be as close as 300 feet to streams and water bodies. Three hundred feet is less than a football field (360 feet) in length.
- Act 13 also requires municipalities to allow natural gas compressor stations as uses permitted by right in agricultural and industrial districts, and as conditional uses in all other zoning districts. Pipelines and their requisite compressor stations are expected to multiply as gas companies seek to deliver their product to market. Even in communities where no drilling is occurring, gas pipelines and compressor stations are being built. This means that these air polluting facilities must be allowed throughout Pennsylvania on farms (and industrial districts) and, if approved as a conditional use, will be allowed in residential districts as well.
- Hours of operation cannot be limited by the municipality for well drilling or fracking, compressor stations, processing plants, or assembly/disassembly of drill rigs.
- Municipalities are also deprived of any meaningful role in state permitting. A municipality can submit comments to PADEP on permit applications for gas operations but PADEP is NOT REQUIRED TO EVEN CONSIDER those comments.
- Act 13 prevents municipalities from appealing PADEP permitting decisions for oil and gas permits. The municipality, with its knowledge and responsibility to safeguard residents and important community resources, is prohibited from defending them as a result of Act 13.
- The bottom line is that municipalities must allow industrial activities and the pollution hazards that accompany these operations in non-industrial areas with little ability to protect the community and surrounding resources. The fundamental role that municipalities must play in protecting their community and resources is eliminated by Act 13. The result will be people living cheek-to-jowl with gas operations and all the human health, safety and community costs that come with that proximity.

Don't let fast talk by drillers and their supporters—those Legislators and organizations that voted for and supported HB1950—cloud the truth about Act 13. **This is a straightforward takeover of municipal rights and local planning in regards to gas drilling, fracking, and gas operations for the benefit of drilling interests at the expense of communities, clean water and air.**