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Fairness becomes the new battleground over gas drilling

*PA legislature gives some communities respite from drilling,
while others plead for level playing field*

[Philadelphia, PA] – As the dust settles on the budget debate in Harrisburg, concern continued to rise across the Commonwealth over a language inserted into the state budget that intends to give Bucks and Montgomery county residents some sort of moratorium from gas drilling— while continuing to leave the rest of state’s county officials hamstrung when it comes to regulating gas drilling in their communities.

In the midst of the budget battle, the Republican Majority added language to a budget bill on Friday—which was quickly approved on Saturday—that is purported to prevent oil and gas drilling permits from being issued in the South Newark Basin until 2018. The South Newark Basin stretches from New Jersey into Bucks and Montgomery counties.

Opponents cried foul at the inequity this provision creates in the Commonwealth, affording residents in two southeastern Pennsylvania counties to have moratorium language, while in the rest of the state local communities have no control over controversial gas drilling and the effects of hydraulic fracturing or “fracking.”

“Where was our study? Where was our six years?” asked state Rep. Jesse White, who represents communities in the heart of drilling country in southwestern Pennsylvania. “What makes Bucks and Montgomery [counties] so special?”

“We were here four months ago under the guise of, we had to have uniformity, we had to have consistency, we needed to be fair,” Rep. White noted. “And now, four months later, we’re saying, ‘Maybe, for whatever reason, we’re going to give a few people a pass.’”

The legislature’s hidden language came on the heels of the passage of Act 13 earlier this year, the omnibus gas drilling legislation that many Democrat and Republican local officials opposed since it virtually eliminated the ability of Pennsylvania’s municipalities to zone gas drilling in a way that will protect the health, environment and quality of life for their townships.

“We seem to have leadership in Harrisburg that believes in different rules for different people,” stated Brian Coppola, Republican Supervisor for Robinson Township in Washington County. “Act 13 sounded like a good idea to some of the eastern state senators until they found out it applied to everyone throughout the state. Now they’re trying to protect themselves from it.”

Deron Gabriel, Township Commissioner for South Fayette Township in Allegheny County went on to state, “Act 13 poses a very real threat to all Pennsylvania residents, and ties the hands of municipal officials who were elected to protect the health, safety and welfare of residents. Now the legislature has evidently seen fit to delay drilling in two politically connected counties.”

For years, the debate around Marcellus Shale gas drilling and fracking has grown to become one of the most highly watched—and most politicized—issues in Pennsylvania. This reached a crescendo earlier this year when legislators passed a far-reaching gas drilling law that met the approval of the gas industry—but was also met with the loud opposition of environmental groups, local officials, public health organizations and outdoor groups.

“Why are we treating anyone like second class citizens in the state?” remarked PennEnvironment Director David Masur. “These are not the values that we hold near and dear to our hearts as Pennsylvanians. This is the antithesis of following the Golden Rule.”

Concern has grown across the nation on gas drilling, as an ongoing flow of news stories show cases of air and water pollution, violations of cornerstone environmental laws, and heightened concern about the effects of fracking on public health. And Pennsylvania is in the belly of the beast for these examples.

“Decisions about gas drilling and fracking must be made based on environmental and community impacts, not back room politics,” noted Maya van Rossum, the Delaware Riverkeeper. “This law is a sham - it’s a power play to try to get a few politicians who voted to gut community rights off the hot seat in their backyard at the expense of every place else and that’s just dead wrong. We need a statewide moratorium on gas drilling now.”

Myron Arnowitt, PA State Director for Clean Water Action stated, “Most voters in Pennsylvania don’t believe we should have a separate and unequal system for gas drilling. Every community deserves to be able to protect itself from drilling. Once again our state legislators need to go back and fix their unfair treatment of residents living with gas drilling.”

Moreover, as legal experts, local officials and environmental advocates reviewed the language hastily buried in the state budget, concern has grown that the language actually includes massive loopholes that may insure that the moratorium for Bucks and Montgomery counties are short lived.

"The stealth amendment that carves out a natural gas drilling moratorium for Bucks County does nothing to overturn the preemption on local zoning in Act 13," said Jeff Schmidt, Director of Sierra Club's Pennsylvania Chapter. "Right now, local governments throughout Pennsylvania are powerless to prevent natural gas drilling and associated infrastructure in residential zones, as close as 300 feet from a home or school. Bucks County and all municipalities are still no longer able to protect the public from the problems with natural gas pipelines and compressor stations, as a result of the passage of Act 13."

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