



For Immediate Release

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Pennsylvania Court Issues Injunction to Stop Onset of Portions of Act 13 Municipalities and the Delaware Riverkeeper Network Secured an Injunction Impacting the Effective Date of Act 13

Harrisburg, PA – Harrisburg, PA – Seven municipalities and the Delaware Riverkeeper Network were in Commonwealth Court today to ask Senior Judge Keith Quigley to issue an order clarifying that Act 13 did not immediately dissolve the effect of existing municipal ordinances regarding gas drilling.

The Court issued a preliminary injunction against a portion of Act 13. The Court's order ensures that zoning ordinances dealing with oil and gas operations remain in effect and are not immediately pre-empted by Act 13 on April 14, 2012. This finding was necessary due to arguments by the industry as to the status of zoning ordinances on Act 13's effective date.

The order today also provides municipalities with an additional 120 days to consider their existing ordinances based on Act 13. To be clear, the Court did not enjoin the entire Act. The plaintiffs in the meantime will argue the larger case before the Court as to the unconstitutionality of the Act. A Hearing has been set in Commonwealth Court for next Tuesday, April 17, on a request by gas industry representatives to intervene in the lawsuit.

“Senior Judge Quigley’s decision ensuring municipalities and communities will not be exposed to an onset of drilling before they have a sufficient chance to challenge or comply with Act 13 is an important first success on the road to having this law declared unconstitutional and therefore invalid. With Act 13 Governor Corbett and the Pennsylvania State legislature illegally

took from municipalities the right to ensure the health, safety, and values of their communities and instead lays their citizens, natural and historic resources, schools, kids, and other community assets at the feet of the Goliath gas industry to be stepped on and stomped on at the industry's will" said Maya van Rossum, the Delaware Riverkeeper and co-plaintiff in the case.

Jordan Yeager, Esq., representing Nockamixon Township and Delaware Riverkeeper Network, said "This is a great victory that preserves local democracy and local zoning while we continue to challenge the constitutionality of Act 13."

"By depriving municipal elected officials of their ability to use zoning and community decisionmaking to protect precious natural resources; schools, hospitals and homes from damaging industrial practices, and to ensure the rights of everyone are honored and protected, this law has undermined the very fabric of municipal and constitutional law in the Commonwealth. As a result, our water, air, kids and communities will be subjected to more pollution and degradation from gas development," adds van Rossum "that is why it is so vital that the law not be allowed to take affect until it can be overturned."

"It's critically important for municipalities and the public that Act 13's takeover is held at bay while we present our case to the Court about why Act 13 is unconstitutional. It is a truly a fair outcome that municipalities are not forced by the gas industry to jump through Act 13's hoops in the meantime and have been given an additional 120 days to address the law's impacts," said Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network.

As stated in the Petition: "By attempting to preempt and supersede local regulation of oil and gas operations, the Pennsylvania General Assembly, through Act 13, has assumed the power to zone for oil and gas operations, which is manifested through the promulgation of a uniform set of land-use regulations governing oil and gas operations throughout the Commonwealth. By crafting a single set of statewide zoning rules applicable to oil and gas drilling throughout the Commonwealth, the Pennsylvania General Assembly provided much sought-after predictability for the oil and gas development industry. However, it did so at the expense of the predictability afforded to Petitioners and the citizens of Pennsylvania whose health, safety and welfare, community development objectives, zoning districts and concerns regarding property values were pushed aside to elevate the interests of out-of-state oil and gas companies and the owners of hydrocarbons underlying each property, who are frequently not the surface owners." (Petition, page 4)

Act 13, also known as HB1950, was signed into law by Governor Corbett on February 14, 2012. Act 13 amends the Pennsylvania Oil and Gas Act, preempting municipal zoning of oil and gas development. It also establishes an impact fee on natural gas. The municipalities and Delaware Riverkeeper Network filed suit on March 29, 2012 challenging the new law on the grounds it violates the Pennsylvania and United States Constitutions and endangers public health, natural resources, communities and the environment. Today's court appearance and successful

ruling for the municipalities and Delaware Riverkeeper Network was but an early step in the legal challenge to the law.

Read the legal challenge here:

<http://www.delawariverkeeper.org/resources/Comments/FINAL%20PETITION%20PART%201.pdf>

<http://www.delawariverkeeper.org/resources/Comments/FINAL%20PETITION%20PART%202.pdf>

Read the Order: http://www.delawariverkeeper.org/resources/Comments/Order%204_11_12.pdf

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