



For Immediate Release  
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**Pennsylvania Municipality Support for Legal Challenge to Act 13 Growing Sixty Seven Municipalities Go on Record Opposing Municipal Preemption**

*Commonwealth of Pennsylvania* – As the reality of Pennsylvania’s Act 13 sets in at the local level in Pennsylvania, there is a groundswell of disapproval. In customarily deliberate and carefully considered fashion, municipalities throughout the state are publicly adopting resolutions and sending letters in support of the legal challenge to Act 13, the municipal takeover law that was adopted by the Pennsylvania Legislature and enacted by Governor Corbett’s signature in February 2012. Act 13 removes municipal zoning of oil and gas operations, weakens environmental protections under the Pennsylvania Oil and Gas Act, limits physicians’ rights to disclose gas drilling and hydraulic fracturing (fracking) chemicals that their patients may be exposed to, and establishes an impact fee on natural gas.

To date, at least sixty seven local governing bodies are known to have either adopted a resolution or voted to send a letter in support of the lawsuit that aims to overturn the law based on its unconstitutionality. The opposition to Act 13 spreads out geographically and includes Marcellus shale regions as well as areas where no drilling is occurring. Since Act 13 guts municipal rights over all types of natural gas operations – such as drilled gas wells, frack pits, gas pipelines, and natural gas processing facilities -- the law has a long reach that pulls in every community, no matter where it is located. Gas wells, frack pits and other gas and oil-related industrial pollution sources are now pushed into residential districts and right up against day care centers, schools, and shopping districts and municipalities are not allowed to keep them away.

Resolutions/Letters of Support have been adopted by:

Allegheny County  
Allegheny County Council  
Ben Avon Borough  
Findlay

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Forest Hills  
Greentree Borough  
Jefferson Hills Borough  
Mount Lebanon Borough  
Monroeville  
City of Pittsburgh  
Scott Township  
South Fayette Township (Party to lawsuit)  
West Deer Township  
Whitehall Borough  
Wilkins Township  
Wilkinsburg Borough  
Allegheny County Council  
Beaver County  
Hanover Township  
South Heights Borough  
Berks County  
Alsace Township  
Kutztown Borough  
Lower Alsace Township  
Maidencreek Township  
Mount Penn Borough  
City of Reading  
West Reading Borough  
Bucks County  
Bridgeton Township  
Chalfont Borough  
Doylestown Borough  
Doylestown Township  
Falls Township  
Morrisville Borough  
Nockamixon Township (Party to lawsuit)  
Pennel Borough  
Riegelsville Borough  
Tinicum Township  
Tullytown Borough  
Yardley Borough (Party to lawsuit)  
Butler County  
Buffalo Township  
Butler Township  
Harmony Borough  
Middlesex Township  
Chester County

City of Coatesville  
Newlin Township  
Delaware County  
Radnor Township  
Yeadon Borough  
Fayette County  
City of Connellsville  
Fayette County Council  
Greene County  
Gray Township  
Lackawanna County  
Lackawanna Association of Boroughs  
Luzerne County  
Black Creek Township  
Dallas Township  
Luzerne County Council  
Sugarloaf Township  
Mercer County  
Springfield Township  
Montgomery County  
East Greenville Borough  
Upper Moreland Township  
Northampton County  
City of Bethlehem  
Washington County  
Cecil Township  
East Finley Township  
Mount Pleasant Township  
Peters Township  
Robinson Township  
South Strabane Township  
Washington Township  
Westmoreland County  
Ligonier Township  
Murrysville  
Upper Burrell Township  
In addition, a member of the Westmoreland County Council and the West Jefferson School Director in Allegheny County submitted letters of support.

Seven municipalities and Delaware Riverkeeper Network filed a legal pleading in Commonwealth Court challenging Act 13. The municipalities are: Township of Robinson, Washington County; Township of Nockamixon, Bucks County; Township of South Fayette,

Allegheny County; Peters Township, Washington County; Township of Cecil, Washington County; Mount Pleasant Township, Washington County; and the Borough of Yardley Bucks County.

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 plaintiffs are 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. “The Petition for Review in the Nature of a Complaint for Declaratory Judgment and Injunctive Relief” was filed March 29 in Commonwealth Court in Harrisburg. To read the filing: <http://www.scribd.com/doc/87252080/Act-13-Challenge>

“Act 13 is an unpopular law, and that fact is becoming more known now that so many municipalities are joining in to support the legal challenge. Zoning is the backbone of municipal government and without it, municipalities are disenfranchised,” said Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network. “These 67 governing bodies are saying loud and clear ‘Don’t take away our local rights to protect our residents’. We fully expect the wave of dissent to grow over the coming weeks as the case moves through the courts. Even the now-infamous ‘South Newark Basin’ in Bucks and Montgomery Counties is not exempt from Act 13, despite some politicians’ attempts to make it seem so,” said Carluccio.

Jordan Yeager Esq. of Curtin & Heefner, one of the attorneys for the plaintiffs, said, “Communities from all across Pennsylvania are joining together and speaking out. They are speaking out to protect their residents, their businesses, their water supplies, their public health, and their local democratic rights. Together, they are sending the message that Act 13 must not stand.”

“We have received many formal Resolutions of municipal support of our legal challenge to Act 13, and many more informal expressions of support,” said Deron Gabriel, South Fayette Twp. Board of Commissioners, Allegheny Co., PA. “In fact, every local elected official I have spoken with has been generally supportive of our position of keeping our local zoning powers in order to protect the health, safety, and welfare of our residents including the two largest governing bodies in Allegheny County - Allegheny County Council and Pittsburgh City Council. There just isn’t any support for Act 13 at the local and regional level,” concluded Gabriel.

The case was argued in Commonwealth Court on June 6 and the Court is expected to rule in the near future. In April, Senior Judge Keith Quigley issued a preliminary injunction against a portion of Act 13 in response to the plaintiffs’ request, ensuring that zoning ordinances dealing with oil and gas operations remain in effect and are not immediately pre-empted, providing an additional 120 days for municipalities to consider their existing ordinances.

For information on how local governing bodies can express support for the challenge to Act 13: <http://www.delawareriverkeeper.org/act-now/urgent-details.aspx?Id=102>

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