

Defending the Environmental Rights of Pennsylvania Communities from Shale Gas Development

Strategies for Residents and Local Officials



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The Delaware Riverkeeper Network champions the rights of our communities to a Delaware River and tributary streams that are free-flowing, clean, healthy, and abundant with a diversity of life.

The Delaware Riverkeeper Network gives voice, strength and protection to the communities and waterways of the Delaware River. Through independent advocacy, and the use of accurate facts, science and law, DRN works to ensure the rich and healthy future that can only exist with a clean, healthy and free flowing river system.

The Delaware Riverkeeper Network is unique in that it is founded upon the expectation of personal and community responsibility for river protection, as personified by the Delaware Riverkeeper. DRN is the only grassroots advocacy organization that operates watershed-wide and empowers communities with the engaged interaction and information needed to succeed in protecting our River and region now into the future.

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Prepared by
the Delaware Riverkeeper Network

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Contents

Acknowledgements	<i>iv</i>
Preface	<i>vii</i>
This Guidebook	<i>vii</i>
Principles of Established Municipal Planning and Regulation	<i>vii</i>
Introduction	1
Robinson Township, Delaware Riverkeeper Network, et. al. v. Commonwealth	1
The Marcellus Shale Frack Frenzy	1
Section 1 - General Guidance for Municipalities on the Environmental Rights Amendment	3
1. The Plurality's Textual Analysis of the Pennsylvania Constitution's Environmental Rights Amendment	3
2. What the Plurality's Textual Analysis of Section 27 Means for Municipalities	5
3. Are Municipalities Obligated — Before Acting — To Determine Whether the Proposed Action Will Cause an Unreasonable Degradation of Our Air and Water?	9
4. Conclusion	10
Section 2 - What Municipalities Can Do	13
Current Limits on Local Regulatory Authority	13
1. Complete Bans	13
2. Regulation of Features of Oil and Gas Operations Already Regulated by the State	14
3. Municipal Resolutions	15
Section 3 - Municipal Strategies: Ordinances to Address Local Environmental Conditions	17
Section 4 - Municipal Strategies: What to Look for in an Ordinance	19
Section 5 - Municipal Strategies: Adopting a Resolution	29
Appendix A - Sample Riparian Ordinance	31
Part 1: Guidance for FEMA Community Rating System Credits	33
Part 2: Sample Ordinance	35
Appendix B - Private Well Water Supply Testing Ordinance	47
Part 1: Why Enact A Private Well Water Supply Testing Ordinance?	49
Part 2: Sample Water Well Quantity Testing Ordinance	51
Appendix C - Municipal Planning and Site Restoration Considerations	67
Appendix D - Frequently Asked Questions: Pennsylvania Supreme Court Decision on Act 13 and Zoning	73

Preface

This Guidebook

This Guidebook is meant to provide support and guidance to elected officials, government entities, and residents working at the municipal level to protect the environment and community resources.

The Pennsylvania Supreme Court's recent decision in Robinson Township, Delaware Riverkeeper Network, et al. v. Commonwealth, 83 A.3d 901 (Pa. 2013), has required a reconsideration of the roles and responsibilities of those entrusted to protect our shared natural resources. The Court has recognized that the Pennsylvania Constitution's Environmental Rights Amendment is imperative, requiring that the decisions made at every level of government protect our constitutional environmental rights.

This guidebook also offers tools and strategies to help municipalities carry out these actions at the municipal level. Each municipality has unique needs and specific resources that municipal planning, zoning and regulation are meant to care for and this guidebook helps spell out how to do that.

Municipalities should always be sure to consult with knowledgeable legal counsel and other experts. While there is no cookie-cutter answer, there is a unified goal - to fulfill the letter and spirit of Article I, Section 27, for present and future generations.

Principles of Established Municipal Planning and Regulation

This guide is based on the well-established principles that are the foundation of municipal planning and implementation of environmental laws by government.

At the core, these principles establish:

1. The power and responsibilities of local government to control activities within their jurisdiction;
2. Local zoning is firmly entrenched in Pennsylvania law;
3. Ordinances are essential to preventing harm caused by industrial activities such as gas development and by extension, respecting citizens' constitutional rights.

