

# PA Environment Digest

## An Update On Environmental Issues In PA

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Winner 2009 [PAEE Business Partner](#) Of The Year Award

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### **This Is Where The Article Should Be On The Final FY 2013-14 State Budget**

With just voting two days left before the July 1 deadline for a state budget, Republicans running the Governor's Office, Senate and House are having a hard time agreeing on not only the General Fund budget, but the other big ticket items the Governor wants to go along with the budget.

The one issue with the biggest single impact on the General Fund budget-- pension reform-- was taken off the table by House Speaker Sam Smith (R-Jefferson) earlier in the week, but we'll have to see if that sticks.

Senate President Pro Tempore Joe Scarnati (R-Jefferson) and Senate Republicans are having a hard time coming up with 26 votes on their side of the Rotunda to pass any form of liquor privatization, let alone one that would be satisfactory to House Republicans and the Governor.

House Republicans wobbled a few times, but finally got a \$1.9 billion transportation funding package out of the Transportation and potentially in position for one floor vote on Saturday, but it is unknown whether it will be acceptable to Senate Republicans or the Governor.

Without agreement on the General Fund budget, related bills which usually go along with any budget agreement-- amendments to the Fiscal Code, Tax Code, Welfare Code and the Education Code-- can go nowhere and the lack of voting days left means voting on those measures will probably spill over into next week.

Gov. Corbett got some quality time Friday with Sen. Scarnati and Speaker Smith as they toured areas in their districts affected by flooding earlier on the week. Wondered what they talked about?

### **Corbett Urges Delaware River Basin Commission To Finalize Drilling Rules**

On Thursday, Gov. Tom Corbett [wrote to the Delaware River Basin Commission](#) expressing his "frustration and disappointment" over the failure of the Commission to finalize its regulations on Marcellus Shale natural gas drilling.

"For over three years, a moratorium issued by the DRBC has been in place which has prohibited the development of natural gas within all or parts of 13 Pennsylvania counties that lie within the basin. Adoption of this moratorium-- namely through the postponement of consideration of well pad docket-- was purportedly done to all for the drafting of appropriate standards that would protect the water resources of the basin.

"However, deferring the submission of applications until regulations are adopted presumes that regulations will, ultimately, be adopted. That has failed to occur.

"This moratorium has done more than prohibit the citizens of Pennsylvania who reside within the basin from enjoying their property rights. It has depressed economic growth in the region, discouraged the investment of private capital in the Commonwealth, and reflected poorly on the DRBC's ability to function effectively.

"Moreover, since the DRBC's scheduled November 2011 meeting to consider adoption of final rules was cancelled, Pennsylvania has significantly enhanced environmental protection standards through passage of Act 13 in February 2012. Act 13 represents the first comprehensive update of the state's Oil and Gas Act since 1984, incorporating proposals from the Governor's Marcellus Shale Advisory Commission and members of the Pennsylvania General Assembly.

"The citizens of Pennsylvania residing within the basin have been denied the enjoyment of their property rights due to the inaction of the DRBC. Operators interested in developing natural gas have closed offices and laid-off employees; lease payments have been withheld; force majeure clauses in contracts have been exercised, and communities have watched their neighbors outside the basin benefit tremendously. In addition to this inequity, the DRBC's inaction may very well constitute a 'taking' under the U.S. Constitution, subjecting its members, including the Commonwealth of Pennsylvania, to financial and other legal ramifications.

"Hopefully the residents of Wayne County won't have to wait another three years for a decision from the DRBC and will soon be able to take part in the growing natural gas industry that has so significantly benefitted much of the rest of Pennsylvania."

A copy of the letter [is available online](#).

**NewsClips:**

[Corbett Wants DRBC To Lift Drilling Ban](#)

[Wayne County Urges Quick End To Drilling Ban](#)