

Court Clarifies Municipalities Obligations under Environmental Rights Amendment

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A court decision this week reaffirms a local zoning board's obligations when it comes to environmental permitting.

Monday's [Pennsylvania Commonwealth Court ruling](#) said the Thornbury Township Zoning Hearing Board in Delaware County acted correctly when it imposed conditions on the permits it granted to Sunoco LP's controversial construction of the Mariner East 2 natural gas pipeline.

One of the conditions directed Sunoco to follow all permitting requirements of the Pennsylvania Department of Environmental Protection. The court ruled that Pennsylvania's Environmental Rights Amendment to the state's constitution does not generally require municipalities to implement environmental protections beyond that already imposed by the Pennsylvania Department of Environmental Protection.

In Monday's decision, the court held that the environmental concerns raised by the homeowners' group that challenged the permits should have been addressed as part of DEP's permitting process. Including the requirement of DEP permits for the project was adequate to satisfy the township's obligation, according to the ruling.

Recent decisions by the Pennsylvania Supreme Court that expanded the reach of the Environmental Rights Amendment have created some confusion regarding the environmental obligations of state agencies and municipalities. This decision helps to clarify that municipalities need not duplicate environmental reviews conducted by DEP or impose additional environmental requirements.

If you have any questions about the Environmental Rights Amendment and its impacts on your business or municipality, please [contact me](#) or anyone in the [Barley Snyder Environment & Energy Industry Group](#).

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