

Allegheny County Bans Future Oil and Gas Development of County Park Land

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On July 19, 2022, the Allegheny County Council voted 12-3 to override County Executive Rich Fitzgerald's veto on Bill No. 12162-22. The bill, which the Council originally passed on July 5, and Fitzgerald vetoed on July 12, bans new natural gas drilling and other industrial activity, including hydraulic fracturing, mining, and commercial forestry, within and underneath county-owned parks. The ban, which does not apply to existing leases, but does prevent expansion of existing operations at Deer Lakes Park, took effect immediately.

In his veto message, Fitzgerald described his opposition to the measure, stating it prevents the County from negotiating environmental protections for any future oil and gas or other industrial activity in the vicinity of county park land. See Fitzgerald Veto Message (July 12, 2022). Specifically, Fitzgerald said passage of the bill prevents

- baseline water testing before, during, and after extraction activities;
- air monitoring requirements during natural gas drilling and other industrial activity; and
- limiting hours of operation and setting noise, dust, trucking, and light pollution limits from natural gas drilling and other industrial activity.

Id. Moreover, Fitzgerald said future legislation authorizing natural gas extraction under county land would act to repeal the ban. *Id.* Fitzgerald supported a separate bill, Bill No. 12357-22, that would have prevented surface drilling within county parks but allowed leasing of subsurface rights deeper than 7,000 feet. It would have also mandated that the County include environmental protections, including bad actor provisions, in any future lease agreements. Despite his opposition and subsequent veto prior to Bill No. 12162-22's passage, Fitzgerald said he had no plans to lease county park land for natural gas operations. *Id.* On October 18, 2022, the Pennsylvania Senate Environmental Resources and Energy Committee reported out Senate Bill 1331, which would deny revenue from Act 13 of 2012 drilling impact fees to counties that ban fracking on county-owned land. The bill now moves to the full Senate for action.

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