



FOR IMMEDIATE RELEASE:

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Protect PT Will Get their Day in Court

Protect PT, a grassroots nonprofit that works to ensure the safety, security, and quality of life for residents of Penn Township and surrounding communities are protected from the effects of unconventional natural gas development will have their day in court. Oral Argument is scheduled for October 23, 2017 at the Westmoreland County Court of Common Pleas in Protect PT's Land Use Appeals challenging Special Exception approvals for the Drakulic, Deutsch, Backus and Numis well pads.

In each case, Protect PT asserts that the Zoning Hearing Board "*committed legal error and acted arbitrarily and capriciously*" in granting Special Exception approval. The applicant failed to demonstrate compliance with the objective criteria of Penn Township's zoning ordinance and ignored Protect PT's demonstration that the proposed use is "*in fact, detrimental to the health, safety and general welfare of the community and the public interest.*"

Protect PT Executive Director Gillian Graber said, "*We feel that the Zoning Hearing Board got it wrong. We pointed out several inconsistencies and violations of the ordinance to the Board but they still granted the approvals. We hope a judge will be more objective in his analysis of the record.*"

An order from the court signed by Honorable Judge A. Marsili on September 11, 2017, allows Apex to start construction of the Drakulic well pad, but prevents them from commencing drilling at the site until a decision is issued on the merits of the appeal, which is anticipated before the end of this year.

The Court has also scheduled a hearing for Protect PT's challenge to the validity of Penn Township's Mineral Extraction Overlay (MEO) that accompanies Ordinance No. 912-2016, Chapter 190. Protect PT will present evidence and testimony about the defects of the MEO at a hearing starting on January 22, 2018. Protect PT's challenge asserts, in part, that the MEO violates citizens' rights to clean air, pure water, and the preservation of the natural, scenic, historic and aesthetic values of the environment guaranteed by Article I, Section 27 of the Pennsylvania Constitution.

Huntley and Huntley Energy Exploration LLC recently submitted applications for two new well pads in Penn Township. Protect PT plans to motion the Court for a stay of these hearings while the substantive validity challenge is pending. Currently, however, hearings on Huntley's Gaia and Metis well pads are scheduled before the Penn Township Zoning Hearing Board for October 12, 2017.

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