

# Personal History And Concise Summary Of Environmental Law In Pennsylvania

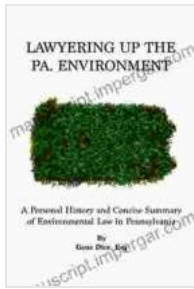
The Keystone State of Pennsylvania possesses a rich and intricate legal framework governing the protection of its natural resources and environment. From the landmark Clean Streams Law of 1937 to the recent Marcellus Shale drilling controversy, environmental law in Pennsylvania has been shaped by a dynamic interplay of historical events, legislative initiatives, regulatory actions, and judicial interpretations.

## Historical Evolution

- **19th Century:** The Industrial Revolution brings increased pollution and environmental degradation, leading to early efforts at conservation and regulation.
- **Early 20th Century:** The Conservation Movement gains momentum, resulting in the establishment of state parks and the creation of the Pennsylvania Department of Forests and Waters.
- **1930s:** The Great Depression and Dust Bowl highlight the need for environmental protection, leading to the passage of the Clean Streams Law and the establishment of the Pennsylvania Environmental Council.

## Key Statutes

Numerous state statutes serve as the foundation of environmental law in Pennsylvania, including:



## Lawyering Up The PA. Environment: A Personal History and Concise Summary of Environmental Law in Pennsylvania

by Concorsi P.A.

★★★★☆ 4 out of 5

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- **Clean Streams Law (1937):** Protects the quality of Pennsylvania's surface waters.
- **Air Pollution Control Act (1960):** Regulates air pollution from industrial and motor vehicle sources.
- **Solid Waste Management Act (1980):** Governs the disposal and management of solid waste.
- **Environmental Rights Amendment (1971):** Provides a constitutional right to clean air and water.

### Regulatory Agencies

Several state agencies are responsible for implementing and enforcing environmental laws in Pennsylvania:

- **Department of Environmental Protection (DEP):** The primary state agency responsible for environmental protection, with jurisdiction over

air, water, land, and waste management.

- **Fish and Boat Commission:** Regulates fishing, boating, and the protection of aquatic resources.
- **Game Commission:** Manages wildlife resources and enforces hunting and fishing regulations.
- **Department of Conservation and Natural Resources (DCNR):** Administers state parks, forests, and other public lands.

## Essential Cases

Landmark court decisions have played a crucial role in shaping environmental law in Pennsylvania:

- **Pennsylvania Coal Co. v. Mahon (1922):** Established the "nuisance theory," which allows landowners to recover damages for industrial activities that cause harm to their property.
- **Pennsylvania Environmental Defense Foundation v. Commonwealth (1971):** Upheld the Environmental Rights Amendment, granting citizens the right to challenge environmental degradation.
- **Robinson Township v. Commonwealth (1980):** Limited the scope of local zoning powers to regulate land use for environmental protection.

## Controversy and Contemporary Issues

Environmental law continues to be a contentious arena in Pennsylvania, with ongoing debates over issues such as:

- **Marcellus Shale Drilling:** The impact of natural gas extraction on air and water quality.
- **Climate Change:** The state's efforts to reduce greenhouse gas emissions and adapt to climate impacts.
- **Water Quality:** Pollution from agricultural runoff, industrial discharges, and legacy contamination.

Environmental law in Pennsylvania is a complex and ever-evolving field, shaped by a rich history, a comprehensive statutory framework, and a diverse array of regulatory agencies and court rulings. By understanding the key elements of this legal landscape, individuals, businesses, and policymakers can navigate the complexities of environmental protection and contribute to the preservation of the Keystone State's natural heritage.



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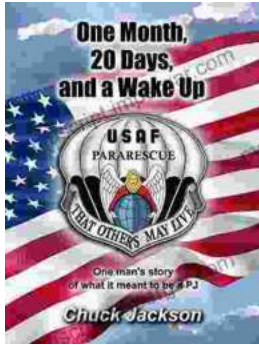
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