

Preface to the Eighth Edition

It is with great pleasure that we present to you the eighth edition of the *Pennsylvania Environmental Law & Practice* treatise, our first as editors. This unique book was first published in 1994, and was edited for the first *seven* editions by our colleagues and friends, Terry Bossert and Joel Burcat. The amount of effort that Joel and Terry put into the initial and subsequent publications, which included several “makeovers” and an expansion of the book from one volume to two, is beyond calculation. We owe a tremendous debt of gratitude to them for their work over the last 20-plus years in making this book the excellent resource that it is, and we are honored to be selected to “carry the torch” forward in producing it.

Prior to becoming the co-editors, we both owned, read, and often referred to this book, and we each had the pleasure of authoring chapters in the past. But it was not until the process of editing this edition that we really dug into every word. That endeavor led us both to a greater appreciation of its content, and particularly the effort put forth by all of the authors and PBI personnel involved to update and publish this book. It goes without saying that much is owed to the authors of the chapters for updating, and in some cases wholly revamping, these materials.

With this edition, we welcome several new chapter authors, and give thanks to authors who switched chapters to fill in for authors who departed for greener pastures (or editor positions!). We acknowledge and thank several departing authors—Susan LeGros, Jennifer Beidel, and Tim Reed—for their efforts in authoring past chapters, and who have now ceded those responsibilities to a new crop of authors. They join a distinguished list of prior authors who helped sustain this treatise through its long history.

This edition includes major updates to several chapters. Robert Burns and Howard Wein have substantially revamped chapter 2 on the Environmental Rights Amendment to the Pennsylvania Constitution in light of *Robinson Township v. Commonwealth* and other recent decisions. Since the Supreme Court’s plurality decision in *Robinson Township*, the Environmental Rights Amendment has received significant attention and has become almost a “required” inclusion for any challenge to permitting and other actions taken by the Pennsylvania Department of Environmental Protection. These developments represent a potential “new dawn” for the Environmental Rights Amendment and its importance as a tool for ensuring the proper preservation of the Commonwealth’s environment. We look forward to seeing how this issue develops over the coming years.

Kevin Garber and Lisa Bruderly revamped chapter 16 (Oil and Gas) to address new and expanding regulation of the oil and gas industries, particularly focusing on the exploration and production of natural gas from unconventional formations. The natural gas boom and its offspring have reshaped the environmental law landscape in Pennsylvania, and made environmental law once again a “hot” area for new attorneys in the Commonwealth. Not since the federal Superfund run from the mid-1980s through early 1990s has environmental law been so in the forefront of legal thought and action. The scope of the “trickle-down effect” of the natural gas boom is almost hard to fathom, and has created broad new opportunities for environmental (and other) practitioners. The foreseeable future necessarily includes legal developments over a range of environmental programs from exploration and production issues like well pad and well construction, to surface use issues and impacts, to air qual-

ity (aggregation, pump and compressor station controls, well-head controls), to wetland and stream crossings for linear projects (pipelines), to endangered and threatened species. The expanse of the gas boom impact even can be traced back (in the chain of construction) to surface mining relating to the large volume of aggregate materials required for construction of well pads and infrastructure, all the way forward to co-generation projects fueling manufacturing and the generation of electricity. The boom has reshaped the energy picture for all of America as governmental pressures loom for the reduction of coal-fired power plants, which, perhaps, are sped by the domestic production of natural gas and the acknowledgment of the country's massive gas reserves. Natural gas and related products will be at the forefront of our national policies for the foreseeable and unforeseeable future, and Pennsylvania stands to be at center of that movement.

The updates to chapter 6 (Wetlands), authored by Tim Weston and Tad Macfarlan, offer up-to-date discussions regarding the ever-evolving "navigable waters of the United States" issues. New EPA regulations stand to shape the future of wetland regulation and mitigation in the coming years. We will certainly have more to update in the coming editions as the changes unfold and the inevitable challenges to them proceed. David Mandelbaum and Pat Zaepfel substantially updated chapter 12 (Hazardous Sites Cleanup Act) to reflect recent case law and regulatory developments, and to expand the analysis of comparable statutory provisions under the (ever-evolving) Superfund statute and its case law.

With this eighth edition, we celebrate 20-plus years of this publication with you. In addition to the new and updated content, we will be rolling out "highlights" throughout the year identifying the top points and issues covered in each chapter. We are hopeful that this new feature will create a periodic fresh look into each of the chapters for all readers, irrespective of where the readers may be in their career arc.

And finally, many, many thanks go to Lydia Hack, Dominic Degeneffe, and everyone at PBI for their dedication and efforts to publish this book and to keep us all (relatively) on schedule. We hope that you enjoy this edition of *Pennsylvania Environmental Law & Practice*.

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