Resolution on Deep Shale Drilling and Horizontal Hydraulic Fracturing

WHEREAS, it is in the interest of ensuring the property values and the quality of the water, land and air of Athens County, Ohio during deep shale drilling and hydraulic fracturing activities, and;

WHEREAS, the Board of Athens County Commissioners supports the strong regulation of hydraulic fracturing at the state and federal levels, and;

WHEREAS, the Board of Athens County Commissioners recognizes our responsibility to support economic development without degradation of the environmental and agricultural integrity of the county, and;

WHEREAS, there is a need to establish a baseline in county water supplies (City of Athens, City of Nelsonville, Le-Ax, Burr Oak, Chester-Tupper Plains) prior to the initiation of hydraulic fracturing operations through testing for organic and inorganic chemicals involved in the fracking process, and;

NOW THEREFORE BE IT RESOLVED, that a strategic advisory committee is established. This committee will consist of the President of the Board of Athens County Commissioners or designee, the Athens County Engineer or designee, the Athens County Sheriff or designee, President of the Township Trustees Association or designee, Robert Wiley, Al Blazevic, Pat Smith, Pat Davidson with Chris Cooper, Joe Yanity and Sonia Marcus as alternate appointments, and;

NOW THEREFORE BE IT FURTHER RESOLVED, that we call upon Congress to pass the Fracking Responsibility and Awareness of Chemicals Act ("FRAC Act"), currently pending in Congress, which would repeal the fracking exemption to the Safe Drinking Water Act and require disclosure of chemicals used in fracking, and;

NOW THEREFORE BE IT FURTHER RESOLVED, that we call upon the state of Ohio and the Ohio Department of Natural Resources

- Increase the number of state inspectors commensurate with the planned increase in drilling activities
- Conduct geotechnical investigations of soil and rock stability prior to any drilling or surface impoundments such as dams or holding ponds
- Require full disclosure of the chemical constituents used during deep shale drilling and hydraulic fracturing and the disposal methods for deep shale drilling and hydraulic fracturing waste
- To update regulations on the use of class 2 injection wells to reflect the increased volume and known content of deep shale drilling and hydraulic fracturing waste
- Regulate water withdrawal from public waters for hydraulic fracturing operations
- Prevent installation of wells in source water protection areas
- Setbacks for wells should be one state standard from bodies of water, homes,
and property lines in rural and urban areas
- Increase the bond required to cover for deep shale drilling and hydraulic fracturing operations
- Increase the severance tax to pay for county-level remediation.
- Installation of wells in public source water protection area should not occur.

IT IS FURTHER RESOLVED that copies of this Resolution will be sent to Athens County's state and federal congressional representatives.

Signed this 14th day of February, 2012

Mark Sullivan, President

Larry Payne

Lenny Ellison

ATTEST:

John Sikorski, Clerk
A motion was made by Mr. Chmiel and seconded by Mr. Adkins approving the following Fracking Waste Ban sign-on letter:

Fracking Waste Ban Sponsor sign-on letter

Help us demonstrate the statewide support for upcoming legislation that would stop Ohio from being a dumping group for toxic fracking waste by signing on to the letter below. Signers can include organizations, citizen groups, and business. Thanks! Deadline for signers is Friday, April 12th.

Dear Representatives Driehaus and R. Hagan and Senator Skindell,

We, the undersigned, support your sponsorship of legislation to enact a statewide ban on the risky disposal methods for the liquid waste resulting from hydraulic fracturing. There are no good disposal options for this toxic waste. We share grave concerns about the underground injection of this toxic fracking waste, and the possibility that it will be discharged into our waterways and spread on our roads.

Liquid waste from fracturing is a varying mix of fracturing fluid and other toxic fluids that would otherwise have remained trapped deep underground, well below fresh water aquifers. This liquid waste brings to the surface potentially extreme levels of harmful contaminants, including arsenic, lead, hexavalent chromium, barium, strontium, benzene, polycyclic aromatic hydrocarbons, toluene, xylene, corrosive salts and radioactive material, such as radium-226. Reports from the U.S. Geological Survey showed that waste imported to Ohio for
disposal from Pennsylvania indeed contained radium-226.

Also, it is well known that many of the chemicals used to make fracturing fluid, and that return to the surface in the liquid waste from fracturing, are far from safe. Naphthalene, benzene and acrylamide are just a few of the known or suspected carcinogens identified as included in many fracturing fluids. Indeed, recent sampling results from the Ohio Dept. of Natural Resources found alarming levels of environmental toxins at class II injection well sites in Ohio, including high levels of benzene, a known carcinogen. Other environmental toxins used in some fracturing fluids, such as toluene, ethylbenzene and xylenes, can result in nervous system, kidney and/or liver problems. Finally, because the oil and gas industry succeeded in getting fracturing exempted from the Safe Drinking Water Act (except when diesel is used in the fracturing fluid), operators do not always have to report the chemicals they are injecting underground. As a consequence, the full extent of the public health threat from fracturing waste remains unknown.

Under the Safe Drinking Water Act, the U.S. EPA established an Underground Injection Control (UIC) program for permitting the disposal of toxic wastes by injecting them underground into designated wells. These wells are now a primary means of disposing of fracturing waste. However, a lengthy investigation by ProPublica has exposed the shortsightedness of such disposal, highlighted how the federal rules under which the UIC program operates are outdated, and noted that some aquifers are being "exempted" so as to allow these injections. The disposal of toxic drilling and fracturing waste is likely to become a long-term problem for Ohioans, far outweighing any short term economic gains to our state from serving as a dumping ground for this waste.

Injecting fracturing wastewater deep underground in order to dispose of it has also caused a spate of small earthquakes. The recently enacted rules for the prevention of seismic activity surrounding class II injection wells are inadequate. The only course of action that would prevent future earthquakes, like those experienced in Youngstown, Ohio, is to halt all underground injection of waste resulting from the hydraulic fracturing process.

Allowing Ohio to become a dumping ground for the waste resulting from hydraulic fracturing will leave a toxic legacy for generations of Ohioans. We urge you to protect Ohioans from the flood of oil and gas industry waste and to sponsor legislation to ban the underground injection, discharge, and surface spreading of liquid waste resulting from hydraulic fracturing.

The roll being called upon for adoption, the vote resulted as follows: Mr. Eliason, yea; Mr. Adkins, yea; Mr. Chmiel, yea.