

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 13-0190**

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Introduced by: Councilmembers Kraft, Henry, Welch, Reisinger, Clarke, Middleton, Mosby,  
Curran, Holton

Introduced and read first time: January 28, 2013

Assigned to: Judiciary and Legislative Investigations Committee

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Committee Report: Favorable with amendments

Council action: Adopted

Read second time: March 11, 2013

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**AN ORDINANCE CONCERNING**

**Wastewater from Hydraulic Fracturing**

FOR the purpose of prohibiting the storage, treatment, discharge, or disposal of ~~backflow flow~~  
back or other wastewater resulting from ~~hydraulic~~ hydraulic fracturing; defining certain  
terms; and imposing certain penalties.

BY adding

Article - Health

Section(s) 7-501 to 7-503, to be under the new subtitle designation,

“Subtitle 5. Wastewater from Hydraulic Fracturing

Baltimore City Revised Code

(Edition 2000)

BY adding

Article 25 - Sewers

Section(s) 2-4(h)

Baltimore City Code

(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
Laws of Baltimore City read as follows:

**Baltimore City Revised Code**

**Article – Health**

**Title 7. Waste Control**

**SUBTITLE 5. WASTEWATER FROM HYDRAULIC FRACTURING**

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by  
amendment or deleted from existing law by amendment.

**Council Bill 13-0190**

**§ 7-501. DEFINITIONS.**

(A) *IN GENERAL.*

IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(B) *FLOW BACK.*

“FLOW BACK” MEANS THE FRACTURING FLUIDS THAT RETURN TO THE SURFACE AFTER A HYDRAULIC FRACTURE IS COMPLETED.

(C) *HYDRAULIC FRACTURING.*

“HYDRAULIC FRACTURING” MEANS THE DRILLING TECHNIQUE (ALSO KNOWN COLLOQUIALLY AS “FRACKING”, “HYDROFRACKING”, OR “~~HYDEOFRACTURING~~ HYDROFRACKING”) OF EXPANDING OR CREATING FRACTURES IN ROCK BY INJECTING FLUIDS, OFTEN A MIXTURE OF WATER AND CHEMICALS, SAND, OR OTHER SUBSTANCES, AND OFTEN UNDER PRESSURE, INTO OR UNDERNEATH THE SURFACE OF THE ROCK FOR VARIOUS PURPOSES, INCLUDING WELL DRILLING AND NATURAL GAS EXPLORATION AND PRODUCTION.

**§ 7-502. STORING, TREATING, DISPOSING, ETC., WASTEWATER PROHIBITED.**

NO PERSON MAY STORE, TREAT, DISCHARGE, OR DISPOSE OF IN THE CITY OR IN OR ON ANY CITY-OWNED FACILITY OR PROPERTY, WHEREVER SITUATED, ANY ~~BACK-FLOW~~ FLOW BACK OR OTHER WASTEWATER RESULTING FROM HYDRAULIC FRACTURING.

**§ 7-503. PENALTIES: \$1,000 AND 90 DAYS.**

(A) *IN GENERAL.*

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000, IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

(B) *EACH DAY A SEPARATE OFFENSE.*

EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

**Baltimore City Code**

**Article 25. Sewers**

**Subtitle 2. Control of Sanitary and Storm Sewers**

**Council Bill 13-0190**

1 **§ 2-4. Prohibited discharges into sanitary or storm sewers.**

2 (H) WASTEWATER FROM HYDRAULIC FRACTURING.

3 (1) DEFINITIONS.

4 IN THIS SUBSECTION, "FLOW BACK" AND "HYDRAULIC FRACTURING" HAVE THE MEANS  
5 STATED IN CITY HEALTH ARTICLE § 7-501.

6 (2) DISCHARGE PROHIBITED.

7 NO PERSON MAY DISCHARGE OR CAUSE TO BE DISCHARGED INTO ANY SANITARY OR  
8 STORM SEWER ANY FLOW BACK OR OTHER WASTEWATER RESULTING FROM HYDRAULIC  
9 FRACTURING.

10 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
11 are not law and may not be considered to have been enacted as a part of this or any prior  
12 Ordinance.

13 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
14 after the date it is enacted.

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

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Mayor, Baltimore City