RESOLUTION 2011-20

INTRODUCED BY L. SWANEY

FIRST READING 24 Oct 2011
SECOND READING 28 Nov 2011
THIRD READING 12 Dec 2011

A RESOLUTION IN SUPPORT OF A MORATORIUM UPON CONDUCTING HYDRAULIC FRACTURING PENDING THE ISSUANCE OF A REPORT THEREON BY THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY

WHEREAS, The Village of Burton recognizes that water is essential for life, prosperity, sustainability, and health of the community, and

WHEREAS, The process known as "hydraulic fracturing" as an aid in the extraction of oil and gas from drilled wells has risks associated with the vertical and horizontal drilling technique to reach the Marcellus and Utica Shale formations under our state to release the natural gas sequestered in these deep shale deposits and bring it to the surface; and

WHEREAS, The fluid used in this process contains chemicals, the identity of which often remains unknown due to what is known as the "Halliburton Loophole", a clause in the 2005 Energy Bill that stripped the Environmental Protection Agency of the authority to regulate "hydraulic fracturing"; and

WHEREAS, Broken and or cracked vertical well casings have been shown to release natural gas/oil/fracking fluid near the surface of the ground; and

WHEREAS, A portion of the spent fluid from this process is extracted from the wells and stored or disposed of at above ground facilities; and

WHEREAS, All aspects of the process pose a risk of contamination of the ground water and aquifers that provide us with drinking water individually and collectively; and

WHEREAS, Municipalities have a legitimate interest in the protection of their aquifers and ground water sources; and

WHEREAS, the trucking in and out of mass quantities of water and fluids for this process poses significant risk of damage to municipal roadways; and

WHEREAS, The Ohio Legislature has vested complete authority over permitting, location and spacing of oil and gas wells and production operations within the state in the Division of Mineral Resources Management, leaving local governments with no discretion or regulatory control over oil and gas drilling within their boundaries; and

WHEREAS, The gas and oil industry has secured broad exemptions from Federal regulation under the Clean Water Act and the Safe Drinking water act since 2005; and
WHEREAS, The extraction of natural gas by hydraulic fracturing poses a potential threat to the health, safety, and welfare of residents living near these operations; and

WHEREAS, The United States Environmental Protection Agency is currently conducting a study of the safety of hydraulic fracturing for drinking water, public health and the environment to be completed in 2012;

Section 1. NOW THEREFORE BE IT RESOLVED, that the Council of the Village of Burton, Ohio calls on the Governor and the Ohio State Legislature to place a moratorium (or enact a ban) on hydraulic fracturing until and adequate environmental study is completed showing that hydraulic fracturing can be done safely and without impacting local water supplies within the State of Ohio, and until adequate mitigation regulations and facilities are in place to adequately protect Ohio's water supply and environment from such operations; and calls on the United States Congress to enact laws to eliminate the exemption of hydraulic fracturing from Federal regulation under the Safe Drinking Water Act.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting, and that all deliberations of this Council and of any of its Committees, on or after December 2, 1975, that resulted in formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution shall take affect at the earliest time allowed by law.

Passed this 12 day of December, 2011

Mayor

ATTEST:

Fiscal Officer

I certify that Resolution 2011-20 was duly enacted on the 12 day of December, 2011 by the Council of the Village of Burton and posted in accordance with the Resolutions of the Village.

Fiscal Officer