

**TOWNSHIP OF BYRAM  
SUSSEX COUNTY, NEW JERSEY  
RESOLUTION NO. 47-2011**

**RESOLUTION SUPPORTING A NEW JERSEY STATEWIDE BAN ON NATURAL  
GAS DEVELOPMENT INVOLVING HYDRAULIC FRACTURING**

WHEREAS, natural gas development is proposed within the Delaware River Watershed; and

WHEREAS, the Delaware River is designated as a Wild and Scenic River of federally recognized outstanding resources, natural assets, and exceptional water quality; and

WHEREAS, the Delaware River watershed supplies drinking water to over 15 million people, many of them downstream of the Marcellus Shale fairway in the Upper and Middle Delaware River Watershed, including approximately 3 million people in New Jersey; and

WHEREAS, the Delaware River is the lifeblood of the communities along the River, is essential for commerce, tourism and recreation, and once contaminated will negatively impact those communities and those uses and can be very costly or impossible to remediate and can take a very long time; and

WHEREAS, the Delaware River Basin Commission (DRBC) has designated the non-tidal River - the entire 197 mile River from Hancock, New York to Trenton, New Jersey - as Special Protection Waters due to the exceptional water quality and "exceptionally high scenic, recreational, ecological, and/or water supply values" of the River; and

WHEREAS, these special waters and ecosystems must be maintained as per the DRBC Water Code, so that there be "no measurable change in existing water quality except towards natural conditions", requiring protection from avoidable water quality degradation; and

WHEREAS, degradation of these waters would be illegal and would impose significant hardships, public health detriment, and economic harm if degraded; and

WHEREAS, the natural gas development process involves the use of chemicals and hazardous materials during construction, drilling, hydraulic fracturing, gas production and delivery, well maintenance, and workover operations; and

WHEREAS, hydraulic fracturing of underground geologic formations is often accomplished by injecting a complex mix of fluids and chemicals, including large volumes of water, on average 4.5 million gallons per well, under very high pressure to create fractures in gas bearing geologic formations; and

WHEREAS, billions of gallons of fresh water will be depleted by hydraulic fracturing (the water is not returned to the source and is classified as a consumptive loss) and at least 200,000 acres of land are already leased for gas development, and that tens of thousands of wells are expected to be drilled in the Upper and Middle Delaware River Watershed; and

WHEREAS, many of the chemical constituents injected during hydraulic fracturing have documented adverse health effects and/or adverse environmental impacts; and

WHEREAS, use of these hydraulic fracturing mixes exposes adjacent land and surface waters to the risk of contamination through open pit storage, truck transport on roadways, and activities during well development; and

WHEREAS, in 2005, as part of the federal Energy Policy Act and over objections of health care, scientific, environmental, and conservation communities, regulation of hydraulic fracturing fluids under the Safe Drinking Water Act by the Environmental Protection Agency was exempted, thereby allowing oil and gas companies to use these substances without federal oversight or standards; and

WHEREAS, the oil and gas industry remains one of the only industries that is allowed to inject such known chemical constituents directly into or adjacent to underground drinking water supplies without federal oversight; and

WHEREAS, the oil and gas industry is not required by federal law to publicly disclose chemical formulas of hydraulic fracturing fluids so that this information is publicly available for health and safety purposes; and

WHEREAS, proposed natural gas wells in the Delaware River Watershed are planning to use chemical additives in drilling and to use hydraulic fracturing in developing these wells and exploratory wells that have been drilled have used chemical additives in drilling; and

WHEREAS, natural gas development will fragment forests in the Upper and Middle Delaware River Watershed, which is 89% forested, and convert naturally vegetated land to impervious cover and industrial conditions, increasing stormwater runoff and pollution, flooding, sedimentation, and erosion to the tributaries and the mainstem River and will emit air pollution during constructing, drilling, extraction, and production of natural gas; and

WHEREAS, the Delaware River Basin Commission is seeking funding to complete a cumulative impact analysis of natural gas development on the water resources of the Delaware River Basin; and

WHEREAS, the US Environmental Protection Agency is studying the practice of hydraulic fracturing and the study will be completed in 2012 and, if it is recommended by the study that hydraulic fracturing should be subject to the Safe Drinking Water Act, that the federal oversight of hydraulic fracturing would not be unduly burdensome on industry or the economy; and

WHEREAS, Byram Township, through its leadership as the first municipality to conform to the New Jersey Highlands Water Protection and Planning Council's Regional Master Plan, has declared that water is a valuable precious natural resource that must be protected; and

WHEREAS, the wise stewardship of Byram Township's natural resources involves planning for the protection of its water supplies and water resources for generations to come; and

WHEREAS, protection of Byram Township's water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination and restoring degraded environments after the fact;

NOW, THEREFORE, BE IT RESOLVED, that the Byram Township Mayor and Council support strong regulation by the DRBC to prevent pollution and avoid degradation of the water resources and ecosystems of the Delaware River Watershed; and

AND BE IT FURTHER RESOLVED that the Byram Township Mayor and Council supports a New Jersey statewide ban on natural gas development involving hydraulic fracturing; and

AND BE IT YET FURTHER RESOLVED that Byram Township calls on our Congressional Representative and U.S. Senators to join Senator Lautenberg, Congressman Pallone and Congressman Holt in co-sponsoring H.R. 1084/ S. 587, the Fracturing Responsibility and Awareness of Chemicals Act ("FRAC Act") a bill that would repeal the fracking exemption to the Safe Drinking Water Act and require disclosure of chemicals used in fracking.

PASSED, APPROVED, AND EFFECTIVE on this 19th day of April, 2011

ATTEST:

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Mayor

**PLEASE SEND A COPY OF THIS SIGNED RESOLUTION TO:**

1. Senator Steven Oroho
2. Assemblywoman Alison McHose
3. Assemblyman Gary Chiusano
4. Congressman Rodney Frelinghuysen, 30 Schuyler Place, 2<sup>nd</sup> Floor, Morristown, NJ 07960
5. Senator Frank Lautenberg, One Gateway Center, 23<sup>rd</sup> Floor, Newark, NJ 07102
6. Senator Robert Menendez, One Gateway Center, Suite 1100, Newark NJ 07102
7. Delaware Riverkeeper Network, 300 Pond Street, 2<sup>nd</sup> Floor, Bristol, PA 19007
8. Food and Water Watch, 100 Bayard Street, Suite 310, New Brunswick, NJ 08901
9. Musconetcong Watershed Association; P.O. Box 113; Asbury, NJ 08802