RESOLUTION 56 - 2012

EXPRESSING City Council’s dissatisfaction with actions by the Ohio General Assembly, which granted special privileges to the oil and natural gas industry by removing all local control over this industry, which jeopardizes the health, safety and welfare of the citizens of Ohio; and REQUESTING that the Ohio General Assembly repeal any and all laws that pre-empt local control over oil and natural gas extraction and associated risky industrial activity.

WHEREAS, there are clear and present dangers inherent in oil and natural gas extraction and related industrial activity; and

WHEREAS, according to government and peer-reviewed scientific studies, professional risk assessments, reports from first-hand observations and experiences, as well as credible news sources, environmental and human health impacts have resulted from documented spills, blowouts, leaking wells, and other environmental accidents resulting from the extraction of oil and natural gas; and

WHEREAS, the process of hydraulic fracturing requires, among other things, the use of thousands of gallons of toxic chemicals, threatening human health and the environment; the permanent removal of unsustainably large quantities of water from the natural water cycle, threatening the health of streams and lakes; and increased heavy tanker traffic on roadways, threatening toxic spills and infrastructure damage; and

WHEREAS, the process known as “deep injection” used to deposit brine/toxic frack waste under extreme pressure in wells several thousands of feet in the earth is considered the safest disposal method, yet has been shown by research to pollute water aquifers and trigger earthquake activity; and

WHEREAS, this Council recognizes that clean water and air are essential for the life, prosperity, sustainability and health of the community and that damage to water resources and air thereby causes tangible loss to health, property and life of individuals, communities and ecosystems; and

WHEREAS, since 2005, the oil and gas industry has secured broad exemptions from six key federal laws, such as the Clean Water Act and the Safe Drinking Water Act; and

WHEREAS, in spite of considerable testimony in opposition, the Ohio General Assembly granted special privileges to the oil and natural gas industry by removing all local control over this industry, which jeopardizes the health, safety and welfare of the citizens of Ohio; and

WHEREAS, this Council is charged with protecting the health, safety and welfare of its residents, yet is pre-empted from acting to fulfill those official duties; now, therefore,
BE IT RESOLVED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Council of the City of Cincinnati finds that the Ohio General Assembly has enacted laws that allow an inherently disruptive and dangerous industry in rural and residential areas, to the detriment of the overall health, welfare, and safety of the residents of the City of Cincinnati.

Section 2. That the Council of the City of Cincinnati respectfully expresses to the Ohio Governor and Ohio General Assembly its complete dissatisfaction with the present state of affairs and calls upon the Governor and Ohio General Assembly to look to the interests of our greater community rather than the interests of a single industry by repealing any and all laws that pre-empt local control over oil and natural gas extraction and associated risky industrial activity; and, further, that the Assembly begins anew, in an open, transparent process that provides the citizens of Ohio the protections they are guaranteed by their Constitution.

Section 3. That a copy of this resolution be spread upon the minutes of Council and sent to Governor John R. Kasich of the State of Ohio and the Cincinnati delegation of the Ohio General Assembly.

Passed: December 5, 2012

Attest: Clerk

Submitted by Vice Mayor Roxanne Qualls and Councilmember Laure Quinlivan

WHEREAS, the City is concerned about the potential for waste being injected into the ground within the City and being harmful to its citizens and the environment; and

WHEREAS, municipalities have the power to enact laws that preserve the public health, safety and welfare of the municipality and its citizens; and

WHEREAS, City officials are unable to assess the risks to the public health, safety and welfare of injected waste; and

WHEREAS, the Council recognizes the need to expressly prohibit waste disposal by injection into any land within the City; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Section 729-1-D – Disposal, of Cincinnati Municipal Code, Title VII, Chapter 729 – Waste Disposal, is hereby modified as follows:

Sec. 729-1-D. – Disposal.

"Disposal" or "Dispose" shall mean the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any waste material into or on any land, except if the disposition or placement constitutes temporary storage or treatment. Disposal shall not mean injection into any land by well or otherwise, which shall be prohibited on any land in the city. Notwithstanding the foregoing, disposal of waste into a residential septic system, as that term is defined in OAC 1301:7-9-02(B)(54), shall be permitted.

Section 2. That existing Section 729-1-D of Chapter 729 of Title VII of the Cincinnati Municipal Code is hereby repealed.
Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: **August 1, 2012**

Attest: Clerk

I HEREBY CERTIFY THAT ORDINANCE No. 314-2012 WAS PUBLISHED IN THE CITY BULLETIN IN ACCORDANCE WITH THE CHARTER ON **8-14-2012**

CLERK OF COUNCIL
RESOLUTION 29 - 2012

REQUESTING that Governor John R. Kasich and the Ohio State Legislature move swiftly to place a moratorium on horizontal hydraulic fracturing and brine injection wells in the State of Ohio until further study and risk assessment is completed.

WHEREAS, the City of Cincinnati wholly recognizes that water is critical for life, remains dedicated to protecting the health of its citizens, and recognizes its location downstream from a vast portion of Ohio’s water systems; and

WHEREAS, horizontal hydraulic drilling, also known as fracking, is an unconventional type of natural gas extraction that threatens the health of both the public and the environment, and requires larger drill pads, deeper wells, and tens of millions of gallons of water, while producing two hundred times more volatile organic compounds, four times as many drill cuttings, and fifty million gallons of wastewater, as compared to traditional wells; and

WHEREAS, the City of Cincinnati finds that the fracking industry has been granted exceptions to multiple regulations since 2005, such as the Safe Drinking Water Act and Clean Water Act, and employs hundreds of unknown chemicals of concern; and

WHEREAS, in a study of Pavillion, Wyoming, the Environmental Protection Agency (EPA) recently documented water contamination from fracking chemicals; and

WHEREAS, the Cincinnati City Council acknowledges the current provisions of Ohio Revised Code Section 1509.02 that give the Ohio Department of Natural Resources (ODNR) authority to permit oil and gas wells; and

WHEREAS, the ODNR is projecting to permit 3,000 fracking wells in Ohio over the next three years; and

WHEREAS, fracking wastewater, which is laced with hundreds of chemicals of concern, heavy metals, and naturally occurring radioactive materials (NORM), is currently being disposed of on Ohio roadways and injected underground at one of Ohio’s 177 class II injection wells; and

WHEREAS, projections from the ODNR estimate that two hundred billion gallons of fracking waste will be produced in-state, and Ohio continues to accept billions of gallons of fracking wastewater from out of state; and

WHEREAS, Ohio has experienced a dozen unusual earthquakes, the most recent and severe occurring on December 31, 2011, caused by a class II injection well disposing of fracking wastewater, which resulted in a moratorium on injection wells in the Youngstown area; and

WHEREAS, drilling muds and drill cuttings from fracking wells contain heavy metals, chemicals, and NORM, which is currently disposed of at solid waste landfills, and the two landfills located in Hamilton County currently do not have radiation monitors to detect NORM; and
WHEREAS, clean water is vital for economic health, and our agricultural and bottling industries are particularly vulnerable to changes in water quality; and

WHEREAS, the City of Cincinnati recognizes that the disposal of fracking wastewater is a significant challenge due to the volume and chemical complexity of the waste, that treating unknown waste is not possible, and that the two current disposal methods in Ohio have an imminent probability of reaching local streams and rivers, which supply our drinking water; and

WHEREAS, the citizens of Cincinnati will receive little economic benefit from fracking, but will share the burden and costs to infrastructure, health care, water treatment, and overall environmental degradation; and

WHEREAS, numerous townships, cities, states, and countries have banned or issued moratoriums on horizontal hydraulic fracturing and waste injection wells, including the states of New Jersey, North Carolina, and New York; the cities of Buffalo, NY and Pittsburgh, PA; the Delaware River Gap; and internationally, in the Canadian Province of Quebec, Germany, France and Bulgaria; and

WHEREAS, the EPA is currently conducting a study, to be completed in 2015, to determine the risks associated with this new industry; and

WHEREAS, State Representative Denise Driehaus, State Senator Michael J. Skindell, and State Representative Robert F. Hagan have introduced moratorium bills for horizontal hydraulic fracturing and injection wells until the completion of the EPA study; now, therefore,

BE IT RESOLVED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Mayor and the Council of the City of Cincinnati respectfully request that Governor John R. Kasich and the Ohio State Legislature move swiftly to place a moratorium on horizontal hydraulic fracturing and brine injection wells until further study and risk assessment is completed.

Section 2. That a copy of this resolution be spread upon the minutes of Council and sent to Governor John R. Kasich of the State of Ohio and the Cincinnati delegation of the Ohio General Assembly.

Passed: April 18, 2012

Attest: [Signature]

Submitted by Councilmember Wendell Young
RESOLUTION NO. __________________ - 2013

EXPRESSING City Council’s support of House Bill No. 148 introduced in the Ohio General Assembly, which will enact a statewide ban on disposal of the liquid waste resulting from hydraulic fracturing, including disposal in brine injection wells.

WHEREAS, the City of Cincinnati is concerned about the potential for waste being injected into the ground and being harmful to its citizens and the environment; and

WHEREAS, State and City officials are unable to assess the risks to the public health, safety and welfare of injected waste; and

WHEREAS, according to government and peer-reviewed scientific studies, professional risk assessments, reports from first-hand observations and experiences, as well as credible news sources, environmental and human health impacts have resulted from documented spills, blowouts, leaking wells, and other environmental accidents resulting from the extraction of oil and natural gas; and

WHEREAS, the process of hydraulic fracturing requires, among other things, the use of thousands of gallons of toxic chemicals, threatening human health and the environment; the permanent removal of large quantities of water from the natural water cycle, threatening the health of streams and lakes; and increased heavy tanker traffic on roadways, threatening toxic spills and infrastructure damage; and

WHEREAS, the process known as “deep injection” used to deposit brine/toxic fracking waste under extreme pressure in wells several thousands of feet in the earth is considered the safest disposal method, yet has been shown by research to pollute water aquifers and trigger earthquake activity; and

WHEREAS, the City of Cincinnati wholly recognizes that water is critical for life, remains dedicated to protecting the health of its citizens, and recognizes its location downstream from a vast portion of Ohio’s water systems; and

WHEREAS, in addition to the chemicals and solids used in the well drilling process, the United States Environmental Protection Agency has noted that radioactive materials have been found in "fairly high concentrations" in wastewater associated with the oil/gas operations; and

WHEREAS, wastewater from the extraction process is known to contain toxic levels of contaminants, including unknown quantities of undisclosed chemical additives used in hydraulic fracturing fluid, as well as contaminants from sources underground; benzene, naphthalene, formaldehyde, cadmium, mercury, arsenic, total dissolved solids, and radioactive material, such as radium, are among the known contaminants; and companies engaging in the use of this drilling technique have been less than forthcoming in revealing the “cocktail” of chemicals and their concentrations and volume; and
WHEREAS, methods of treatment and disposal for oil/gas wastewater do not eliminate the risks that wastewater poses to human health and the environment; and

WHEREAS, Ohio has experienced a dozen unusual earthquakes, the most severe occurring on December 31, 2011, caused by a class II injection well disposing of fracking wastewater, which resulted in a moratorium on injection wells in the Youngstown area; and

WHEREAS, the City of Cincinnati recognizes that the disposal of fracking wastewater is a significant challenge due to the volume and chemical complexity of the waste, that treating unknown waste is not possible, and that the two current disposal methods in Ohio have an imminent probability of reaching local streams and rivers, which supply our drinking water; and

WHEREAS, in response to City Council’s recognition of the health and safety risks posed by the disposal of fracking wastewater, City Council passed Ordinance No. 314-2012, which prohibits the disposal of any waste material through its injection into any land in the City; and

WHEREAS, Representatives Denise Driehaus and Robert Hagan have introduced bills to ban injection wells and the disposal of fracking wastewater in Ohio; now, therefore,

BE IT RESOLVED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Mayor and the Council of the City of Cincinnati respectfully request that Governor John R. Kasich and the Ohio State Legislature move swiftly to pass House Bill No. 148 to ban additional Class II injection wells, which pose known and unknown risks to the citizens of Cincinnati.

Section 2. That a copy of this resolution be spread upon the minutes of Council and sent to Governor John R. Kasich of the State of Ohio, Ohio Department of Natural Resources Chief James Zehringer, Ohio Environmental Protection Agency Director Scott Nally, and the Cincinnati delegation of the Ohio General Assembly.

Passed: _____________________________, 2013

__________________________________ Mayor

Attest: ______________________________

Clerk

Submitted by Vice Mayor Roxanne Qualls