

AN ORDINANCE BANNING  
HYDRAULIC FRACTURING IN THE MUNICIPALITY AND AMENDING AND  
SUPPLEMENTING THE CODE OF THE TOWNSHIP  
IN CONNECTION THEREWITH

WHEREAS, hydraulic fracturing ("fracking") for natural gas involves the use of chemicals and hazardous materials during construction, drilling, hydraulic fracturing, gas production and delivery, and well maintenance; 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 under very high pressure to create fractures in gas bearing geologic formations; and

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

WHEREAS, there have been more than 1,000 documented cases of water contamination near fracking sites; and

WHEREAS, wastewater from fracking may contain radioactive elements and other toxic components and has been discharged into rivers that supply drinking water for millions; and

WHEREAS, Pennsylvania's Department of Environmental Protection has documented three facilities in New Jersey as accepting waste from hydraulic fracturing operations, posing a direct threat to New Jersey's drinking water; and

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

WHEREAS, New Jersey's Legislature and Governor enacted a one-year moratorium on fracking that expired in January of 2013; and

WHEREAS, since the New Jersey Legislature originally acted to ban fracking, the case for a ban on fracking has been strengthened by an EPA report of contaminants associated with fracking and separate incidents involving earthquakes in Ohio linked to fracking waste disposal injection wells; and

WHEREAS, wastewater, wastewater solids or sludge, drill cuttings and/or other byproducts from the fracking process are 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

WHEREAS, methods of treatment and disposal for fracking waste do not eliminate the risks that hydraulic fracturing wastewater, wastewater solids or sludge, drill cuttings and/or other byproducts pose to human health and the environment; and

WHEREAS, A575/S253 passed the New Jersey Legislature in June 2012 with strong bipartisan support, and would prohibit treatment, discharge, disposal, or storage of waste from hydraulic fracturing in New Jersey; and

WHEREAS, Governor Christie vetoed A575/S253 in September 2012; and

WHEREAS, fracking is exempt from important regulations meant to protect public health and the environment, specifically sections of the Clean Water Act, Clean Air Act, Safe Drinking Water Act, Superfund, National Environmental Policy Act, Resource Conservation and Recovery Act; and

WHEREAS, at least five pipeline expansion projects, which will transport fracked gas, are planned for New Jersey, passing through densely populated communities such as Jersey City and environmentally sensitive areas in the New Jersey Highlands, and the New Jersey Pinelands, encompassing protected land paid for and owned by the people of New Jersey to be preserved as open space to protect water resources; and

WHEREAS, historically 100% of US produced gas has been used domestically, and now 12% of US produced gas is being exported to international markets via liquefied natural gas (LNG) terminals, and 25% of gas production has been approved for export through these terminals; and

WHEREAS, previous decisions to halt the construction of LNG facilities in New Jersey and off our coast could be reversed to profit gas companies who can charge six to eight times as much

for gas in Europe and Asia, respectively, as they can in the US; and

WHEREAS, the wise stewardship of our natural resources involves protection of Edison's air, water supplies and water resources for generations to come; and

WHEREAS, protection of Edison's air, water supplies and resources is better accomplished by preventing contamination and environmental degradation, rather than attempting to remediate contamination and restore degraded environments after the fact.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF EDISON AS FOLLOWS:

Section 1. The foregoing preamble to this ordinance is hereby incorporated as if fully restated.

Section 2. Section 4.14, "Prohibited Uses in Zones" of Chapter XXXVII, "Land Use" of the Township Code is hereby supplemented and amended by adding thereto a new subsection "f", which shall read as follows:

(f). Drilling for natural gas; using the drilling technique of hydraulic fracturing; exploring for natural gas beyond the reconnaissance phase; or the treatment, discharge, disposal, or storage of waste from hydraulic fracturing or any by-product of hydraulic fracturing.

Section 3. Applicability. The provisions of this ordinance shall apply to the entire municipality of Edison and the Township Code shall be deemed amended accordingly.

Section 4. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

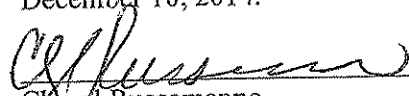
Section 5. Referral to Planning Board. A copy of this ordinance shall be referred to the Edison Planning Board following its introduction on first reading in accordance with the provisions of N.J.S.A. 40:55D-64.

Section 6. Effective Date. This ordinance shall take effect upon its passage and publication and filing with the Middlesex County Planning Board, as required by law.

The foregoing ordinance was introduced at a meeting of the Township Council of Edison held on \_\_\_\_\_ and will be further considered for final passage after a public hearing thereon at a meeting of Council

The purpose of this ordinance is to prohibit the use of hydraulic fracturing and the treatment, discharge, disposal, or storage of waste from hydraulic fracturing throughout the Township of Edison.

**THIS IS TO CERTIFY** that this is a true and compared copy of an Ordinance adopted by the Municipal Council of the Township of Edison at their Regular Meeting of December 10, 2014.

  
Cheryl Russomanno  
Acting Municipal Clerk