

AN ORDINANCE TO ESTABLISH CHAPTER 7.28  
OF THE CODE OF THE CITY OF ELIZABETH  
ENTITLED "FRACKING WASTE" SPECIFICALLY  
TO PROHIBIT THE TREATMENT, DISCHARGE,  
DISPOSAL, APPLICATION TO ROADWAY, OR  
STORAGE OF WASTEWATER, WASTEWATER  
SOLIDS, SLUDGE, DRILL CUTTINGS OR OTHER  
BYPRODUCTS FROM NATURAL GAS  
EXPLORATION OR PRODUCTION USING  
HYDRAULIC FRACTURING

WHEREAS, the City Council of the City of Elizabeth finds and declares that the practice of the drilling technique of hydraulic fracturing, or "fracking," for natural gas exploration and production has been found to use a variety of contaminating chemicals and materials; and

WHEREAS, the "fracking" drilling technique uses vast quantities of water mixed with chemicals and solids pumped into shale formations at high pressure to fracture the shale formations and that millions of gallons of contaminated water flow back out of the well; and

WHEREAS, the high concentrations of solids present in hydraulic fracturing wastewater and other wastes may include calcium, magnesium, phosphates, nitrates, sulphates, chloride, barium, cadmium, strontium, dissolved organics such as benzene and toluene, and copper, which would interfere with the processes of wastewater treatment plants by inhibiting the anaerobic digestion processes and disrupting the biological digestion processes; and

WHEREAS, the heavy metals present may precipitate during the treatment process and contaminate biosolids from the plant, which would require expensive decontamination of drying beds or prevent the usual methods for reuse or disposal of those biosolids; and

WHEREAS, the City Council of the City of Elizabeth finds and declares that the treatment of wastewater, wastewater solids, sludge, drill cuttings or other byproducts from the hydraulic fracturing process poses significant public health, safety and welfare risks to the citizens of the City of Elizabeth; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELIZABETH:**

**SECTION 1.** Definitions:

A. "Hydraulic fracturing" shall mean the drilling technique of expanding existing fractures or creating new fractures in rock by injecting water, often with chemicals, sand, or other substances, and often under pressure, into or underneath the surface of the rock for purposes including, but not limited to, well drilling and natural gas exploration and production. The term "hydraulic fracturing" shall include "fracking," "hydrofracking," "hydrofracturing," and other colloquial terms for this drilling technique.

**SECTION 2.** No wastewater, wastewater solids, sludge, drill cuttings or other byproducts resulting from hydraulic fracturing for the purpose of natural gas exploration or production may be treated, discharged, disposed of, applied to a roadway or otherwise released into the environment, or stored in the City of Elizabeth.

**SECTION 3.** Enforcement.

A. Any person or entity violating the provisions of this chapter, upon conviction before a Municipal Court Judge of the City, shall be subject to a fine of not less than two thousand five hundred dollars (\$2,500.00) and not more than ten thousand dollars (\$10,000.00) in the discretion of the Municipal Court Judge.

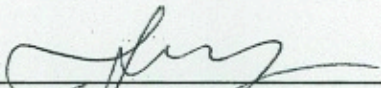
B. In addition to any other remedies provided for in this chapter, the City Attorney, or his or her designee, may commence an action in the Superior Court of New Jersey to enjoin a person or entity that has violated this chapter and for any other appropriate remedies at law or equity.

**SECTION 4.** All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

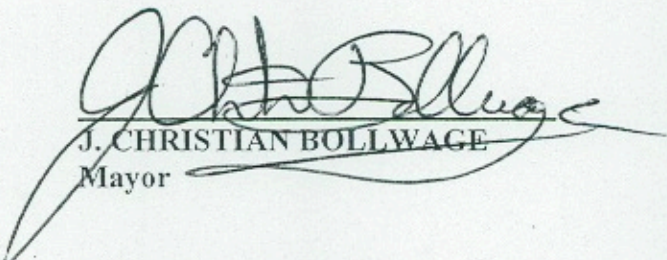
**SECTION 5.** If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

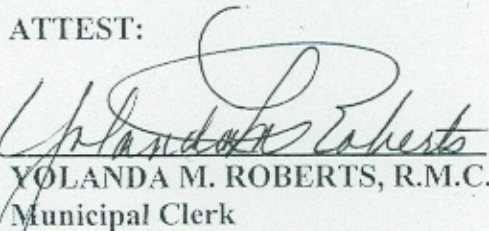
**SECTION 6.** The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

PASSED: 9-23-14

  
MANNY GROVA, JR.  
President of City Council

APPROVED: 9-25-14

  
J. CHRISTIAN BOLLWAGE  
Mayor

ATTEST:  
  
YOLANDA M. ROBERTS, R.M.C.  
Municipal Clerk