



**TOWN OF FAIRFAX
STAFF REPORT
October 2, 2013**

TO: Mayor and Town Council
FROM: Michele Gardner, Town Clerk
SUBJECT: Resolution13-51 supporting a moratorium on hydraulic fracturing in the Sate of California

RECOMMENDATION

Adopt Resolution supporting a moratorium on hydraulic fracturing in the State of California

DISCUSSION

Mayor Reed and Councilmember Bragman requested this resolution be added to the agenda.

ATTACHMENTS

Resolution 13- 51

RESOLUTION 13-51

A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF FAIRFAX SUPPORTING A MORATORIUM ON HYDRAULIC FRACTURING IN THE STATE OF CALIFORNIA

WHEREAS, hydraulic fracturing, also known as “fracking”, is a gas and oil resource extraction technology that drills wells vertically and horizontally deep under the earth’s surface, through water tables, requires vast quantities of water, and uses numerous toxic chemicals injected under high pressure to crack shale and dense rock formations, producing toxic waste water, and therefore poses great potential threat to the public, the environment, the State’s water supply and our coastal waters; and

WHEREAS, hydraulic fracturing is not sufficiently regulated in California and the California Department of Conservation, Division of Oil, Gas and Geothermal Resources (DOGGR) has ^{insufficient} records of the locations or numbers of wells where hydraulic fracturing is being used to extract oil and gas in the state, and does not maintain records of the types and amounts of chemicals used, the amount of water used or the disposition of the wastewater generated by this process; and

WHEREAS, the oil and gas industry is granted exceptions to compliance with federal legislation designed to protect the public and the environment, including the Safe Drinking Water Act of 1974 and the Clean Water Act of 1972 (amended 1977 and 1987); and

WHEREAS, recently-enacted Senate Bill 4 permits continuing unregulated fracking activity until at least July 1, 2015 when the state is scheduled to complete an environmental review of fracking in California, thus standing the precautionary principle on its head; and,

WHEREAS, recent scientific studies which indicate that fracking may activate pre-existing, though dormant, earthquake faults should be thoroughly evaluated before any further fracking activity is permitted in California, a state that is riddled with seismic faults; and,

WHEREAS, wastewater from hydraulic fracturing may be laced with hundreds of toxic chemicals, heavy metals and naturally occurring radioactive materials, as documented by the Environmental Protection Agency (EPA) and due to the volume and toxicity of “fracking” wastewater, treating such complex waste is difficult, making safe disposal a significant challenge and posing threats to the environment and public health and safety; and

WHEREAS, current disposal methods in the State of California are inadequate, and allow the possibility that “fracking” wastewater will affect watersheds, reaching

rivers, streams, wetlands, bay and coastal waters, as well as agricultural and drinking water supplies; and

WHEREAS, the vast quantities of water required for the hydraulic fracturing process reduce the availability of water for agricultural uses, in a state which relies heavily on agriculture for its economic strength and which suffers from the effects of periodic droughts; and

WHEREAS, the “fracking” process releases such hazardous air pollutants as methanol, formaldehyde, and carbon disulfide, in addition to the release of volatile organic compounds including benzene, toluene and nitrogen oxides. The projected 15 billion barrels of oil from the Monterey Shale are estimated to release 6.45 billion metric tons of carbon dioxide, 15 times the total greenhouse gas emitted from all sources in California in 2010; and

WHEREAS, emissions generated by drilling and “fracking” for shale oil and gas, and producing, refining and burning shale oil and gas, result in significant and uncontrolled emission of methane, a far more lethal greenhouse gas than carbon dioxide. Due to the high quantity of leaked methane, the greenhouse gas emissions from the Monterey Shale is greater than any other fossil fuel, including coal. The California Air Resources Board rates California’s oil as dirtier than tar sands bitumen: most oil sources worldwide score between 5 and 13, while several of California’s fields score between 21 and 29; and

WHEREAS, unregulated “fracking” in California will likely undermine the State’s efforts to reduce greenhouse gas emissions to 1990 levels by 2020, per AB32, the California Global Warming Solutions Act of 2006, and the extraction of oil and gas, as well as coal, is antithetical to the necessary transition to 100% renewable energy sources needed to aggressively address greenhouse gas emissions and climate change; and

WHEREAS, the Fairfax Town Council has a long history of supporting all possible reductions in the reliance on fossil fuels, and has taken significant steps to address climate change, as evidenced by its stalwart support for the Marin Energy Authority (2008), among other actions; and

WHEREAS, protecting the health and safety of the environment and the public is of paramount concern and discouraging reliance on fossil fuels is congruent with Fairfax’s goal of reducing greenhouse gas emissions to address climate change.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Fairfax supports an immediate moratorium on hydraulic fracturing in the State of California to remain in effect until state and federal legislation and regulations are put in place that ^{and in the Marin County} ^{general plan}

repeal exceptions to the Safe Drinking Water Act, guarantee public health and safety, mitigate the effects on climate change, protect the environment, allow government access and testing of chemicals used, anticipate emerging extraction technologies and require full disclosure and testing of sites, with adequate time for public input.

The foregoing Resolution was duly passed and adopted at a regular meeting of the Town Council of the Town of Fairfax held in said Town on the 2nd day of October 2013, by the following vote, to wit:

AYES:
NOES:
ABSENT:

John Reed, Mayor

Attest:

Town Clerk