

TOWN OF FLOWER MOUND, TEXAS

RESOLUTION NO. 11-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, SUPPORTING THE PASSAGE OF THE FRACTURING RESPONSIBILITY AND AWARENESS OF CHEMICALS (FRAC) ACT, PENDING IN THE CONGRESS OF THE UNITED STATES OF AMERICA; MAKING FINDINGS RELATIVE THERETO; DIRECTING THE TOWN SECRETARY TO TRANSMIT THIS RESOLUTION TO APPROPRIATE FEDERAL OFFICIALS; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on or about June 9, 2009, legislation was jointly introduced in the United States House of Representatives (H.R. 2766) and the United States Senate (S. 1215), said legislation entitled the "Fracturing Responsibility and Awareness of Chemicals (FRAC) Act"; and

**WHEREAS**, the purpose of the FRAC Act is to amend Section 1421(d) of the Safe Drinking Water Act (42 U.S.C. § 300h(d)) by repealing a certain exemption for hydraulic fracturing, which exemption presently does not require the energy industry to disclose the chemicals it mixes with water and sand pumped underground in the hydraulic fracturing process; and

**WHEREAS**, the aforementioned exemption is commonly known as the "Halliburton Loophole"; and

**WHEREAS**, hydraulic fracturing (or "fracing" or "fracking") is the process whereby fluids are injected at high pressure into underground rock formations to blast them open and increase the flow of natural gas; and

**WHEREAS**, some of the chemicals utilized in hydraulic fracturing include diesel fuel, benzene, industrial solvents, hydrochloric acid and other carcinogens and endocrine disrupters; and

**WHEREAS**, the oil and gas industry is the only industry in the United States granted an exemption from compliance with the Safe Drinking Water Act; and

**WHEREAS**, hydraulic fracturing has attracted regulatory scrutiny in the past after a series of reports found water contamination in areas across the country where natural gas drilling takes place; and

**WHEREAS**, the FRAC Act repeals the exemption from restrictions on underground injection of fluids near drinking water sources granted to hydraulic fracturing operations under the Safe Drinking Water Act, and requires oil and gas companies to disclose the chemicals used in hydraulic fracturing operations; and

Town of Flower Mound, Texas  
City Clerk  
C. J. [Name]

**WHEREAS**, numerous local governments around the United States have adopted resolutions and other expressions of support for the passage of the FRAC Act; and

**WHEREAS**, the Town Council has determined that it is in the best interests of the public, including the protection of the public health and safety of the residents of the Town of Flower Mound, Texas, that the FRAC Act be enacted by the United States House of Representatives and the United States Senate, and signed into law by the President of the United States of America; and

**WHEREAS**, the Town Council of the Town of Flower Mound, Texas, supports the adoption of the FRAC Act and encourages those members of Congress who represent the Town of Flower Mound, in whole or in part, to support the FRAC Act.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, THAT:**

**SECTION 1**

All of the above premises are hereby found to be true and correct legislative and factual findings of the Town of Flower Mound and they are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

**SECTION 2**

The Town Council of the Town of Flower Mound, Texas, urges Congress to enact and the President to sign the FRAC Act (H.R. 2766 and S. 1215) authorizing the repeal of the "Halliburton Loophole" relative to the disclosure of chemicals utilized in the hydraulic fracturing process, to ensure the public health, safety and welfare of the citizens of the United States of America, especially those who reside in areas where natural gas drilling operations occur.

**SECTION 3**

The Town Secretary is hereby directed to transmit this Resolution to United States Senators Kay Bailey Hutchison and John Cornyn and every member of the United States House of Representatives from Texas, and all other appropriate federal officials.


**SECTION 4**

This Resolution shall take effect immediately from and after its passage.

**DULY PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, BY A VOTE OF 4 TO 0, ON THIS 7TH DAY OF JUNE, 2010.**

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JUN 7 2010  
TOWN OF FLOWER MOUND, TEXAS

**APPROVED:**

  
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Melissa D. Northern, Mayor

**ATTEST:**

  
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Paula J. Paschal, Town Secretary

**APPROVED AS TO FORM AND LEGALITY:**

  
\_\_\_\_\_  
Terrence S. Welch, Town Attorney

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