AN ORDINANCE BY PETITION TO SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE CITY OF NEW BRUNSWICK

BE IT ORDAINED by the City Council of the City of New Brunswick, New Jersey as follows:

WHEREAS, the hydraulic fracturing (fracking) for natural gas involves the use of chemicals and hazardous materials during construction, drilling, hydraulic fracturing, gas production and delivery, well maintenance, and workover operations; and

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

WHEREAS, wastewater, wastewater solids or sludge, drill cuttings and/or other byproducts from the fracturing 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, napthalene, formaldehyde, cadmium, mercury, arsenic, total dissolved solids, and radioactive material, such as radium, are among the known contaminants; 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, protection of New Brunswick's air, water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination and restoring degraded environments after the fact; and


NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of New Brunswick, in the County of Middlesex, and State of New Jersey, as follows: drilling and hydraulic fracturing (fracking) for natural gas and oil, and exploring for natural gas and oil beyond the reconnaissance phase is prohibited within the City of New Brunswick.

BE IT FURTHER ORDAINED, this Ordinance shall be effective upon final passage and publication as required by law.

INTRODUCED BY PETITION ON FIRST READING:
DATED:

COUNCIL PRESIDENT

ADOPTED ON SECOND READING:
DATED:

COUNCIL PRESIDENT

ATTEST:

CITY CLERK

APPROVAL OF THE MAYOR ON THIS DAY OF , 2013.

MAYOR

WJH/kc
STATEMENT

This Ordinance has been initiated by petition pursuant to N.J.S.A. 40:69A-184, et seq. The purpose of this ordinance is to prohibit in New Brunswick drilling and hydraulic fracturing (fracking) for natural gas and oil, and exploring for natural gas and oil beyond the reconnaissance phase.
BY THE MUNICIPAL COUNCIL:

BE IT RESOLVED, by the City Council of the City of New Brunswick:

WHEREAS, the purpose of fracking, also known as hydraulic fracturing, is a process that can be and has been used to extract natural gas from subsurface strata of shale. The process involves the injection of water and chemicals into the ground to cause the expulsion of the natural gas embedded in the subsurface;

WHEREAS, there is a great amount of public controversy surrounding the practice of fracking and claims by opponents of fracking that the practice is dangerous to the environment and to public health. Contrasting these critics are other people in industry and the public who contend that fracking is safe and a very important measure to increase the flow of natural gas that will help to move the United States toward greater energy independence; and

WHEREAS, the members of Council have reviewed the conflicting claims of the respective advocates and opponents. They are aware that Congress and the New Jersey Legislature have considered the conflicting claims and have not as yet reached any conclusive determination as to whether fracking poses real concerns as to the environment and/or public health; and

WHEREAS, Council recognizes that there are reputable and responsible spokespersons both for and against fracking and also that Council lacks the technical expertise and resources to confront the questions implicit in the fracking controversy; and

WHEREAS, Council has a profound concern about and interest in protecting the environment and public health. Council also is aware that the extraction industries who have promoted coal, petroleum and natural gas production in the past have had a less than sterling record of promoting a safe environment and public health; and

WHEREAS, Council is concerned with the present state of affairs in which there is no regulation or control over the practice of fracking or the methods employed in fracking. Council very much wants the Congress and State Legislature to promptly consider this matter and to determine whether and to what extend the regulation or banning of fracking is necessary in the public interest,

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of New Brunswick that Council calls upon the New Jersey Senate and General Assembly to reenact a moratorium on fracking activities in the State pending a comprehensive review, analysis and determination on the impact of fracking on the environment and public health of the State and whether regulation or prohibition of fracking is necessary to protect the public interest; and

BE IT FURTHER RESOLVED, that Certified Copies of this Resolution be provided by the City Clerk to the following:

- Honorable Christopher Christie, Governor
- Senator Robert M. Smith
- Assemblyman Joseph V. Egan
- Assemblyman Upendra Chivukula

ADOPTED: June 5, 2013

COUNCIL PRESIDENT

CITY CLERK

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

WJHp
BY THE MUNICIPAL COUNCIL:

WHEREAS, the Fracturing Responsibility and Awareness of Chemicals Act ("FRAC Act"), which is currently pending in Congress, would repeal the fracking exemption to the Safe Drinking Water Act and require disclosure of chemicals used in fracking; and

WHEREAS, the Bringing Reductions to Energy’s Airborne Toxic Health Effects Act ("BREATHE Act"), which is currently pending in Congress would repeal the exception to Clean Air Act for aggregation of emissions from oil and gas development sources;

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

WHEREAS, protection of New Brunswick’s water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination and restoring degraded environments after the fact;

WHEREAS, the New Jersey Legislature passed S.2576, legislation banning the practice of hydraulic fracturing with overwhelming bi-partisan support.

NOW THEREFORE BE IT RESOLVED, that on the 17th day of August 2011, the City of New Brunswick supports a state-wide and national ban on hydraulic fracturing for natural gas; and

BE IT FURTHER RESOLVED, that City Counsel of the City of New Brunswick supports the FRAC Act and BREATHE Act and,

BE IT FURTHER RESOLVED, that the City of New Brunswick will send a copy of this resolution to our State Representatives, Congressional Representatives and U.S. Senators calling for a ban on fracking and for them to co-sponsor the FRAC Act, H.R. 1084/ S.587, and BREATHE Act, H.R. 1204,

BE IT FURTHER RESOLVED, that the City of New Brunswick will send a copy of this resolution to Governor Christie asking him to sign S.2576 into law, thereby banning the practice of hydraulic fracturing in New Jersey.

ADOPTED: August 17, 2011

COUNCIL PRESIDENT

City Clerk

APPROVALS:

CITY ADMINISTRATOR

CITY ATTORNEY

CHIEF FINANCIAL OFFICER

WH/im