

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: **October 20, 2015**

Consent

Regular

Ordinance

Public Hearing

Department

Submitted By: **Legislative Affairs**

Submitted For: **Administration**

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a Resolution by the Board of County Commissioners of Palm Beach County, Florida, supporting a statewide prohibition on hydraulic fracturing, acid fracturing, and similar high-pressure well stimulation practices performed for the purpose of exploration or production of oil or natural gas in the State of Florida and supporting legislation providing for the prohibition.

Summary: The Board has requested that a resolution supporting a prohibition in the State of Florida of oil and gas drilling practices commonly referred to as "fracking" be brought before it for consideration. Resolutions for this purpose have been passed by several counties, including Miami-Dade, Broward, Alachua, Leon, St. Lucie, Madison, Martin, Hamilton, Union, Escambia, Flagler, Gadsden, and Monroe. In the 2015 legislative session, two bills prohibiting these drilling practices (SB 166 by Soto and HB 169 by Jenne) were considered, along with various bills providing for additional regulation and permitting of fracking activities (CS/HB 1205 by Rodrigues and SB 1468 by Richter), none of which passed. Thus far, in advance of the 2016 legislative agenda, two bills have been filed to prohibit fracking in Florida: SB 166 (Soto) and HB 19 (Jenne). Two additional bills, SB 318 (Richter) and HB 191 (Rodrigues), have been filed to create a regulatory framework for fracking. These latter two bills would pre-empt local regulation of oil and gas resources. A resolution supporting a prohibition states the potential risk of contamination of groundwater resources and drinking water aquifers and the importance of protecting Florida's natural resources. Countywide (DW)

Background and Policy Issues: The Board of County Commissioners has adopted a related 2016 legislative policy opposing legislation authorizing any form of high-pressure well stimulation for the purpose of oil and gas extraction near conservation lands or drinking water aquifers. The proposed resolution would support a statewide prohibition on hydraulic and acid fracturing and similar well stimulation practices used in oil and gas exploration and extraction. The primary concern associated with these practices expressed by supporters of a statewide ban is contamination of groundwater supplies.

Due to Florida's geology being limestone, the most likely form of fracking to be used in the future would be acid fracturing. This technique, used to dissolve limestone, was first used in Florida in Collier County in 2013. The Sunniland trend, which stretches from Fort Myers to Miami, is the most likely area in south Florida to see future oil and gas development. According to the U.S. Department of the Interior, Bureau of Land Management, the potential for development of oil and gas in most of Palm Beach County is low, although the southwest corner of the county does, however, have a medium development potential. While these factors make use of acid fracturing in Palm Beach County unlikely, it cannot be completely ruled out.

Attachments:

- 1. Resolution

Recommended by:


Department Director

10/2/15
Date

Approved by:


Deputy County Administrator

10/2/15
Date

Resolution No. 2015 - _____

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SUPPORTING A STATEWIDE PROHIBITION ON HYDRAULIC FRACTURING, ACID FRACTURING, AND SIMILAR HIGH PRESSURE WELL STIMULATION PRACTICES PERFORMED FOR THE PURPOSE OF EXPLORATION AND PRODUCTION OF OIL AND NATURAL GAS IN THE STATE OF FLORIDA AND SUPPORTING LEGISLATION PROVIDING FOR THE PROHIBITION

WHEREAS, hydraulic fracturing, acid fracturing, and similar high pressure well stimulation practices, commonly called fracking, are methods of extracting underground oil and natural gas resources; and

WHEREAS, fracking typically involves the pumping or injection of millions of gallons of water mixed with sand and chemicals into the ground at high pressure to fracture rock under the surface of the ground in the vicinity of an extraction well; and

WHEREAS, most of Florida's water supply comes from highly permeable limestone formations which are vulnerable to contamination from fracking and any other activity which introduces potentially harmful substances into subsurface aquifers; and

WHEREAS, Florida's oil and gas regulations found in Chapter 377, Florida Statutes, and Florida Administrative Code Rules 62C-25 thru 30 make no reference to hydraulic fracturing or fracking; and

WHEREAS, in December 2013, high pressure acid fracturing was utilized by a Texas-based oil drilling company in Collier County prompting the Florida Department of Environmental Protection (DEP) to issue a cease and desist order, revoke the company's drilling permits, and issue a \$25,000 fine; and

WHEREAS, DEP has installed a series of groundwater wells in the vicinity of the Collier County fracking well to monitor for contamination; and

WHEREAS, the New York State Department of Health, in an extensive study of high volume hydraulic fracturing released in December 2014, found that there were significant uncertainties about

the kinds of adverse health outcomes that may be associated with hydraulic fracturing, the likelihood of the occurrence of adverse health outcomes, and the effectiveness of some of the mitigation measures in reducing or preventing environmental impacts which could affect public health; and

WHEREAS, there is legislation pending in the State of Florida that would provide a statewide prohibition on fracking as well as legislation that provides additional regulation and permitting requirements; and

WHEREAS, the Board of County Commissioners has consistently maintained policies and programs for the protection of public health and natural resources including drinking water supplies, conservation lands, and other local and state resources; and

WHEREAS, the Board of County Commissioners has determined that without compelling scientific evidence of the safety of fracking in the State of Florida, it is in the best interest of Palm Beach County to support a statewide ban on these activities.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1. Palm Beach County supports a statewide ban on hydraulic fracturing, acid fracturing, and similar high pressure well stimulation practices more commonly known as fracking, and supports legislation providing for same.
2. A copy of this resolution be forwarded to the Governor of the State of Florida, the President of the Florida Senate, the Speaker of the Florida House of Representatives, the Chair and members of the Palm Beach County Legislative Delegation, and the Secretary of the Florida Department of Environmental Protection.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Shelley Vana, Mayor	-	_____
Mary Lou Berger, Vice Mayor	-	_____
Commissioner Hal Valeche	-	_____
Commissioner Paulette Burdick	-	_____
Commissioner Steven L. Abrams	-	_____
Commissioner Melissa McKinlay	-	_____
Commissioner Priscilla A. Taylor	-	_____

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2015.

ATTEST:
CLERK & COMPTROLLER
Sharon R. Bock, Clerk and Comptroller

**Palm Beach County, Florida by its
Board of County Commissioners**

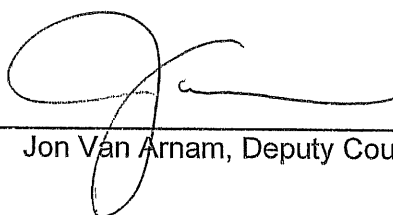
By: _____
Deputy Clerk

By: _____
Shelley Vana, Mayor

**Approved as to Form and Legal
Sufficiency:**

By:  _____
Assistant County Attorney

Approved as to Content:

By:  _____
Jon Van Arnam, Deputy County Administrator