

2014-37

**AN ORDINANCE BY PRINCETON
BANNING THE USE OF HYDRAULIC
FRACTURING IN THE MUNICIPALITY
AND AMENDING AND SUPPLEMENTING
THE “CODE OF THE TOWNSHIP OF
PRINCETON, NEW JERSEY, 1968” IN
CONNECTION THEREWITH**

WHEREAS, 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, hydraulic fracturing of underground geologic formations is often accomplished by injecting a complex mix of fluids and chemicals, including large volumes of water, on average 4.5 million gallons per well, under very high pressure to create fractures in gas bearing geologic formations; and

WHEREAS, the US Geological Survey has identified what could be up to 1.6 trillion cubic feet of gas in the South Newark Basin which extends under Princeton and has yet to access the North Newark Basin, which likely has trillions of cubic feet of gas as well; and

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

WHEREAS, there have been more than 1,000 documented cases of water contamination near fracking sites; some people who live near these sites can now light their drinking water on fire; and

WHEREAS, wastewater from fracking may contain radioactive elements and other toxic components and has been discharged into rivers that supply drinking water for millions; and

WHEREAS, Pennsylvania’s Department of Environmental Protection has documented three facilities in New Jersey as accepting waste from hydraulic fracturing operations, posing a direct threat to New Jersey’s drinking water; and

WHEREAS, use of these hydraulic fracturing mixes exposes air, aquifers and adjacent land and surface waters to the risk of contamination through spills and accidents, open pit storage, truck transport on roadways, and activities during well development; and

WHEREAS, former President George W. Bush’s federal Environmental Protection Agency (“EPA”) point person on water now admits that fracking should never have been exempted from regulation; and

WHEREAS, New Jersey’s Legislature and Governor enacted a one-year moratorium on fracking that expired in January of 2013; and

WHEREAS, since the New Jersey Legislature originally acted to ban fracking, the case for a ban on fracking has been strengthened by an EPA report of contaminants associated with fracking have been found in an aquifer in Pavilion Wyoming, and separate incidents involving earthquakes in Ohio linked to fracking waste disposal injection wells; and

WHEREAS, wastewater, wastewater solids or sludge, drill cuttings and/or other byproducts from the fracking 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, naphthalene, formaldehyde, cadmium, mercury, arsenic, total dissolved solids, and radioactive material, such as radium, are among the known contaminants; and

WHEREAS, methods of treatment and disposal for fracking waste do not eliminate the risks that hydraulic fracturing wastewater, wastewater solids or sludge, drill cuttings and/or other byproducts pose to human health and the environment; and

WHEREAS, A575/S253 passed the New Jersey Legislature in June 2012 with strong bipartisan support, and would prohibit treatment, discharge, disposal, or storage of waste from hydraulic fracturing in New Jersey; and

WHEREAS, Governor Christie vetoed A575/S253 in September 2012; 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, at least five pipeline expansion projects, which will transport fracked gas, are planned for New Jersey, passing through densely populated communities such as Jersey City and environmentally sensitive areas in Princeton, the New Jersey Highlands, and the New Jersey Pinelands, encompassing protected land paid for and owned by the people of New Jersey to be preserved as open space to protect water resources; and

WHEREAS, historically 100% of US produced gas has been used domestically, and now 12% of US produced gas is being exported to international markets via liquefied natural gas (LNG) terminals, and 25% of gas production has been approved for export through these terminals; and

WHEREAS, previous decisions to halt the construction of LNG facilities in New Jersey and off our coast could be reversed to profit gas companies who can charge six to eight times as much for gas in Europe and Asia, respectively, as they can in the US; and

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

WHEREAS, protection of Princeton's air, water supplies and resources is better accomplished by preventing contamination and environmental degradation, rather than attempting to remediate contamination and restore degraded environments after the fact; and

WHEREAS, under existing State law regulating drilling for oil and natural gas under *N.J.S.A.* 13:1M-18 and *N.J.S.A.* 13:1M-1 *et seq.*, a local governing body may ban drilling for natural gas, and exploration for natural gas beyond the "reconnaissance" phase;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF PRINCETON AS FOLLOWS:

Section 1. Preamble Incorporated. The findings set forth in the foregoing preamble to this ordinance are hereby incorporated as if fully restated.

Section 2 Township Land Use Ordinance Amended. Section 254, “Uses Prohibited in All Districts” of Chapter 10B, “Land Use” of the “Code of the Township of Princeton, New Jersey, 1968” is hereby supplemented and amended by adding thereto a new subsection “n”, which shall read as follows:

- (n). Drilling for natural gas, using the drilling technique of hydraulic fracturing and exploring for natural gas beyond the reconnaissance phase.

Section 3. Applicability. The provisions of this ordinance shall apply to the entire municipality of Princeton and the “Code of the Borough of Princeton, New Jersey 1974” shall be deemed amended accordingly.

Section 4. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 5. Referral to Planning Board. A copy of this ordinance shall be referred to the Princeton Planning Board following its introduction on first reading in accordance with the provisions of *N.J.S.A. 40:55D-64*.

Section 6. Effective Date. This ordinance shall take effect upon its passage and publication and filing with the Mercer County Planning Board, as required by law.

The purpose of this ordinance is to prohibit the use of hydraulic fracturing throughout the municipality of Princeton.

I, Kathleen K. Brzezynski, Deputy Clerk of Princeton, County of Mercer, State of New Jersey, do hereby certify that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of Princeton at its meeting held September 22, 2014.



Kathleen K. Brzezynski
Deputy Clerk

**RESOLUTION 2011-R225
OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF PRINCETON
SUPPORTING A NEW JERSEY STATEWIDE BAN ON NATURAL GAS
DEVELOPMENT INVOLVING HYDROLIC FRACTURING**

WHEREAS, natural gas development is proposed within the Delaware River Watershed; and

WHEREAS, the Delaware River is designated as a Wild and Scenic River of federally recognized outstanding resources, natural assets, and exceptional water quality; and

WHEREAS, the Delaware River supplies drinking water to over 15 million people, many of them downstream of the Marcellus Shale fairway in the Upper and Middle Delaware River Watershed, including approximately 3 million people in New Jersey; and

WHEREAS, the Delaware River is the lifeblood of the communities along the River, is essential for commerce, tourism and recreation, and once contaminated will negatively impact those communities and those uses and can be very costly or impossible to remediate and can take a very long time; and

WHEREAS, the Delaware River Basin Commission (DRBC) has designated the non-tidal River - the entire 197 mile River from Hancock, New York to Trenton, New Jersey -as Special Protection Waters due to the exceptional water quality and "exceptionally high scenic, recreational, ecological, and/or water supply values" of the River; and

WHEREAS, these special waters and ecosystems must be maintained as per the DRBC Water Code, so that there be "no measurable change in existing water quality except towards natural conditions", requiring protection from avoidable water quality degradation; and

WHEREAS, degradation of these waters would be illegal and would impose significant hardships, public health detriment, and economic harm if degraded; and

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

WHEREAS, hydraulic fracturing of underground geologic formations is often accomplished by injecting a complex mix of fluids and chemicals, including large volumes of water, on average 4.5 million gallons per well, under very high pressure to create fractures in gas bearing geologic formations; and

WHEREAS, billions of gallons of fresh water will be depleted by hydraulic fracturing (the water is not returned to the source and is classified as a consumptive loss) and at least 200,000 acres of land are already leased for gas development, and that tens of thousands of wells are expected to be drilled in the Upper and Middle Delaware River Watershed; and

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

WHEREAS, use of these hydraulic fracturing mixes exposes adjacent land and surface waters to the risk of contamination through open pit storage, truck transport on roadways, and activities during well development; and

WHEREAS, in 2005, as part of the federal Energy Policy Act and over objections of health care, scientific, environmental, and conservation communities, regulation of hydraulic fracturing fluids under the Safe Drinking Water Act by the Environmental Protection Agency was exempted, thereby allowing oil and gas companies to use these substances without federal oversight or standards; and

WHEREAS, the oil and gas industry remains one of the only industries that is allowed to inject such known chemical constituents directly into or adjacent to underground drinking water supplies without federal oversight; and

WHEREAS, the oil and gas industry is not required by federal law to publicly disclose chemical formulas of hydraulic fracturing fluids so that this information is publicly available for health and safety purposes; and

WHEREAS, proposed natural gas wells in the Delaware River Watershed are planning to use chemical additives in drilling and to use hydraulic fracturing in developing these wells and exploratory wells that have been drilled have used chemical additives in drilling; and

WHEREAS, natural gas development will fragment forests in the Upper and Middle Delaware River Watershed, which is 89% forested, and convert naturally vegetated land to impervious cover and industrial conditions, increasing stormwater runoff and pollution, flooding, sedimentation, and erosion to the tributaries and the mainstem River and will emit air pollution during constructing, drilling, extraction, and production of natural gas; and

WHEREAS, the Delaware River Basin Commission is seeking funding to complete a cumulative impact analysis of natural gas development on the water resources of the Delaware River Basin; and

WHEREAS, the US Environmental Protection Agency is studying the practice of hydraulic fracturing and the study will be completed in 2012 and, if it is recommended by the study that hydraulic fracturing should be subject to the Safe Drinking Water Act, that the federal oversight of hydraulic fracturing would not be unduly burdensome on industry or the economy; and

WHEREAS, protection of New Jersey'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;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of The Borough of Princeton supports strong regulation by the DRBC to prevent pollution and avoid degradation of the water resources and ecosystems of the Delaware River Watershed; and

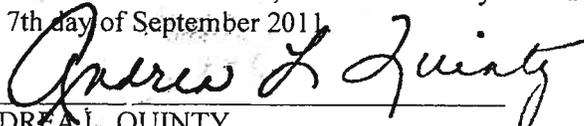
BE IT FURTHER RESOLVED that Borough of Princeton supports a New Jersey statewide ban on natural gas development involving hydraulic fracturing; and.

AND BE IT FURTHER RESOLVED that Borough of Princeton calls on our Congressional Representatives Senator Menendez to join Senator Lautenberg and Congressman Rush Holt in co-sponsoring H.R. 1084/ S. 587, the Fracturing Responsibility and Awareness of Chemicals Act ("FRAC Act") a bill that would repeal the fracking exemption to the Safe Drinking Water Act and require disclosure of chemicals used in fracking.

Councilperson	Absent	Present	1 st	2 nd	Yea	Nay	Abstain	Disqualified
Ms. Butler	X							
Ms. Crumiller		X		X	X			
Mr. Goldfarb		X				X		
Mr. Martindell		X			X			
Mrs. Trelstad		X	X		X			
Mr. Wilkes		X			X			
Mayor Trotman	X							

I, ANDREA L. QUINTY, Borough Clerk of the Borough of Princeton, do hereby certify that the above is a true and complete copy of a resolution adopted by the Mayor and Council of said Borough at a meeting held September 6, 2011

IN WITNESS WHEREOF, I hereunto set my hand and affix the corporate seal of said Borough, this 7th day of September 2011.



ANDREA L. QUINTY
Borough Clerk

A CERTIFIED COPY OF THIS RESOLUTION WILL BE SENT TO:

1. *Congressman Rush Holt*
2. *Assemblyman Reed Gusciora*
3. *Assemblywoman Bonnie Watson Coleman*
4. *Senator Shirley Turner*
5. *Senator Frank Lautenberg, One Gateway Center, 23rd Floor, Newark, NJ 07102*
6. *Senator Robert Menendez, One Gateway Center, Suite 1100, Newark NJ 07102*
7. *Delaware Riverkeeper Network, 300 Pond Street, 2nd Floor, Bristol, PA 19007*
8. *Food and Water Watch, 100 Bayard Street, Suite 310, New Brunswick, NJ 08901*