

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 15-246

**A RESOLUTION TO REAFFIRM A CALL FOR A BAN ON FRACKING
AND A BAN ON THE IMPORT AND DISPOSAL OF FRACKING WASTE**

Councilman Zipprich offered the following resolution and moved its adoption:

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, 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, 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 a 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 can contain radioactive elements and has been discharged into rivers that supply drinking water for millions, according to the *New York Times*; and

WHEREAS, use of these hydraulic fracturing mixes exposed 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 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, Former President George W. Bush's EPA point person on water now admits fracking should never have been exempted from regulation; and

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 wise stewardship of our natural resources involves protection of the Borough of Red Bank's water supply and water resources for generations to come; and

WHEREAS, protection of the Borough of Red Bank's water supply and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to cleaning up contamination and restoring degraded environments after the fact.

WHEREAS, the Mayor and Council of the Borough of Red Bank adopted Resolution 11-219 calling for a ban on fracking on November 9, 2011;

NOW, THEREFORE, BE IT RESOLVED that on the Mayor and Council of the Borough of Red Bank to reaffirm their position to support a statewide and national ban on hydraulic fracturing for natural gas, banning the import and disposal of dangerous fracking waste in New Jersey and preventing our drinking water supplies from being depleted for fracking.

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this Resolution to Assembly Speaker Vincent Prieto, State Senator Jennifer Beck, Assemblywoman Caroline Casagrande, Assemblywoman Mary Pat Angelini, the New Jersey League of Municipalities and Food & Water Watch.

Seconded by Councilwoman Burnham and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Lee	(x)	()	()	()
Councilwoman Burnham	(x)	()	()	()
Councilwoman Horgan	(x)	()	()	()
Councilwoman Schwabenbauer	(x)	()	()	()
Councilman Zipprich	(x)	()	()	()
Councilman DuPont	()	()	()	(x)

Dated: September 23, 2015

I hereby certify the above to be a true copy of a resolution adopted by the Mayor and Council of the Borough of Red Bank, County of Monmouth, NJ at a meeting held on September 23, 2015.

Bonnie K. Thomas

Bonnie K. Thomas, Deputy Municipal Clerk

BOROUGH OF RED BANK
COUNTY OF MONMOUTH
RESOLUTION NO. 11-219

A RESOLUTION CALLING FOR A BAN ON FRACKING

Mr. DuPont offered the following resolution and moved its adoption:

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, 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, 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 a 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 can contain radioactive elements and has been discharged into rivers that supply drinking water for millions, according to the *New York Times*; and

WHEREAS, use of these hydraulic fracturing mixes exposed 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 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, Former President George W. Bush's EPA point person on water now admits fracking should never have been exempted from regulation; and

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 wise stewardship of our natural resources involves protection of the Borough of Red Bank's water supply and water resources for generations to come; and

WHEREAS, protection of the Borough of Red Bank's water supply 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 on the Mayor and Council of the Borough of Red Bank supports a statewide and national ban on hydraulic fracturing for natural gas,

banning the import and disposal of dangerous fracking waste in New Jersey and preventing our drinking water supplies from being depleted for fracking.

BE IT FURTHER RESOLVED that the Borough of Red Bank supports the FRAC Act and calls on our federal representatives to join Senator Lautenberg, Congressman Pallone and Congressman Holt as co-sponsors of the FRAC Act, H.R. 1084/S. 587.

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this Resolution to the Governors of the states of New Jersey and New York, Clean Ocean Action, Senator Frank Lautenberg, Senator Robert Menendez, Congressman Frank Pallone, Congressman Rush Holt, State Senator Jennifer Beck and Assemblywoman Caroline Cassagrande.

Seconded by Ms. Lewis and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Ms. Lewis	(x)	()	()	()
Mr. Zipprich	(x)	()	()	()
Mr. DuPont	(x)	()	()	()
Ms. Horgan	(x)	()	()	()
Ms. Lee	(x)	()	()	()
Mr. Murphy	(x)	()	()	()

Dated: November 9, 2011

ORDINANCE NO. 2015-27

AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY, AMENDING AND SUPPLEMENTING THE GENERAL CODE OF THE BOROUGH OF RED BANK TO ESTABLISH NEW LEGISLATION, ENTITLED "FRACKING WASTE" SPECIFICALLY TO PROHIBIT THE TREATMENT, DISCHARGE, DISPOSAL, APPLICATION TO ROADWAY, OR STORAGE OF WASTEWATER, WASTEWATER SOLIDS, SLUDGE, DRILL CUTTINGS OR OTHER BYPRODUCTS FROM NATURAL GAS EXPLORATION OR PRODUCTION USING HYDRAULIC FRACTURING

offered the following ordinance and moved its introduction on first reading:

WHEREAS, the Borough Council of the Borough of Red Bank finds and declares that the practice of the drilling technique of hydraulic fracturing, or "fracking," for natural gas exploration and production has been found to use a variety of contaminating chemicals and materials; and,

WHEREAS, the "fracking" drilling technique uses vast quantities of water mixed with chemicals and solids pumped into shale formations at high pressure to fracture the shale formations and that millions of gallons of contaminated water flow back out of the well; and

WHEREAS, the high concentrations of solids present in hydraulic fracturing wastewater and other wastes may include calcium, magnesium, phosphates, nitrates, sulphates, chloride, barium, cadmium, strontium, dissolved organics such as benzene and toluene, and copper, which would interfere with the processes of wastewater treatment plants by inhibiting the anaerobic digestion processes and disrupting the biological digestion processes; and

WHEREAS, the heavy metals present may precipitate during the treatment process and contaminate biosolids from the plant, which would require expensive decontamination of drying beds or prevent the usual methods for reuse or disposal of those biosolids; and

WHEREAS, the Borough Council of the Borough of Red Bank finds and declares that the treatment of wastewater, wastewater solids, sludge, drill cuttings or other byproducts from the hydraulic fracturing process poses significant public health, safety and welfare risks to the citizens of the Borough of Red Bank; now, therefore,

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank that General Code of the Borough of Red Bank is amended to add the following new legislation:

SECTION 1. Definitions:

- A. "Hydraulic fracturing" shall mean the drilling technique of expanding existing fractures or creating new fractures in rock by injecting water, often with chemicals, sand, or other substances, and often under pressure, into or underneath the surface of the rock for purposes including, but not limited to, well drilling and natural gas exploration and production. The term "hydraulic fracturing" shall include "fracking," "hydrofracking," "hydrofracturing," and other colloquial terms for this drilling technique.

SECTION 2. No wastewater, wastewater solids, sludge, drill cuttings or other byproducts resulting from hydraulic fracturing for the purpose of natural gas exploration or production may be treated, discharged, disposed of, applied to a roadway or otherwise released into the environment, or stored in the Borough of Red Bank.

SECTION 3. Enforcement.

- A. Any person or entity violating the provisions of this chapter, upon conviction before a Municipal Court Judge of the Borough, shall be subject to a fine of not less than two thousand-five hundred dollars (\$2,500.00) and not more than ten thousand dollars (\$10,000.00) in the discretion of the Municipal Court Judge.
- B. In addition to any other remedies provided for in this chapter, the Borough Attorney, or his or her designee, may commence an action in the Superior Court of New Jersey to enjoin a person or entity that has violated this chapter and for any other appropriate remedies at law or equity.

SECTION 4. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

SECTION 5. If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

SECTION 6. The effective date of this ordinance shall be twenty (20) days after its final passage of Borough Council and approval by the Mayor at the time and in the manner provided by law.

Seconded by _____ and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilwoman Lee	()	()	()	()
Councilwoman Burnham	()	()	()	()
Councilwoman Horgan	()	()	()	()
Councilwoman Schwabenbauer	()	()	()	()
Councilman Zipprich	()	()	()	()
Councilman DuPont	()	()	()	()

Dated: October 14, 2015

First Reading:

Final Reading: