



South Brunswick Township

540 Ridge Road
Monmouth Junction, NJ 08852

ORDINANCE 2015-44

A

Amending and Supplementing Chapter 98 of the Township Code to Prohibit the Treatment, Discharge, Disposal, Application to Roadway or Railway, or Storage of Wastewater, Wastewater Solids, Sludge, Drill Cuttings or Other Byproducts from Natural Gas Exploration or Production Using Hydraulic Fracturing (revised November 10, 2015)

WHEREAS, the Township Council of the Township of South Brunswick 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 Township Council of the Township of South Brunswick finds and declares that the treatment and/ or disposal of wastewater, wastewater solids, sludge, drill cuttings or other byproducts from the hydraulic fracturing process anywhere within the Township of South Brunswick poses significant public health, safety and welfare risks to the citizens of the Township;

NOW THEREFORE BE IT ORDAINED by the Township Council of the Township of South Brunswick that:

- I. Chapter 94 of the Township Code of the Township of South Brunswick is amended and supplemented as follows, with additions in underline and deletions in strikethrough:

Sec. 94-33. Definitions.

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.

Sec. 94-94. Disposal of Hydraulic Fracturing Waste Prohibited.

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 railway or otherwise released into the environment, or stored within the Township of South Brunswick.

Sec. 94-94 95. - Violations and penalties.

(a) Upon discovery of any condition on the property which constitutes a violation by the owner, occupant or tenant of this article, the municipal official shall notify the owner, occupant or tenant by certified mail, return receipt requested, of the violation, instructing him to take such steps as will effectively remove the violation from the property within ten days after receipt of such notice.

(b) Any person violating any of the provisions of this article shall be subject to the penalties in Section 1-13.

(c) Each violation of the provisions of this article, whether the violation shall occur on the same day or on succeeding days, shall be deemed to be a separate violation.

II. If any clause, sentence paragraph section of part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which said judgment shall have been rendered.

III. This ordinance shall become effective twenty (20) days after its final passage.

The above ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of South Brunswick held on November 10, 2015, and will be considered on second and final reading and final passage at a regular meeting of the Township Council of the Township of South Brunswick to be held at the Municipal Building, Monmouth Junction, New Jersey, at 7:30 P.M. on December 8, 2015, at which time and place any person having an interest therein will be given an opportunity to be heard.

History:

11/10/15

Township Council

INTRODUCED

Next: 12/08/15

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Chris Killmurray, Deputy Mayor
SECONDER:	Joseph Camarota, Councilman
AYES:	Joseph Camarota, Josephine "Jo" Hochman, Chris Killmurray, Frank Gambatese
ABSENT:	Charlie Carley

This is to certify that the foregoing is a true copy of an ordinance Adopted at the South Brunswick Township Council meeting held on December 8, 2015.



Barbara Nyitrai, Township Clerk