

RESOLUTION

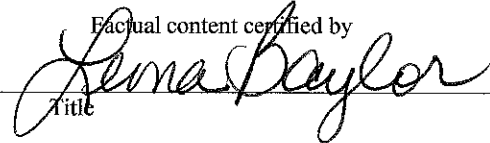
11-277

No. _____

Date of Adoption JUN 16 2011

Approved as to Form and Legality

Factual content certified by


Title _____

City Attorney

Councilman /woman



presents the following Resolution:

RESOLUTION SUPPORTING A NEW JERSEY STATE WIDE BAN ON NATURAL GAS DEVELOPMENT INVOLVING HYDRAULIC 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 City of Trenton, 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

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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 mainstream 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, the City of Trenton has declared that water regulations currently prohibit degradation of the water supply and to exempt "fracking" from oversight is contrary to all standards of the Safe Drinking Water Act; and

WHEREAS, the wise stewardship of the City of Trenton's natural resources involves protection of Trenton's water supplies and water resources for generations to come not only for this municipality but also for the surrounding municipalities who receive their water supply through the City of Trenton; and

WHEREAS, protection of the City of Trenton's water supplies 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; and

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WHEREAS, the City of Trenton calls on Senator Robert Menendez and Congressman Chris Smith to join Senator Frank Lautenberg, Congressman Pallone and Congressman Rush Holt in co-sponsoring S. 587 / H.R. 1084, 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; and

WHEREAS, City of Trenton supports H.R. 1204, the Bringing Reductions to Energy's Airborne Toxic Health Effects Act ("BREATHE Act"), which is currently pending in Congress and would repeal the exception to the Clean Air Act for aggregation of emissions from oil and gas development sources;

NOW, THEREFORE, BE IT RESOLVED, that the City of Trenton supports a New Jersey statewide ban on natural gas development involving hydraulic fracturing, 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 RESOLVED, that the City of Trenton will not accept hydraulic fracturing fluids and/or other waste produced by natural gas drilling.

BE IT FURTHER RESOLVED that a certified copy of this resolution will be sent to:

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

	Aye	Nay	Abstain	Absent		Aye	Nay	Abstain	Absent		Aye	Nay	Abstain	Absent
BETHEA	✓				HOLLY WARD	✓				MUSCHAL	✓			
CALDWELL WILSON	✓				MCBRIDE	✓								
CHESTER	✓				REYNOLDS JACKSON	✓								

This Resolution was adopted at a Meeting of the City Council of the City of Trenton on JUN 16 2011

George P. Muschal

 President of Council

Leona Taylor

 City Clerk