

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, JAMES T. DINNEEN, County Manager and Clerk to the County Council of Volusia County, Florida, do hereby certify that the attached and foregoing ORDINANCE 2016-07 is a true and correct copy of that certain Ordinance as adopted by the County Council of Volusia County, Florida, at its meeting held on February 18, 2016.

WITNESS my hand and official seal at DeLand, Volusia County, Florida, this 18th day of February, A.D. 2016.



JAMES T. DINNEEN
COUNTY MANAGER AND CLERK TO THE
COUNTY COUNCIL OF VOLUSIA COUNTY,
FLORIDA

BY: Marcy A. Zimmerman
MARCY A. ZIMMERMAN, DEPUTY CLERK

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3 **ORDINANCE 2016-07**

4 **AN EMERGENCY ORDINANCE OF THE COUNTY**
5 **COUNCIL OF VOLUSIA COUNTY, FLORIDA,**
6 **AMENDING THE CODE OF ORDINANCES OF THE**
7 **COUNTY OF VOLUSIA, CHAPTER 50**
8 **ENVIRONMENT, ARTICLE II POLLUTION**
9 **CONTROL, BY CREATING SECTION 50-42 HIGH-**
10 **PRESSURE WELL STIMULATION PROHIBITED;**
11 **PROHIBITING HIGH-PRESSURE WELL**
12 **STIMULATION FOR PURPOSES OF EXTRACTION**
13 **(“FRACKING”); AUTHORIZING INCLUSION IN**
14 **CODE; PROVIDING FOR SEVERABILITY;**
15 **PROVIDING FOR CONFLICTING ORDINANCES;**
16 **AND PROVIDING FOR AN EFFECTIVE DATE.**

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18 WHEREAS, clean water is fundamental to the health of Florida’s environment
19 and economy; and

20 WHEREAS, public and private water utilities across Volusia County rely
21 entirely upon groundwater sources, including the unconfined surficial aquifer and the
22 confined Floridan aquifer system, for potable water supplies; and

23 WHEREAS, high-pressure well stimulation, such as hydraulic fracturing, acid
24 fracturing, and cyclic steam injection (also known as “fracking”) is the process of
25 pumping a complex mix of fluids and chemicals, including large volumes of water, under
26 very high pressure into or below the surface of the ground to create fractures or weakness
27 in oil- or gas-bearing geologic formations, for the purpose of producing or recovering oil
28 or gas or to otherwise facilitate the mobility of oil and gas for extraction; and

29 WHEREAS, many of the chemical constituents injected during fracturing have
30 documented adverse effects on human health and the environment; and

31 WHEREAS, there have been more than one thousand (1,000) documented cases
32 of water contamination near high-pressure well stimulation sites in the United States; and

1 WHEREAS, the oil and gas industry is not required by federal or state law to
2 publicly disclose chemical formulas of well stimulation and fracturing fluids; and

3 WHEREAS, the use of high-pressure well stimulation fracturing mixes may
4 expose groundwater, adjacent land, and surface waters to the risk of contamination
5 through open pit storage, truck transport on roadways, and activities during well
6 development; and

7 WHEREAS, much of Florida's water supply comes from aquifers in highly-
8 permeable limestone formations which are vulnerable to contamination from hydraulic
9 rock-fracturing activities designed to extract hydrocarbons; and

10 WHEREAS, as currently constituted, Florida's oil and gas regulations,
11 Chapter 377, Florida Statutes, and Rules 62C-25 and 62C-30, Florida Administrative
12 Code, make no reference to high-pressure well stimulation techniques; and

13 WHEREAS, the Florida Legislature is currently reviewing two (2) bills to address
14 high-pressure well stimulation by removing all authority from counties, municipalities,
15 and any other political subdivisions of the state to prohibit high-pressure well stimulation
16 within their jurisdictions; and

17 WHEREAS, high-pressure well stimulation poses potential risks for
18 contaminating the Floridan Aquifer, the source of drinking water for nearly ten million
19 (10,000,000) Floridians and an essential water supply in Volusia County; and

20 WHEREAS, Florida's water supplies and resources are better protected through
21 the prevention of contamination and environmental degradation, rather than the cleanup
22 of contamination and restoration of degraded environments after the fact; and

1 WHEREAS, under the authority granted by Chapter 125.66, Florida Statutes, the
2 county council finds that an emergency exists and that the immediate enactment of this
3 ordinance is necessary.

4 BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY,
5 FLORIDA, AS FOLLOWS:

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7 (Words in ~~strike-through~~ type are deletions; words in underscore type are
8 additions.)

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10 **SECTION I:** Chapter 50, article II, section 50-42, of the Code of Ordinances,
11 County of Volusia is amended to read as follows:

12 **50-42. High-Pressure Well Stimulation prohibited.**

13 No person or entity may engage in any oil or gas exploration or production that
14 utilizes high-pressure well stimulation. As used in this section, the term “well
15 stimulation” shall mean a well intervention, exploration, operation, or maintenance
16 procedure performed by injecting any fluid into a rock formation in order to increase
17 production at an oil or gas well by improving the flow of hydrocarbons from the
18 formation into the wellbore. Well stimulation does not include routine well cleaning that
19 does not affect the integrity of the well or the formation. The use of such well
20 stimulation methods is expressly declared to be a nuisance and to cause pollution within
21 the meaning of said term as defined in section 50-32, and to be an illicit discharge
22 pursuant to section 50-505.

23 **SECTION II: AUTHORIZING INCLUSION IN CODE** - The provisions of this
24 ordinance shall be included and incorporated into the Code of Ordinances of the County
25 of Volusia, as additions or amendments thereto, and shall be appropriately renumbered to
26 conform to the uniform numbering system of the code.

1 **SECTION III: SEVERABILITY** - Should any word, phrase, sentence,
2 subsection or section be held by a court of competent jurisdiction to be illegal, void,
3 unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section
4 so held shall be severed from this ordinance and all other words, phrases, sentences,
5 subsections, or sections shall remain in full force and effect.

6 **SECTION IV: CONFLICTING ORDINANCES** - All ordinances, or parts
7 thereof, in conflict herewith are, to the extent of such conflict, repealed.

8 **SECTION V: VOTING** – This ordinance was adopted by a four-fifths (4/5th)
9 vote of the Volusia County Council pursuant to Section 125.66(3) Florida Statutes.

10 **SECTION VI: EFFECTIVE DATE** – This emergency ordinance shall be
11 transmitted by the County Manager by e-mail to the Department of State upon adoption.
12 It shall be deemed to be filed and shall take effect when a copy has been accepted and
13 confirmed by the Department of State by e-mail.

14 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY,
15 FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL
16 CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123
17 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS 18th DAY OF FEBRUARY,
18 A.D., 2016.

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ATTEST

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

James T. Dinneen, County Manager

Jason Davis, County Chair

