Ordinance No. 13-1851

AN ORDINANCE BANNING HYDRAULIC FRACKING IN THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY.

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 4.8 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 and has yet to access the North Newark Basin, which likely has trillions of cubic feet of gas as well.

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 NJ as accepting waste from hydraulic fracturing operations, posing a direct threat to NJ’s drinking water.

WHEREAS, use of these hydraulic fracturing mixes exposed 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 EPA point person on water now admits fracking should never have been exempted from regulation; and

WHEREAS, New Jersey’s Legislature and Governor have 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 is strengthened by a US EPA report of contaminants associated with fracking being found in an aquifer in Pавilλon Wyoming, and separate incidents involving earthquakes in Ohio linked to fracking waste disposal using 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 NJ 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 NJ, passing through densely populated communities like Jersey City and environmentally sensitive areas in the NJ Highlands and 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 New Brunswick's air, water supplies and water resources for generations to come; and

WHEREAS, protection of Highland Park's air, 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; and


BE IT ORDAINED, THEREFORE, BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLAND PARK, MIDDLESEX COUNTY, NEW JERSEY, THAT:

Section 1. Drilling for natural gas, using the drilling technique of hydraulic fracturing and exploring for natural gas beyond the reconnaissance phase is prohibited within the Borough of Highland Park, Middlesex County, New Jersey.

Section 2. This Ordinance shall take effect upon its passage and publication as required by law.

Introduced on first reading
By title. September 3, 2013

ADOPTED: September 17, 2013

ATTEST:

Joan Hullings
Borough Clerk

APPROVED: September 17, 2013

Gary Minkoff
Mayor
ORDINANCE NO. 15-1895

AN ORDINANCE TO AMEND CHAPTER 215 “HYDRAULIC FRACTURING PROHIBITED” OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

BE IT ORDAINED by the Borough Council of the Borough of Highland Park that Chapter 215 Hydraulic Fracturing prohibited is amended to include the following:

WHEREAS, the Borough Council of the Borough of Highland Park 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 formation and that millions of gallons of contaminated water flow back out of the well; and

WHEREAS, the high concentration 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 anacrobic digestion processes and disrupting the biological digestion processes; and

WHEREAS, the heavy metals present may precipitate during the treatment process and contaminate bio-solids from the plant, which would require expensive decontamination of drying beds, or prevent the usual methods for reuse or disposal of those bio-solids; 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, 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, the Borough Council of the Borough of Highland Park find and declare that the treatment of wastewater, wastewater solids, sludge, drill cuttings or other by-products from the hydraulic fracturing process poses a significant public health, safety and welfare risks to the citizens of the Borough of Highland Park; and

BE IT ORDAINED, THEREFORE, BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLAND PARK, MIDDLESEX COUNTY, NEW JERSEY, THAT:

Section 1. “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 by-products 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 Highland Park.
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 ($10,000.00) at 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 part or portion of this ordinance.

Section 6. The effective date of this ordinance shall be twenty (2) days after its final passage by Borough Council and approval by the Mayor at the time and in the manner provided by law.

Introduced on first reading
By title: October 1, 2015

ADOPTED: October 20, 2015

ATTEST:  APPROVED: October 20, 2015

____________________________________  ______________________________________
Joan Hullings  Gayle Brill Mittler
Borough Clerk  Mayor
RESOLUTION CALLING ON BAN ON FRACKING

RESOLUTION: Council as a Whole

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

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 NJ as accepting waste from hydraulic fracturing operations, posing a direct threat to NJ’s drinking water.

WHEREAS, use of these hydraulic fracturing mixes exposed 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 EPA point person on water now admits fracking should never have been exempted from regulation; and

WHEREAS, New Jersey’s Legislature and Governor have 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 is strengthened by a US EPA report of contaminants associated with fracking being found in an aquifer in Pavilion, Wyoming, and separate incidents involving earthquakes in Ohio linked to fracking waste disposal using 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, 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 formation and that millions of gallons of contaminated water flow back out of the well; and

WHEREAS, the high concentration 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 bio-solids from the plant, which would require expensive decontamination of drying beds, or prevent the usual methods for reuse or disposal of those bio-solids; 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 NJ 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 NJ, passing through densely populated communities like Jersey City and environmentally sensitive areas in the NJ Highlands and 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 New Jersey’s air, water supplies and water resources for generations to come; and

WHEREAS, protection of Highland Park’s air, 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


BE IT ORDAINED, THEREFORE, BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLAND PARK, MIDDLESEX COUNTY, NEW JERSEY, THAT:

Section 1. Drilling for natural gas, using the drilling technique of hydraulic fracking and exploring for natural gas beyond the reconnaissance phase is prohibited within the Borough of Highland Park, Middlesex County, New Jersey.
Section 2. "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 3. No wastewater, wastewater solids, sludge, drill cuttings or other by-products 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 Highland Park.

ADOPTED: October 20, 2015

ATTEST:

Joan Hullings, Borough Clerk

I, Joan Hulling, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 20th day of October, 2015.

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

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<tr>
<th>Council Member</th>
<th>Ayes</th>
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Sponsor: Mayor Gayle Brill Mittler
Co-Sponsor: Council President Susan Welkovits
221 South 5th Avenue
Highland Park, NJ 08904
BOROUGH OF HIGHLAND PARK
NO. 9-13-289
RESOLUTION CALLING FOR A BAN ON FRACKING
& LIQUEFIED NATURAL GAS INFRASTRUCTURE

RESOLUTION: Public Works and Public Utilities Committee

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

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 adverse health effects and/or adverse environmental impacts; 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, the gas and oil industry is exempt from key provisions of federal laws meant to protect public health, the environment and drinking water including the Resource Conservation and Recovery Act, the Clean Air Act; the Clean Water Act, and the National Environmental Policy Act; 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, The USEPA has found chemicals associated with fracking in an aquifer as part of a multi-year review of fracking’s impact on drinking water; and

WHEREAS, university studies have shown correlations between fracking wells and methane contamination of groundwater; and

WHEREAS, solid and liquid waste from fracking wells have been brought to NJ for processing and disposal, despite the fact that this waste stream has been shown to contain radioactive elements, and no facilities in New Jersey are licensed to dispose of radioactive waste; and

WHEREAS, radon, the leading cause of lung cancer in nonsmokers, has been documented by the US Geological Survey to be nearly 10 times background levels at fracking well sites. Delivering fracked gas to consumers for heating and energy can increase public exposure to radon; and

WHEREAS, methane, the primary component of “natural” gas, is a far more potent greenhouse gas than carbon dioxide. Massive amounts of methane are emitted as natural gas is produced, processed, transported and distributed.
WHEREAS, climate change is threatening to increase the likelihood of extreme weather events like Hurricane Sandy, which devastated New Jersey and the Northeast.

WHEREAS, Liberty Natural Gas is proposing to construct a liquefied natural gas (LNG) port in the NY/NJ bight; and

WHEREAS, LNG exports are projected to lead to higher natural gas prices, higher manufacturing costs, and more shale gas fracking; and

WHEREAS, LNG projects will permanently exclude the public from portions of the ocean, a publicly held resource. Vast areas of ocean will be off-limits to public access, including access for boating, fishing, and renewable energy development; and

WHEREAS, LNG facilities will devastate important fish habitat, impact endangered, threatened, and protected species, damage seafloor habitat, destroy vast quantities of marine life by refilling huge emptied tankers with billions of gallons of seawater to replace LNG cargos; and

WHEREAS, protection of Highland Park’s drinking 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;

NOW, THEREFORE, BE IT RESOLVED, that on the 17th day of September, 2013, Highland Park renews its support for a statewide and national ban on hydraulic fracturing for natural gas, and on the treatment, disposal and transport of dangerous fracking waste in New Jersey and on the use of our drinking water supplies for fracking and drilling;

BE IT FURTHER RESOLVED that Highland Park will send a copy of this signed resolution to the mayors of municipalities in Middlesex County, Middlesex County Freeholders, Highland Park’s State Representatives, Congressional Representative, US Senators, and Governor Christie, alerting them of our action and urging them to do everything they can to support bans on fracking at the national, state, county and municipal level;

BE IT FURTHER RESOLVED, that Highland Park opposes the Liberty Natural Gas’ proposed Port Ambrose liquefied natural gas port.

PASSED, APPROVED, AND EFFECTIVE on this 17th day of September 2013.

ATTEST:

BOROUGH CLERK

[Signature]

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 5th day of June, 2013.

Joan Hullings, Borough Clerk

PLEASE SEND A COPY OF THIS SIGNED RESOLUTION TO:
1. [Mayors of all Middlesex County municipalities]
2. [Middlesex County Freeholders and Clerk of the Board]
3. [Highland Park’s state representatives]
4. Congressman Frank Pallone, 67 Church Street, New Brunswick NJ 08901
5. Senator Robert Menendez, One Gateway Center, Suite 1100, Newark NJ 07102
6. Senator Jeffrey Chiesa, One Gateway Center, 23rd Floor, Newark, NJ 07102
7. Governor Christie, Office of the Governor, Post Office Box 001, Trenton NJ 08625
8. Food and Water Watch, 100 Bayard Street, Suite 310, New Brunswick, NJ 08901
BOROUGH OF HIGHLAND PARK
NO. 5-12-172

RESOLUTION CALLING FOR A BAN ON FRACKING

RESOLUTION: Public Works & Public Utilities Committee

WHEREAS, Highland Park's water supply comes partially from the Delaware River via the Delaware and Raritan Canal; and

WHEREAS, the Borough of Highland Park passed a resolution on May 17, 2011 in support of a statewide [and national] ban on fracking and banning the disposal of dangerous fracking waste in New Jersey and preventing our drinking water supplies from being depleted for fracking; and

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 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, use of these hydraulic fracturing mixes exposed 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 EPA point person on water now admits fracking should never have been exempted from regulation; and

WHEREAS, New Jersey's Legislature and Governor have enacted a one-year moratorium on fracking set to expire in January of 2013; and

WHEREAS, since the New Jersey Legislature originally acted to ban fracking, the case for a ban on fracking is strengthened by a US EPA report of fracking fluids in an aquifer in Pavilion Wyoming, and separate incidents involving earthquakes in Ohio linked to fracking waste disposal using 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, S246/A567 is currently pending before the NJ Legislature, and would prohibit hydraulic fracturing in New Jersey; and

WHEREAS, A575/S253 is currently pending before the NJ Legislature, and would prohibit treatment, discharge, disposal, or storage of waste from hydraulic fracturing in New Jersey; 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 BREATHE Act (Bringing Reductions to Energy’s Airborne Toxic Health Effects Act) is currently pending before Congress and would close two gas and oil drilling exemptions which currently exist in the Clean Air Act for fracking; and

WHEREAS, the New Alternative Transportation to Give Americans Solutions ("NAT GAS Act") Act is currently pending before Congress and would create artificial demand for gas by providing billions of dollars in subsidies to the gas industry, further promoting fracking; and

WHEREAS, at least three pipelines, which will transport fracked gas, are expanding into NJ, passing through densely populated communities like Jersey City and environmentally sensitive areas in the NJ Highlands, 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 liquified natural gas (LNG) 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 four times as much for gas in Europe as they can in the US; and

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

WHEREAS, protection of Highland Park’s air, 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 on the 15th day of May, 2012, Highland Park supports a state-wide and national ban on hydraulic fracturing for natural gas, banning the treatment, disposal and transport of dangerous fracking waste in New Jersey and preventing our drinking water supplies from being used for fracking;

BE IT FURTHER RESOLVED, that Highland Park opposes the NATGAS Act; and

BE IT FURTHER RESOLVED, that Highland Park supports the FRAC Act; and

BE IT FURTHER RESOLVED that Highland Park supports the BREATHE Act; and
BE IF FURTHER RESOLVED that Highland Park opposes LNG facilities in New Jersey and off our coast; and

BE IT FURTHER RESOLVED that Highland Park will send a letter to our Congressional Representative and US Senators alerting them to our concerns with fracking and urging them to support a federal ban on fracking and co-sponsor the FRAC and BREATHE Acts and oppose the NATGAS Act; and

BE IT FURTHER RESOLVED that Highland Park will send a letter to our NJ Assembly and Senate members alerting them to our concerns with fracking and urging them to co-sponsor S246/A567 to prohibit hydraulic fracturing in New Jersey and A575/S253 to prohibit the treatment, discharge, disposal or storage of hydraulic fracturing waste in New Jersey;

ADOPTED: May 15, 2012
ATTEST:

BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 15th day of May, 2012.

Joan Hullings, Borough Clerk

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PLEASE SEND A COPY OF THIS SIGNED RESOLUTION TO:
1. [town's state representatives]
2. [town's congressional representative]
3. Governor Chris Christie, PO Box 001, Trenton, NJ 08625
4. Senator Robert Menendez, One Gateway Center, Suite 1100, Newark NJ 07102
5. Senator Frank Lautenberg, One Gateway Center, 23rd Floor, Newark, NJ 07102
6. Delaware Riverkeeper Network, 300 Pond Street, 2nd Floor, Bristol, PA 19007
7. Food and Water Watch, 100 Bayard Street, Suite 310, New Brunswick, NJ 08901

City of ,
BOROUGH OF HIGHLAND PARK
NO. 5-11-162

RESOLUTION: Council as a Whole

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.

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 New Jersey’s water supplies and water resources for generations to come; 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 on the 17th day of May 2011, the Borough of Highland Park supports a statewide and national ban on hydraulic fracturing for natural gas; and

BE IT FURTHER RESOLVED, that the Borough of Highland Park supports the FRAC Act, and

AND BE IT FURTHER RESOLVED, that hydraulic fracturing for natural gas is prohibited within the Borough of Highland Park, NJ

ADOPTED: May 17, 2011

ATTEST:

[Signature]
BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 17th day of May, 2011.

[Signature]
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

<table>
<thead>
<tr>
<th>Council Member</th>
<th>Ayea</th>
<th>Nays</th>
<th>Absent</th>
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