BOROUGH OF HILLSDALE
ORDINANCE NO. 14-09
(Adoption)

ORDINANCE BANNING HYDRAULIC FRACTURING IN HILLSDALE, 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 4.5 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 New Jersey in the South Newark Basin and has yet to asses 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 contaminates 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, napthalene, 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 Paramus' 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

WHEREAS, under existing State law regulating drilling for oil and natural gas under N.J.S.A.13:1M-18 and N.J.S.A.13:1M-1 et seq., a local governing body may ban drilling for natural gas, and exploration for natural gas beyond the "reconnaissance" phase.

NOW, THEREFORE, BE IT ORDAINED, that on the 10th day of June 2014, that drilling for natural gas, using the drilling technique of hydraulic fracturing and exploring for natural gas beyond the reconnaissance phase is prohibited within Hillsdale, New Jersey.

BE IT FURTHER ORDAINED, said copy of adopted ordinance be sent to District 39 State Legislators; District 5 Congressional; Chairman of Bergen County Freeholders; Governor Christie; Senator Menendez; New Jersey Sierra Club; Delaware Riverkeeper Network; and Food and Water Watch.

BE IT FURTHER ORDAINED, this Ordinance shall be effective upon final passage and publication as required by law.

Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
DeGise, Jason	x		x				
Frank, Douglas				x			
Kelley, Thomas			x				
Looes, Chrisoula		x	x				
Meyerson, Lawrence			x				
Pizzella, Frank			x				

Adopted: June 10, 2014

Attest: Susan Witkowski
Susan Witkowski
Municipal Clerk

Max Arnowitz
Mayor