

1 RESOLUTION NO. 2012-156

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3 SPONSOR Mr. Pry, Ms. Prentice, Ms. Kurt, Ms. Shapiro

4 April 30, 2012

5 DATE _____ COMMITTEE Public Works

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7 **A Resolution urging the State of Ohio to enact reasonable regulations on the new High**
8 **Volume Hydraulic Fracturing, also known as “HVHF” or “fracking,” including the**
9 **associated high volume withdrawals of water and addition of toxic chemicals, and**
10 **associated waste disposal operations, and to further urge the State to enact laws that return**
11 **some regulatory authority to county and local jurisdictions over the new High Volume**
12 **Hydraulic Fracturing, water withdrawals, usage of toxic chemicals and associated waste**
13 **disposal operations, for the Council, and declaring an emergency.**

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15 WHEREAS, the use of the new High Volume Hydraulic Fracturing (“HVHF”), also
16 known as “HVHF” or “fracking,” has substantially increased in the State of Ohio in the last 24
17 months as a method to extract fossil fuel resources from underground shale; and

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19 WHEREAS, the new HVHF process requires millions of gallons of water to be
20 withdrawn from ground water, lakes, rivers and streams for use during the process; and

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22 WHEREAS, during the HVHF process, water, sand and numerous chemicals (some toxic
23 and cancerous) are injected into the ground in order to release fossil fuel resources; and

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25 WHEREAS, as some of that same water, sand and chemicals remain in the ground, some
26 of the polluted water returns to the surface as “flowback” and becomes waste byproducts of the
27 HVHF process requiring their disposal, often times in injection wells whereby the waste is
28 injected back into the ground for storage; and

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30 WHEREAS, in order to perform the HVHF operations and necessary waste disposal, a
31 large amount of trucks and heavy equipment are utilized and transported over federal, state,
32 county and local roads and bridges; and

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34 WHEREAS, currently, HVHF operations have focused on Marcellus shale, the
35 shallowest of the shale layers suitable for HVHF operations, which is located in western
36 Pennsylvania, New York and the eastern and southeastern portions of Ohio, outside of Summit
37 County; and

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39 WHEREAS, the HVHF industry has already identified that HVHF operations will begin
40 in the near future that will focus on Utica shale, which is a deeper shale layer and lies below all
41 of Summit County; and

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43 WHEREAS, because of the presence of Utica shale below Summit County, HVHF and
44 associated waste disposal operations and the use of federal, state, county and local roads to
45 support the same will likely increase in Summit County in the very near future; and

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47 WHEREAS, critics of HVHF and the use of injection wells for waste disposal have cited
48 numerous environmental concerns with the practice, including the potential to contaminate and
49 damage streams and rivers, underground and local drinking water supplies, including individual
50 homeowners’ wells, and even the potential that such operations have contributed to a series of
51 earthquakes in northeast Ohio, combined with criticism that the operations substantially damage
52 and shorten the useful life of federal, state, county and local roads and bridges; and

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4 WHEREAS, critics of HVHF have also cited the proximity of the new HVHF operations to
5 urban areas as a potential cause of reduced property values and additional mortgage issues; and
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7 WHEREAS, supporters of HVHF have identified the current and future potential for
8 economic development and job growth as a result of, and surrounding, the HVHF and associated
9 waste disposal operations, along with reducing the area's reliance on overseas fossil fuel
10 resources; and
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12 WHEREAS, this Council, while recognizing the benefits of job creation and energy
13 independence, believes HVHF and associated waste disposal operations should be performed in
14 a manner that is environmentally responsible and safe, not harmful to local residents, and that
15 minimizes and/or compensates appropriate jurisdictions for damage to roads and bridges; and
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17 WHEREAS, the regulations on HVHF and associated waste disposal operations are
18 currently less stringent in the State of Ohio than other states where HVHF and waste disposal
19 operations are taking place; and
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21 WHEREAS, this Council believes the State of Ohio should enact reasonable regulations
22 to ensure that HVHF and associated waste disposal operations are conducted in such a manner
23 that is environmentally responsible and safe and not harmful to the residents of Summit County;
24 and
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26 WHEREAS, among the regulations that should be adopted by the State of Ohio are: (i) a
27 requirement that companies engaging in HVHF disclose the identity, type and concentration of
28 each of the specific chemicals used in their HVHF process, as recently proposed by Ohio
29 Attorney General Mike DeWine, (ii) an increase in fines for violations and a requirement that the
30 fines be charged daily until all violations are corrected, (iii) a requirement that, as part of
31 granting a permit to conduct HVHF operations, that the State of Ohio take into account the
32 location and availability of water and how and where the polluted flowback should be disposed
33 of, (iv) riparian setback requirements to protect streams and rivers, and (v) regulations that
34 minimize, and/or require the industry to compensate for the damage done to federal, state, county
35 and local infrastructure; and
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37 WHEREAS, this Council further believes that the State of Ohio should eliminate current
38 laws which place sole discretion over the regulations of HVHF and associated waste disposal
39 with the Ohio Department of Natural Resources, and return some regulatory authority to the
40 counties and local jurisdictions that are, or will be, impacted by HVHF and associated waste
41 disposal operations; and
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43 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
44 that it is necessary and in the best interest of this Council to urge the State of Ohio to enact
45 reasonable regulations on HVHF and associated waste disposal operations to ensure that the
46 same are conducted in a manner that is environmentally responsible and safe, not harmful to the
47 residents of Summit County and the State of Ohio, and that reduces the negative impacts on road
48 and bridge infrastructure, and to further urge the State of Ohio to return some regulatory
49 authority over HVHF and associated waste disposal operations to county and local jurisdictions.
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51 NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit,
52 State of Ohio, that:

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4 SECTION 1

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6 This Council hereby urges the State of Ohio to enact reasonable regulations on HVHF,
7 including the associated high volume withdrawals of water and addition of toxic chemicals, and
8 associated waste disposal operations to ensure that the same are conducted in a manner that is
9 environmentally responsible and safe and not harmful to the residents of Summit County and the
10 State of Ohio. Among those regulations that should be adopted by the State of Ohio are (i) a
11 requirement that companies engaging in HVHF disclose the identity, type and concentration of
12 each of the specific chemicals used in their HVHF process, as recently proposed by Ohio
13 Attorney General Mike DeWine, (ii) an increase in fines for violations and a requirement that the
14 fines be charged daily until all violations are corrected, (iii) a requirement that, as part of
15 granting a permit to conduct HVHF operations, that the State of Ohio take into account the
16 location and availability of water and how and where the polluted flowback should be disposed
17 of, (iv) riparian setback requirements to protect streams and rivers, and (v) regulations that
18 minimize, and/or require the industry to compensate for the damage done to federal, state, county
19 and local infrastructure; and

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21 SECTION 2

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23 This Council hereby further urges the State of Ohio to eliminate current laws which place
24 sole discretion over the regulation of HVHF and associated waste disposal operations with the
25 Ohio Department of Natural Resources, and return some regulatory authority to the counties and
26 local jurisdictions that are, or will be, impacted by HVHF operations and associated waste
27 disposal operations.

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29 SECTION 3

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31 The Clerk of Council is hereby directed to forward a copy of this Resolution to the
32 Governor of the State of Ohio, all State Senators and Representatives representing Summit
33 County and the County Commissioners Association of Ohio.

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35 SECTION 4

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37 This Resolution is hereby declared to be an emergency in the interest of the health, safety
38 and welfare of the citizens of the County of Summit and for the further reason of immediately
39 urging State action as the HVHF and associated waste disposal operations continue to grow.

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41 SECTION 5

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43 Provided this Resolution receives the affirmative vote of eight members, it shall take
44 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
45 effect and be in force at the earliest time provided by law.
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1 RESOLUTION NO. 2012-156

2 PAGE FOUR

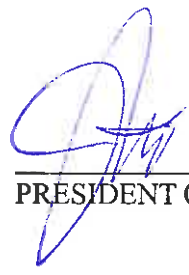
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4 SECTION 6

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6 It is found and determined that all formal actions of this Council concerning and relating
7 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
8 deliberations of this Council and of any of its committees that resulted in such formal action,
9 were in meetings open to the public, in compliance with all legal requirements, including Section
10 121.22 of the Ohio Revised Code.

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13 INTRODUCED April 16, 2012

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15 ADOPTED April 30, 2012

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19 CLERK OF COUNCIL

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23 PRESIDENT OF COUNCIL

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25 APPROVED May 1, 2012

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29 EXECUTIVE

30 ENACTED EFFECTIVE May 1, 2012

Voice Vote: 8-3: Yes: Comunale, Feeman, Kostandaras, Kurt, Lee, Prentice
Schmidt, Shapiro. No: Crawford, Rodgers, Roemer