RESOLUTION NO. __ 2012-156

SPONSOR__ Mr. Pry, Ms. Prentice, Ms. Kurt, Ms. Shapiro

DATE____________________ COMMITTEE__ Public Works

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

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

WHEREAS, the new HVHF process requires millions of gallons of water to be withdrawn from ground water, lakes, rivers and streams for use during the process; and

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

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

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

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

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

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

WHEREAS, critics of HVHF and the use of injection wells for waste disposal have cited numerous environmental concerns with the practice, including the potential to contaminate and damage streams and rivers, underground and local drinking water supplies, including individual homeowners’ wells, and even the potential that such operations have contributed to a series of earthquakes in northeast Ohio, combined with criticism that the operations substantially damage and shorten the useful life of federal, state, county and local roads and bridges; and
WHEREAS, critics of HVF have also cited the proximity of the new HVHF operations to urban areas as a potential cause of reduced property values and additional mortgage issues; and

WHEREAS, supporters of HVF have identified the current and future potential for economic development and job growth as a result of, and surrounding, the HVHF and associated waste disposal operations, along with reducing the area’s reliance on overseas fossil fuel resources; and

WHEREAS, this Council, while recognizing the benefits of job creation and energy independence, believes HVHF and associated waste disposal operations should be performed in a manner that is environmentally responsible and safe, not harmful to local residents, and that minimizes and/or compensates appropriate jurisdictions for damage to roads and bridges; and

WHEREAS, the regulations on HVHF and associated waste disposal operations are currently less stringent in the State of Ohio than other states where HVHF and waste disposal operations are taking place; and

WHEREAS, this Council believes the State of Ohio should enact reasonable regulations to ensure that HVHF and associated waste disposal operations are conducted in such a manner that is environmentally responsible and safe and not harmful to the residents of Summit County; and

WHEREAS, among the regulations that should be adopted by the State of Ohio are: (i) a requirement that companies engaging in HVHF disclose the identity, type and concentration of each of the specific chemicals used in their HVHF process, as recently proposed by Ohio Attorney General Mike DeWine, (ii) an increase in fines for violations and a requirement that the fines be charged daily until all violations are corrected, (iii) a requirement that, as part of granting a permit to conduct HVHF operations, that the State of Ohio take into account the location and availability of water and how and where the polluted flowback should be disposed of, (iv) riparian setback requirements to protect streams and rivers, and (v) regulations that minimize, and/or require the industry to compensate for the damage done to federal, state, county and local infrastructure; and

WHEREAS, this Council further believes that the State of Ohio should eliminate current laws which place sole discretion over the regulations of HVHF and associated waste disposal with the Ohio Department of Natural Resources, and return some regulatory authority to the counties and local jurisdictions that are, or will be, impacted by HVHF and associated waste disposal operations; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of this Council to urge the State of Ohio to enact reasonable regulations on HVHF and associated waste disposal operations to ensure that the same are conducted in a manner that is environmentally responsible and safe, not harmful to the residents of Summit County and the State of Ohio, and that reduces the negative impacts on road and bridge infrastructure, and to further urge the State of Ohio to return some regulatory authority over HVHF and associated waste disposal operations to county and local jurisdictions.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit, State of Ohio, that:
RESOLUTION NO. 2012-156

SECTION 1

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

SECTION 2

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

SECTION 3

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

SECTION 4

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

SECTION 5

Provided this Resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.
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SECTION 6

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

INTRODUCED April 16, 2012

ADOPTED April 30, 2012

CLERK OF COUNCIL

APPROVED May 1, 2012

EXECUTIVE

ENACTED EFFECTIVE May 1, 2012