



Municipality of Princeton
Department of Community Development
Office of Planning
Princeton Municipal Building
400 Witherspoon Street
5366

609-924-

MEMORANDUM

TO: Robert Bruschi, Administrator
FROM: Lee Solow, Director of Planning
DATE: July 18, 2014
SUBJECT: Ordinance banning the use of hydraulic fracturing

Attached please find an ordinance which bans hydraulic fracturing in all zones of the municipality.

The ordinance was originally prepared and recommended by the Princeton Environmental Commission. Staff has edited some of the whereas clauses and reformatted the ordinance to follow Princeton's typical ordinance format. The section prohibiting the use of roadways has been deleted on the advice of municipal council.

Cc: K. Monzo, Asst. Admin.
R. Kiser, PE, Municipal Engineer
L. McDermott, Municipal Clerk
T. Cecil, Municipal Attorney

**AN ORDINANCE BY PRINCETON
BANNING THE USE OF HYDRAULIC
FRACTURING IN THE
MUNICIPALITY AND AMENDING
AND SUPPLEMENTING THE "CODE
OF THE TOWNSHIP OF PRINCETON,
NEW JERSEY, 1968" IN CONNECTION
THEREWITH**

WHEREAS, 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 which extends under Princeton and has yet to access the North Newark Basin, which likely has trillions of cubic feet of gas as well; 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, 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, use of these hydraulic fracturing mixes exposes 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 federal Environmental Protection Agency ("EPA") point person on water now admits that fracking should never have been exempted from regulation; and

WHEREAS, New Jersey's Legislature and Governor 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 has been strengthened by an EPA report of contaminants associated with fracking have been found in an aquifer in Pavilion Wyoming, and separate incidents involving earthquakes in Ohio linked to fracking waste disposal 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 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, 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 New Jersey, passing through densely populated communities such as Jersey City and environmentally sensitive areas in Princeton, the New Jersey Highlands, and the New Jersey 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 Princeton's air, water supplies and water resources for generations to come; and

WHEREAS, protection of Princeton's air, water supplies and resources is better accomplished by preventing contamination and environmental degradation, rather than attempting to remediate contamination and restore 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 BY THE MAYOR AND COUNCIL OF PRINCETON AS FOLLOWS:

Section 1. Preamble Incorporated. The findings set forth in the foregoing preamble to this ordinance are hereby incorporated as if fully restated.

Section 2 Township Land Use Ordinance Amended. Section 254, "Uses Prohibited in All Districts" of Chapter 10B, "Land Use" of the "Code of the Township of Princeton, New Jersey, 1968" is hereby supplemented and amended by adding thereto a new subsection "n", which shall read as follows:

- (n). Drilling for natural gas, using the drilling technique of hydraulic fracturing and exploring for natural gas beyond the reconnaissance phase.

Section 3. Applicability. The provisions of this ordinance shall apply to the entire municipality of Princeton and the "Code of the Borough of Princeton, New Jersey 1974" shall be deemed amended accordingly.

Section 4. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 5. Referral to Planning Board. A copy of this ordinance shall be referred to the Princeton Planning Board following its introduction on first reading in accordance with the provisions of *N.J.S.A. 40:55D-64*.

Section 6. Effective Date. This ordinance shall take effect upon its passage and publication and filing with the Mercer County Planning Board, as required by law.

Linda S. McDermott, Clerk

Liz Lempert, Mayor

Ordinance Introduced:

Ordinance Adopted:

The purpose of this ordinance is to prohibit the use of hydraulic fracturing throughout the municipality of Princeton.