

RESOLUTION: R-01-18
ADOPTED: 1-10-18

RESOLUTION – PA

WHEREAS, a fundamental purpose of government is to protect the health, safety, and welfare of citizens; and

WHEREAS, Article I, Section 27 of the Pennsylvania Constitution affirms that, “The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment”; and

WHEREAS, Article I, Section 27 further declares, “Pennsylvania’s public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people”; and

WHEREAS, in the most recent statistical analysis of the body of scientific literature by the Concerned Health Professionals of New York and Physicians for Social Responsibility, 685 peer-reviewed papers examining gas drilling and/or hydraulic fracturing (“fracking”) were reviewed and the overwhelming majority of studies found evidence of or potential adverse impacts on water, air, and human health¹; and

WHEREAS, the negative impacts of shale gas development are documented by Pennsylvania Department of Environmental Protection’s accounting of 295 private water well contamination cases that were determined by the agency to have been caused by oil and gas operations²; and

WHEREAS, the EPA’s most recently released fracking study provides scientific evidence that fracking activities can impact drinking water resources and includes water impacts from shale gas in the Pennsylvania community of Dimock³; and

WHEREAS, there is significant evidence that shale gas development, and its related operations which include all the phases of the fracking process from the first stage of industrial land preparation; to the storage, handling and use of chemicals and additives for extraction and stimulation; to drilling and fracking; to the withdrawal of and degradation of large volumes of

¹ PSE Healthy Energy Library, https://www.zotero.org/groups/pse_study_citation_database/items; See Compendium, <http://concernedhealthny.org/compendium/>, p. 4
Delaware Riverkeeper Network, “Unsafe and Unsustainable,”

http://www.delawariverkeeper.org/Documents/DRN_Report_Unsafe+Unsustainable_fr.pdf

² http://files.dep.state.pa.us/OilGas/BOGM/BOGMPortalFiles/OilGasReports/Determination_Letters/Regional_Determination_Letters.pdf

³ Environmental Protection Agency (EPA). 2015. Assessment of the Potential Impacts of Hydraulic Fracturing for Oil and Gas on Drinking Water Resources – External Review Draft. June 2015. Available at: www.epa.gov/hfstudy; Hein 2012, p. 2. <https://cfpub.epa.gov/ncea/hfstudy/recordisplay.cfm?deid=332990>
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water and its discharge and disposal as waste, has adverse effects on public health, property interests, agriculture and on our air, water, and land⁴; and

WHEREAS, neither Pennsylvania nor the Delaware River Basin Commission has conducted a comprehensive assessment of the cumulative and long-term impacts of fracking and related shale gas development activities on the water resources of the Basin; and

WHEREAS, the absence of such an assessment prevents the appropriate management of and avoidance of degradation from the harms associated with shale gas development, including risks to public health, property values and the clean air and water upon which all citizens and businesses depend⁵; and

WHEREAS, the shale gas industry has received unprecedented exemptions from our nation's most important environmental and public health laws including the Safe Drinking Water Act, Clean Air Act, and the Clean Water Act; and

WHEREAS, after exhaustive study, New York has prohibited high-volume hydraulic fracturing and Maryland has prohibited all fracking in their states⁶; and

⁴ Delaware Riverkeeper Network, "Unsafe and Unsustainable,"

http://www.delawariverkeeper.org/Documents/DRN_Report_Unsafe+Unsustainable_fr.pdf

⁵ For examples of risks not considered, see E.L. Rowan, et al., Radium Content of Oil- and Gas-Field Produced Waters in the Northern Appalachian Basin (USA): Summary and Discussion of Data, United States Geological Survey ("USGS") Scientific Investigations Report 2011-5135 (2011); "NIOSH Field Effort to Assess Chemical Exposure Risks to Gas and Oil Workers," <http://www.cdc.gov/niosh/docs/2010-130/pdfs/2010-130.pdf>; "CDC scientist: tests needed on gas drilling impact," *Wall Street Journal*, January 4, 2012, <http://online.wsj.com/article/AP8338b702930849f49d22a5d96b7d1b2d.html>; OSHA-NIOSH, "Worker Hazard Alert: Worker Exposure to Silica during Hydraulic Fracturing," http://www.osha.gov/dts/hazardalerts/hydraulic_frac_hazard_alert.pdf ("Recent NIOSH field studies identified overexposure to airborne silica as a health hazard to workers."); E.T. Slonecker, et al., Landscape Consequences of Natural Gas Extraction in Bradford and Washington Counties, Pennsylvania, 2004-2010, USGS Open File Report 2012-1154 (2012); E.T. Slonecker, et al., Landscape Consequences of Natural Gas Extraction in Allegheny and Susquehanna Counties, Pennsylvania, 2004-2010; USGS Open File Report 2013-1025 (2012); P.J. Drohan, M. Brittingham, J. Bishop, and K. Yoder, Early Trends in Landcover Change and Forest Fragmentation Due to Shale-Gas Development in Pennsylvania: A Potential Outcome for the Northcentral Appalachians, *Environmental Management*, (2012) at 1, 4-6, 9-13; American Water Works Ass'n, "Water and Hydraulic Fracturing: A White Paper from the American Water Works Association" (2013) at 4 (describing degradation of well casing over time); Michelle Bamberger & Robert E. Oswald, Impacts of Gas Drilling on Human and Animal Health, *New Solutions*, 2012, at 54-61; U.S. Geological Survey Powell Center for Analysis and Synthesis, "Water Quality Studied in Areas of Unconventional Oil and Gas Development, Including Areas Where Hydraulic Fracturing Techniques are Used, in the United States," April 2012, http://pubs.usgs.gov/fs/2012/3049/FS12-3049_508.pdf ("The effects of unconventional oil and gas development and production on regional water quality have not been previously described despite the fact that oil and gas development in the United States began nearly 150 years ago, and more than 4 million oil- and gas-related wells . . . have been drilled with an increasing trend in the use of hydraulic fracturing.")

⁶ http://www.dec.ny.gov/docs/materials_minerals_pdf/findingstatehvhf62015.pdf

http://www.health.ny.gov/press/reports/docs/high_volume_hydraulic_fracturing.pdf

<http://thinkprogress.org/climate/2015/05/29/3664098/larry-hogan-maryland-fracking-ban/>

<http://mgaleg.maryland.gov/webmga/frmMain.aspx?pid=narrowsubpage&tab=subject3&id=hydrfrac&stab=01&ys=2017rs>

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WHEREAS, shale gas development in the watershed has highly significant cumulative climate impacts. Natural gas is primarily methane, a greenhouse gas 86 times more efficient at trapping heat than carbon over a 20 year time frame⁷ and its effects persist for hundreds of years⁸. The well documented vented and fugitive losses from natural gas systems contribute to atmospheric warming; current technology and practices have not controlled these releases. The emissions from shale gas development are so great that it is projected that their release from the build out of Pennsylvania's Marcellus shale will prevent the achievement of global warming goals in the state, accelerating climate change.⁹ Climate change impacts on the basin's water resources include changes in precipitation and runoff that increase flooding and drought, impairment of habitats and water quality (including salt water intrusion to Delaware Estuary water supplies) and sea level rise¹⁰; and

WHEREAS, the Delaware River Basin Commission has in place a moratorium that currently prohibits all natural gas development, including drilling, fracking, wastewater processing and discharges from and water withdrawals for drilling and fracking operations, throughout the Delaware River Basin; and

WHEREAS, the Borough of Riegelsville supports the continuation of these DRBC prohibitions; and

WHEREAS, the Delaware River Basin Commission is actively considering draft regulations that include the possibility of "prohibitions related to the production of natural gas utilizing horizontal drilling and hydraulic fracturing within the Basin", but also the allowance for "...storage, treatment, disposal and/or discharge of wastewater within the basin associated with horizontal drilling and hydraulic fracturing for the production of natural gas where permitted" and "...the inter-basin transfer of water and wastewater for purposes of natural gas development where permitted"; and

WHEREAS, the Borough considers that the weight of evidence shows that natural gas development and its operations cannot be done safely and/or without degrading the exceptional water quality of the Delaware River and tributary streams;

⁷ Intergovernmental Panel on Climate Change (IPCC). 2013. *Climate Change 2013: The Physical Science Basis. Contribution of Working Group I to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change*.

⁸ <http://www.pnas.org/content/early/2017/01/03/1612066114.full>

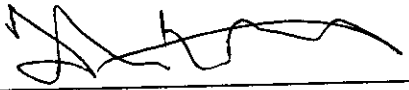
⁹ PSE Healthy Energy, "Lifecycle Greenhouse Gas Emissions Associated with Projected Future Marcellus Development", 2017.

¹⁰ <https://www.epa.gov/climate-impacts/climate-impacts-water-resources>
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NOW, THEREFORE, BE IT RESOLVED that:

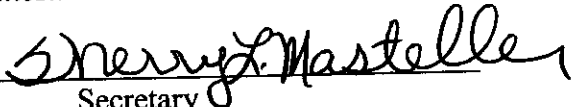
1. The Borough of Riegelsville calls upon the Delaware River Basin Commission to enact a complete and permanent ban on natural gas development and hydraulic fracturing and all related activities (including drilling, fracking, wastewater processing and discharges from and water withdrawals for drilling and fracking operations) throughout the Basin.
2. That an official copy of this resolution be filed with the Delaware River Basin Commission, 25 Cosey Road, P.O. Box 7360, West Trenton, NJ 08628-0360.

Borough of Riegelsville

By 

Council President

Attest:


Secretary