

Carrboro Resolution on Hydraulic Fracturing in North Carolina

Draft Resolution No. 95/2011-12

WHEREAS, hydraulic fracturing, or “fracking,” is a method of extracting natural gas that involves injecting, at an extremely high pressure, a mixture of water, sand, and a cocktail of proprietary (and unknown) toxic chemicals to break up shale or other rock formations otherwise impermeable to the flow of gas; and

WHEREAS, North Carolina does not currently allow either horizontal drilling or hydraulic fracturing, and the current North Carolina study of in-state shale gas resources and of the potential impacts of reversing this ban and allowing drilling and fracking to extract these resources is being undertaken without adequate funding and with insufficient time; and

WHEREAS, the Durham –Sanford Subbasins, which includes areas under Jordan Lake, has been identified as containing underground deposits of natural gas; and

WHEREAS, Jordan Lake water is becoming more significant for Triangle area jurisdictions’ planning; and

WHEREAS OWASA, the entity responsible for supplying water for most of Carrboro, has a water supply allocation for Jordan Lake water that serves as an “insurance policy” for future conditions of extreme drought; and

WHEREAS, millions of gallons of fresh water are used to drill and to hydraulic fracture each shale gas well, and such development would exacerbate water shortages such as those that have stemmed from North Carolina’s recent severe droughts; and

WHEREAS, the 2005 federal Energy Act exempts the regulation of the underground injection of hydraulic fracturing fluid under the Safe Drinking Water Act (the “Halliburton Loophole”), and the Resource Conservation and Recovery Act exempts the regulation of potentially radioactive drilling waste and hydraulic fracturing wastewater as hazardous waste or hazardous material; and

WHEREAS, the wastewater produced from hydraulic fracturing includes carcinogenic, corrosive, and/or toxic salts, metals, petrochemicals and radioactive elements; and

WHEREAS, there are currently no viable options for the disposal of toxic hydraulic fracturing wastewater, and North Carolina’s wastewater treatment plants are not equipped to handle the extreme and highly-variable contaminant loads of hydraulic fracturing wastewater; and

WHEREAS, disposal of hydraulic fracturing wastewater by high pressure underground injection can potentially cause seismic activity; and

WHEREAS, the Shearon Harris nuclear power plant sits on the Jonesboro Fault, and Carrboro is located thirty miles away from the Shearon Harris nuclear power plant; and

WHEREAS, negative environmental and public health impacts related to hydraulic fracturing have been documented in other states, including the contamination of drinking water wells, the contamination of surface waters, and the degradation of air quality; and

WHEREAS, oil and natural gas companies have aggressively pursued predatory leases from farmers and other landowners in the Deep River basin for oil and gas rights, and included in these contracts unfavorable

terms that allow companies to access a landowner's supply water for drilling activities, build storage ponds for toxic wastes on the landowner's property, and place liability for environmental damage, noise, and light pollution on the landowner; and

WHEREAS, hydraulic fracturing can industrialize both rural and urban areas with drilling rigs, new roads, containment ponds, new pipelines, and other infrastructure, with incumbent air, water, and noise pollution that can be detrimental to health, property values and future economic growth; and

WHEREAS, the long-term economic impact from the boom and bust cycle of extractive industries, such as shale gas development is, results in a legacy of decreased economic diversity, increased income disparity and environmental pollution; and

WHEREAS, drilling and fracking for shale gas could bring a significant increase in heavy-duty truck traffic, causing traffic congestion and accelerated road damage in and around Carrboro; and

WHEREAS, the Town of Carrboro is committed to mitigating climate change to the degree necessary to sustain a livable future; yet, energy generated from shale gas may be as bad or worse in causing climate change than energy generated from burning coal because shale gas production and distribution results in the release of significant amounts of methane, a greenhouse gas twenty times more potent than CO₂; and

WHEREAS, Section 5 of the North Carolina Constitution states that “It shall be the policy of this State to conserve and protect its lands and waters for the benefit of all its citizenry, and to this end it shall be a proper function of the State of North Carolina and its political subdivisions . . . to control and limit the pollution of our air and water . . . and in every other appropriate way to preserve as a part of the common heritage of this State its forests, wetlands, estuaries, beaches, historical sites, open lands, and places of beauty”;

NOW, THEREFORE BE IT RESOLVED, the Town Carrboro, urges the North Carolina General Assembly to maintain current laws in North Carolina that prevent hydraulic fracturing and horizontal drilling in the State and to take no action that would weaken these laws before it is fully demonstrated that North Carolina public health, waters, land, air, economy, and quality of life will be guaranteed protection from the impacts of allowing shale gas development in the state.

BE IT FURTHER RESOLVED the Town of Carrboro solicits and invites the general public to give input on any further negative direct effects hydraulic fracturing may cause to the town of Carrboro.

BE IT FURTHER RESOLVED the Town of Carrboro will regulate through zoning and/or ordinance any negative direct effects on Carrboro stemming from the hydraulic fracturing industry, to the extent it is authorized to do so.

BE IT FURTHER RESOLVED the Town of Carrboro requests that the North Carolina Utilities Commission not approve of further natural gas energy generation capacity and requests for rate-hikes to fund these projects in North Carolina

BE IT FURTHER RESOLVED Carrboro stands in solidarity with communities who live downwind and downstream of hydraulic fracturing activities, with communities whose water supply and groundwater may be affected, with communities that may suffer long-term social and economic impacts from hydraulic fracturing and with communities who have already been affected by predatory leasing

BE IT FURTHER RESOLVED the Town of Carrboro calls upon all other municipal and county governing bodies of North Carolina and OWASA to pass similar resolutions to this one and that the League of Municipalities and Triangle J Council of Governments join in on the effort.