



PROCLAMATION

WHEREAS, the City of Munroe Falls is dedicated to protecting its drinking water sources; and

WHEREAS, the City of Munroe Falls purchases its drinking water from its adjacent neighbor, the City of Cuyahoga Falls. The Cuyahoga Falls water well field serves 60,000 people. A portion of the Cuyahoga Falls water well field is actually in Munroe Falls, and the aquifer that the water wells draw from is located beneath Munroe Falls, and below the Cuyahoga River, which runs through Munroe Falls; and

WHEREAS, Munroe Falls has taken steps to protect this aquifer and the Cuyahoga River from pollution of various types, and as part of that effort, enacted local ordinances designed to assure the safety of any oil and gas well drilling in Munroe Falls; and

WHEREAS, the State of Ohio in 2004 passed House Bill 278, which purported to supersede all local ordinances and make the Ohio Department of Natural Resources the sole permitting authority for oil and gas well drilling in Ohio, without any regard to local ordinances, zoning or other concerns; and

WHEREAS, startlingly, the ODNR is not required to do any sort of specific groundwater risk or environmental assessment; or discuss the permit application with the Ohio or Federal EPA, when considering whether to grant a permit; and

WHEREAS, even more startlingly, the ODNR is **required** to issue any requested permit that meets well spacing requirements, and only may deny a permit if the drilling would create "an imminent danger to public health or safety or damage to the environment...." R.C. §1509.06(F). The risk of potential damage in sensitive areas is apparently not enough to satisfy this standard, and the ODNR is required to make this decision without having any input whatsoever from the local community or the

EPA and without gathering any specific information regarding the potential threat to groundwater; and

WHEREAS, when the ODNR granted a permit to drill an oil and gas well through the Cuyahoga Falls aquifer, 1200-1500 feet from the water well field, and 400 feet from the banks from the Cuyahoga, and contrary to Munroe Falls ordinances, Munroe Falls pursued an administrative appeal of that decision through the Oil and Gas Commission, the Franklin County Court of Common Pleas (Case No. 08-CVF-08-11965), the Tenth District Court of Appeals (Case No. 10-AP-000066), and the Ohio Supreme Court (2010-1901); and

WHEREAS, through this administrative appeal, ODNR staff testified that 1400 oil and gas drilling permits were issued in 2008, and that none were denied over environmental concerns. A staff member with 25 years of experience could only identify two times in his entire career when the ODNR declined an oil and gas permit based upon the environmental sensitivity of the area; and

WHEREAS, through this administrative appeal, Munroe Falls learned that the ODNR has responded to 900 oil and gas related drinking water contamination complaints since 1984, around 36 per year. ODNR staff admitted that it was only by luck that these complaints came from private water supplies, instead of public water supplies; and

WHEREAS, following Munroe Falls' administrative appeal of an oil and gas drilling permit, the Ohio Legislature passed Substitute Senate Bill 165, which amended R.C. §1509.06(F) so as to completely eliminate administrative appeals challenging the issuance of an oil and gas permit. So now there is no mechanism by which a local authority or private citizen can have the decision to grant or deny an oil permit reviewed by a higher body; and

WHEREAS, oil and gas drillers have become emboldened by the "cover" provided by Substitute Senate Bill 165, and have begun to take the position that the drillers do not have to comply with any local ordinances, including those ordinances that any other person or business acting within Munroe Falls would have to comply with. For example, a driller has taken the position that it does not have to obtain appropriate zoning and road opening permits to build a road to service an oil well; and

WHEREAS, this has forced Munroe Falls to expend its time, money, and effort to file lawsuits in the local courts to force drillers to comply

with local ordinances. See e.g. The State of Ohio ex rel. Jack Morrison, Jr., Law Director, City of Munroe Falls, Ohio, et al. vs. Beck Energy Corporation, et al. Summit County Common Pleas Case No: 2011 04 1897; and

WHEREAS, meanwhile, more information is being reported concerning the dangers that oil and gas drilling poses to drinking water. There is a current "drilling boom" that runs from New York to Pennsylvania to Northeastern Ohio. It was discovered around 2006 that oil and gas could be taken from this formation, and since that time, 2,400 Marcellus wells were drilled from 2006-2010 in Pennsylvania. Could Shale Gas Power the World? – TIME Magazine, April 11, 2011; and

WHEREAS, drilling is an industrial process which generates gigantic amounts of wastewater and utilizes "fracking" chemicals – unregulated by the EPA – to increase the yield of oil and gas produced; and

WHEREAS, in 2010, the Pennsylvania Department of Environmental Protection issued 1,218 violations out of 1,944 inspected wells. John Quigley, the former head of Pennsylvania's department of conservation and natural resources has admitted that "We weren't ready for the technology or the scale or the pace." Could Shale Gas Power the World? – TIME Magazine, April 11, 2011; and

WHEREAS, Pennsylvania, West Virginia, and New York are now struggling with wastewater discharged from oil and gas drilling into rivers which provide drinking water to six million people. Regulation Lax as Gas Wells' Tainted Water Hits RiversNYTimes.com, http://www.nytimes.com/2011/02/27/us/27gas.html?pagewanted=2&_r=4 (last visited Apr. 10, 2011); and

WHEREAS, further, natural gas has tainted drinking water wells in at least five states, including Colorado, Ohio, Pennsylvania, Texas, and West Virginia, as reported by the New York Times. Id.; and

WHEREAS, the City of Munroe Falls is very concerned that the experience of Pennsylvania with the drilling boom will be repeated here in Ohio, and under current law, the City has very limited means to attempt to protect its water supplies.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MUNROE FALLS, COUNTY OF SUMMIT AND STATE OF OHIO, THAT:

The Governor of the State of Ohio place a moratorium on oil and gas drilling until such time as adequate studies and investigations reveal and address the dangers inherent in oil and gas drilling with particular emphasis on contamination of drinking water.

Further, it is respectfully requested that the State legislative body immediately re-examine existing statutes and make provisions for restoring certain levels of local control over oil and gas drilling operations in the counties, cities, villages, and townships of Ohio.

Mayor Frank Larson

Nicole Welsh, Council President

Sam Basic, Council Member

Puru Kanodia, Council Member

Cathy Laubaugh, Council Member

Ron Meyer, Council Member

Steve Stahl, Council Member

Gary Toth, Council Member