RESOLUTION NO. 149-10 INTRODUCED BY THE PUBLIC WORKS COMMITTEE MEMORIALIZING THE UNITED STATES SENATE AND HOUSE OF REPRESENTATIVES TO AMEND APPROPRIATE FEDERAL LAWS TO PROTECT THE ENVIRONMENT AND THE PUBLIC FROM ANY RISKS ASSOCIATED WITH HYDROFRACKING

WHEREAS, hydrofracking is a technology for obtaining natural gas and is proposed for use in the Marcellus Shale; and

WHEREAS, hydrofracking involves pumping large quantities of water and additives at extremely high pressures into deep vertical wells, fracturing the rock and injecting sand into the cracks to release the natural gas; and

WHEREAS, there is a concerted effort on the part of drilling companies to lock up rights to drill in the Marcellus Shale area, yet various environmental and health and safety concerns have been raised with respect to hydrofracking; and

WHEREAS, these environmental and health concerns include the potential contamination of aquifers and fresh water supply, the use of massive quantities of water, the disposal of the fracking fluids, the release of chemicals used in the process, and the impact upon local landscapes; and

WHEREAS, concerns have been raised about the potential of hydrofracking polluting our drinking water by injecting unknown contaminants undergrounds; and

WHEREAS, further concerns have been raised about the potential toxicity of chemicals used in the hydrofracking process and the chemicals contained in the fracturing fluids; and

WHEREAS, the actual chemicals being used in the hydrofracking process may be protected as trade secrets, possibly impeding public knowledge of any associated health risks; and

WHEREAS, questions have been raised about the potential threat to human health associated with hydrofracking and whether chemicals such as benzene and other possible carcinogens may be used in the process; and

WHEREAS, questions also have been raised about the safe disposal of hydrofracking fluids and whether there are safe methods for handling and disposing of the fracking fluids without jeopardizing our clean water and without posing a risk to human health; and

WHEREAS, there are concerns about the possible release of airborne chemicals from the drilling process and the potential impacts upon the quality our air, and whether there are human health and safety risks associated therewith; and
WHEREAS, issues have been raised about the requirements and incentives for the hydrofracking industry to restore the land and clean up any waste, creating questions about the possible impact upon our local landscape and the potential impact upon the health of our residents; and

WHEREAS, New York State law prohibits local municipalities, including the County, from regulating the gas mining industry; and

WHEREAS, many federal laws also fail to regulate the gas mining industry, and hydrofracking is not regulated by the federal Safe Water Drinking Act, the Resource Conservation and Recovery Act, the Emergency Planning and Community Right to Know Act of 1986, the Clean Water Act, the Clean Air Act, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and the National Environmental Policy Act (NEPA); and

WHEREAS, without the regulatory oversight provided by these federal statutes, and without the authority to regulate at the local level, there are concerns that the potential environmental and health risks associated with hydrofracking will not be adequately addressed at the state level; and

WHEREAS, it is the desire of the Sullivan County Legislature that the United State Senate and United States House of Representatives amend the appropriate federal laws to address any potential environmental health risks associated with hydrofracking.

NOW, THEREFORE, BE IT RESOLVED, that this Sullivan County Legislature hereby memorializes the United State Senate and United States House of Representatives to amend pertinent federal laws to adequately safeguard the environment and the public from any environmental and health risks associated with hydrofracking; and

BE IT FURTHER RESOLVED, that the Clerk of the Sullivan County Legislature is hereby directed to transmit a copy of this resolution to the members of the United States House of Representatives and Senate representing Sullivan County.

Moved by Mr. Sorensen, seconded by Mrs. Binder, put to a vote, unanimously carried and declared duly adopted on motion March 18, 2010.