

**MINUTES**

**7:30 P.M.**

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**PRESENT:** J. Golden  
D. Haywood  
L. King  
R. Patel  
E. Niemann, Alt #1

**ABSENT:** R. Phillips

**CALL TO ORDER**

The meeting was called to order by E. Niemann at 7:32 PM.

**NOTIFICATION**

In order to ensure full public participation at this meeting, all members of this Board, and members of the public are requested to speak only when recognized by the Chair so that there is no simultaneous discussion or over-talk, and further, all persons are requested to utilize the microphones which are provided for your use by the Township. Your cooperation is appreciated.

Notification of the time, date and place of this meeting has been published in the Hunterdon County Democrat, Courier News and has been posted in the Kingwood Township Municipal Building at least 48 hours prior to this meeting and has been filed with the Municipal Clerk.

**NEW AND PENDING MATTERS**

**Geothermal Wells**

The matter was tabled until the next meeting.

**E. Niemann – Fracking**

E. Niemann stated the Food and Water Watch invited the Environmental Commission to send a representative to a workshop where the subject of fracking was discussed at length. She and J. Zgurzynski, who has a scientific background, attended the workshop. After attending the workshop, she learned quite a bit that she did not know before attending it. She was not aware that Kingwood is situated on top of a formation that contains natural gas which is suited for fracking. With the potential of a gas pipeline, transportation for the gas produced through fracking in Kingwood would be close by.

D. Haywood stated the Environmental Commission talked about the effects fracking could have in Kingwood and the proposed pipeline. There is natural gas available under Kingwood so there is a very strong possibility someone would try fracking to extract it. The Township is concerned about the chemicals used in fracking. Once a company gets less and less gas out of the wells, they will come back and frack again. Every time they re-frack they are injecting chemicals into our environment and water supply.

E. Niemann stated the companies do retrieve the solutions that go down to frack but only remove 70-80% of it. Fracking works like a hammer. There are 4,000,000 gallons of water hammered in through high pressure used in a gas well. The casings of the wells have a high failure rate. The casing takes the chemicals below your water level so the fracking occurs below the water level.

L. King responded it is about 8,000’.

E. Niemann stated when the casings don’t remain intact that is when contamination happens. Another issue is the residual water which must be disposed of somewhere. The residual water comes back with radiation from the rock formation. It is a naturally occurring.

D. Haywood stated it might also pick up arsenic.

E. Niemann stated the contamination gets into our water and houses. The disposal is a huge issue. She did not ask the question of where they get the water. She stated the water in our wells is being adversely affected. It is interfering with the volume of water available for our wells. She has learned so much from T. Kratzer and other people that our underlying geology is fractured and water runs through those fractures. In the event that it is disturbed, it would affect various fractures thereby closing off one and opening up another. There are all aspects of the process that will change your mind.

J. Golden stated the governor has vetoed the legislation prohibiting fracking.

L. King stated that in a recent on-line forum sponsored by The Economist both sides of the fracking issue were presented. At the beginning of the debate responses were running 60% -40% to ban fracking, but when all the information was presented the responses were 51% -49%. It seemed as though the more information was on the table the more the pros and cons evened out. He stated that he thinks you have to be realistic and expect that electrons are going to be obtained somehow, and if there is a ban on fracking, that tends to shift the activities towards coal and oil, which sends us in the wrong direction. Those activities are worse in terms of environmental impact than using liquefied natural gas. On the other hand, pursuit of fracking postpones the development of alternative technologies. Still, it has to be recognized that sometimes one technology, though not perfect, should be permitted on an interim basis with obvious guidelines and limitations, which don't necessarily exist now. Companies in the business of fracking should be required to obey the Clean Water Act, the Clean Air Act, and the Safe Drinking Water Act. There should be careful monitoring and oversight of the casings and the residual fracking fluid coming out of the well.

E. Niemann stated the message in the proposed ordinance is that fracking is not properly regulated. The aspect of the polluted water, enormous waste of water, where it goes and what is done with it are also issues. She stated it is probably radioactive. She would not want to hand the Township Committee the ordinance as drafted. She stated, to her, the State of New Jersey, is not stepping up and Kingwood needs to make their own statement.

J. Golden stated he has edited many reports on superfund sites, groundwater contaminations and aquifers. He is really turned off by the inflammatory nature of the language in the proposed ordinance. Fracking is a potentially serious problem. The ordinance, as written, is indefensible.

L. King stated fracking is a work in progress. It is possible the concentration of some of the chemicals may not rise to a level where it becomes a health issue.

E. Niemann stated there is no federal oversight on the issue.

L. King agrees with that statement. He stated where the ordinance says “**WHEREAS, many of the chemical constituents injected during hydraulic fracturing have documented adverse health effects and/or adverse environmental impacts**” is not scientifically defensible. He stated a person could analyze the chemicals on their backyard grill, which may process a greater concentration of potentially dangerous contaminants. In one article it is stated that the fluoride in your toothpaste has more documented health risks than fracking. He stated he is not pro fracking and J. Golden’s contention is correct.

J. Golden stated Kingwood has a fairly unique underground geology. The Township has problems with water supply and relies on septics and wells. It is reasonable to have an ordinance prohibiting fracking or provide for a process to manage the fracking. Pressure should be put on the state government.

E. Niemann stated it is intended to be an asset. It is not likely that it would have an effect if there were to be a business approaching the Township to work here. It is a consensus among municipalities and counties to have the State look at this to make some level of orderly decision on regulating fracking.

J. Golden stated if there is an existing pipeline through the area it might provide for a potential for the delivery of a large amount of natural gas if fracking should occur in the Township.

E. Niemann stated the pipeline may make Kingwood more attractive.

L. King stated he thought the highlighted paragraph was pretty good.

E. Niemann stated thanks should go to D. Kratzer for that paragraph. D. Haywood stated the Environmental Commission had a big discussion for it to be included.

The Board reviewed the draft ordinance and made the following amendments/deletions:  
(changes/suggestions/deletions are either in **bold** or ~~strikeouts~~)

**ORDINANCE BANNING HYDRAULIC FRACTURING AND THE TREATMENT, DISCHARGE, DISPOSAL, APPLICATION TO ROADWAYS, OR STORAGE OF WASTEWATER, WASTEWATER SOLIDS, SLUDGE, DRILL CUTTINGS OR OTHER BYPRODUCTS FROM NATURAL GAS EXPLORATION OR PRODUCTION USING HYDRAULIC FRACTURING**

WHEREAS, the hydraulic fracturing (fracking) for natural gas involves the use of chemicals and **potentially** 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 and has yet to assess 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 **(needs some scientific documentation or should be removed if none available)**

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 **(needs additional information)**

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 **(fact check the paragraph)**

WHEREAS, Pennsylvania's Department of Environmental Protection has documented three facilities in NJ as accepting waste from hydraulic fracturing operations, posing a direct threat to NJ's drinking water. **(needs additional information)**

WHEREAS, use of these hydraulic fracturing mixes exposed 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 EPA point person on water now admits fracking should never have been exempted from regulation; and~~

WHEREAS, New Jersey's Legislature and Governor have enacted a one-year moratorium on fracking that expired in January of 2013; and **(a point of reference)**

WHEREAS, since the New Jersey Legislature originally acted to ban fracking, the case for a ban on fracking is strengthened by a US EPA report of contaminants associated with fracking being found in an aquifer in Pavilion Wyoming, and separate incidents involving earthquakes in Ohio linked to fracking waste disposal using injection wells; and **(not well written but accurate in its statements)**

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 **(if the methods were applied properly, the risks would be eliminated)**

WHEREAS, wastewater, wastewater solids or sludge, drill cuttings and/or other byproducts from the fracking process have been known to contain toxic levels of contaminants such as benzene, naphthalene, toluene, formaldehyde, diesel, cadmium, mercury, arsenic, and unknown quantities of hundreds of other undisclosed carcinogenic and endocrine-disrupting chemicals, heavy metals, and radioactive materials; and

WHEREAS, A575/S253 passed the NJ 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 NJ, passing through densely populated communities like Jersey City and environmentally sensitive areas in the NJ Highlands and 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, Kingwood Ordinance 153-20 states that Kingwood Township residents, businesses, institutions, and farmers rely exclusively upon a high-quality supply of groundwater from private wells and that the quantity and quality of the groundwater is variable, especially in the geologic formations known as Lockatong, Stockton and Diabase, because: (a) Groundwater occurs principally in fracture openings in the bedrock (which can be limited in some areas); (b) Recharge can be limited by local soils and geology; (c) New wells or fracking may impact existing wells if their respective fracture systems are interconnected; (d) Seasonal fluctuations in aquifer recharge create a loss of volume and dilution capacity during the summer and early fall when water uses normally increase; and (e) Wells could be subject to contamination if pollution sources, including hazardous waste disposal sites, fracking activities and septic systems, are located in the vicinity of a supply well; and

WHEREAS, the wise stewardship of our natural resources involves protection of Kingwood Township's air, water supplies and water resources for generations to come; and

WHEREAS, protection of Kingwood Township's air, water supplies and resources is better accomplished by prevention of contamination and environmental degradation, rather than attempting to clean up contamination and restore degraded environments after the fact; and **(add a paragraph written by a hydrogeologist that deals with the underlying geology in the ordinance)**

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, that on the \_\_\_\_ day of \_\_\_\_ 2014, that drilling for natural gas, using the drilling technique of hydraulic fracturing and exploring for natural gas beyond the reconnaissance phase is prohibited within Kingwood Township, New Jersey.

NOW, THEREFORE, BE IT FURTHER ORDAINED, that the treatment, discharge, disposal, application to roadways, or storage of wastewater, wastewater solids, sludge, drill cuttings or other byproducts produced from natural gas exploration or production using hydraulic fracturing is prohibited within Kingwood Township, New Jersey.

NOW, THEREFORE, BE IT RESOLVED that the Township of Kingwood hereby supports an override of Governor Christie's veto of the State of New Jersey Assembly Bill A.2108 and Senate Bill S.1041 which would prohibit the treatment, discharge, disposal, application to roadways, or storage of wastewater, wastewater solids, sludge, drill cuttings, or other byproducts produced from natural gas exploration or production using hydraulic fracturing in New Jersey.

BE IT FURTHER RESOLVED, that the Clerk of this Board shall forward certified copies of this ordinance to Governor Christie and the Hunterdon County legislative delegation.

E. Niemann stated that she recognizes that the material presented in the draft ordinance was somewhat of a rant but the underlying accomplishment is worthy of the Township's attention. The ordinance is a work in progress and will be submitted, when in its final version, to the Township Committee for introduction and adoption.

L. King stated he found an article in the NY Times that is only two pages long and seems to be a balanced presentation.

D. Laudenbach will scan and provide a copy of the article to the Board members.

### **Approval of Minutes**

It was moved by D. Haywood, seconded by J. Golden and carried to approve the minutes of October 15, 2014 and place on file with the following corrections:

Pages 2 & 3 – Under Well Ordinance – Three Part Pump Test Notification.

Section 153-26.C.1 – remove *return receipt requested*

Section 153-28.A.1 – remove *return receipt requested*

Section 153-29.F.1 – remove *return receipt requested*

Section 153-26.C.1 - *Removed bold for "regular mail"*

All members present voted **AYE** on **ROLL CALL VOTE**.

### **CORRESPONDENCE**

**PRIVILEGE OF THE FLOOR**

**ADJOURNMENT**

It was moved by J. Golden, seconded by R. Patel and carried to adjourn the meeting at 8:20 PM. All members present voted **AYE**.

**Respectfully submitted,**

**Diane Laudenschach, Secretary**