

**Rochesterians Concerned About Unsafe Shale-gas Extraction  
MORATORIA, BANS, RESOLUTIONS OPPOSED TO HYDROFRACKING: a local  
and global sampling**

*Compiled by Joe Hoff, Chairman of Keuka Citizens Against Hydrofracking, as of January 6, 2012*

**New York State:**

- **Two legislative bills on hydrofrack drilling were considered by the legislature. The Assembly passed an extension of the current moratorium through June of 2012. The Senate did not act on a parallel bill and the issue is closed for the present.**
- **Yates County resolution unanimously passed calls for similar protection treatment of their watershed as that in NYC and Syracuse watersheds.**
- **The Town of Jerusalem (Yates) enacted a moratorium ordinance for their entire township. The one-year moratorium begins when the Supplemental Generic Environmental Impact Statement (SGEIS) relating to the extraction of natural gas by the process of high-volume hydraulic fracturing now under review by the New York State Department of Environmental Conservation is finalized.**
- **The Village of Penn Yan will not accept any hydrofracking wastewater for processing at the village wastewater treatment plant.**
- **A consortium of interested citizens is planning for a unified moratorium and eventual ban of hydrofrack drilling in the entire Keuka Lake watershed region. To date the towns of Barrington, Jerusalem and Milo have adopted moratoria ordinances. Barrington has also decided that they would like to prohibit the storage of industrial waste in landfills.**
- **Dewitt, Tully, Marcellus and Skaneateles have enacted moratoria laws.**
- **The Town of Highland (Sullivan Co) has a 6 month moratorium while their Comprehensive Management Plan is re-written to explicitly prohibit heavy industrial uses and adopt a zoning ordinance similar to the Town of Ulysses.**
- **Buffalo has banned hydrofrack drilling and wastewater disposal in their city.**
- **Lumberland and Tusten (Sullivan County) have rewritten their comprehensive plans to prohibit heavy industrialization similar to the Town of Ulysses. Tusten's zoning law has prohibitions against high impact industrial activity including gas drilling.**
- **The Town of Ulysses clarified in zoning that gas drilling is one of the prohibited uses, as are many other uses. In their zoning ordinances, if an activity is not specifically mentioned as allowed, then it is prohibited. There are no heavy industrial zones in Ulysses.**
- **Broome County: Ban on hydrofracking on county lands. Waste restrictions for fracking cuttings and flow back water established.**
- **Dutchess, Ontario, Onondaga, Sullivan, Tompkins, and Ulster Counties have enacted bans on fracking on county-owned land.**

- **Gorham (Ontario County) enacted a moratorium ordinance.**
- **The towns that ring Cooperstown's reservoir, Otsego Lake -- Middlefield, Otsego, Butternuts, and Cherry Valley -- are moving to ban or restrict natural gas drilling and high-volume hydraulic fracturing. Middlefield has banned heavy industry including gas drilling.**
- **Springfield has adopted local laws prohibiting heavy industry, including gas drilling.**
- **The Medical Society of the State of New York has gone on record supporting a moratorium on gas drilling using high volume hydraulic fracturing.**
- **Cooperstown's Chamber of Commerce has issued a position statement supporting a total ban on fracking due to the impact it will make on their watershed, farming and tourism.**
- **A group of residents have launched a petition drive designed to ban the use of high-volume, slick water hydraulic fracturing in the Town of Caroline (Tompkins County).**
- **New York City has called on the US Congress to remove hydrofrack drilling's exemption from the Safe Water Drinking Act.**
- **The Skaneateles Town Board has initiated plans for a ban in their township.**
- **The Otsego County Planning Board approved changes to Middlefield's master plan and zoning law that would specifically prohibit heavy industry, including gas and oil drilling.**
- **The Board of Trustees of Bassett Medical Center, based in Cooperstown, New York, views the issue of hydrofracking as a public health issue of the highest priority and resolves that the hydrofracking method of gas drilling constitutes an unacceptable threat to the health of patients, and should be prohibited until such time as it is proven to be safe. The Bassett Healthcare Network is responsible for the health care of a significant proportion of the population of eight counties in central New York.**
- **Alfred, in Allegany County, has enacted a one-year moratorium. Following its neighbor's lead, Almond, is preparing an ordinance for a one-year moratorium as well.**
- **Lebanon Town Board members adopted a memorializing resolution that calls on the New York State Legislature and Governor Andrew Cuomo to repeal and reform compulsory integration laws in the State of New York that currently govern natural gas development.**
- **A petition drive resulted in the Dryden Town Board unanimously passing a resolution to move forward with an ordinance to ban fracking. A Denver-based natural-gas company, Anschutz Exploration Corp., has filed the first lawsuit against a local drilling ban in New York in the Tompkins County State Supreme Court to have the town of Dryden's ban struck down.**

- **The Croton Watershed Clean Water Coalition, Inc. has sued the Department of Environmental Conservation (DEC) in New York State Supreme Court to declare High Volume Horizontal Hydraulic Fracturing in New York State Forests contrary to the New York State Constitution and applicable environmental laws.**
- **The Otsego Town Board clarified a long-standing prohibition against heavy industry, including fracking for natural gas, in the town's land use law. By this vote the town, which includes most of the Village of Cooperstown, reaffirmed its home rule right to prohibit drilling through local ordinance. They also approved revisions to its land-use law that strengthen a ban on gas drilling and hydrofracking within the town. The law now specifies that while the removal of gravel, rock, stone, sand, fill, topsoil or "unconsolidated" minerals has been allowed, extraction of natural gas and petroleum is not permitted.**
- **The Common Council of Oneonta voted to ban all forms of natural gas drilling in city limits.**
- **The Town of Wales adopted a community rights ordinance that bans “fracking.” The ordinance establishes a Bill of Rights for Wales residents and “recognizes and secures certain civil and political rights of the residents to govern themselves and protect themselves from harm to their persons, property and environment.”**
- **The exploration of land for natural gas by horizontal drilling and hydraulic fracturing is prohibited in the Town of Camillus.**
- **Brighton became the first municipality in Monroe County to take a position on hydrofrack drilling calling for a state-wide moratorium. [/uploads/8/0/2/5/8025484/6.8.11-8--sfrevisionshydraulicfracturing\\_1.doc](#)**
- **Kirkland has adopted a one-year moratorium on hydrofracking.**
- **New Hartford has adopted a six-month moratorium on hydrofrack drilling for natural gas.**
- **The city of Auburn is banning natural gas-drilling wastewater from its treatment plant and will no longer accept water from natural gas wells. Onondaga County has also done so.**
- **Damascus Citizens for Sustainability filed a lawsuit against the DRBC (NEPA EIS Cases v. DRBC & Other Federal Agencies [Federal Court]) for failure to include an Environmental Impact Assessment as required by the National Environmental Policy Act before proposing gas drilling regulations for the watershed. THE DCS lawsuit focused on the impacts on human health that should have been assessed before regulations were formulated. The DCS' suit and Delaware Riverkeeper's suit are now consolidated with the NY Attorney General's suit.**
- **The Ithaca Town Board has amended the town's zoning law to become the first municipality in Tompkins County to ban gas drilling within its borders.**
- **The Town of Cherry Valley passed a comprehensive zoning law effectively outlawing**

**new gas drilling and gas processing facilities.**

- **Geneva has enacted a law banning fracking in their municipality.**
- **Virgil banned drilling in much of its aquifer protection district.**
- **The Sullivan County Supreme Court has permanently enjoined Cabot Oil from "exploring, drilling, producing and marketing oil and natural gas and other hydrocarbons" within a residential subdivision in the Sullivan County town of Tusten. While this decision concerns home owner covenants rather than zoning, the underlying principal is the same: communities have the right to protect the health, safety and quality of life of their residents in the face of drilling practices such as hydrofracking despite the insistence by the drilling industry and some public officials that communities have no such rights.**
- **Niles in Allegany County has recently added their moratorium to the growing list in New York State.**
- **Spafford in Onondaga County did so as well.**
- **Jordan Elbridge in Onondaga County joined its neighbors and has a moratorium until September.**
- **Danby in Tompkins County passed unanimously their ban.**
- **Torrey has passed a resolution to draft a moratorium. This declaration is not just an indication of intent but gives them time in order to do so.**
- **More than 250 pediatricians, family practitioners, otolaryngologists, endocrinologists, oncologists and other doctors, along with the medical societies of at least seven upstate counties and the regional office of the American Academy of Pediatricians, wrote to Governor Cuomo warning that the state has failed to analyze public health impacts of HVHF in its rush to approve permits for drilling. "We are greatly concerned about the omission of a critical issue related to the development of natural gas using high-volume hydraulic fracturing, or fracking: human health impacts" they wrote. Noting that HVHF will likely increase health care costs, as well as mitigating water and air pollution, the medical authorities called on the governor to immediately request an independent school of public health to conduct a Health Impact Assessment (HIA) since the state's Department of Health has said it is unwilling to do so.**
- **Plainfield has a ban in place.**
- **Cortlandville has a moratorium in effect.**
- **Moratoria already in place are in Augusta, Marshall, New Hartford, Paris and Vernon.**
- **Middlesex Town Board has implemented a year-long moratorium.**
- **The Town of Onondaga in Onondaga County has enacted a moratorium.**
- **The Albany Common Council has voted to pass the banning of hydrofracking in the**

city yet the Mayor vetoed the citywide ban. Observers await the next steps.

- **The Town of Richmondville in Schoharie County has officially moved to pass a ban using local zoning.**
- **The Naples Village Board passed a moratorium keeping hydrofracking out of the village for one year.**
- **Utica has enacted a moratorium, and has also petitioned the governor to exempt the Utica watershed.**
- **The Yates County Farm Bureau recently took a stand in favor of conventional gas drilling, but is opposed to HVHF in gas exploration until it can be done safely.**
- **Rome is waiting only for the SEQR to come back to hold the final vote on its outright ban.**
- **Syracuse lawmakers voted unanimously to ban natural gas drilling. Syracuse thus joins Albany and Buffalo among major Upstate cities to ban hydrofracking. The new law also prohibits storage of fracking fluids within the city limits, as well as city-owned lands outside of Syracuse.**
- **The Town Board of the Town of Canandaigua calls on Governor Cuomo and Legislature of New York State to apply the same standards of prohibiting high volume hydraulic fracturing to the Canandaigua Lake watershed and all the Finger Lakes watersheds that the DEC has indicated it will apply to the New York City and Syracuse watersheds.**
- **The town of Summerhill, Cayuga County, approved a ban on gas drilling. Rather than prohibit hydrofracking through zoning, the law indicates the "the town can use its police power and its power to prohibit public nuisance to protect the health, safety and welfare of the current and future residents of the town." It is reported that the town used this option because it does not have a comprehensive plan or zoning code.**
- **The Board of Directors of the Canandaigua Lake Watershed Association has voted unanimously to oppose hydraulic fracturing drilling for natural gas in the watershed.**
- **The Delaware River Basin Commission decided to postpone a vote on whether to finally release new drilling rules for land inside of the DRBC's jurisdiction. The dominoes began to fall when Governor Jack Markell announced that Delaware would vote against the plan to allow gas development to commence in the Delaware River Watershed. New York had earlier stated that they were voting "NO" on the proposal. Apparently, the Commission did not feel they had the three votes needed to move the proposal forward. The Delaware River Basin Commission is composed of the Governors of the four states that drain into the Delaware River: New York, New Jersey, Pennsylvania and Delaware and a federal representative, the Army Corps of engineers for the Obama Administration.**
- **The town of Andes, Delaware County, passed a six-month moratorium on heavy industry in mid-November and a draft for a permanent ban has been developed.**

- **Add Manheim to the list of towns considering a moratorium on hydraulic fracturing in that the town needs more time to study the process and to look into potential zoning regulations such as how to protect town roads from heavy industrial traffic.**
- **The Canandaigua Town Board passed an 18-month moratorium banning natural gas and petroleum activities including high volume hydraulic fracturing.**
- **Movement toward moratoria/bans are underway in Ava, Bethel, Big Flats, Blenheim, Camden, Carlisle, Cobleskill, Columbus, Croton, Enfield, Groton, Hector, Highland, Horseheads, Little Falls, Maryland (Otsego County), Middleburgh, Milford, Morris, New Lisbon, Plymouth, Saugerfield, Seward, Sharon, Smithville, Starkey, Vestal, Vienna, Wayne, and Westford.**
- **Tompkins County has enacted a ban on fracking on county land. They also passed a law requiring any company involving "high-frequency, high impact truck traffic" to obtain a permit and pay for any road damage. They have passed resolutions banning fracking in the county and Finger Lakes region and endorsing some rule authority regarding local land use and gas drilling**
- **Livingston County municipalities (and communities in adjoining counties) are taking hold of the momentum that is building in upstate New York and the Finger Lakes region. Action resolutions to draft moratoria have been approved in Avon, Dansville and Richmond. Canadice, Sparta, Nunda, Canaseraga, Mt. Morris and Geneseo are actively investigating the drafting of moratoria while South Bristol and East Sparta are redrafting statements for review by their town boards. Lima is strengthening existing zoning which already excludes heavy industry.**
- **Livonia and Conesus have approved a 12-month moratorium and South Dansville has scheduled their vote for January 2012.**
- **New Lisbon has instituted a prohibition against fracking and heavy industry.**
- **Residents in Hector expressed overwhelming support through a petition campaign for a moratorium against fracking in their municipality.**
- **Binghamton has approved a two-year moratorium leaving Rochester as the only remaining large municipality in western New York State to not have taken action to protect the health, welfare and safety of its residents against fracking.**
- **Brighton becomes the first town in Monroe County to approve a moratorium. The moratorium give this town a window to consider changes in town zoning rules that could ban it completely.**
- **As the Jan. 11 deadline for public feedback of hydraulic fracturing in New York approaches, a bevy of bakers, chefs and restaurateurs (*Chefs for Marcellus*) have formed a coalition to raise awareness about the threat they say the natural gas drilling technique poses to one of New York's most cherished institutions: its stomach. Many restaurants source their ingredients from farms in areas on or near the Marcellus Shale, leading the chefs to fear that the groundwater could become contaminated if fracking is allowed in New York.**

## **PENNSYLVANIA:**

- **Pittsburgh adopts the first-in-the-nation community rights ordinance which elevates the right of the community to decide, and the rights of nature over the “rights” associated with corporate personhood. The City Council unanimously adopted this ordinance banning corporations from conducting natural gas drilling in the city.**
- **Luzerne County Lehman Township, ordinance calling for “home rule” and a ban on drilling within their surrounding township area.**
- **The Board of Supervisors for Licking Township, Clarion County, PA, voted unanimously on Wednesday to adopt an ordinance banning corporations from dumping “fracking” wastewater in the township. The Licking Township Community Water Rights and Self-Government Ordinance is the first ordinance of its kind adopted in Pennsylvania to confront the threat of Marcellus Shale drilling.**
- **Cresson has enacted legislation banning fracking.**
- **Washington Township has banned fracking.**
- **Philadelphia, Pennsylvania City Council unanimously passed the pro-moratorium Resolution on Marcellus Shale Drilling Environmental and Economic Impacts.**
- **The Borough Council of West Homestead, Pennsylvania, unanimously adopted an ordinance that enacts a Local Bill of Rights, along with a prohibition on natural gas extraction to protect those rights. The bill, titled “West Homestead Borough’s Community Protection from Natural Gas Extraction Ordinance; establishes specific rights of West Homestead residents, including the Right to Water, the Rights of Natural Communities, the Right to a Sustainable Energy Future, and the Right to Community Self-Government.**
- **Philadelphia refuses to purchase Marcellus Shale gas as the dumping of flow back waters is polluting their water supply.**
- **Collier Township upgraded its natural gas drilling ordinance to enhance their Marcellus Shale ordinance that would push drillers farther away from schools and provide baseline measurements for noise levels at drilling sites.**
- **United Methodists representing 950 churches across central and Northeast Pennsylvania passed a resolution calling for a temporary halt in gas well drilling in the Marcellus Shale as well as an impact tax on those places where drilling already has taken hold.**
- **Religious groups such as the Sisters of Saint Francis of Philadelphia have advocated against fracking and in April, 2011, America, the national magazine of the Jesuits editorialized very critically about the process.**
- **Baldwin Borough Council adopted a community rights ordinance that bans the corporate extraction of natural gas.**

- **Wilkesburg Borough Council unanimously adopted a community rights ordinance that bans gas drilling.**
- **In Peters Township, a community whose rolling hills are dotted with newly built homes, small farms and two country clubs, residents will vote this fall on a local bill of rights that would ban gas extraction, a move proponents say is necessary to guarantee residents the right to clean water and air.**
- **A statewide interfaith organization has introduced questions of morality and climate change into the debate about Marcellus Shale gas well development. Pennsylvania Interfaith Power and Light will issue a four-page "ethical analysis" that declares its opposition to development of the deep and massive shale gas play because it is not part of a strategy to end fossil fuel use, creates too many environmental and health risks, and perpetuates the "boom and bust" cycles of other, earlier extractive industries in the state.**
- **Forest Hills Council unanimously passed an ordinance banning natural gas drilling in the borough.**
- **Philadelphia's City Council unanimously passed a resolution to sue the Delaware River Basin Commission, demanding cumulative impacts of high-volume hydraulic fracturing be studied, essentially forbidding fracking. All seventeen members of the council voted in favor of a resolution which joins the City of Philadelphia as a Friend of the Court, together with lawsuits already filed by the Attorney General of the State of New York, the Delaware Riverkeeper Network, and other parties, in suing the Delaware River Basin Commission (DRBC). Philadelphia is joining these lawsuits to require, according to the resolution "that no drilling of Marcellus Shale take place until a full environmental analysis is completed."**

#### **ARKANSAS:**

- **A class-action lawsuit has been filed against companies that drill for natural gas in central Arkansas. The suit is asking for millions of dollars in relation to the earthquakes associated with the fracking process the companies use. The damages enumerated in the suit are property damage, loss of fair market value in real estate, emotional distress, and damages related to the purchase of earthquake insurance.**

#### **MARYLAND:**

- **The first community in Maryland, Mountain Lake Park, adopted an ordinance banning corporations from natural gas drilling.**
- **Attorney General Douglas F. Gansler has sent a letter to Chesapeake Energy Corporation and its affiliates, notifying the companies of the State of Maryland's intent to sue for violating the federal Resource Conservation and Recovery Act (RCRA) and the Clean Water Act (CWA).**
- **Governor Martin O'Malley has signed an executive order for a three year moratorium on drilling in MD while studies continue.**

#### **MICHIGAN:**

- **The City of Detroit and County of Wayne have passed resolutions banning fracking!.**

**They are the first in the state to do so.**

**NEW JERSEY:**

- **The New Jersey Assembly voted to ban hydraulic fracturing in NJ in a bipartisan overwhelming vote (58 to 11, 8 abstained), following the landslide vote 32-1 earlier in the day by the NJ Senate. New Jersey is the first state legislature to ban fracking. However, Gov. Chris Christie has recommended a one-year ban on a natural gas drilling disappointing citizens who wanted a permanent ban.**
- **In a move that may be more symbolic than substantive, a legislative committee yesterday voted to prohibit New Jersey's sewage treatment plants from accepting wastewater from operations drilling for natural gas in Marcellus Shale deposits in Pennsylvania and other states. The legislation, narrowly approved by the Assembly Environment and Solid Waste Committee, is unlikely to win final legislative approval in the lame duck session, but both proponents of the bill and foes agreed it would send a signal that New Jersey steadfastly opposes the controversial method of extracting natural gas.**

**NORTH CAROLINA:**

- **North Carolina's Governor Bev Perdue vetoed a state senate bill that would have allowed fracking in the state.**

**NORTH DAKOTA:**The Turtle Mountain Band of Chippewa has banned and want to stop a federal auction that would open drilling on the north-central North Dakota reservation

**OHIO:**

- **Wellsburg City Council approved an ordinance prohibiting natural gas drilling in or within one mile of the city as concerns mounted about the city's water being contaminated by procedures in hydrofrack drilling. A reservoir serving the city is beside property that Chesapeake Energy is leasing for drilling.**

**VIRGINIA:**

- **George Washington National Forest has disallowed horizontal drilling for natural gas within its 1.1 million acres of territory while opening up segments of the forest to the potential for wind energy construction.**

**TEXAS:**

- **Texas Gov. Rick Perry has signed a bill requiring drillers to publicly disclose the chemicals they use when extracting oil and gas from dense rock formations, the first state to pass such a law.**

**WEST VIRGINIA:**

- **Wellsville has banned fracking.**
- **Lewisburg has banned fracking within their city limits.**
- **Morgantown banned fracking in the city and within one mile of the city limits as well. Morgantown is keeping a municipal ban on Marcellus Shale gas drilling and hydraulic fracturing on the books even though a judge has declared it unconstitutional and unenforceable. The City Council has rejected a motion to rescind the ban for the second time in two months.**

## **CANADA**

### **BRITISH COLUMBIA:**

- **First Nations People in NW British Columbia enacted a four year moratorium against drilling for natural gas by Royal Dutch Shell in the Sacred Headwaters. Members of the Tahltan First Nation are blockading Shell's coal bed methane project in the Sacred Headwaters, the birthplace of the Skeena, Nass and Stikine Rivers.**

### **NOVA SCOTIA:**

- **Nova Scotia citizens call for ban on Nova Scotia fracking. Graham Hutchinson says the province should impose a moratorium on the controversial practice. The group recently presented a petition to Energy Minister Charlie Parker calling for a ban.**

**ONTARIO:**• **The Niagara-on-the-Lake town council unanimously passed a resolution calling for a province and nation-wide moratorium on hydraulic fracturing and on the treatment of the wastewater by-products of hydraulic fracturing within the Great Lakes Basin. The resolution calls for a dialogue between US, Canadian, and Indigenous governments on the "full consideration of the human and environmental impacts" of fracking and treating fracking wastewater in the Great Lakes.**

### **QUEBEC:**

- **The Quebec government is putting the brakes on shale-gas drilling and exploration in the province, following the release of a special committee report saying such work should be delayed until the government can do a strategic environmental evaluation. "There will be no compromises on health and the environment," the minister said. Premier Jean Charest has said the development of a shale-gas industry must be done "correctly" or it will not be done at all.**

**EUROPE:**• **A European Union report says "ban fracking." In a study requested by the European Parliament's Committee on Environment, Public Health and Food Safety, scientists conclude that *"at a time when sustainability is key to future operations it can be questioned whether the injection of toxic chemicals in the underground should be allowed, or whether it should be banned as such a practice would restrict or exclude any later use of the contaminated layer... and as long-term effects are not investigated."* A spokesperson said... *"It is ironic that the Petroleum Exploration and Production Association (PEPANZ) issued a position paper glorifying fracking as the savior of the world's energy problems within hours of a European Union requested study that considers banning the practice outright across Europe"*.**

### **ENGLAND:**

- **London, England - A mining company has halted drilling for shale gas in England after scientists said two small earthquakes might be linked to the controversial process, known as "fracking".**

### **FRANCE:**

- **The French Parliament and Senate have voted to ban hydraulic fracturing or fracking. France is the first country in Europe to ban the controversial practice that involves using 'slick' water a combination of water, chemicals and mud, to fracture the rock with hairline cracks and prop open underground fissures.**

**IRELAND:**• **Northern Ireland's Assembly has passed a moratorium on fracking pending environmental assessment.**

**SOUTH AFRICA:**

- **A countrywide moratorium against hydrofracking has been implemented.**

**SWITZERLAND:** • **In April, authorities in the Swiss Canton of Fribourg suspended all authorizations to prospect for shale gas on its territory for an undetermined period.**

**Compiled by Joe Hoff,  
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