

Meeting Date
May 3, 2016



AGENDA	
Section	Public Hearing
Item No.	IV.A.

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	RE-ADOPTION OF ORDINANCE PROHIBITING ANY OIL AND GAS EXPLORATION THAT USES WELL STIMULATION WITHIN THE BOUNDARIES OF BREVARD COUNTY, FLORIDA
DEPT/OFFICE:	County Attorney's Office

Requested Action:

Pursuant to Resolution 2016-024 adopted March 1, 2016, the Board of County Commissioners requested creation of an ordinance prohibiting any oil and gas exploration that uses well stimulation within the boundaries of Brevard County, Florida. That ordinance must be re-adopted at a new public hearing.


Summary Explanation & Background:

On March 1, 2016, the Board of County Commissioners, in regular session, adopted Resolution 2016-024 regarding local regulation of oil and gas exploration techniques commonly called hydraulic fracking. The Board further adopted legislative intent for the creation of an ordinance prohibiting hydraulic fracking in Brevard County.

On March 15, 2016, the Board, in regular session, held a public hearing on the proposed ordinance and voted to approve. Due to a miscommunication between clerk and county staff, a certified copy of the ordinance was not timely filed with the state; therefore, the ordinance did not become effective. Statutory ordinance enactment procedures require a second advertised public hearing to complete the enactment of the proposed ordinance. The attached testimony and evidence presented at both the March 1st and March 15th meetings is part of the public record supporting enactment of the proposed ordinance at the May 3, 2016 Board meeting.

Clerk to the Board Instructions:

Exhibits Attached: Proposed ordinance prohibiting hydraulic fracking in Brevard County; Minutes and evidence from March 1st and March 15th Board meetings

Contract / Agreement (If attached): Reviewed by County Attorney		Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
County Manager	Assistant County Manager	Department Director / Extension		Scott Knox/52090			
Stockton Whitten	Assistant County Manager						



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

May 4, 2016

MEMORANDUM

TO: Scott Knox, County Attorney

RE: Item IV.A., Re-Adoption of Ordinance Prohibiting Any Oil and Gas Exploration that Uses Well Stimulation Within the Boundaries of Brevard County, Florida

The Board of Commissioners, in regular session on May 3, 2016, adopted Ordinance No. 16-04, prohibiting any oil and gas exploration that uses well stimulation within the boundaries of Brevard County, Florida. Enclosed is a certified copy of the Ordinance.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/cm

Encl. (1)

cc: Planning and Development Director



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 4, 2016

Honorable Scott Ellis
Clerk
Board of County Commissioners
Brevard County
Post Office Box 999
Titusville, Florida 32781-0999

Attention: Ms. Deborah Thomas, Administrative Assistant

Dear Mr. Ellis:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Brevard County Ordinance No. 2016-04, which was filed in this office on May 4, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

ORDINANCE NO. 2016-04

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, PROHIBITING ANY OIL AND GAS EXPLORATION THAT USES WELL STIMULATION WITHIN THE BOUNDARIES OF BREVARD COUNTY, FLORIDA; CREATING CHAPTER 46, ARTICLE IX. OIL AND GAS WELL STIMULATION PROHIBITED; CREATING SEC. 46-375 PURPOSE AND SCOPE; CREATING SEC. 46-376 DEFINITIONS; CREATING SEC. 46-377 WELL STIMULATION PROHIBITED; CREATING SEC. 46-378 ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR RESOLUTION OF CONFLICTING PROVISIONS; PROVIDING FOR AREA ENCOMPASSED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board seeks to protect the water resources of Brevard County from potential contamination by carcinogenic chemicals; and

WHEREAS, oil and gas well stimulation, including hydraulic fracturing, acidizing and acid fracturing, is performed by injecting fluid into a rock formation in order to increase production at an oil or gas well; and

WHEREAS, oil and gas well stimulations involve the use of chemical combinations from a list of hundreds of chemicals, some of which are determined by the Center for Disease Control (CDC) to be carcinogenic or which could otherwise pose a widespread and significant risk to public health, safety, and the environment; and

WHEREAS, use of these hydraulic fracturing mixes exposes 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, well stimulation through hydraulic fracturing 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,
OFFICIALLY FILED WITH THE SECRETARY OF STATE ON 5/4/16

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and the National Environmental Protection Act; and

WHEREAS, much of Florida's water supply comes from aquifers in highly-permeable limestone formations which are vulnerable to contamination from hydraulic fracturing activities; and

WHEREAS, Florida's oil and gas regulations, Chapter 377, Florida Statutes, and Rules 62C-25 through 62C-30, Florida Administrative Code, make no reference to hydraulic fracturing or other well stimulation techniques; and

WHEREAS, fracking requires the use of hundreds of thousands to millions of gallons of water for each fracking event, and Florida Water Management Districts have declared an insufficient water supply for growth in the Central Florida region; and

WHEREAS, the residents of Brevard County have a reasonable expectation that their local governments will endeavor to protect their health and welfare, along with that of the community environment; and

WHEREAS, on March 1, 2016, the Board adopted Resolution 2016-024 urging the Florida Legislature to not enact laws preempting local authority to regulate oil and gas exploration practices, including hydraulic fracturing and well stimulation; urging the Florida Legislature to enact a moratorium on the use of hydraulic fracturing and well stimulation until scientific study and evaluation proves that they do not pose a significant and harmful risk to water supplies or to public health, safety or the environment; and urging the U.S. Environmental Protection Agency to intervene should the Florida Legislature fail to enact legislation that protects Florida residents and the environment from the harms associated with hydraulic fracturing and well stimulation; and

WHEREAS, the Board has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA:

SECTION 1. Chapter 46, Article IX. Oil and Gas Well Stimulation Prohibited. is hereby created.

SECTION 2. Chapter 46, Article IX, Sec. 46-375. Purpose and scope, is hereby created as follows:

Sec. 46-375. Purpose and scope.

It is the purpose and intent of the Board to prohibit all oil and gas well stimulation activities within the boundaries of Brevard County, Florida.

SECTION 3. Chapter 46, Article IX, Sec. 46-376 Definitions, is hereby created as follows:

Sec. 46-376. Definitions.

The following words, terms, and phrases shall apply in the application, interpretation and enforcement of this Division:

Hydraulic fracturing means the process by which fractures in the earth's subsurface are widened by injection of water, chemicals, or both, under high pressure used in the extraction of oil and gas.

Matrix stimulation means the injection of any acid into a well to break up impediments without fracturing the well.

Well stimulation means any process of using vast amounts of water, chemicals, or both, injected into the ground as a means of oil and gas exploration, including but not limited to hydraulic fracturing and matrix stimulation. Well stimulation does not include routine well cleaning that does not affect the integrity of the well or formation.

SECTION 4. Chapter 46, Article IX, Sec. 46-377, Well stimulation prohibited, is hereby created as follows:

Sec. 46-377. Well stimulation prohibited.

(a) No person or entity may engage in any oil and gas exploration or production that utilizes well stimulation within the boundaries of Brevard County, Florida.

(b) No person or entity may engage in oil or gas exploration or production utilizing well stimulation techniques originating outside of the boundaries of Brevard County, Florida that in any way enters onto, into, or under the ground within the boundaries of Brevard County.

SECTION 5. Chapter 46, Article IX, Sec. 46-378 Enforcement, is hereby created as follows:

Sec. 46-378. Enforcement.

The Brevard County Attorney's Office, or special counsel as otherwise authorized, is authorized to pursue temporary or permanent injunctive relief or any other legal or equitable remedy authorized by law in courts of competent jurisdiction to cure, remove or end any activity which violates this Division.

Section 6. Severability. If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalid or unconstitutional portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the other portions of this ordinance, provided the remaining portions effectuate the purpose and intent of this ordinance.

Section 7. Inclusion in Code. It is intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida, and that the sections of this

ordinances may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.


Section 8. Conflicting Provisions. In the case of a direct conflict between any provisions of this ordinance and a portion or provision of any other appropriate federal, state, or county law, rule, code or regulation, the more restrictive shall apply.

Section 9. Area Encompassed. This ordinance shall take effect throughout the incorporated and the unincorporated areas of Brevard County, Florida.

Section 10. Effective Date. This ordinance shall take effect upon adoption and filing as required by law. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment.

DONE, ORDERED AND ADOPTED, in regular session, this 3rd day of May, 2016.

ATTEST:



Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 

Jim Barfield, Chairman

As approved by the Board on May 3, 2016



Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: B.O.C.C. COUNTY MANAGER'S OFF
Address: 2725 JUDGE FRAN JAMIESON WAY
MELBOURNE FL 32940
USA

Ad No.: 0001214556
Pymt Method: Invoice
Net Amt: \$159.20

Run Times: 1

No. of Affidavits: 1

Run Dates: 04/21/16

Text of Ad:

AD#1214556 4/21/2016
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Brevard County, Florida, on May 3, 2016 at 9:00 a.m., in the Commission Room at 2725 Judge Fran Jamieson Way, Building C, First Floor, Viera, FL, 32940, will hold a public hearing on the following ordinance:

ORDINANCE NO. 2016-_____
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, PROHIBITING ANY OIL AND GAS EXPLORATION THAT USES WELL STIMULATION WITHIN THE BOUNDARIES OF BREVARD COUNTY, FLORIDA; CREATING CHAPTER 46, ARTICLE IX, OIL AND GAS WELL STIMULATION PROHIBITED; CREATING SEC. 46-375 PURPOSE AND SCOPE; CREATING SEC. 46-376 DEFINITIONS; CREATING SEC. 46-377 WELL STIMULATION PROHIBITED; CREATING SEC. 46-378 ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR RESOLUTION OF CONFLICTING PROVISIONS; PROVIDING FOR AREA ENCOMPASSED; AND PROVIDING FOR AN EFFECTIVE DATE.

All persons for or against said ordinance can be heard at said time and place. If a person decides to appeal any decision made by the Board with respect to such hearing or meeting, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The needs of hearing or visually impaired persons shall be met if the department sponsoring the Public Hearing is contacted at least 48 hours prior to the public meeting hearing by any person wishing assistance. The sponsoring department is the County Attorneys Office, 633-2090.

A copy of the ordinance may be inspected at the following locations:

Brevard County Government Center,
Building C Clerk to the Board of County Commissioners
Central Brevard Library
Law Library North Brevard Government Complex,
Tax Collector Merritt Island Service Complex,
Supervisor of Elections South Brevard Service Complex,
Supervisor of Elections

By order of the Board of County Commissioners of Brevard County, Florida

Meeting Date
May 3, 2016



AGENDA	
Section	Public Hearing
Item No.	

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	RE-ADOPTION OF ORDINANCE PROHIBITING ANY OIL AND GAS EXPLORATION THAT USES WELL STIMULATION WITHIN THE BOUNDARIES OF BREVARD COUNTY, FLORIDA
DEPT/OFFICE:	County Attorney's Office

Requested Action:

Pursuant to Resolution 2016-024 adopted March 1, 2016, the Board of County Commissioners requested creation of an ordinance prohibiting any oil and gas exploration that uses well stimulation within the boundaries of Brevard County, Florida. That ordinance must be re-adopted at a new public hearing.

Summary Explanation & Background:


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On March 15, 2016, the Board, in regular session, held a public hearing on the proposed ordinance and voted to approve. Due to a miscommunication between clerk and county staff, a certified copy of the ordinance was not timely filed with the state; therefore, the ordinance did not become effective. Statutory ordinance enactment procedures require a second advertised public hearing to complete the enactment of the proposed ordinance. The attached testimony and evidence presented at both the March 1st and March 15th meetings is part of the public record supporting enactment of the proposed ordinance at the May 3, 2016 Board meeting.

Clerk to the Board Instructions:

Exhibits Attached: Proposed ordinance prohibiting hydraulic fracking in Brevard County; Minutes and evidence from March 1st and March 15th Board meetings

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager	Assistant County Manager	Department Director / Extension Scott Knox/52090 
Stockton Whitten	Assistant County Manager	

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WHEREAS, well stimulation through hydraulic fracturing 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,

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and the National Environmental Protection Act; and

WHEREAS, much of Florida's water supply comes from aquifers in highly-permeable limestone formations which are vulnerable to contamination from hydraulic fracturing activities; and

WHEREAS, Florida's oil and gas regulations, Chapter 377, Florida Statutes, and Rules 62C-25 through 62C-30, Florida Administrative Code, make no reference to hydraulic fracturing or other well stimulation techniques; and

WHEREAS, fracking requires the use of hundreds of thousands to millions of gallons of water for each fracking event, and Florida Water Management Districts have declared an insufficient water supply for growth in the Central Florida region; and

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10.A
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ordinances may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

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Section 9. Area Encompassed. This ordinance shall take effect throughout the incorporated and the unincorporated areas of Brevard County, Florida.

Section 10. Effective Date. This ordinance shall take effect upon adoption and filing as required by law. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment.

DONE, ORDERED AND ADOPTED, in regular session, this 3rd day of May, 2016.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

By: _____
Jim Barfield, Chairman

As approved by the Board on May 3, 2016

RECORD AND MINUTES

MARCH 1, 2016

AGENDA ITEM IV.F.1.

Meeting Date
03/01/2016



Add ON

AGENDA	
Section	New Business
Item No.	VI F 1

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	SB318 Pro-Fracking in Florida
DEPT/OFFICE:	Citizen Request / League of Women Voters of the Space Coast
Requested Action:	
<p>BCC immediately go on record by adopting the attached resolution opposing SB318 on March 1, 2016. We also urge you to move as quickly as possible to adopt an ordinance to protect our community, our property rights and property values, our lagoon, and our drinking water against the risks of fracking. We believe it is better to be safe than sorry. Attached is the anti-fracking ordinance adopted by Volusia County. We urge you to strengthen our zoning laws to keep fracking out of our county. We urge you to contact Senator Tom Lee and Senator Altman who are on the appropriations committee and ask them to vote no on SB318.</p>	
Summary Explanation & Background:	

SB 318 is expected to pass in the Florida Legislature next week. This bill will allow fracking; a process that involves extracting petroleum and natural gas by injecting hundreds of thousands if not millions of gallons of water with toxic chemicals into underground rock formations to crack, or fracture the strata and then pump the fuels to the surface. The polluted waste water is usually disposed of by deep well injection and cannot be recycled and reused. Furthermore, this proposed legislation SB318 strips local government of home rule authority.

SB 318 prohibits local governments from adopting ordinances banning the use of well stimulation (SB 318 lines 90-106) and removes the existing authority municipalities have to approve or deny drilling permits by resolution (SB 318 lines 431-438). Instead, local governments will only receive notification of permit applications and have an opportunity to comment (SB 318 lines 431-438 and 471-472) but the state wouldn't necessarily have the legal authority to regulate or deny applications based on those concerns if they pertained to zoning, land use, or issues outside the state permitting process. There are situations where certain drilling activities or projects will simply be incompatible with surrounding land uses—no matter the restrictions placed on the activity. An example being in 2013 when an oil well was proposed within 1,000 feet of residential homes in Collier County, no amount of permit conditions or restrictions would have eliminated the noise, air pollution, decline in home values, and damage to residential roadways that would have resulted if that well application had proceeded.^[3] SB 318 contains no language or buffer zones to address land use compatibility, and would take away local governments' ability to say no to incompatible oil drilling projects or activities (Jennifer Hecker, Director of Natural Resource Policy Conservancy of Southwest Florida).

Last week Volusia County Councilman and attorney, Doug Daniels, pushed for the passage of an emergency ordinance to ban fracking immediately with the idea that if SB318 is passed that Volusia County might be grandfathered as a settlement to the litigation that will most likely occur from many counties with existing resolutions and ordinances against fracking. <http://www.beacononlinenews.com/articles/2016/02/19/volusia-moves-ban-fracking>

Volusia County became the 4th county in the state to adopt an ordinance banning fracking and there are at least 30 counties that have similar resolutions. 3 cities have ordinances in place and another 44 cities have resolutions against fracking.

mapfracker.org currently shows that 148 permits have been issued statewide.

We the League of Women Voters believe that fracking is a serious threat to the quantity and quality of our drinking water supply and will increase the load of non-point pollutants to our rivers, lakes, aquifers and ocean. We believe that our air will also be polluted due to the known associated problems of methane leaks and emissions. We find overwhelming evidence that this air and water pollution causes serious health problems for residents and we cannot afford these medical problems and bills. Our lagoon is important to us and it is again in peril with another serious algae bloom. We must take action to stop any further pollutants that would put the lagoon at additional risk. We, LWV, strongly support economic growth for our community and are actively working to bring green energy to our community as a way to bring jobs, decrease pollution, enhance our quality of life, and create a sustainable future.

Contact: Terry LaPlante
 Tlaplante2012@gmail.com

Clerk to the Board Instructions:				
Exhibits Attached: Draft Resolution, and Draft of Volusia County's Ordinance				
Contract /Agreement (If attached): Reviewed by County Attorney		Yes	No	PR
County Manager	Assistant County Manager		Department Director / Extension	
Stockton Whitten	Assistant County Manager			

March 1, 2016

ITEM VI.F.1., CITIZEN REQUEST BY LEAGUE OF WOMEN VOTERS OF THE SPACE COAST, RE: SENATE BILL 318, PRO-FRACKING IN FLORIDA

Fran Baer, League of Women Voters, provided the Board with handouts. She stated for the past 50 years she has lived in Brevard County, and she is now elected co-president of the League of Women Voters, a non-partisan, political organization whose members, female and male, study and encourage informed and active participation in government; the League of Women Voters respectfully asks the Board to adopt the resolution before it in opposition to Senate Bill 318, the status of which is in the hands of the Florida Senate Appropriations Committee; this Bill in title related to the regulation of oil and gas resources; and in their research-based opinion, does less to regulate Florida's resources and more to regulate local autonomy. She went on to say she could describe the nature of the Bill, which would allow hydraulic fracking, acid fracking, and well stimulation, a process that involves extracting petroleum and natural gas by injecting water and dangerous chemicals in underground rock formations and disposing of the polluted wastewater by deep well injection or in wastewater ponds, but they believe the Board already knows that; she could describe the serious threat to the quantity and quality of the drinking water supply already considered by many scientists as Florida's most serious challenge; but the stewards of Brevard's natural resources, they are sure the Board has already heard that. She stated she could describe the increased load of non-point pollutants to the rivers, lakes, aquifers, and ocean already in peril with algae bloom and evidence of risk to the creatures of these waterways, but they have watched the Board's concern and reaction to these challenges; she could describe the dangers to the air quality from associated problems of methane leaks and emissions causing serious health problems for the residents, but again, she respects the Board's awareness of this concern; and she could describe the citizen protests, but she knows that the Board knows of the potential problem exists. She noted all of which she has mentioned is documented in the references provided to the Board. She went on to add what she wants to focus on is another highly contentious part of the Bill that would strip the Board's ability as an elected local government representatives to make Brevard's own land use compatibility decisions with input from informed citizens; under the provisions of Senate Bill 318, local governments will only receive notification of permit applications for comment; and the Senate will not be obliged to address concerns raised. She noted simply put, the Board's ability to permit or deny drilling permits would be usurp. She stated the League of Women Voters, many years ago, worked very hard in support of Home Rule; they would not want to see this taken away from the elected officials; and she urged the Board to sign the resolution today as time is of the essence.

Melissa Martin provided a video to the Board.

Terry LaPlante stated she has been a life-long Florida resident, she is an activist, and she has worked on many issues in the State of Florida the last few years, sometimes paid and sometimes as a volunteer; she is here today as a volunteer; and she is here today as a citizen. She went on to say she worked on the medical Marijuana petition last year; she collected thousands and thousands of petitions; she started the campaign with no opinion; when she spoke with people who lived in other states or who came from other states, they had the most positive testimonials about all the people who had benefited from a medical condition otherwise not helped by medical Marijuana; and she virtually heard no negative testimony about that becoming legal in Florida. She stated comparing that to fracking, when she is out in the community and she is discussing fracking with people, they go off on her; they tell her not to tell them about fracking, as they came from states that do fracking; and they do not want fracking brought to Brevard County. She pointed out she has not heard positive testimony from people out in the community doing activist work. She stated she deeply distrusts the oil companies; she believes the oil companies have been lying to people for better than 10 years or longer; and they are lying to people the same way the tobacco industry lied to people. She stated the oil and gas industry says that fracking is safe; and they have convinced everyone that there is no

March 1, 2016

risk in fracking. She stated in 2005 Dick Cheney became the Vice President of the United States; Dick Cheney came from Halliburton; Halliburton developed the technology of fracking; he pushed for the Energy Act of 2005; and he managed to push it through Congress even though the President had vetoed it. He noted hidden within the Energy Act of 2005, the oil and gas industry was exempted from all of the rules and regulations of the Clean Water Act, the Clean Air Act, the Clean Drinking Water Act, and everything else; they were given a free ride nationally in this country. She stated additionally the oil and gas industry has spent millions of dollars discrediting many reputable scientists; they have spent millions of dollars on a smear campaign against environmentalists, against very respected environmentalists; and for 11 years they have made this campaign to make environmentalists to be whackos. She noted she cannot believe they would be spending this money if fracking was safe to push this through the State of Florida under Senate Bill 318 if it was not dangerous and presented a lot of risks. She stated instead of asking for a resolution today, people would be here asking the Board to bring it to the State. She asked the Board to adopt the resolution, to strengthen the zoning laws, and to take additional step to adopt an ordinance.

Phillip Stasik, Space Coast Progressive Alliance, stated the matter before the Board today is very important, and he knows the Board is familiar with it; he asked to support the effort of the League of Women Voters; they asked the Board to pass a resolution that would ban hydraulic fracking, acid fracking, and acid stimulation in the State of Florida, specifically in Brevard County; and the Board can pass the resolution. He added he hopes the Board would then follow consideration with an ordinance that would ban this. He pointed out the Board has many responsibilities, but it has no greater responsibility than to protect the health of the citizens of Brevard County; it has the responsibility to protect the land, water, and air; and it is up to the Board to do. He noted the issue is simple as the Board does understand the game; fracking and acid stimulation practices poison the land, water, and air; and this is nothing short of selling the Board's soul to the devil. He stated the Board does not need to conduct a research project today to pass an anti-fracking, acid stimulation resolution. He stated everyone understands the nation's need for energy; he does not think there is anyone in the room that does not appreciate that; some would argue there is no alternative, that they must frack for oil and gas; but here on the Space Coast of the Sunshine State they have the Florida Solar Energy Center. He went on to say the State representatives have failed the people; now it is up to the Board, as it is the last line of defense for the County; and in a very important sense, for the entire State. He stated each of the Commissioners know how bad fracking is, and he does not need to go through the details; millions of gallons of water is squandered through the fracking wells is unbelievable; and he inquired if the Board knows with each bored hole they can frack over and over again. He further inquired if the Board knows that 30-50 percent of what is pushed down that hole does not come back; this is the children's water they are talking about; it is a real risk; and it is not a risk worth taking. He stated if someone backed a semi-truck up and started dumping hydrochloric acid in large quantities into the Indian River Lagoon or into the St. Johns River, the Board would have them arrested; and he inquired what makes this different. He asked the Board to pass the resolution banning fracking in the County.

Chris Kane stated she is originally from up State New York within 10 miles of the Pennsylvania border; she has been a resident of Brevard County for the past six years; and she loves it here. She knows fracking up close and personal; she was in an upper management position with county government when fracking became the thing in up State New York; they were always having knocks on the door from gas companies wanting to buy their mineral rights; and she had the opportunity to join a platform in Pennsylvania because the company was courting her county. She went on to say it was an eye-opening experience; they did their due diligence; every person they spoke to said at first it sounded great; but then the realization set in. She pointed out water was undrinkable; roads were destroyed; land was destroyed; children became ill; and communities could not handle the influx of workers who were mostly from out-of-town. She noted this industry does not bring good paying jobs, because they often brought their

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families with them so the public assistance rolls swelled; and medical facilities were stretched to the limit. She stated from a purely environmental standpoint, she is of the opinion that fracking is disastrous to the planet. She stated they are destroying the planet; she wants her elected officials to protect its citizens and the environment; and if the Board feels it is inclined to err on the side of caution, take her word for it, nothing good can come from fracking. She noted they need the oil and natural gas only because they do not have the political will to promote alternative energy; they live in Florida; and she respectfully requested the Board to tell the State Brevard County does not want fracking in the State of Florida.

Rashell Berrean stated she is here today to express her concern on the possibility of fracking in the County; she thinks they are vulnerable without any local legislation in place; she has not seen any studies nor heard from any experts that would reassure her that fracking is safe, especially with Florida geology; and as the Board, it is required to create policy. She went on to add to make it good policy and do what is right for the children. She asked the Board to support legislation that bans fracking in Florida.

John Saathoff stated he is a member of a group of citizens concerned about climate change; and the issue of fracking ties into that. He expressed his appreciation to the Board for the opportunity to speak to it about their objections to fracking. He stated for over 30 years he has been a resident of Brevard County; there is not a single day that goes by that he does not find something about living in the County to be delighted about. He stated he hopes the Board will approve a resolution to keep fracking out of the County. He stated as the body of research grows, the scientific case against fracking only gets stronger; the main issue is with methane leakage, which goes along with the process; and methane is a far more potent greenhouse gas than carbon dioxide; and in the worst cases, the warming effects of methane are enough to offset any advantage from burning natural gas. He advised if the hidden costs are added up from extracting natural gas from fracking, most of the economic benefit disappears; the profits go to the energy companies; but it is left to the people to pay for everything else. He noted when it comes to the risks to the aquifer and drinking water, it may not be possible to put a realistic estimate on the cost. He concluded by saying fracking comes with huge moral issues and ethical baggage; he stated they have already heard about the campaign of the oil companies; and he asked the Board to keep this out of Brevard County on this basis alone. He noted the people who want to frack are not leveling with the people. He pointed out Exxon already knew in 1990 from its own scientific research that fossil fuels were warming the planet and that it was going to get worse; they did not acknowledge this publicly; instead the company created doubt around climate change; and a quarter of a century has been wasted in a phony debate about the science of climate change as a direct result of Exxon's dissembling. He stated this borders on fraudulent, criminal behavior. He inquired who in the County would want to be Exxon's partner in this venture. He asked the Board to help keep fracking out of the County.

Commissioner Fisher stated he noticed there are about 20 more cards; he does not think anyone is supportive of fracking; he did not get any emails in support of fracking; and this decision will ultimately be decided by the State legislators. He stated he does not see any harm in passing this resolution, unless someone is opposed to passing it.

Commissioner Infantini stated she too is in support of this resolution; she wants to make one small caveat, that it could be reversed with a super majority vote, because in the outside event something the Board does not know of currently could in some possible way justify it; she is not in support of fracking; and she does not want to make a decision that could possibly make it irreversible for the future if in same way it becomes some type of a need. She stated she would like to make it a super majority vote to rescind the resolution; and she would like to have some way in the event there is some unknown.

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Commissioner Fisher stated he thinks three Commissioners votes are fine; the Board sends a lot of resolutions to the State it is not going to listen to; and the State may not in this case.

Chairman Barfield stated when a person looks at fracking, he understands the hazard; imagine the damage that can be done by administering high pressure hydrochloric acid into the ground; the risk outweighs the return; and this should be decided at the local level. He pointed out the State will do what it wants to do. He stated he would like to do an emergency ordinance; if this gets in before the State does what it does, the County can get grand fathered in; and if the County cannot do that, then it needs to advertise for legislative intent.

Scott Knox, County Attorney, stated the Board should go through the regular ordinance process; and he does not see people lining up to do fracking today, so he does not see any reason for an emergency ordinance.

Commissioner Infantini stated she thinks the emergency is that legislation is pending.

Attorney Knox pointed out if the Legislature wants to take away the Board's Home Rule power, it will take it away whether the Board does an emergency ordinance or not. He went on to say the Board would be passing a resolution opposing the practice of fracking; the Board will follow it up with an ordinance that will take two to three weeks to complete; and the Board can go the emergency ordinance route, but it will have issues defending that later on.

Commissioner Infantini stated she wants to be able to defend it in court, because if the State passes legislation next week, the Board is at a loss.

Attorney Knox noted the Board is living in a illusion if it thinks the Legislature cannot overrule the ordinance.

Commissioner Anderson stated he spent 20 years fighting for Home Rule power through the City Council and now as a County Commissioner; the resolution needs to be passed to make sure the Board at least lets the State know its intent; and the Legislature will do what it is going to do. He stated Miami tried to pass ordinances regarding gun control; the Legislature pre-empted them; and it made their ordinance invalid. He noted he does not want to rush anything; if the Board does an ordinance, he wants to make sure it will stand up in a court of law; and he would like to see when the Senate is actually going to take a vote on this.

Commissioner Fisher inquired if anyone is in the audience who is in support of fracking who wants to speak.

Suzanne Valencia stated Senator Thad Altman voted twice in favor of Senate Bill 318; and everyone should call him and tell him they do not want it. She stated the Social Justice Committee of the Friendship Fellowship Church in Rockledge is showing a documentary on March 9, 2016, called Gas Land; and everyone is welcome there from 4:00 p.m. to 6:00 p.m.

Terry Motte stated she thinks the State is discussing this today, and she thinks there is a need for an emergency ordinance. She encouraged the Board to pass the League of Women Voters resolution opposing the proposed legislation regarding fracking currently before the Senate's Appropriation Committee. She stated the majority of Floridians support Senate Bill 318; there is outrage that the Bill pre-empt's Home Rule governing; and a yes vote for Senate Bill 318 at this time, without the benefit of due diligence, may ultimately be considered a reckless act by the State Legislatures. She talked about the three recommendations regarding fracking of the Florida Association of Counties. She stated she did not know much about fracking few months ago; and during her research she read several resolutions from counties and cities throughout Florida that have already passed.

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Martha Herp stated she is originally from Pittsburgh, Pennsylvania; if the Board checks the Pittsburgh Post Gazette, as of a year ago there were over 400 confirmed cases of public and private water supplies being polluted by fracking; and she could see fracking from her house in Pennsylvania. She concluded by saying people really have no idea of the extent of the water pollution.

Dawn Ryan stated it is about the basic necessities of life, which is water; and she inquired where is the common sense. She stated she represents the regular people not people who have done extensive research.

Judy McCluney stated she just read Senate Bill 318 yesterday in its entirety; it is like a horror story she cannot get out of her head; local control was originally in the Bill; and it was deleted so there is no local input. She explained many parts of the Bill to the Board. She noted a surety bond required for a permit per well is \$4,000; and after that it is just \$1,500. She stated it is an outrage. She expressed her appreciation to the Board for its strong opposition.

Tony Dutton stated one of the things Senate Bill 318 does is it continues to make it a secret the Uniform Trade Secrets Act the chemicals that are included in the fracking materials; there is no need now to ban fracking; and the public needs a moratorium until everyone really understands fracking.

Chairman Barfield stated Central Brevard County gets its water supply from Orange County; he does not know what Orange County is doing; and it is imperative that be addressed at some point.

The Board adopted Resolution No. 16-024, opposing Senate Bill 318, Pro-Fracking in Florida.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Trudie Infantini, Commissioner District 3
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

Commissioner Anderson stated this only covers unincorporated Brevard County, the Board has no jurisdiction over the cities; and if the cities want to allow fracking, they will be allowed to.

Scott Knox, County Attorney, stated the Board has the authority to adopt a Countywide ordinance, and the cities can pre-empt the Board's adoption if they want to.

The Board approved legislative intent for an ordinance prohibiting any oil and gas exploration that uses well stimulation within the boundaries of Brevard County; and authorized placing the advertisement for legislative intent to be held on March 15, 2016.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Curt Smith, Vice Chairman/Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ORDINANCE NO. 2016-____. BREVARD COUNTY, FLORIDA

AN ORDINANCE PROHIBITING ANY PERSON OR ENTITY TO ENGAGE IN ANY OIL AND GAS EXPLORATION THAT USES WELL STIMULATION WITHIN THE BOUNDARIES AND BELOW THE GEOGRAPHIC TERRITORY OF BREVARD COUNTY; PROHIBITING ANY PERSON OR ENTITY ENGAGED IN OIL OR GAS EXPLORATION OR PRODUCTION FROM USING WELL STIMULATION TECHNIQUES ORIGINATING OUTSIDE OF THE BOUNDARIES OF BREVARD COUNTY; PROVIDING INJUNCTIVE RELIEF; CREATING CHAPTER ___ OF THE BREVARD COUNTY CODE, OIL AND GAS WELL STIMULATION PROHIBITED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, BREVARD COUNTY seeks to protect the water resources of BREVARD COUNTY from potential contamination by carcinogenic chemicals; and

WHEREAS, oil and gas well stimulation, including hydraulic fracturing, acidizing and acid fracturing, is performed by injecting fluid into a rock formation in order to increase production at an oil or gas well; and

WHEREAS, oil and gas well stimulations involve the use of chemical combinations from a list of hundreds of chemicals, some of which are determined by the Center for Disease Control (CDC) to be carcinogenic or which could otherwise pose a widespread and significant risk to public health, safety, and the environment; and

WHEREAS, use of these hydraulic fracturing mixes exposes 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, well stimulation through hydraulic fracturing 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.

WHEREAS, much of Florida's water supply comes from aquifers in highly-permeable limestone formations which are vulnerable to contamination from hydraulic fracturing activities; and

WHEREAS, Florida's oil and gas regulations, Chapter 377, Florida Statutes (2015), and Rules 62C-25 through 62C-30, Florida Administrative Code (2016), make no reference to hydraulic fracturing or other well stimulation techniques; and

WHEREAS, fracking requires the use of hundreds of thousands to millions of gallons of water for each fracking event, and Florida Water Management has declared an insufficient water supply for growth in the Central Florida region; and

WHEREAS, the residents of BREVARD COUNTY have a reasonable expectation that their local governments will endeavor to protect their health and welfare, along with that of the community environment; and

WHEREAS, the BOARD OF BREVARD COUNTY COMMISSIONERS has determined to exercise its home rule powers and authority to prohibit well stimulation and therefore prohibit potential detrimental impacts

to the community through contamination of water supplies NOW THEREFORE BE IT ORDAINED BY BREVARD COUNTY, FLORIDA:

Section ___ Creation of Chapter ___, BREVARD COUNTY CODE, Oil and Gas Well Stimulation Prohibited. There is hereby created within ___, BREVARD COUNTY CODE by adding the following language which shall read as follows:

Well Stimulation Ordinance CHAPTER ___ OIL AND GAS WELL STIMULATION PROHIBITED.

Sec. ___

Purpose and Scope. It is the purpose and intent of the BREVARD COUNTY COMMISSION to prohibit all oil and gas well stimulation activities within BREVARD COUNTY, Florida.

Sec. ___

Definitions. The following words, terms, and phrases, when used in this Chapter have the meanings ascribed to them in this Sections:

(a) Hydraulic Fracturing – means the process by which fractures in rocks below the earth’s surface are widened by injection of water, chemicals, or both under high pressure used in the extraction of oil and gas.

(b) Matrix Stimulation – means the injection of any acid into a well to break up impediments without fracturing the well.

(c) Well Stimulation – means any process of using vast amounts of water, chemicals, or both injected into the ground as a means of oil and gas exploration. Well stimulation does not include routine well cleaning that does not affect the integrity of the well or formation.

Sec. ___ Well Stimulation is prohibited within BREVARD COUNTY, Florida. No person or entity may engage in any oil and gas exploration or production that utilizes well stimulation within the boundaries and below the geographic territory of BREVARD COUNTY, Florida.

It is also a violation of this Chapter for any person or entity to engage in oil or gas exploration or production utilizing well stimulation techniques originating outside of the boundaries of BREVARD COUNTY, Florida that in any way enters onto, into, or under the ground within the boundaries of BREVARD COUNTY.

Sec. ___ Injunctive relief. The BREVARD COUNTY Attorney’s Office or special counsel as otherwise authorized, is authorized to pursue temporary or permanent injunctive relief or any other legal or equitable remedy authorized by law in courts of competent jurisdiction to cure, remove or end any activity which violates this Chapter.

Section___ Codification. It is the intention of the BREVARD COUNTY COMMISSION that the provisions of this Ordinance, including its preamble, will become and be made a part of the BREVARD COUNTY Code, and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word or

phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention.

Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid, it is the intent of the BREVARD COUNTY COMMISSION that such invalidity will not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Effective date. This Ordinance takes effect upon filing a copy of this Ordinance with the Department of State by the Clerk of BREVARD COUNTY

BE IT ORDAINED by the COMMISSION OF BREVARD COUNTY, FLORIDA, this _____ day of _____, 2016.

ATTEST: BREVARD COUNTY COMMISSION

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, JAMES T. DINNEEN, County Manager and Clerk to the County Council of Volusia County, Florida, do hereby certify that the attached and foregoing ORDINANCE 2016-07 is a true and correct copy of that certain Ordinance as adopted by the County Council of Volusia County, Florida, at its meeting held on February 18, 2016.

WITNESS my hand and official seal at DeLand, Volusia County, Florida, this 18th day of February, A.D. 2016.

BY:  MARCY A. ZIMMERMAN, DEPUTY CLERK

JAMES T. DINNEEN
COUNTY MANAGER AND CLERK TO THE
COUNTY COUNCIL OF VOLUSIA COUNTY,
FLORIDA



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ORDINANCE 2016-07

**AN EMERGENCY ORDINANCE OF THE COUNTY
COUNCIL OF VOLUSIA COUNTY, FLORIDA,
AMENDING THE CODE OF ORDINANCES OF THE
COUNTY OF VOLUSIA, CHAPTER 50
ENVIRONMENT, ARTICLE II POLLUTION
CONTROL, BY CREATING SECTION 50-42 HIGH-
PRESSURE WELL STIMULATION PROHIBITED;
PROHIBITING HIGH-PRESSURE WELL
STIMULATION FOR PURPOSES OF EXTRACTION
("FRACKING"); AUTHORIZING INCLUSION IN
CODE; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CONFLICTING ORDINANCES;
AND PROVIDING FOR AN EFFECTIVE DATE.**

19 WHEREAS, clean water is fundamental to the health of Florida's environment
20 and economy; and

21 WHEREAS, public and private water utilities across Volusia County rely
22 entirely upon groundwater sources, including the unconfined surficial aquifer and the
23 confined Floridan aquifer system, for potable water supplies; and

24 WHEREAS, high-pressure well stimulation, such as hydraulic fracturing, acid
25 fracturing, and cyclic steam injection (also known as "fracking") is the process of
26 pumping a complex mix of fluids and chemicals, including large volumes of water, under
27 very high pressure into or below the surface of the ground to create fractures or weakness
28 in oil- or gas-bearing geologic formations, for the purpose of producing or recovering oil
29 or gas or to otherwise facilitate the mobility of oil and gas for extraction; and

30 WHEREAS, many of the chemical constituents injected during fracturing have
31 documented adverse effects on human health and the environment; and

32 WHEREAS, there have been more than one thousand (1,000) documented cases
of water contamination near high-pressure well stimulation sites in the United States; and

1 WHEREAS, the oil and gas industry is not required by federal or state law to
2 publicly disclose chemical formulas of well stimulation and fracturing fluids; and

3 WHEREAS, the use of high-pressure well stimulation fracturing mixes may
4 expose groundwater, adjacent land, and surface waters to the risk of contamination
5 through open pit storage, truck transport on roadways, and activities during well
6 development; and

7 WHEREAS, much of Florida's water supply comes from aquifers in highly-
8 permeable limestone formations which are vulnerable to contamination from hydraulic
9 rock-fracturing activities designed to extract hydrocarbons; and

10 WHEREAS, as currently constituted, Florida's oil and gas regulations,
11 Chapter 377, Florida Statutes, and Rules 62C-25 and 62C-30, Florida Administrative
12 Code, make no reference to high-pressure well stimulation techniques; and

13 WHEREAS, the Florida Legislature is currently reviewing two (2) bills to address
14 high-pressure well stimulation by removing all authority from counties, municipalities,
15 and any other political subdivisions of the state to prohibit high-pressure well stimulation
16 within their jurisdictions; and

17 WHEREAS, high-pressure well stimulation poses potential risks for
18 contaminating the Floridan Aquifer, the source of drinking water for nearly ten million
19 (10,000,000) Floridians and an essential water supply in Volusia County; and

20 WHEREAS, Florida's water supplies and resources are better protected through
21 the prevention of contamination and environmental degradation, rather than the cleanup
22 of contamination and restoration of degraded environments after the fact; and

1 WHEREAS, under the authority granted by Chapter 125.66, Florida Statutes, the
2 county council finds that an emergency exists and that the immediate enactment of this
3 ordinance is necessary.

4 BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY,
5 FLORIDA, AS FOLLOWS:

6
7 (Words in ~~strike-through~~ type are deletions; words in underscore type are
8 additions.)

9
10 SECTION I: Chapter 50, article II, section 50-42, of the Code of Ordinances,
11 County of Volusia is amended to read as follows:

12 **50-42. High-Pressure Well Stimulation prohibited.**

13 No person or entity may engage in any oil or gas exploration or production that
14 utilizes high-pressure well stimulation. As used in this section, the term "well
15 stimulation" shall mean a well intervention, exploration, operation, or maintenance
16 procedure performed by injecting any fluid into a rock formation in order to increase
17 production at an oil or gas well by improving the flow of hydrocarbons from the
18 formation into the wellbore. Well stimulation does not include routine well cleaning that
19 does not affect the integrity of the well or the formation. The use of such well
20 stimulation methods is expressly declared to be a nuisance and to cause pollution within
21 the meaning of said term as defined in section 50-32, and to be an illicit discharge
22 pursuant to section 50-505.

23 SECTION II: AUTHORIZING INCLUSION IN CODE - The provisions of this
24 ordinance shall be included and incorporated into the Code of Ordinances of the County
25 of Volusia, as additions or amendments thereto, and shall be appropriately renumbered to
26 conform to the uniform numbering system of the code.

1 **SECTION III: SEVERABILITY** - Should any word, phrase, sentence,
2 subsection or section be held by a court of competent jurisdiction to be illegal, void,
3 unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section
4 so held shall be severed from this ordinance and all other words, phrases, sentences,
5 subsections, or sections shall remain in full force and effect.

6 **SECTION IV: CONFLICTING ORDINANCES** - All ordinances, or parts
7 thereof, in conflict herewith are, to the extent of such conflict, repealed.

8 **SECTION V: VOTING** - This ordinance was adopted by a four-fifths (4/5th)
9 vote of the Volusia County Council pursuant to Section 125.66(3) Florida Statutes.

10 **SECTION VI: EFFECTIVE DATE** - This emergency ordinance shall be
11 transmitted by the County Manager by e-mail to the Department of State upon adoption.
12 It shall be deemed to be filed and shall take effect when a copy has been accepted and
13 confirmed by the Department of State by e-mail.

14 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY,
15 FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL
16 CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123
17 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS 18th DAY OF FEBRUARY,
18 A.D., 2016.

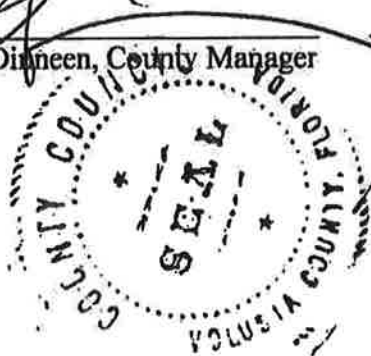
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ATTEST

James A. Dinneen, County Manager

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA

Jason Davis, County Chair



Counties in FL	Ord/Res?	
Alachua County, FL	Resolution	R
Bay County, FL	FAC-type resolution	F
Broward County, FL	Resolution	R
Escambia County, FL	resolution	R
Flagler County, FL	resolution	R
Franklin County, FL	resolution	R
Gadsden County, FL	resolution	R
Gulf County, FL	resolution	R
Hamilton County, FL	resolution	R
Hillsborough County, FL	FAC-type resolution	F
Jackson County, FL	resolution	R
Jefferson County, FL	resolution	R
Lake County, FL	FAC-type resolution	F
Leon County, FL	resolution	R
Madison County, FL	resolution	R
Marion County, FL	FAC-type resolution	F
Martin County, FL	resolution	R
Miami-Dade County, FL	resolution	R
Monroe County, FL	resolution	R
Nassau County, FL	resolution	R
Orange county, FL	Resolution	R
Palm Beach County, FL	resolution	R
Pasco County, FL	FAC-type resolution	F
Putnam County, FL	resolution	R
St. Johns County, FL	resolution	R
St. Lucie County, FL	ordinance	O
Seminole County, FL	ordinance	O
Taylor County, FL	resolution	R
Union County	resolution	R
Volusia County, FL	not yet Passed	O
Wakulla County, FL	ordinance	F

Washington County, FL	FAC-type resolution	R
Cities in FL with Resol/Ord. Passed	County	
Atlantic Beach	Duval	R
Bonita Springs	Lee	O
Callahan	Nassau	R
Cape Coral	Lee	O
Coconut Creek	Broward	R
Cooper City	Broward	R
Coral Springs	Broward	R
Dade City	Pasco	R
Dania Beach	Broward	R
Davie	Broward	R
Deerfield Beach	Broward	R
Ebro	Washington	R
Estero	Lee	O
Fernandina Beach	Nassau	R
Fort Myers Beach	Lee	R
Hallandale Beach	Broward	R
Hollywood	Broward	R
Key West	Monroe	R
Lake Worth	Palm Beach	R
Lauderhill	Broward	R
Lighthouse Point	Broward	R
Lynn Haven	Bay County	R1
Margate	Broward	R
Marianna	Jackson	R
Mexico Beach	Bay County	R1
Miramar	Broward	R
Monticello	Jefferson	R
North Lauderdale	Broward	R

Neptune Beach	Duval	R
Panama City	Bay	R
Parkland	Broward	R
Pembroke Pines	Broward	R
Plantation	Broward	R
Pompano Beach	Broward	R
Punta Gorda	Charlotte	R
South Miami	Miami-Dade	R
Southwest Ranches	Broward	R
St. Augustine	St. Johns	R
St. Petersburg	Pinellas	R
Stuart	Martin	R
Sunrise	Broward	R
Tallahassee	Leon	R
Tamarac	Broward	R
Tampa	Hillsborough	R1
Tarpon Springs	Pinellas	F
Weston	Broward	R
Wilton Manors	Broward	R
Resolution		

The EPA's 2015 Assessment:

- Does NOT conclude that fracking activities are safe or "low risk."
- Any process left to producing (as included by assessment) potential leaking factors are a separate waste pipe route.
- DOES list multiple causes of spills and contamination and dangers to drinking water resources from fracking activities.
- Admits the record 111 spills due to fracking activities were "likely a subset of ALL (fracking) spills during the study's time period" (January 2006 - April 2013 in only 11 states).
- "Spill causes included equipment failure, human error, failure of wellbore integrity, and other causes (e.g., weather and vandalism)."
 - Admits that some of the 5,076 chemicals used in fracking were associated with "potential for carcinogenicity, immune system effects, changes in body weight, changes in blood chemistry, cardiovascular toxicity, liver and kidney health, and reproductive and developmental toxicity."
- Admits the "importance of fracking to Florida and the significant role of communities due to the spill on contaminated water production."

On Drinking Water	On Other Water Users	On The Environment	On The People
Human, animal and plant life	Agricultural Industry	Air Pollution	Health and Safety
Human, animal and plant life	Tourism Industry	Contaminated/Likely spills/disasters	Property Values
Human, animal and plant life	Other Industries	Ecosystems (Lagoon)	Drinking Water Issues, Property Values

WHAT IT FAILS TO ADDRESS

http://www.epa.gov/assessmentsandmonitoring/assessments/2015-02/assessments/15_02_01_0115.pdf
This is a known industry based press release by EPA Office of Research and Development (OR&D), "Assessment of the Potential Impacts of Hydraulic Fracturing." (October 16, 2015) This number does not account for the number of chemicals not reported to the EPA/DOHIS registry.

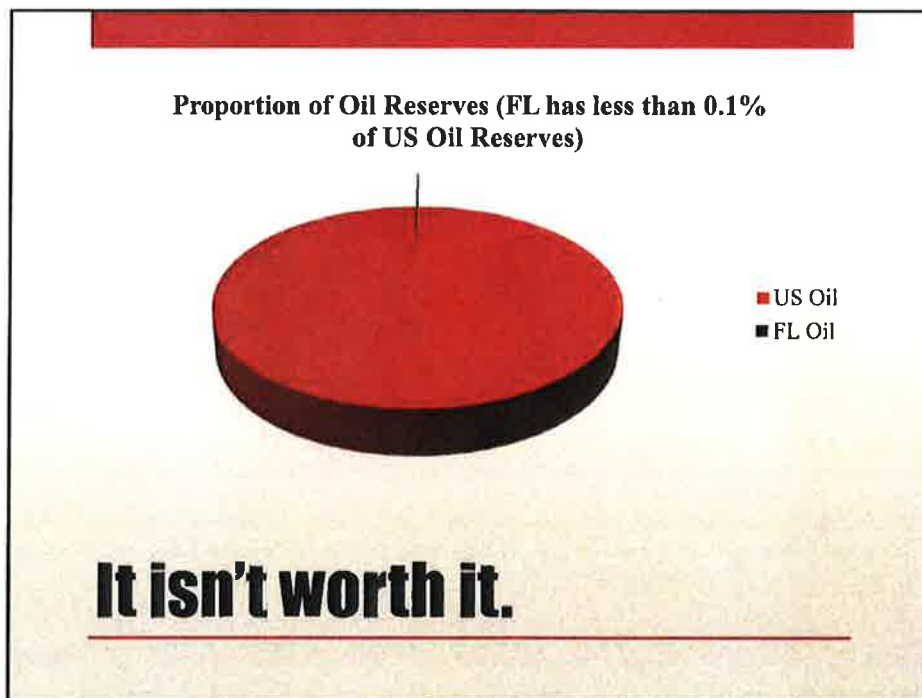
The EPA admits: SPILLS HAPPEN

<p>Loss of Reputation</p> <p>HEADLINE NEWS:</p> <p style="background-color: #e67e22; color: white; padding: 5px;">SPILL! Panic ensues via News, Social Media</p>	<p>Costs of Clean-up*</p> <p style="background-color: #e67e22; color: white; padding: 5px;">Contaminated Drinking Water</p> <p style="background-color: #e67e22; color: white; padding: 5px;">Contaminated Surface Water</p>	<p>Loss of Revenue</p> <p style="background-color: #e67e22; color: white; padding: 5px;">Real Estate, Land Development</p> <p style="background-color: #e67e22; color: white; padding: 5px;">Local Agriculture Markets</p> <p style="background-color: #e67e22; color: white; padding: 5px;">Tourism, Sport, General Commerce</p>
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Putting Brevard at Risk

*Due to loopholes in Federal anti-pollution legislation, frackers are IMMUNE from suit for damages, despite the millions/billions of dollars their spill would cost the taxpayers.

And for what?



Reasons anyone would allow fracking here

- You are a major shareholder of an oil company interested in fracking Florida (\$\$\$)
- You personally, financially or politically, benefit in helping to usher in the fracking industry (\$\$\$)

Reasons to BAN FRACKING immediately

- **Fragile hydro-geology**
 - Limestone and coquina bedrock (calcium carbonate → matrix acidizing, acid stimulation techniques); **THERE IS NO SCIENCE TO JUSTIFY THE NOTION THAT THIS IS SAFE**
 - We are not a lab experiment.
 - Interconnected aquifer system affecting millions of Floridians, businesses, ecosystems
 - CANNOT be "fixed"
- **Spills are inevitable**
 - Known carcinogens, toxins used in fracking
 - Actual trade-secret chemicals will never be disclosed to the public, so we must presume the worst for safety's sake.
 - Will kill regional economy
- **Fracking companies immune from lawsuit: no deterrence in bad acts; inviting irresponsibility**
- **DEP not a protective barrier**
 - Understaffed, underqualified
 - Admitted to be legally powerless in denying any fracking permit request they receive
- **Unless and until Florida or Brevard bans fracking, we are exposed.**

Balancing interests?

There is no "controversy" here.

It is intuitively obvious what public officials should do to protect the public interest.

BREVARD NEEDS, WANTS, AND DESERVES A BAN ON FRACKING.

VI. F. 1

Subject: Summary Package LWVSC Resolution against fracking in Brevard and in the state

From: Terry LaPlante (tlaplante2012@gmail.com)

To: D1.commissioner@brevardcounty.us; D2.commissioner@brevardcounty.us;
D3.Commissioner@brevardcounty.us; D4.Commissioner@brevardcounty.us;
D5.Commissioner@brevardcounty.us;

Date: Sunday, February 28, 2016 8:27 PM

Dear Commissioners,

The League of Women Voters of the Space Coast (LWVSC) is seeking an immediate action on the part of the Brevard County Board of Commissioners in response to Florida Committee Substitute Senate Bill 318 (CS/SB 318)¹.

This bill which claims to regulate the fracking business will open the doors to the oil and gas industry allowing them to drill and frack at will. It will allow hydraulic fracking, acid fracking, and well simulation - a process that involves extracting natural gas by injecting water and dangerous chemicals into underground rock formations and disposing of the polluted waste water by deep-well injection or in waste water retention ponds². Some methods involve newer untested technology. CS/SB 318 also prohibits local governments from adopting ordinances banning the use of these technologies¹, and removes the existing authority municipalities have to approve or deny drilling permits. Your immediate action is extremely important to prevent the State of Florida from stripping local governments of the power to make their own land-use compatibility decisions.

If CS/SB 318 passes, local governments will only receive notification of permit applications and have an opportunity to comment; however, the State will not be obligated to address concerns. An example occurred in 2013 when a well was permitted within 1,000 feet of residential homes in Collier County³. CS/SB 318 contains no language or buffer zones to address land use compatibility, and precludes home rule. The citizens protested due to the noise, air pollution, decline in home values, and damage to residential roadways that would have resulted if the well application proceeded.

At least 34 counties and 37 cities have already adopted resolutions and/or ordinances against fracking in Florida, with Volusia County^{4,5} being the most recent and adopting both. It's imperative that Brevard County do likewise because permits have already been issued for Edgewater and New Smyrna Beach, according to Maps.FracTracker.org. We doubt the oil and gas industry is fighting so hard for this legislation if they do not intend to use it. While prices are down and we have a supply glut the oil and gas industry sees this as a temporary situation and plans to continue with the national agenda of expanding production not only for our use but to export as well. This would be done on our land and at our expense.

LWVSC believes that fracking is a serious threat to the quantity and quality of our water supply, and will increase the load of non-point pollutants to our rivers, lakes, and aquifers^{6,9}. We believe our air will also be polluted due to the known problems of methane leaks and emissions^{7,8}. We find overwhelming evidence that this air and water pollution causes serious health problems for residents⁸. The Lagoon and the Florida Everglades are of great concern. The Everglades supplies over one third of the drinking water for the state of Florida. Maps.FracTracker.org shows that 2 permits have been issued in Volusia County (Edgewater, New Smyrna Beach). According to Maps.FracTracker.org, many permits have already been issued in or near the Everglades with at least 148 permits issued statewide.

LWVSC strongly supports economic growth for our community and is actively working to bring green energy to our community to provide jobs, decrease pollution, enhance our quality of life, and create a sustainable future.

We hope you will immediately go on record by adopting a resolution against fracking to protect our community, and to protect home rule.

We urge you to review and strengthen our zoning laws. We ask you to contact Senator Thad Altman, who is on the Appropriations Committee and has voted in favor of CS/SB 318, and make clear our position: We are against fracking in Brevard and in Florida. Below is a record of the most recent vote and contact information for the appropriation committee. Please know that this bill was voted down but now it has come back up for a 2nd vote March 1.

We look forward to working with you on this critical issue.

Respectfully yours,

The League of Women Voters of the Space Coast

References / More Information

1. CS/SB 318 full text, web page or PDF
2. "FRACKING: An Inconvenient Truth" video
3. Jennifer Hecker's report "At the Crossroads" re: Collier County
4. News Article 1 and Article 2 on Volusia County's fracking vote
5. Volusia County Emergency Ordinance 2016-07 banning fracking
6. Conservancy of Southwest Florida's report "The Dangers of Fracking" and Chart
7. Sierra Club's report "Unlucky Town" web page or YouTube
8. Food & Water Watch's report "The Urgent Case for a Ban on Fracking" PDF pages 15-16
9. California Polytechnic Institute Study "Impact of Hydraulic Fracturing on Ground and Surface Water Resources"

Senate Bill 318 will be voted on again on Tuesday Take a stand against fracking

Deadline to call and email: 2/29

1. CONTACT your Senator and let them know that you do not want fracking **IN ANY FORM** in the state of Florida ! Vote **NO** on SB 318.

2. CALL Chair Tom Lee and members of his Appropriations Committee. **THANK** the ones who voted no and ask them to vote no again. Ask that those who voted **YES** reconsider their vote. and to vote no.

Chair - Sen. Tom Lee **(850) 487-5024 YES**

Vice-Chair - Sen. Lizbeth Benacquisto **(850) 487-5030 NO**

Sen. Thad Altman **(850) 487-5016 YES**

Sen. Anitere Flores **(850) 487-5037 NO**

Sen. Don Gaetz **(850) 487-5001 YES**

Sen. Bill Galvano **(850) 487-5026 YES**

Sen. Rene Garcia (850) 487-5038 **YES**
Sen. Denise Grimsley (850) 487-5021 **YES**
Sen. Alan Hays (850) 487-5011 **YES**
Sen. Dorothy Hukill (850) 487-5008 **NO**
Sen. Arthenia Joyner (850) 487-5019 **NO**
Sen. Jack Latvala (850) 487-5020 **NO**
Sen. Gwen Margolis (850) 487-5035 **NO**
Sen. Bill Montford (850) 487-5003 **NO**
Sen. Joe Negron (850) 487-5032 **NO**
Sen. Garrett Richter (850) 487-5023 **YES**
Sen. Jeremy Ring (850) 487-5029 **NO**
Sen. David Simmons (850) 487-5010 **YES**
Sen. Chris Smith (850) 487-5031 **NO**

Email your senators too! Scroll Down

altman.thad.web@flsenate.gov, benacquisto.lizbeth.web@flsenate.gov, flores.anitere.web@flsenate.gov,
gaetz.don.web@flsenate.gov, galvano.bill.web@flsenate.gov, garcia.rene.web@flsenate.gov,
grimsley.denise.web@flsenate.gov, hays.alan.web@flsenate.gov, hukill.dorothy.web@flsenate.gov,
joyner.arthenia.web@flsenate.gov, latvala.jack.web@flsenate.gov, lee.tom.web@flsenate.gov,
margolis.gwen.web@flsenate.gov, montford.bill.web@flsenate.gov, negron.joe.web@flsenate.gov,
richter.garrett.web@flsenate.gov, ring.jeremy.web@flsenate.gov, simmons.david.web@flsenate.gov,
smith.chris.web@flsenate.gov

Attachments

- BOCC Synopsis March 1, 2016.pdf (114.39KB)

New

Donna Scott

From: Lepore, Christine V <Christine.Lepore@brevardcounty.us>
Sent: Thursday, March 03, 2016 10:04 AM
To: Lewis, Sally A; Donna Scott
Cc: Knox, Scott L; Byrum, Diane
Subject: Re: Anti-fracking ordinance title
Attachments: Brevard County Fracking Ban Ordinance 3 3 16.docx

Importance: High

Sally and Donna,

Attached is the final version, including a revised title. Please update the notices for this item accordingly. Sally confirmed the newspaper ad can be updated and published in time to be heard on March 15th.

Please let me know if there are any questions.

Thanks,

Christine

Christine Lepore, Esq.
Brevard County Attorney's Office
2725 Judge Fran Jamieson Way, Bldg. C
Viera, Florida 32940
(321) 633-2090
(321) 633-2095 (fax)



Please note: Florida has a very broad public records law. Most written communications to or from county employees regarding county business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Lepore, Christine V
Sent: Tuesday, March 1, 2016 4:35 PM

RECORD AND MINUTES

MARCH 15, 2016

**PUBLIC HEARING
AGENDA ITEM IV.D.**

Meeting Date
March 15, 2016



AGENDA	
Section	Public Hearing
Item No.	TVLD

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	ORDINANCE PROHIBITING ANY OIL AND GAS EXPLORATION THAT USES WELL STIMULATION WITHIN THE BOUNDARIES OF BREVARD COUNTY, FLORIDA
DEPT/OFFICE:	County Attorney's Office

Requested Action:

Pursuant to Resolution 2016-024 adopted March 1, 2016, the Board of County Commissioners requested creation of an ordinance prohibiting any oil and gas exploration that uses well stimulation within the boundaries of Brevard County, Florida.

Summary Explanation & Background:

LEGISLATIVE INTENT: It is the intent of this ordinance to prohibit any oil and gas stimulation, including hydraulic fracturing, acidizing and acid fracturing, that is performed by injecting fluid into a rock formation in order to increase production at an oil or gas well or use chemical combinations from a list of hundreds of chemicals, some of which are determined by the Center for Disease Control (CDC) to be carcinogenic or which could otherwise pose a widespread and significant risk to public health, safety and the environment.

Clerk to the Board Instructions:

Exhibits Attached: proposed Ordinance No. 2016-

Contract /Agreement (If attached): Reviewed by County Attorney	Yes <input type="checkbox"/>	No <input type="checkbox"/>	PR <input type="checkbox"/>
---	------------------------------	-----------------------------	-----------------------------

County Manager 	Assistant County Manager	Department Director / Extension Scott Knox/52090
Stockton Whitten	Assistant County Manager	

ORDINANCE NO. 2016-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, PROHIBITING ANY OIL AND GAS EXPLORATION THAT USES WELL STIMULATION WITHIN THE BOUNDARIES OF BREVARD COUNTY, FLORIDA; CREATING CHAPTER 46, ARTICLE IX. OIL AND GAS WELL STIMULATION PROHIBITED; CREATING SEC. 46-375 PURPOSE AND SCOPE; CREATING SEC. 46-376 DEFINITIONS; CREATING SEC. 46-377 WELL STIMULATION PROHIBITED; CREATING SEC. 46-378 ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR RESOLUTION OF CONFLICTING PROVISIONS; PROVIDING FOR AREA ENCOMPASSED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board seeks to protect the water resources of Brevard County from potential contamination by carcinogenic chemicals; and

WHEREAS, oil and gas well stimulation, including hydraulic fracturing, acidizing and acid fracturing, is performed by injecting fluid into a rock formation in order to increase production at an oil or gas well; and

WHEREAS, oil and gas well stimulations involve the use of chemical combinations from a list of hundreds of chemicals, some of which are determined by the Center for Disease Control (CDC) to be carcinogenic or which could otherwise pose a widespread and significant risk to public health, safety, and the environment; and

WHEREAS, use of these hydraulic fracturing mixes exposes 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, well stimulation through hydraulic fracturing 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,

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and the National Environmental Protection Act; and

WHEREAS, much of Florida's water supply comes from aquifers in highly-permeable limestone formations which are vulnerable to contamination from hydraulic fracturing activities; and

WHEREAS, Florida's oil and gas regulations, Chapter 377, Florida Statutes, and Rules 62C-25 through 62C-30, Florida Administrative Code, make no reference to hydraulic fracturing or other well stimulation techniques; and

WHEREAS, fracking requires the use of hundreds of thousands to millions of gallons of water for each fracking event, and Florida Water Management Districts have declared an insufficient water supply for growth in the Central Florida region; and

WHEREAS, the residents of Brevard County have a reasonable expectation that their local governments will endeavor to protect their health and welfare, along with that of the community environment; and

WHEREAS, on March 1, 2016, the Board adopted Resolution 2016-024 urging the Florida Legislature to not enact laws preempting local authority to regulate oil and gas exploration practices, including hydraulic fracturing and well stimulation; urging the Florida Legislature to enact a moratorium on the use of hydraulic fracturing and well stimulation until scientific study and evaluation proves that they do not pose a significant and harmful risk to water supplies or to public health, safety or the environment; and urging the U.S. Environmental Protection Agency to intervene should the Florida Legislature fail to enact legislation that protects Florida residents and the environment from the harms associated with hydraulic fracturing and well stimulation; and

WHEREAS, the Board has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA:

SECTION 1. Chapter 46, Article IX. Oil and Gas Well Stimulation Prohibited. is hereby created.

SECTION 2. Chapter 46, Article IX, Sec. 46-375. Purpose and scope, is hereby created as follows:

Sec. 46-375. Purpose and scope.

It is the purpose and intent of the Board to prohibit all oil and gas well stimulation activities within the boundaries of Brevard County, Florida.

SECTION 3. Chapter 46, Article IX, Sec. 46-376 Definitions, is hereby created as follows:

Sec. 46-376. Definitions.

The following words, terms, and phrases shall apply in the application, interpretation and enforcement of this Division:

Hydraulic fracturing means the process by which fractures in the earth's subsurface are widened by injection of water, chemicals, or both, under high pressure used in the extraction of oil and gas.

Matrix stimulation means the injection of any acid into a well to break up impediments without fracturing the well.

Well stimulation means any process of using vast amounts of water, chemicals, or both, injected into the ground as a means of oil and gas exploration, including but not limited to hydraulic fracturing and matrix stimulation. Well stimulation does not include routine well cleaning that does not affect the integrity of the well or formation.

SECTION 4. Chapter 46, Article IX, Sec. 46-377, Well stimulation prohibited, is hereby created as follows:

Sec. 46-377. Well stimulation prohibited.

(a) No person or entity may engage in any oil and gas exploration or production that utilizes well stimulation within the boundaries of Brevard County, Florida.

(b) No person or entity may engage in oil or gas exploration or production utilizing well stimulation techniques originating outside of the boundaries of Brevard County, Florida that in any way enters onto, into, or under the ground within the boundaries of Brevard County.

SECTION 5. Chapter 46, Article IX, Sec. 46-378 Enforcement, is hereby created as follows:

Sec. 46-378. Enforcement.

The Brevard County Attorney's Office, or special counsel as otherwise authorized, is authorized to pursue temporary or permanent injunctive relief or any other legal or equitable remedy authorized by law in courts of competent jurisdiction to cure, remove or end any activity which violates this Division.

Section 6. Severability. If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalid or unconstitutional portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the other portions of this ordinance, provided the remaining portions effectuate the purpose and intent of this ordinance.

Section 7. Inclusion in Code. It is intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida, and that the sections of this

ordinances may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 8. Conflicting Provisions. In the case of a direct conflict between any provisions of this ordinance and a portion or provision of any other appropriate federal, state, or county law, rule, code or regulation, the more restrictive shall apply.

Section 9. Area Encompassed. This ordinance shall take effect throughout the incorporated and the unincorporated areas of Brevard County, Florida.

Section 10. Effective Date. This ordinance shall take effect upon adoption and filing as required by law. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment.

DONE, ORDERED AND ADOPTED, in regular session, this 15th day of March, 2016.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

By: _____
Jim Barfield, Chairman

As approved by the Board on March 15, 2016



Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: B.O.C.C. COUNTY MANAGER'S OFF
Address: 2725 JUDGE FRAN JAMIESON WAY
MELBOURNE FL 32940
USA

Ad No.: 0001097952
Pymt Method: Invoice
Net Amt: \$178.04

Run Times: 1

No. of Affidavits: 1

Run Dates: 03/05/16

Text of Ad:

AD#1097952 3/5/2016
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Brevard County, Florida, on March 15, 2016 at 9:00 a.m., in the Commission Room at 2725 Judge Fran Jamieson Way, Building C, First Floor, Viera, FL 32940, will hold a public hearing on the following ordinance:

ORDINANCE NO. 2016-
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, PROHIBITING ANY OIL AND GAS EXPLORATION THAT USES WELL STIMULATION WITHIN THE BOUNDARIES OF BREVARD COUNTY, FLORIDA; CREATING CHAPTER 46, ARTICLE IX, OIL AND GAS WELL STIMULATION PROHIBITED; CREATING SEC. 46-375 PURPOSE AND SCOPE; CREATING SEC. 46-376 DEFINITIONS; CREATING SEC. 46-377 WELL STIMULATION PROHIBITED; CREATING SEC. 46-378 ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR RESOLUTION OF CONFLICTING PROVISIONS; PROVIDING FOR AREA ENCOMPASSED; AND PROVIDING FOR AN EFFECTIVE DATE.

All persons for or against said ordinance can be heard at said time and place. If a person decides to appeal any decision made by the Board with respect to such hearing or meeting, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The needs of hearing or visually impaired persons shall be met if the department sponsoring the Public Hearing is contacted at least 48 hours prior to the public meeting hearing by any person wishing assistance. The sponsoring department is the County Attorney Office, 633-2090.

A copy of the ordinance may be inspected at the following locations:
Brevard County Government Center,
Building C Clerk to the Board of County
www.brevardcounty.us/business
North, Central, South Libraries
By order of the Board of County Commissioners of Brevard County, Florida

RESOLUTION No. 16-024

[BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS – (1) OPPOSING PROPOSED FLORIDA LEGISLATION PREEMPTING OR VOIDING LOCAL GOVERNMENT REGULATIONS ON HYDRAULIC FRACTURING, ACID FRACTURING AND WELL STIMULATION TREATMENTS PURFORMED FOR THE PURPOSE OF EXPLORATION OR PRODUCTION OF OIL OR NATURAL GAS; AND (2) URGING THE PASSAGE OF A MORITORIUM ON HYDRAULIC FRACTURING, ACID FRACTURING AND WELL STIMULATION TREATMENTS IN FLORIDA .]

WHEREAS, oil and gas well stimulation, including hydraulic fracturing, acidizing and acid fracturing, is performed by injecting chemical fluids into rock formations, to create fractures, in order to explore for, or produce and recover, oil and gas; and

WHEREAS, oil and gas stimulations involve the use of hundreds of chemicals some of which have been determined by the U.S. Center for Disease Control to be carcinogenic or which could otherwise pose a significant and harmful risk to water supplies or to public health, safety or the environment; and

WHEREAS, the Florida Legislature is currently considering legislation (including Senate Bill 318 and House Bill 191) permitting and regulating oil and gas well stimulation, including hydraulic fracturing and acid fracturing; and

WHEREAS, current versions of such proposed legislation would preempt counties, municipalities and other political subdivisions from regulating any activity related to oil and gas exploration, development, production, processing, storage and transportation; and

WHEREAS, current versions of such proposed legislation would also void any existing county or other ordinance related to such matters; and

WHEREAS, preemption by the state is in opposition to the philosophy of self-government observed by the many and diverse Florida communities; and

WHEREAS, Brevard County residents have a reasonable expectation that their local governments will be able to act to protect their water supplies and their health, safety and environment; and

WHEREAS, Brevard County residents must depend upon all of their local, state and federal governments to ensure that they live in a safe environment and to protect the public's health; and

WHEREAS, the Brevard County Commission and its constituents will almost certainly have to bear some, or all, of the costs of future environmental and health problems resulting from the injection of the water and chemicals used in the processes of oil and gas well stimulation, including hydraulic fracturing and acid fracturing;

NOW, THEREFORE, BE IT RESOVED THAT THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, DOES HEREBY:

1. Urge the Florida Legislature not to enact any legislation that would preempt local governments' ability to impose, by ordinance or other means, regulation of the exploration, development, production, processing, storage and transportation of oil and gas within their respective borders, including such matters relating to the processes of hydraulic fracturing, acid fracturing and well stimulation.

2. Urge the Florida Legislature not to enact any legislation that would void any existing local government ordinance or other action that is intended to accomplish the regulation described in paragraph numbered 1. above.

3. Urge the Florida Legislature to (a) declare an immediate moratorium on the use of the processes of hydraulic fracturing, acid fracturing and well stimulation, and (b) ban these processes in Florida until further scientific study and evaluation establishes that they do not pose a significant and harmful risk to water supplies or to public health, safety or the environment.

4. Urge the U.S. Environmental Protection Agency, if the Florida Legislature fails to enact legislation that (a) protects all Florida residents from the dangers of various forms of hydraulic fracturing, acid fracturing and well stimulation and (b) preserves the right of local governments in Florida to protect the health, safety and environments of their residents, to adopt and enforce rules and regulations that ensure that all Florida residents' are protected from any harm from any form of hydraulic fracturing, acid fracturing or well stimulation.

DONE, ORDERED AND ADOPTED, in regular session, this 1st day of MARCH, A.D., 2016.

BREVARD COUNTY, FLORIDA

By: BOARD OF COUNTY COMMISSIONERS

By: 
JIM BARFIELD, CHAIRMAN

ATTEST:



Scott Ellis, Clerk

Approved by the Board: 3/1/16

March 15, 2016

setbacks, and stormwater was done, they would not be able to fit a Dunkin Donuts on it at that point in time. He added this property has no commercial value that he would be able to see with his background in real estate.

Commissioner Infantini stated there is property in West Melbourne on 192 that is on less than half of an acre that is commercially used; and if he would like to justify it that way she is okay with that.

The Board adopted Resolution No. 16-033, vacating an unimproved 60.00 foot public right-of-way at the northwest corner of State Road 520 and Interstate 95, in Section 26, Township 24 South, Range 35 East, Cocoa.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Andy Anderson, Commissioner District 5
AYES:	Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
NAYS:	Trudie Infantini

ITEM IV.D. PERMISSION TO ADVERTISE LEGISLATIVE INTENT, RE: ORDINANCE PROHIBITING ANY OIL AND GAS EXPLORATION THAT USES WELL STIMULATION WITHIN THE BOUNDARIES OF BREVARD COUNTY

Philip Stasik stated he is speaking on behalf of the Space Coast Progressive Alliance; he thanked the Board for protecting the land, water, and the air of Brevard County; and thanked the Board for the Resolution that was passed, and the wording in the proposed ordinance. He noted he believes what the Board is proposing is the right thing to do; it is very important to protect the health of the citizens; and he would like to encourage the Board to think about what has happened in other places where fracking is taking place. He added many times when fracking takes place, the waste water that is brought up is transported away from the fracking site; sometimes it is carried across state lines, or county lines; and something the Board could consider in the wording is a prohibition of the dumping of that waste water within the boundaries of this County. He indicated it is something to think about, and he is not sure if the Board had thought of that yet or not, but it does happen in other places where fracking takes place; so the Board may ban fracking within Brevard County's boundaries, but someone in adjacent county may bring that water and dump it here. He went on to say offshore oil exploration and drilling could potentially come here, it does not apply to this ordinance, or the Resolution however, he suspects it is something the Board has thought about. He thanked the Board again for the Resolution; the Commissioners are each individuals with their own viewpoints, and to see all of them come together is remarkable; and they look forward to the final wording of the ordinance.

Terry La Plante thanked the Board for the great work that it is doing with working with them on the ordinance; she stated they very much appreciate the protection it is providing to the community; she has read the ordinance and there is a fair amount of comments regarding some of the nationwide problems of the disposal of the toxic waste water; and New York has even banned fracking in their state, and they are having problems with this water being trucked over into their state for disposal. She added she would like the Board to consider that be added to the ordinance; there are over 400 natural gas storage facilities in the United States, most of those are underground; currently, to her knowledge, there is only one here in the State of Florida, and that is in Indian Town, in Martin County; and that one is above ground, it is a very large facility. She went on to say it is a rather new development to

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store natural gas above ground in that huge facility; Florida Power and Light (FPL), which needed access to the natural gas, they were refused to allow that storage facility to be on their property. She added it hung up the development of that project for quite some time; she does not know what it tells them when FPL does not want a natural gas storage facility on their own property. She indicated while natural gas disasters are not that common, Texas, Kansas, and California have all experienced disasters; recently Aliso/Los Angeles County had a natural gas leak that lasted over four months; it forced over 2,000 residents to be evacuated, a long list of health problems associated with that; and there are a lot of dangers to a community, to the air pollution, and the health of citizens regarding storage of natural gas. She pointed out that is not to mention the dangers of having the natural gas trucked around and on the freight rails; the County is particularly vulnerable and at risk due to Port Canaveral's Port Authority Progressive Plans to industrialize pushing for freight rails, cargo business, and pipelines; now that the community has agreed to say no to fracking, and hopefully some of the auxiliary businesses, there is an extraordinary opportunity to say yes to a booming industry; a booming industry of recreational tourism; and there is an extraordinary opportunity to say yes to green energy, and bring solar power to Florida, which is now becoming more and more cost effective. She added there are 76 million baby boomers in the process of retiring; one third of them are headed to the State of Florida; 80 percent of them have a plan to travel, they want to travel as a retirement plan; consumer spending is well known, it is a major economic growth engine to the local and nationwide industries; and tourism is extremely important for Brevard County. She stated it is important to her to keep Port Canaveral open for private boats and yachting that the Port stay open for residences, which means keeping out all of this dangerous industrial oil and gas business. She pointed out they can further define themselves as a world class tourism destination. She added the County can further provide a very high quality standard of living to the residents by expanding the recreational tourism and making that the engine of economic growth.

John Saathoff stated he is a member of the Citizens Combating Climate Change Organization; he will be coordinating the new Space Coast Chapter of the Citizens Climate Lobby; he thanked the Board for stepping up with a unanimous decision for the fracking Resolution; and he stated the message that sent to Tallahassee was loud and clear. He added he does not think it is a coincidence that on that same day Senate Bill 318 was withdrawn from the appropriations committee agenda; that was a narrowly escaped disaster because that was only one vote short of getting to the full Senate; and from there on, to the Governor's desk for signature. He noted March 1, 2016, was a milestone, and today they ask the Board to follow through on the ordinance to ban fracking in Brevard; as was discussed last time, the science, economics, and ethics are all on the Board's side on this issue, and of those that would like to safeguard the ecology, health, and safety of Brevard County citizens. He went on to say his purpose this morning is to add one more point of argument against fracking for natural gas, and that is to set the record straight on the role of natural gas and the energy and dependence of the United States; as the Board knows, energy companies have an objective in fracking, and that is to develop further production and reserves of this fossil fuel. He advised he has personal experience in this field, having worked for Aamco to develop computer models to optimize their exploration and production activity; fracking is led to an oversupply of gas that drove domestic prices to a seventeen year low at the end of February; and the United States is now facing a glut of oil and natural gas, leading congress recently to lift the ban on gas exports. He added US producers are now looking for customers in a saturated global marketplace; he has a nearby example, the Sabine Pass liquid natural gas terminal in Louisiana, in the swamp; a decade ago, Sabine Pass was planned as a gas import terminal. He informed the Board when fracking took off,

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the project reversed directions, and now it is set up for exports; Cheniere Energy, the operator of Sabine Pass, has signed 20-year contracts with a number of European gas companies; and many of them in countries which have banned fracking. He went on to state the first major exports of natural gas left a port in Louisiana of February 24, 2016, so it is underway; with all due respect, he suggests that the Board ask the question if fracking is for energy self-sufficiency another phony argumen. He indicated looking ahead it gets worse, about 90 million metric tons of new gas per year will hit the markets over the next three years; this is equal to about one-third of the current demand, so the flood gates are open. He added the bottom line is there is no way energy security is dependent on fracking to get at Florida's marginal reserves of oil and natural gas, it just does not connect; the Board should be worried about the worsening big picture around climate change. He went on to say Senator Marco Rubio is fond of saying America is not a planet, that is true, just as Florida is not a nation, and Brevard is not a State; but as the most developed country in the world, the United States has pumped more greenhouse gasses into the atmosphere than anyone else. He pointed out this past year in Paris, together with 195 other nations, committed to limit the increase in global average temperatures to two degrees centigrade above pre industrial levels, which gives them a chance to save the planet; if one were an energy company, the inconvenient fact is that existing fossil fuel reserves amount to over 5,000 gigatons of carbon; and the world cannot afford to extract and burn this much if it is to stay below the two degrees centigrade goal. He added climate physics tells them there is a carbon budget of about 20 percent of that, so if they are not going to drill for the vast majority the current reserve, why would anyone want to explore and drill for more; even if Florida and Brevard did have substantial viable natural gas potential, it should be left in the ground; and he asks the Board to join the dozens of sister counties in Florida who have already banned fracking once and for all.

Melissa Martin stated she would also like to thank the Board for its deliberate consideration, view, and support of this issue; it has inspired hope throughout the County; and every person she has met or talked to after March 1, 2016, has regained a certain trust and confidence in the local government. She noted something that happened last week that spurred an afterthought in the recommendation to add a few provisions perhaps, in the ordinance language; that was alluded to earlier regarding wastewater disposal storage and transportation. She went on to say Wednesday, March 9, 2016, a truck hauling drilling wastewater overturned in Eastern Ohio, sending thousands of gallons of toxic water into a nearby creek and contaminating a reservoir in Barnesville, Belmont County; they found that the oil and gas wastewater typically is loaded with salt, but can contain sand and toxic chemicals; it has spilled into a field, then a creek, and finally into one of Barnesville's three reservoirs; and that caught her attention. She explained that one would think the predominant danger from fracking activities would be the actual fracking itself, but to think that someone in an adjacent county could be hauling through Brevard County's jurisdiction and happen to spill into one of its very precious water sources was eye opening; and she thinks the Board should consider expanding the language in the ordinance itself to further and properly protect its interests. She read aloud from her notes, "Whereas government bodies and peer reviewed science pulled that the transportation, storage, and disposal of hydraulic fracking wastewater can pose and has caused significant risk of harm to humans and ecosystems"; and not to add to it, but the fact that trucks of wastewater can spill at any moment, but also referring a couple other issues regarding wastewater treatment plants failing to account for the halides, but there are plenty of chemicals that still seep into the system wherever the treated wastewater is dumped. She went on to say it does eventually get into the drinking water resources; the fact that the government of Oklahoma admits that the injection of wastewater from fracking activities has caused their earthquake issues; and

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what the County does with the wastewater after fracking is definitely something that should be considered. She stated in addition to the extra wording, she recommends that the ordinance is titled to include ordinance prohibiting oil and gas well stimulation activities to include the definition of activities as descriptively used in well stimulation operations activities includes the transportation on roads with County jurisdiction, storage, ground injection, or treatment disposal of wastewater produced by such well stimulation operations; and that is for the Board's consideration.

Fran Baer stated she is a proud resident of Brevard County for the past 50 years; she is co-president of the Space Coast League of Women Voters, a non-partisan political organization, whose members female and male study and encourage informed and active participation in government at all levels. She added two weeks ago, the League of Women Voters spoke to the Board regarding the adoption of a resolution opposing Senate Bill 318, which, had it passed, would have permitted the practice of allowing hydraulic fracking, acid fracking, and well stimulation in order to extract petroleum and natural gas, while at the same time, restricting the ability of the Board to make land use compatability decisions for Brevard County; the Board not only listened, it acted and adopted unanimously the Resolution, and took the necessary steps to begin the process of presenting to the public, the ordinance before it this morning. She added for that the League thanks the Board, for its willingness to protect the environment and the residents voices in adopting its Home Rule Charter in November 1994, Brevard voters dedicated themselves to the guiding principal that government closest to the people is the appropriate authority to serve the needs and requirements of the community; in the Board's elected good hands, it has done just that. She added the proposed ordinance has been read, and all of its sections; and she believes it thoughtfully and adequately compliments the Resolution of March 1, 2016, and offers further reasons why the practice commonly known as fracking poses significant risks to health, safety, and the environment. She went on to say it further protects the Board's ability to act on the residents behalf as good stewards of the community; they urge the approval of the wording of the ordinance, and the consideration of the tweaks suggested by pervious speakers so that it may proceed further for adoption. She noted they further recognize the complexities of every issue and assure the Board that the League supports economic growth and wants to work with the Board to bring green energy to this community to provide jobs, decrease pollution, enhance the quality of life, and create a sustainable future for the children, citizens, guests, and flora and fauna. She noted she would also like to echo the message from the Supervisor of Elections, Lori Scott, in the interest of good government, which the League is committed to, she urges everybody to be sure to vote today.

David Kearns stated his thanks to the Board; Senate Bill 318 died, the vote standing at 10:9, against the Bill; and the Board did that. He added he was in the room in a subcommittee hearing in the audience prepared to speak a third time; he turned to speak to a reporter during the session for the *Tallahassee Democrat*; he got up and started making the rounds; and within an hour or two, Senator Garrett Richter pulled his measure and gave up the fight. He went on to say the work is not finished, Senator David Simons vowed on March 1, Senate Bill 318, or its likeness would return and fracking would be a thing in Florida; and every single Legislator from Brevard, who could vote for fracking, voted for it. He pointed out they should be asked why, what made them do that with so much at stake; it may not surprise anyone to learn that all of them are seeking re-election again; he added at risk especially are the cities, Senate Bill 318, for some unknown reason, has sought to strike out protections for cities; so someone wants to frack in cities; and he does not know who would want to put this activity in cities, but they need re-education. He noted he does not know what tweaks the Board could make; he read in the newspaper yesterday that

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there was an opt-out for cities; he believes the Board has enough information at its disposal that an opt-out for cities is really not good; and it is not good to let this in a municipal area, if at all.

Commissioner Infantini stated she believes the opt-out says that all the cities will agree to be bound by the County's regulations, unless they have a conscientious vote to opt-out of the ordinance; and it is very good what the Board has done; otherwise they are agreeing to be bound by it unless they so state they do not want to be bound by it; and the Board does not want to take over jurisdiction of cities, this prevents them from having to have a vote. She went on to say she does not think there are any elected city officials that would vote for fracking.

Joyce Wasserman stated she is a transplant, she came here from New York; she is delighted to be here; and when she lived in New York, it was going through a similar process as Brevard County is today. She added they ultimately decided to ban fracking for very good reasons; the Board has heard many of them; she added she is here on behalf of Citizens Combating Climate Change, she is also a member of the Sierra Club, and a person who has grandchildren, and wants them to have a good life. She went on to say she would talk about this from two positions; one is something her father told her, a person can rely on two things, death and taxes, and she will add a third, accidents; in the diagram she provided to the Board, it shows a lot of accidents in Texas due to fracking. She added she does not care how many controls that are dictated, accidents happen; some of them are minor, some of them are not; some of them relate to people turning their tap water on at home and having the water be flammable and having their daughter pass out while doing dishes; and others relate to methane leaks, methane leaks that get into the atmosphere, will help make the climate warmer, and change every ecosystem here in Florida. She advised fracking is not safe, not on a personal level, environmental level, drinking water, and there are multiple instances in that Texas chart that show water contamination; and the water that is drunk today is of limited supply, it is the same water that the dinosaurs drank; it is just recycled. She added once it is contaminated, that is it, it is contaminated; and she asks the Board to look favorably on the ordinance to vote down fracking in the area, and to promote things that are healthy for the population; and to make the Sunshine State wonderful.

Judy McCluney stated she would like to thank the Board again for being concerned; one of her sons that was born and raised here, but moved to Colorado, and he lives in a small town where the representative was not so sure about fracking until one day he woke up and looked a little beyond the town limits and saw a big fracking operation. She went on to say he was adamantly opposed; she does not want any kind of nightmare like that in her town where she lives; Florida is a cased topography; geologically, cased means a landscape formed from the dissolution of soluble rocks, it is characterized by underground drainage systems with sinkholes and caves, it is not especially stable, it is inter-connected, it can be broken, it is the Board and the citizens' job to make sure that other than the natural disasters like sinkholes, which occur naturally, that the ground is not further weakened or further lower the water table. She went on to say that makes sinkholes and collapses more likely; they certainly do not want to weaken the structure of this; also water runs through artesian wells and the upwell of water to the surface; that only happens when the natural barriers are respected, made and left intact; and if they are not left intact, that would destroy the artisan well system, which is vital to the springs. She noted there is also the matter of earthquakes, which seem to be happening a lot, and have been connected to where there are fracking practices; and one could say that would not happen in Florida, and it has in 2006 in the middle of the Gulf of Mexico that sent shock waves through Tampa and Fort

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Meyers. She mentioned it thankfully did not trigger a tsunami, and if it had been closer and Florida had more earthquakes, it would be in danger of that.

Richard Charbeneau stated at the last meeting, Scott Knox, County Attorney stated if the State would like to overturn this, they could if they wanted to; and whatever the Board did was a feel good kind of thing. He inquired if anyone knows where FPL gets 98 percent of its power from; he stated they get it from natural gas; if natural gas is done away with, then FPL will be gone; the other thing was there was a big push for FPL to do clean natural gas, they converted all of their power plants to natural gas, and all of a sudden natural gas went from great, clean fuel to bad. He went on to state carbon monoxide (CO₂) is not a green house gas, the weight of CO₂ is 1.33 times the weight of the atmosphere, and unless one were to put the CO₂ in a rocket ship and blast it into the atmosphere, it will not go. He added if natural gas is the worry, methane is 100 times worse than anything; his father-in-law designed a system where methane gas is trapped and converted to power; it powers 25,000 people; and Brevard County does not do anything like that. He went on to say methane gas happens when food and things like that decay; to the naysayers of natural gas, this is a typical liberals, they do not like this, they do not like that, but when asking them what they do like, and let one person in this room tell him what they want to power the world by if natural gas, coal, and oil are eliminated; and he inquired what would everyone use for power. He advised there is nothing else to use, and the idea of solar is nonsense; he has done the biggest solar installation in the State of Florida himself, solar only works because of the angle of the sun, not by heat, it works by light; it depends on the time of year, but from about 9:00 a.m. until 3:00 or 4:00 p.m. then it goes off, and what would everyone use then; it would have to be natural gas or something else; and when fracking happens, they would go down two to four miles, and the depth of the tectonic plates are hundreds of miles down, not two of three miles, there is no possible way that a hole could be drilled far enough down to cause an earthquake. He added there is no alternative right now for power; and there is only one thing that has zero emissions and it does not work either.

Commissioner Infantini stated she realizes that the Board's resolution to the Legislature has no final impact on them, but it does give them the will of Brevard County, and it is a very big voting block; it lets the Legislature know that the Board and its citizens are not behind them on fracking; they can do what they want, and do it at their own risk, but they need to understand that the will of the people are not behind the State. She went on to say that was the purpose of the Resolution; and to the extent that it was effective, because the Bill was repealed; and she feels that they thought they better regroup to find something different. She added she is not against fracking, she is against fracking in Brevard County and in Florida; there are things she does in her backyard that others cannot do in theirs in other states; and just because she does not want certain things here, does not mean she is opposed to them. She explained she is not against it, she is just against it being here.

Mr. Charbeneau inquired if there was oil in Brevard County. Commissioner Infantini responded, if the County does not have it, why does the Board need to allow fracking.

Chairman Barfield stated that is a main issue for him when the State starts taking away Home Rule; when they take that away, that is going to far; and the Board has the right to make that decision for the County.

Terry Mott stated she was not going to say anything today because everything has been said, however, she could not sit back there after Commissioner Infantini's comments. She

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added she thanked the Board for their comments and proposal to put this ordinance in play; but those comments were especially important to her because as this gentleman has asked, what is the risk and what is being considered, are there reserves; that question was asked a couple of weeks ago; and she checked to find out. She advised she went on the Cal Tech website and in their report, that a senior of the school prepared, showed a shale play chart, that chart was prepared by the Department of the Interior, the Bureau of Land Management, and in that chart, Florida showed nothing; she contacted the Department of the Interior, and got the 2015 map, which also showed no shale. She went on to say she could not understand why there was nothing on the shale map for Florida; the answer is that in order to get on that map, there has to be seismic testing done, and it is called air gun testing; when she researched the seismic testing, again she came up with a series of resolutions against seismic testing; and in order to find out whether or not Florida has any oil reserves, seismic testing would have to be done. She noted it is extensive, there are number of cities and counties that have flat out said no; they do not want to risk their substrates, environment, or the health of the people just to find out if by chance there may be something in the ground worth risking fracking for.

Commissioner Anderson stated this is legislative intent is for a land use ordinance; he thinks the Board needs to keep it that way; he does not want to subject the Board to political stuff regarding energy and climate change because that would not be appropriate in a land use ordinance; and the transportation tweak is not something the Board can enforce, that is a State and Federal issue. He added deputies have no idea of what is in any container driving down any county street, unless they were to have probable cause to pull them over to run a test; and he can guarantee the Sheriff does not have the resources. He added he just wants to keep it at land use, transportation is not part of the land use code; and keep it as is.

Chairman Barfield stated he would like to direct staff to look at the resource conservation recovery act, and the NEEPA act, and flows down through the state; there are some others for transportation of hazardous materials, just to verify that is covered; and he would like to see that to make sure.

Commissioner Anderson stated there is an equal treatment of different things; if the Board said the wastewater was illegal, there was a spill in Palm Bay not too long ago that was cruise ship sludge, and there is no where to stop; and he thinks the Board is out of that business.

Commissioner Fisher stated it would be very difficult with Federal Highways and such to try and determine what is traveling where.

The Board granted permission to advertise for legislative intent for an ordinance prohibiting any oil and gas exploration that uses well stimulation within the boundaries of Brevard County.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Trudie Infantini, Commissioner District 3
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

March 15, 2016

From: Melissa Martin (Cocoa, Florida)

To: Brevard Board of County Commission (Attn: County Attorney's Office)

Subj: PROPOSED LANGUAGE TO ADD TO ORDINANCE PROHIBITING OIL AND GAS WELL STIMULATION

1. The following language is submitted for your review and consideration to amplify the protective coverage the subject ban will provide against inherently dangerous activities involved in hydraulic fracturing (fracking).

2. Insert between "WHEREAS, fracking requires the use of hundreds of thousands..." and "WHEREAS, the residents of Brevard County have a reasonable expectation that...":

"WHEREAS, government bodies and peer-reviewed science hold that the transportation, storage, and disposal of hydraulic fracturing wastewater can pose and has caused significant risk of harm to humans and ecosystems." (or words to that effect)

3. Include in the ordinance title, "...ordinance prohibiting oil and gas well stimulation ACTIVITIES." Clarify also throughout ordinance, to include Sec. 46-377, "Well stimulation ACTIVITIES prohibited."

4. Insert in Sec. 46-375. Definitions, "*Activities*, as descriptively used in well stimulation operations, includes the transportation [on roads within county jurisdiction], storage, ground injection, or treatment/disposal of wastewater produced by such well stimulation operations."

5. Thank you for your consideration of this matter.



M. MARTIN

W.D

Columbus, Ohio • Mar 15, 2016 • 54° Overcast

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THE DISPATCH E-EDITION



The E-Edition includes all of the news, comics, classifieds and advertisements of the

By [Laura Arenschield](#)

The Columbus Dispatch • Wednesday March 9, 2016 8:43 PM

A truck hauling drilling wastewater overturned in eastern Ohio early Wednesday, sending thousands of gallons of toxic water into a nearby creek and contaminating a reservoir in Barnesville in Belmont County.

The truck crashed along a curve just after 3 a.m. Wednesday, said Barnesville Fire Chief Bob Smith. The driver, Hiley Wogan of Chesterhill, Ohio, was flown by helicopter to a hospital in Columbus, Smith said. Wogan's injuries are not life-threatening.

About 5,000 gallons of drilling wastewater spilled into a field, then a creek and finally into one of Barnesville's three reservoirs, Smith said. Oil and gas drilling wastewater typically is loaded with salt, but also could contain sand and toxic chemicals.

Smith said the reservoir is closed while the Ohio Environmental Protection Agency tests the water.

"Cleanup crews are down there now starting to clean it up," Smith said. "It'll probably take a couple days because they have to clean the field, dig the dirt up, clean up along the creek."

He said the truck was hauling waste from a well in Monroe County owned by Gulfport Energy, an Oklahoma-based oil and gas company. Calls to Gulfport were not returned Wednesday.

James Lee, a spokesman for the Ohio EPA, said the agency is testing the reservoir and collecting information about possible chemicals or other toxins in the spilled wastewater.

Eric Heis, a spokesman for the Ohio Department of Natural Resources, said the agency is working to determine which of Gulfport's wells produced the spilled wastewater. He said no animals or fish were harmed.

Gulfport operates about 60 wells in Monroe County, though not all are active, according to ODNR records.

larenschield@dispatch.com

[@larenschield](#)

CLIMATE

Scientists: Fracking Wastewater Poses Threat To Drinking Water

BY EMILY ATKIN  SEP 25, 2014 2:21 PM



A jar holding waste water from hydraulic fracturing is held up to the light at a recycling site in Midland, Texas, Sept. 24, 2013.

Every year, hundreds of billions of gallons of wastewater are produced by fracking operations across America. Some of that water gets stored in manmade ponds, some of it is injected underground, and some of it is treated and put back into rivers.

For the people whose drinking water systems are downstream of those rivers, scientists have some bad news.

New peer-reviewed research from Stanford and Duke University scientists shows that even when fracking wastewater goes through water treatment plants, and is disposed of in rivers that are not drinking water systems, the treated water still risks contaminating human drinking water. That's because there are generally drinking water systems downstream of those rivers, and treatment plants aren't doing a good job of removing contaminants called halides, which have the potential to harm human health.

The scientists say halides — which are salts like bromide, chloride, and iodide — are often found in fracking wastewater, and the concern about them is that their presence in the water can

promote the formation of something called “disinfection byproducts,” or DBPs. These chemicals — trihalomethanes, haloacetic acids, bromate, and chlorite — are formed when the disinfectants used in water treatment plants react with halides, according to the Environmental Protection Agency.

Published in the journal *Environmental Science and Technology* and released by the American Chemical Society on Wednesday, the research showed that toxic compounds formed in water even when fracking wastewater made up only 0.01 to 0.1 percent of the waters’ volume. To prevent this from happening, the researchers recommended that fracking wastewater should not be discharged into surface waters, even when it is treated.

So why are we talking about water? I thought fracking was for oil and gas?

Fracking is a technique that makes it easier for companies to get more oil and gas from the ground, but one of the reasons it’s so controversial is because of how much water is needed for that to happen. Fracking works better than conventional drilling because, instead of just drilling down and trying to extract gas from shale rock, companies also inject a high-pressure mixture of water, sand, and chemicals miles-deep into that rock. That high-pressure brine effectively cracks, or “fractures,” the rock, and makes the gas easier to extract.

As fracking has boomed across the United States, so has the use of water to do it. A 2013 report from Environment America showed that fracking wells nationwide produced an estimated 280 billion gallons of wastewater in 2012 — a huge number considering more than 55 percent of fracked wells are in areas experiencing droughts.

How to manage that water, which is often radioactive, has also been a huge issue. Some consider

Table 2. Wastewater from Fracking in 2012^{1*}

State	Wastewater Produced (million gallons)
Arkansas	800
Colorado	2,200
Kansas	No estimate
Louisiana	No estimate
Mississippi*	10
Montana	360
New Mexico	3,000
North Dakota**	12,000
Ohio	30
Oklahoma	No estimate
Pennsylvania	1,200
Tennessee	No estimate
Texas	260,000
Utah	800
Virginia	No estimate
West Virginia	No estimate
Wyoming	No estimate
TOTAL	280,000

* Data for Mississippi are for 2012-2013.

** Data for North Dakota are cumulative to early 2013.

CREDIT: ENVIRONMENT AMERICA

it an even bigger issue than fracking's potential to leak drilling fluids or other contaminants, as detailed by a Yale Environment [report](#) on the problem.

What are some other problems with fracking wastewater?

Some of the most contentious issues surrounding fracking have been about wastewater. Drinking water contamination has always been one of them.

In addition to this most recent research on threats to drinking water supply from wastewater that's been treated and released into rivers, some have been concerned about whether wastewater injected underground can contaminate aquifers. Environment America's 2013 [report](#) said that pressure from those water injection wells can cause underground rock layers to crack, "accelerating the migration of wastewater into drinking water aquifers."

Storage ponds of wastewater are also prone to accident. In 2013, federal regulators [fined](#) ExxonMobil \$100,000 for a fracking wastewater pond leak in 2010 that contaminated a tributary of the Susquehanna River.

Perhaps the most high-profile concern with fracking wastewater, though, is that the process of injecting it underground may [be causing earthquakes](#). Scientists [increasingly believe](#) that the large amount of water that is injected into the ground after a well is fracked can change the state of stress on existing fault lines to the point of failure, causing quakes. The quakes have usually been too small to be felt, but scientists have also [warned](#) that they stand to get stronger as more wastewater injection happens — a likelihood considering the growing [expansion](#) of fracking.

TAGS Fracking Fracking Fluid Stanford

Oklahoma Admits Oil and Gas Industry Responsible for Dramatic Rise in Earthquakes

By EVAN SIMON

Apr 22, 2015, 4:48 PM ET



WATCH | Caught on Camera: Oklahoma's Rising Earthquakes

For the first time in the state's history, Oklahoma's state government officially recognized the long held scientific consensus linking the disposal of oil and gas wastewater with the record number of earthquakes plaguing it in recent years.

On Tuesday, the Oklahoma Geological Survey released a statement declaring it was "very likely that the majority of recent earthquakes, particularly those in central and north-central Oklahoma, are triggered by the injection of produced water in disposal wells."

Chile Earthquake, Tsunami Warnings: The Science of Disaster

6.1 Magnitude Earthquake Strikes Near Greek Island

The statement coincided with the launch of a website produced by Oklahoma's Energy and Environment Cabinet, featuring an interactive map and links to expert studies detailing the scientific evidence behind the link between Oklahoma's earthquakes and the disposal of oil and gas waste water. The website represents the first time Oklahoma lawmakers have recognized the link, after years of official skepticism.

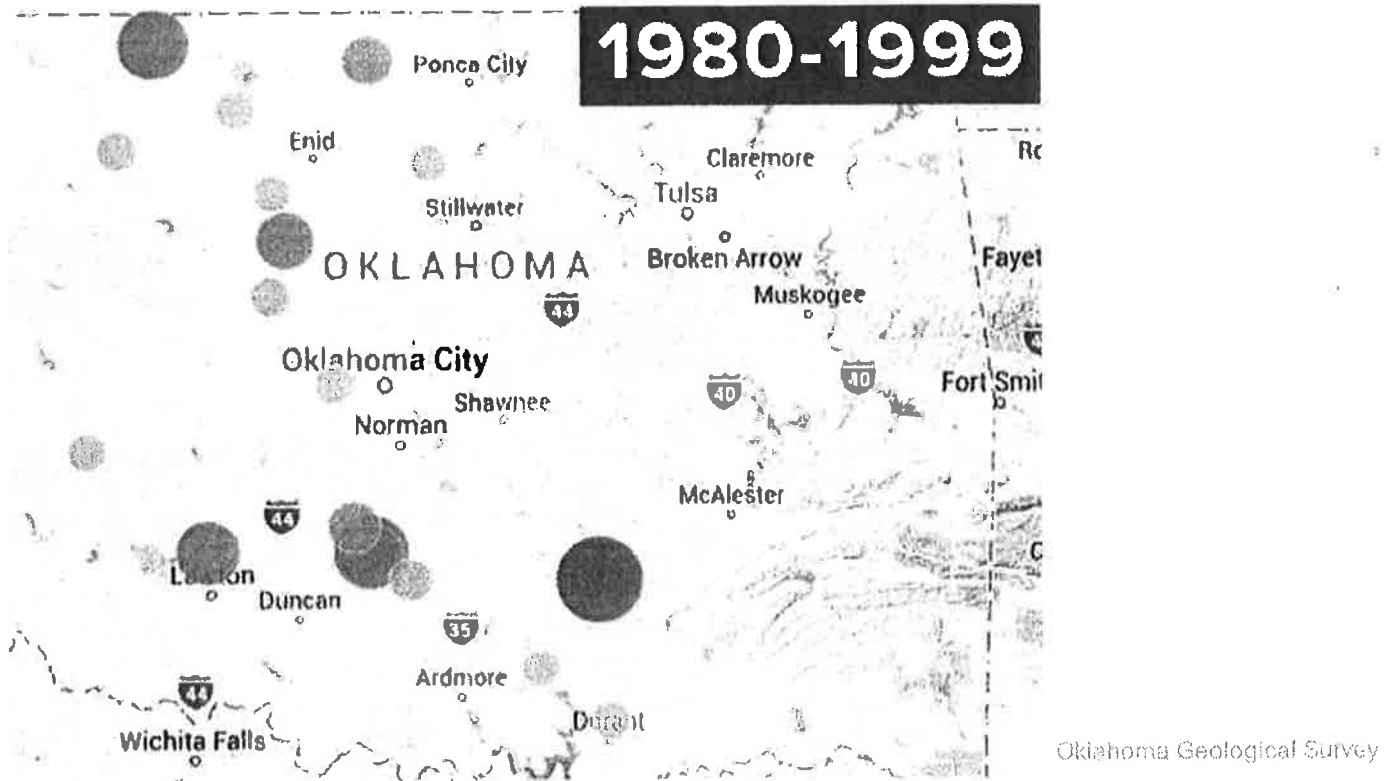


PHOTO: Images show the number of earthquakes in Oklahoma during the period of 1980-1999 compared ...more +

Hydraulic fracturing, a controversial gas extraction process involving the injection of waste water into deep underground wells, has boomed in Oklahoma. In 2009, the state's landscape featured more than 32,000 oil wells, according to the U.S. Energy Information Administration.

Before Oklahoma's recent oil and gas boom, which began in the mid 2000s, the state experienced only about one and a half earthquakes exceeding magnitude 3.0 (the level at which most humans can detect an earthquake without scientific instruments) in an average year, according to the Oklahoma Geological Survey.

Last year, the state recorded 585 quakes of 3.0 or larger, about 600 times greater than the background seismic rate, according to the Oklahoma Geological Survey.

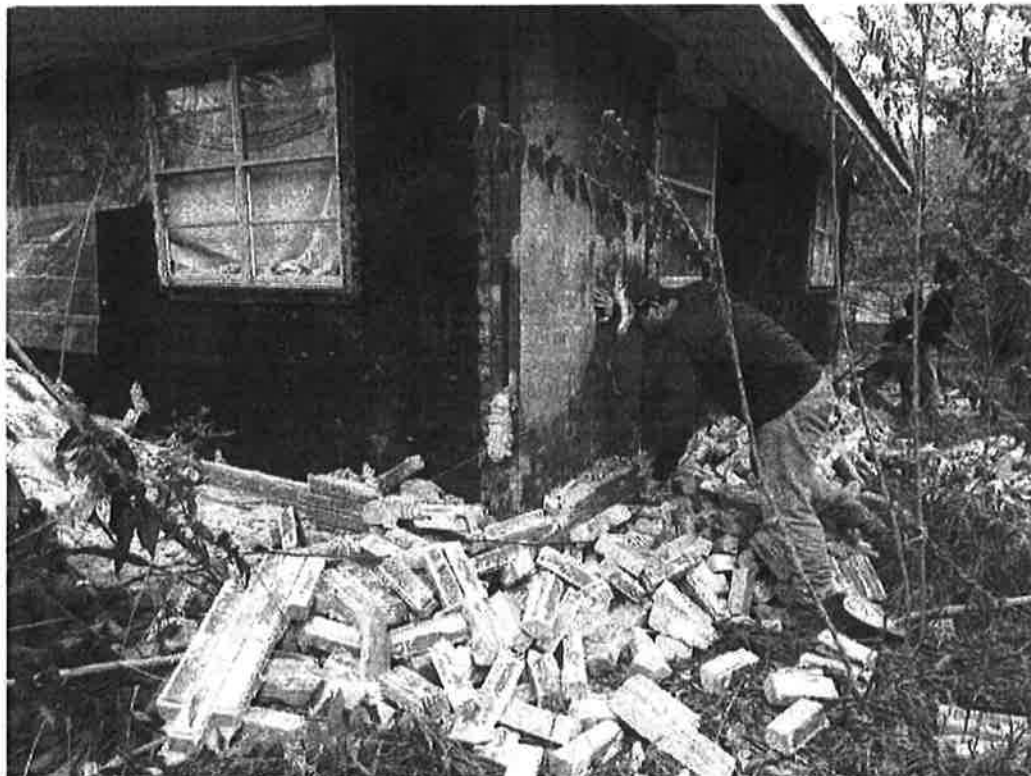
Another recent report by the U.S. Geological Survey claimed that the 5.6 magnitude quake that struck Prague, Oklahoma, in 2011, resulting in several injuries and damage to more than a dozen homes, appears to have been "waste water disposal induced."

"There may be a link between earthquakes and disposal wells," Chad Warmington, President of Oklahoma Oil and Gas Association, said in a statement released Monday, "but we -- industry, regulators, researchers, lawmakers or state residents -- still don't know enough about how waste water injection impacts Oklahoma's underground faults."

But William Leith, senior science advisor for earthquake hazards at the U.S. Geological Survey, claims that evidence for waste water induced earthquakes is "well established in theory,

laboratory, and field experiments."

"The earthquake rate in Oklahoma has increased so significantly that it raises the risk of a larger damaging earthquake," said Leith, who also warned that "Oklahomans should be concerned about this increased risk."



AP Photo

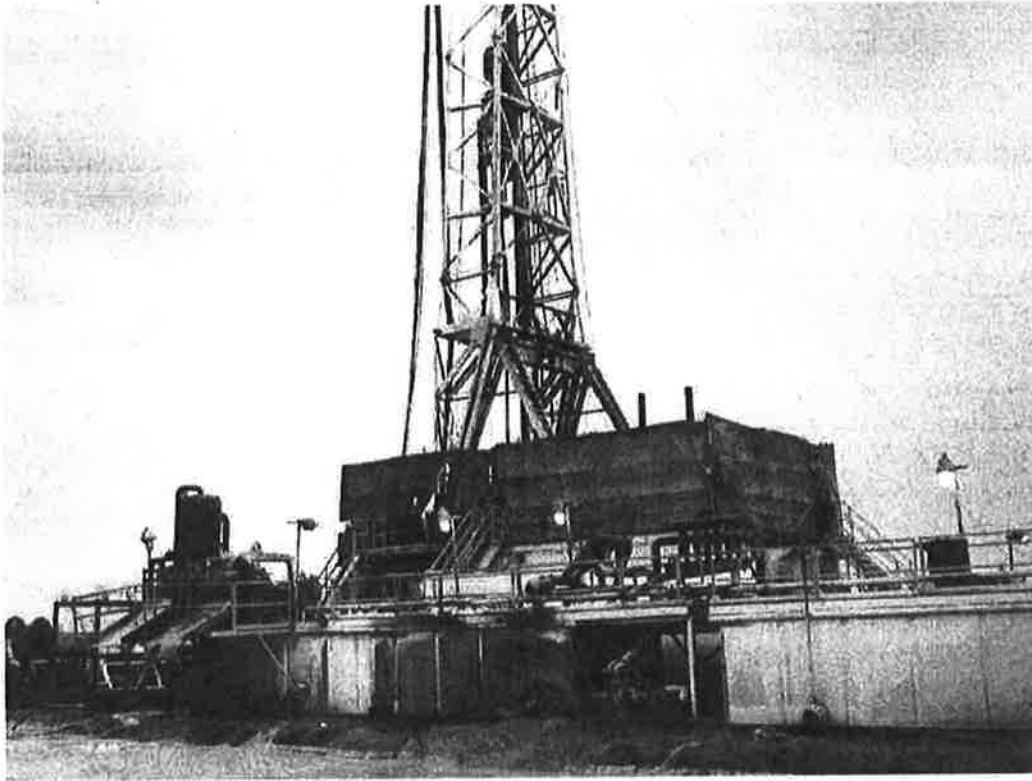
This Nov. 6, 2011 file photo shows earthquake damage in Sparks, Okla. on after two earthquakes hit the ar...more +

"Oklahoma state agencies are already taking action to address this issue and protect homeowners," Oklahoma Gov. Mary Fallin said in a statement released on Tuesday, referring to her efforts to assemble the Coordinating Council on Seismic Activity last year.

But critics were quick to point out that the Governor's announcement came late and does not impose any measures to curtail the injection of waste water.

"The word finally popped across my head," said Cory Williams, a Democrat and State Representative who has been an outspoken advocate for a moratorium on waste water injection and often points to scientific evidence of waste water induced earthquakes that he says has been available for years.

"I have been frustrated," Williams said. "We have a lot of bills that are all very much pro-industry, oil and gas related, yet we don't have a single bill in the process in regard to induced seismicity and oil and gas operations. I think that's a failure to act and a failure to protect our constituents."



MCT via Getty Images

A Sandridge Energy oil rig operates on the Oklahoma border in Harper County, Kan., in Feb. 2012.

Oklahoma isn't the only state experiencing a dramatic rise in earthquakes as vast swaths of central and eastern parts of the country have recorded an uptick in seismic activity during their region's oil and gas boom.

Between the years 1973-2008 there was an average of 21 earthquakes of magnitude 3.0 or larger in the central and eastern United States per year, according to the U.S. Geological Survey. Last year, there were 659 quakes of 3.0 or larger.

The increase in seismicity has been found to coincide with the injection of wastewater in deep disposal wells in states including Colorado, Texas, Arkansas, Ohio, and Oklahoma, according to the U.S. Geological Survey.

RECORD AND MINUTES

MARCH 1, 2016

AGENDA ITEM IV.F.1.

Add ON

Meeting Date
03/01/2016



AGENDA	
Section	New Business
Item No.	VI F 1

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	SB318 Pro-Fracking in Florida
DEPT/OFFICE:	Citizen Request / League of Women Voters of the Space Coast
Requested Action:	BCC immediately go on record by adopting the attached resolution opposing SB318 on March 1, 2016. We also urge you to move as quickly as possible to adopt an ordinance to protect our community, our property rights and property values, our lagoon, and our drinking water against the risks of fracking. We believe it is better to be safe than sorry. Attached is the anti-fracking ordinance adopted by Volusia County. We urge you to strengthen our zoning laws to keep fracking out of our county. We urge you to contact Senator Tom Lee and Senator Altman who are on the appropriations committee and ask them to vote no on SB318.
Summary Explanation & Background:	SB 318 is expected to pass in the Florida Legislature next week. This bill will allow fracking; a process that involves extracting petroleum and natural gas by injecting hundreds of thousands if not millions of gallons of water with toxic chemicals into underground rock formations to crack, or fracture the strata and then pump the fuels to the surface. The polluted waste water is usually disposed of by deep well injection and cannot be recycled and reused. Furthermore, this proposed legislation SB318 strips local government of home rule authority.

SB 318 is expected to pass in the Florida Legislature next week. This bill will allow fracking; a process that involves extracting petroleum and natural gas by injecting hundreds of thousands if not millions of gallons of water with toxic chemicals into underground rock formations to crack, or fracture the strata and then pump the fuels to the surface. The polluted waste water is usually disposed of by deep well injection and cannot be recycled and reused. Furthermore, this proposed legislation SB318 strips local government of home rule authority.

SB 318 prohibits local governments from adopting ordinances banning the use of well stimulation (SB 318 lines 90-106) and removes the existing authority municipalities have to approve or deny drilling permits by resolution (SB 318 lines 431-438). Instead, local governments will only receive notification of permit applications and have an opportunity to comment (SB 318 lines 431-438 and 471-472) but the state wouldn't necessarily have the legal authority to regulate or deny applications based on those concerns if they pertained to zoning, land use, or issues outside the state permitting process. There are situations where certain drilling activities or projects will simply be incompatible with surrounding land uses—no matter the restrictions placed on the activity. An example being in 2013 when an oil well was proposed within 1,000 feet of residential homes in Collier County, no amount of permit conditions or restrictions would have eliminated the noise, air pollution, decline in home values, and damage to residential roadways that would have resulted if that well application had proceeded.^[3] SB 318 contains no language or buffer zones to address land use compatibility, and would take away local governments' ability to say no to incompatible oil drilling projects or activities (Jennifer Hecker, Director of Natural Resource Policy Conservancy of Southwest Florida).

Last week Volusia County Councilman and attorney, Doug Daniels, pushed for the passage of an emergency ordinance to ban fracking immediately with the idea that if SB318 is passed that Volusia County might be grandfathered as a settlement to the litigation that will most likely occur from many counties with existing resolutions and ordinances against fracking. <http://www.beacononlinenews.com/articles/2016/02/19/volusia-moves-ban-fracking>

Volusia County became the 4th county in the state to adopt an ordinance banning fracking and there are at least 30 counties that have similar resolutions. 3 cities have ordinances in place and another 44 cities have resolutions against fracking.

mapfracker.org currently shows that 148 permits have been issued statewide.

We the League of Women Voters believe that fracking is a serious threat to the quantity and quality of our drinking water supply and will increase the load of non-point pollutants to our rivers, lakes, aquifers and ocean. We believe that our air will also be polluted due to the known associated problems of methane leaks and emissions. We find overwhelming evidence that this air and water pollution causes serious health problems for residents and we cannot afford these medical problems and bills. Our lagoon is important to us and it is again in peril with another serious algae bloom. We must take action to stop any further pollutants that would put the lagoon at additional risk. We, LWV, strongly support economic growth for our community and are actively working to bring green energy to our community as a way to bring jobs, decrease pollution, enhance our quality of life, and create a sustainable future.

Contact: Terry LaPlante
 Tlaplante2012@gmail.com

Clerk to the Board Instructions:						
Exhibits Attached: Draft Resolution, and Draft of Volusia County's Ordinance						
Contract /Agreement (If attached): Reviewed by County Attorney				Yes	No	PR
County Manager	Assistant County Manager			Department Director / Extension		
Stockton Whitten	Assistant County Manager					

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ITEM VI.F.1., CITIZEN REQUEST BY LEAGUE OF WOMEN VOTERS OF THE SPACE COAST, RE: SENATE BILL 318, PRO-FRACKING IN FLORIDA

Fran Baer, League of Women Voters, provided the Board with handouts. She stated for the past 50 years she has lived in Brevard County, and she is now elected co-president of the League of Women Voters, a non-partisan, political organization whose members, female and male, study and encourage informed and active participation in government; the League of Women Voters respectfully asks the Board to adopt the resolution before it in opposition to Senate Bill 318, the status of which is in the hands of the Florida Senate Appropriations Committee; this Bill in title related to the regulation of oil and gas resources; and in their research-based opinion, does less to regulate Florida's resources and more to regulate local autonomy. She went on to say she could describe the nature of the Bill, which would allow hydraulic fracking, acid fracking, and well stimulation, a process that involves extracting petroleum and natural gas by injecting water and dangerous chemicals in underground rock formations and disposing of the polluted wastewater by deep well injection or in wastewater ponds, but they believe the Board already knows that; she could describe the serious threat to the quantity and quality of the drinking water supply already considered by many scientists as Florida's most serious challenge; but the stewards of Brevard's natural resources, they are sure the Board has already heard that. She stated she could describe the increased load of non-point pollutants to the rivers, lakes, aquifers, and ocean already in peril with algae bloom and evidence of risk to the creatures of these waterways, but they have watched the Board's concern and reaction to these challenges; she could describe the dangers to the air quality from associated problems of methane leaks and emissions causing serious health problems for the residents, but again, she respects the Board's awareness of this concern; and she could describe the citizen protests, but she knows that the Board knows of the potential problem exists. She noted all of which she has mentioned is documented in the references provided to the Board. She went on to add what she wants to focus on is another highly contentious part of the Bill that would strip the Board's ability as an elected local government representatives to make Brevard's own land use compatibility decisions with input from informed citizens; under the provisions of Senate Bill 318, local governments will only receive notification of permit applications for comment; and the Senate will not be obliged to address concerns raised. She noted simply put, the Board's ability to permit or deny drilling permits would be usurp. She stated the League of Women Voters, many years ago, worked very hard in support of Home Rule; they would not want to see this taken away from the elected officials; and she urged the Board to sign the resolution today as time is of the essence.

Melissa Martin provided a video to the Board.

Terry LaPlante stated she has been a life-long Florida resident, she is an activist, and she has worked on many issues in the State of Florida the last few years, sometimes paid and sometimes as a volunteer; she is here today as a volunteer; and she is here today as a citizen. She went on to say she worked on the medical Marijuana petition last year; she collected thousands and thousands of petitions; she started the campaign with no opinion; when she spoke with people who lived in other states or who came from other states, they had the most positive testimonials about all the people who had benefited from a medical condition otherwise not helped by medical Marijuana; and she virtually heard no negative testimony about that becoming legal in Florida. She stated comparing that to fracking, when she is out in the community and she is discussing fracking with people, they go off on her; they tell her not to tell them about fracking, as they came from states that do fracking; and they do not want fracking brought to Brevard County. She pointed out she has not heard positive testimony from people out in the community doing activist work. She stated she deeply distrusts the oil companies; she believes the oil companies have been lying to people for better than 10 years or longer; and they are lying to people the same way the tobacco industry lied to people. She stated the oil and gas industry says that fracking is safe; and they have convinced everyone that there is no

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risk in fracking. She stated in 2005 Dick Cheney became the Vice President of the United States; Dick Cheney came from Halliburton; Halliburton developed the technology of fracking; he pushed for the Energy Act of 2005; and he managed to push it through Congress even though the President had vetoed it. He noted hidden within the Energy Act of 2005, the oil and gas industry was exempted from all of the rules and regulations of the Clean Water Act, the Clean Air Act, the Clean Drinking Water Act, and everything else; they were given a free ride nationally in this country. She stated additionally the oil and gas industry has spent millions of dollars discrediting many reputable scientists; they have spent millions of dollars on a smear campaign against environmentalists, against very respected environmentalists; and for 11 years they have made this campaign to make environmentalists to be whackos. She noted she cannot believe they would be spending this money if fracking was safe to push this through the State of Florida under Senate Bill 318 if it was not dangerous and presented a lot of risks. She stated instead of asking for a resolution today, people would be here asking the Board to bring it to the State. She asked the Board to adopt the resolution, to strengthen the zoning laws, and to take additional stop to adopt an ordinance.

Philip Stasik, Space Coast Progressive Alliance, stated the matter before the Board today is very important, and he knows the Board is familiar with it; he asked to support the effort of the League of Women Voters; they asked the Board to pass a resolution that would ban hydraulic fracking, acid fracking, and acid stimulation in the State of Florida, specifically in Brevard County; and the Board can pass the resolution. He added he hopes the Board would then follow consideration with an ordinance that would ban this. He pointed out the Board has many responsibilities, but it has no greater responsibility than to protect the health of the citizens of Brevard County; it has the responsibility to protect the land, water, and air; and it is up to the Board to do. He noted the issue is simple as the Board does understand the game; fracking and acid stimulation practices poison the land, water, and air; and this is nothing short of selling the Board's soul to the devil. He stated the Board does not need to conduct a research project today to pass an anti-fracking, acid stimulation resolution. He stated everyone understands the nation's need for energy; he does not think there is anyone in the room that does not appreciate that; some would argue there is no alternative, that they must frack for oil and gas; but here on the Space Coast of the Sunshine State they have the Florida Solar Energy Center. He went on to say the State representatives have failed the people; now it is up to the Board, as it is the last line of defense for the County; and in a very important sense, for the entire State. He stated each of the Commissioners know how bad fracking is, and he does not need to go through the details; millions of gallons of water is squandered through the fracking wells is unbelievable; and he inquired if the Board knows with each bored hole they can frack over and over again. He further inquired if the Board knows that 30-50 percent of what is pushed down that hole does not come back; this is the children's water they are talking about; it is a real risk; and it is not a risk worth taking. He stated if someone backed a semi-truck up and started dumping hydrochloric acid in large quantities into the Indian River Lagoon or into the St. Johns River, the Board would have them arrested; and he inquired what makes this different. He asked the Board to pass the resolution banning fracking in the County.

Chris Kane stated she is originally from up State New York within 10 miles of the Pennsylvania border; she has been a resident of Brevard County for the past six years; and she loves it here. She knows fracking up close and personal; she was in an upper management position with county government when fracking became the thing in up State New York; they were always having knocks on the door from gas companies wanting to buy their mineral rights; and she had the opportunity to join a platform in Pennsylvania because the company was courting her county. She went on to say it was an eye-opening experience; they did their due diligence; every person they spoke to said at first it sounded great; but then the realization set in. She pointed out water was undrinkable; roads were destroyed; land was destroyed; children became ill; and communities could not handle the influx of workers who were mostly from out-of-town. She noted this industry does not bring good paying jobs, because they often brought their

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families with them so the public assistance rolls swelled; and medical facilities were stretched to the limit. She stated from a purely environmental standpoint, she is of the opinion that fracking is disastrous to the planet. She stated they are destroying the planet; she wants her elected officials to protect its citizens and the environment; and if the Board feels it is inclined to err on the side of caution, take her word for it, nothing good can come from fracking. She noted they need the oil and natural gas only because they do not have the political will to promote alternative energy; they live in Florida; and she respectfully requested the Board to tell the State Brevard County does not want fracking in the State of Florida.

Rashell Berrean stated she is here today to express her concern on the possibility of fracking in the County; she thinks they are vulnerable without any local legislation in place; she has not seen any studies nor heard from any experts that would reassure her that fracking is safe, especially with Florida geology; and as the Board, it is required to create policy. She went on to add to make it good policy and do what is right for the children. She asked the Board to support legislation that bans fracking in Florida.

John Saathoff stated he is a member of a group of citizens concerned about climate change; and the issue of fracking ties into that. He expressed his appreciation to the Board for the opportunity to speak to it about their objections to fracking. He stated for over 30 years he has been a resident of Brevard County; there is not a single day that goes by that he does not find something about living in the County to be delighted about. He stated he hopes the Board will approve a resolution to keep fracking out of the County. He stated as the body of research grows, the scientific case against fracking only gets stronger; the main issue is with methane leakage, which goes along with the process; and methane is a far more potent greenhouse gas than carbon dioxide; and in the worst cases, the warming effects of methane are enough to offset any advantage from burning natural gas. He advised if the hidden costs are added up from extracting natural gas from fracking, most of the economic benefit disappears; the profits go to the energy companies; but it is left to the people to pay for everything else. He noted when it comes to the risks to the aquifer and drinking water, it may not be possible to put a realistic estimate on the cost. He concluded by saying fracking comes with huge moral issues and ethical baggage; he stated they have already heard about the campaign of the oil companies; and he asked the Board to keep this out of Brevard County on this basis alone. He noted the people who want to frack are not leveling with the people. He pointed out Exxon already knew in 1990 from its own scientific research that fossil fuels were warming the planet and that it was going to get worse; they did not acknowledge this publicly; instead the company created doubt around climate change; and a quarter of a century has been wasted in a phony debate about the science of climate change as a direct result of Exxon's dissembling. He stated this borders on fraudulent, criminal behavior. He inquired who in the County would want to be Exxon's partner in this venture. He asked the Board to help keep fracking out of the County.

Commissioner Fisher stated he noticed there are about 20 more cards; he does not think anyone is supportive of fracking; he did not get any emails in support of fracking; and this decision will ultimately be decided by the State legislators. He stated he does not see any harm in passing this resolution, unless someone is opposed to passing it.

Commissioner Infantini stated she too is in support of this resolution; she wants to make one small caveat, that it could be reversed with a super majority vote, because in the outside event something the Board does not know of currently could in some possible way justify it; she is not in support of fracking; and she does not want to make a decision that could possibly make it irreversible for the future if in some way it becomes some type of a need. She stated she would like to make it a super majority vote to rescind the resolution; and she would like to have some way in the event there is some unknown.

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Commissioner Fisher stated he thinks three Commissioners votes are fine; the Board sends a lot of resolutions to the State it is not going to listen to; and the State may not in this case.

Chairman Barfield stated when a person looks at fracking, he understands the hazard; imagine the damage that can be done by administering high pressure hydrochloric acid into the ground; the risk outweighs the return; and this should be decided at the local level. He pointed out the State will do what it wants to do. He stated he would like to do an emergency ordinance; if this gets in before the State does what it does, the County can get grand fathered in; and if the County cannot do that, then it needs to advertise for legislative intent.

Scott Knox, County Attorney, stated the Board should go through the regular ordinance process; and he does not see people lining up to do fracking today, so he does not see any reason for an emergency ordinance.

Commissioner Infantini stated she thinks the emergency is that legislation is pending.

Attorney Knox pointed out if the Legislature wants to take away the Board's Home Rule power, it will take it away whether the Board does an emergency ordinance or not. He went on to say the Board would be passing a resolution opposing the practice of fracking; the Board will follow it up with an ordinance that will take two to three weeks to complete; and the Board can go the emergency ordinance route, but it will have issues defending that later on.

Commissioner Infantini stated she wants to be able to defend it in court, because if the State passes legislation next week, the Board is at a loss.

Attorney Knox noted the Board is living in a illusion if it thinks the Legislature cannot overrule the ordinance.

Commissioner Anderson stated he spent 20 years fighting for Home Rule power through the City Council and now as a County Commissioner; the resolution needs to be passed to make sure the Board at least lets the State know its intent; and the Legislature will do what it is going to do. He stated Miami tried to pass ordinances regarding gun control; the Legislature pre-empted them; and it made their ordinance invalid. He noted he does not want to rush anything; if the Board does an ordinance, he wants to make sure it will stand up in a court of law; and he would like to see when the Senate is actually going to take a vote on this.

Commissioner Fisher inquired if anyone is in the audience who is in support of fracking who wants to speak.

Suzanne Valencia stated Senator Thad Altman voted twice in favor of Senate Bill 318; and everyone should call him and tell him they do not want it. She stated the Social Justice Committee of the Friendship Fellowship Church in Rockledge is showing a documentary on March 9, 2016, called Gas Land; and everyone is welcome there from 4:00 p.m. to 6:00 p.m.

Terry Motte stated she thinks the State is discussing this today, and she thinks there is a need for an emergency ordinance. She encouraged the Board to pass the League of Women Voters resolution opposing the proposed legislation regarding fracking currently before the Senate's Appropriation Committee. She stated the majority of Floridians support Senate Bill 318; there is outrage that the Bill pre-empts Home Rule governing; and a yes vote for Senate Bill 318 at this time, without the benefit of due diligence, may ultimately be considered a reckless act by the State Legislatures. She talked about the three recommendations regarding fracking of the Florida Association of Counties. She stated she did not know much about fracking few months ago; and during her research she read several resolutions from counties and cities throughout Florida that have already passed.

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Martha Herp stated she is originally from Pittsburgh, Pennsylvania; if the Board checks the Pittsburgh Post Gazette, as of a year ago there were over 400 confirmed cases of public and private water supplies being polluted by fracking; and she could see fracking from her house in Pennsylvania. She concluded by saying people really have no idea of the extent of the water pollution.

Dawn Ryan stated it is about the basic necessities of life, which is water; and she inquired where is the common sense. She stated she represents the regular people not people who have done extensive research.

Judy McCluney stated she just read Senate Bill 318 yesterday in its entirety; it is like a horror story she cannot get out of her head; local control was originally in the Bill; and it was deleted so there is no local input. She explained many parts of the Bill to the Board. She noted a surety bond required for a permit per well is \$4,000; and after that it is just \$1,500. She stated it is an outrage. She expressed her appreciation to the Board for its strong opposition.

Tony Dutton stated one of the things Senate Bill 318 does is it continues to make it a secret the Uniform Trade Secrets Act the chemicals that are included in the fracking materials; there is no need now to ban fracking; and the public needs a moratorium until everyone really understands fracking.

Chairman Barfield stated Central Brevard County gets its water supply from Orange County; he does not know what Orange County is doing; and it is imperative that be addressed at some point.

The Board adopted Resolution No. 16-024, opposing Senate Bill 318, Pro-Fracking in Florida.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Trudie Infantini, Commissioner District 3
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

Commissioner Anderson stated this only covers unincorporated Brevard County, the Board has no jurisdiction over the cities; and if the cities want to allow fracking, they will be allowed to.

Scott Knox, County Attorney, stated the Board has the authority to adopt a Countywide ordinance, and the cities can pre-empt the Board's adoption if they want to.

The Board approved legislative intent for an ordinance prohibiting any oil and gas exploration that uses well stimulation within the boundaries of Brevard County; and authorized placing the advertisement for legislative intent to be held on March 15, 2016.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Curt Smith, Vice Chairman/Commissioner District 4
AYES:	Fisher, Barfield, Infantini, Smith, Anderson

ORDINANCE NO. 2016-____. BREVARD COUNTY, FLORIDA

AN ORDINANCE PROHIBITING ANY PERSON OR ENTITY TO ENGAGE IN ANY OIL AND GAS EXPLORATION THAT USES WELL STIMULATION WITHIN THE BOUNDARIES AND BELOW THE GEOGRAPHIC TERRITORY OF BREVARD COUNTY; PROHIBITING ANY PERSON OR ENTITY ENGAGED IN OIL OR GAS EXPLORATION OR PRODUCTION FROM USING WELL STIMULATION TECHNIQUES ORIGINATING OUTSIDE OF THE BOUNDARIES OF BREVARD COUNTY; PROVIDING INJUNCTIVE RELIEF; CREATING CHAPTER____ OF THE BREVARD COUNTY CODE, OIL AND GAS WELL STIMULATION PROHIBITED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, BREVARD COUNTY seeks to protect the water resources of BREVARD COUNTY from potential contamination by carcinogenic chemicals; and

WHEREAS, oil and gas well stimulation, including hydraulic fracturing, acidizing and acid fracturing, is performed by injecting fluid into a rock formation in order to increase production at an oil or gas well; and

WHEREAS, oil and gas well stimulations involve the use of chemical combinations from a list of hundreds of chemicals, some of which are determined by the Center for Disease Control (CDC) to be carcinogenic or which could otherwise pose a widespread and significant risk to public health, safety, and the environment; and

WHEREAS, use of these hydraulic fracturing mixes exposes 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, well stimulation through hydraulic fracturing 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.

WHEREAS, much of Florida's water supply comes from aquifers in highly-permeable limestone formations which are vulnerable to contamination from hydraulic fracturing activities; and

WHEREAS, Florida's oil and gas regulations, Chapter 377, Florida Statutes (2015), and Rules 62C-25 through 62C-30, Florida Administrative Code (2016), make no reference to hydraulic fracturing or other well stimulation techniques; and

WHEREAS, fracking requires the use of hundreds of thousands to millions of gallons of water for each fracking event, and Florida Water Management has declared an insufficient water supply for growth in the Central Florida region; and

WHEREAS, the residents of BREVARD COUNTY have a reasonable expectation that their local governments will endeavor to protect their health and welfare, along with that of the community environment; and

WHEREAS, the BOARD OF BREVARD COUNTY COMMISSIONERS has determined to exercise its home rule powers and authority to prohibit well stimulation and therefore prohibit potential detrimental impacts

to the community through contamination of water supplies NOW THEREFORE BE IT ORDAINED BY BREVARD COUNTY, FLORIDA:

Section ___ Creation of Chapter ___, BREVARD COUNTY CODE, Oil and Gas Well Stimulation Prohibited. There is hereby created within ___, BREVARD COUNTY CODE by adding the following language which shall read as follows:

Well Stimulation Ordinance CHAPTER ___ OIL AND GAS WELL STIMULATION PROHIBITED.

Sec. ___

Purpose and Scope. It is the purpose and intent of the BREVARD COUNTY COMMISSION to prohibit all oil and gas well stimulation activities within BREVARD COUNTY, Florida.

Sec. ___

Definitions. The following words, terms, and phrases, when used in this Chapter have the meanings ascribed to them in this Sections:

(a) Hydraulic Fracturing – means the process by which fractures in rocks below the earth’s surface are widened by injection of water, chemicals, or both under high pressure used in the extraction of oil and gas.

(b) Matrix Stimulation – means the injection of any acid into a well to break up impediments without fracturing the well.

(c) Well Stimulation – means any process of using vast amounts of water, chemicals, or both injected into the ground as a means of oil and gas exploration. Well stimulation does not include routine well cleaning that does not affect the integrity of the well or formation.

Sec. ___ Well Stimulation is prohibited within BREVARD COUNTY, Florida. No person or entity may engage in any oil and gas exploration or production that utilizes well stimulation within the boundaries and below the geographic territory of BREVARD COUNTY, Florida.

It is also a violation of this Chapter for any person or entity to engage in oil or gas exploration or production utilizing well stimulation techniques originating outside of the boundaries of BREVARD COUNTY, Florida that in any way enters onto, into, or under the ground within the boundaries of BREVARD COUNTY.

Sec. ___ Injunctive relief. The BREVARD COUNTY Attorney’s Office or special counsel as otherwise authorized, is authorized to pursue temporary or permanent injunctive relief or any other legal or equitable remedy authorized by law in courts of competent jurisdiction to cure, remove or end any activity which violates this Chapter.

Section ___ Codification. It is the intention of the BREVARD COUNTY COMMISSION that the provisions of this Ordinance, including its preamble, will become and be made a part of the BREVARD COUNTY Code, and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word or

phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention.

Severability. If any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid, it is the intent of the BREVARD COUNTY COMMISSION that such invalidity will not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Effective date. This Ordinance takes effect upon filing a copy of this Ordinance with the Department of State by the Clerk of BREVARD COUNTY

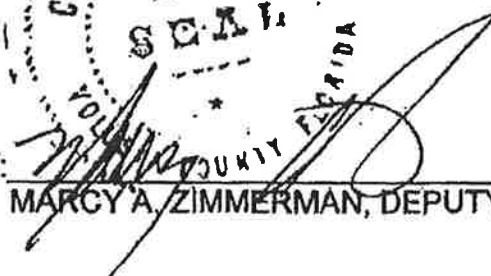
BE IT ORDAINED by the COMMISSION OF BREVARD COUNTY, FLORIDA, this _____ day of _____, 2016.

ATTEST: BREVARD COUNTY COMMISSION

STATE OF FLORIDA
COUNTY OF VOLUSIA

I, JAMES T. DINNEEN, County Manager and Clerk to the County Council of Volusia County, Florida, do hereby certify that the attached and foregoing ORDINANCE 2016-07 is a true and correct copy of that certain Ordinance as adopted by the County Council of Volusia County, Florida, at its meeting held on February 18, 2016.

WITNESS my hand and official seal at DeLand, Volusia County, Florida, this 18th day of February, A.D. 2016.

BY:  MARCY A. ZIMMERMAN, DEPUTY CLERK

JAMES T. DINNEEN
COUNTY MANAGER AND CLERK TO THE
COUNTY COUNCIL OF VOLUSIA COUNTY,
FLORIDA



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ORDINANCE 2016-07

**AN EMERGENCY ORDINANCE OF THE COUNTY
COUNCIL OF VOLUSIA COUNTY, FLORIDA,
AMENDING THE CODE OF ORDINANCES OF THE
COUNTY OF VOLUSIA, CHAPTER 50
ENVIRONMENT, ARTICLE II POLLUTION
CONTROL, BY CREATING SECTION 50-42 HIGH-
PRESSURE WELL STIMULATION PROHIBITED;
PROHIBITING HIGH-PRESSURE WELL
STIMULATION FOR PURPOSES OF EXTRACTION
("FRACKING"); AUTHORIZING INCLUSION IN
CODE; PROVIDING FOR SEVERABILITY;
PROVIDING FOR CONFLICTING ORDINANCES;
AND PROVIDING FOR AN EFFECTIVE DATE.**

19 WHEREAS, clean water is fundamental to the health of Florida's environment
20 and economy; and

21 WHEREAS, public and private water utilities across Volusia County rely
22 entirely upon groundwater sources, including the unconfined surficial aquifer and the
23 confined Floridan aquifer system, for potable water supplies; and

24 WHEREAS, high-pressure well stimulation, such as hydraulic fracturing, acid
25 fracturing, and cyclic steam injection (also known as "fracking") is the process of
26 pumping a complex mix of fluids and chemicals, including large volumes of water, under
27 very high pressure into or below the surface of the ground to create fractures or weakness
28 in oil- or gas-bearing geologic formations, for the purpose of producing or recovering oil
29 or gas or to otherwise facilitate the mobility of oil and gas for extraction; and

30 WHEREAS, many of the chemical constituents injected during fracturing have
31 documented adverse effects on human health and the environment; and

32 WHEREAS, there have been more than one thousand (1,000) documented cases
of water contamination near high-pressure well stimulation sites in the United States; and

1 WHEREAS, the oil and gas industry is not required by federal or state law to
2 publicly disclose chemical formulas of well stimulation and fracturing fluids; and

3 WHEREAS, the use of high-pressure well stimulation fracturing mixes may
4 expose groundwater, adjacent land, and surface waters to the risk of contamination
5 through open pit storage, truck transport on roadways, and activities during well
6 development; and

7 WHEREAS, much of Florida's water supply comes from aquifers in highly-
8 permeable limestone formations which are vulnerable to contamination from hydraulic
9 rock-fracturing activities designed to extract hydrocarbons; and

10 WHEREAS, as currently constituted, Florida's oil and gas regulations,
11 Chapter 377, Florida Statutes, and Rules 62C-25 and 62C-30, Florida Administrative
12 Code, make no reference to high-pressure well stimulation techniques; and

13 WHEREAS, the Florida Legislature is currently reviewing two (2) bills to address
14 high-pressure well stimulation by removing all authority from counties, municipalities,
15 and any other political subdivisions of the state to prohibit high-pressure well stimulation
16 within their jurisdictions; and

17 WHEREAS, high-pressure well stimulation poses potential risks for
18 contaminating the Floridan Aquifer, the source of drinking water for nearly ten million
19 (10,000,000) Floridians and an essential water supply in Volusia County; and

20 WHEREAS, Florida's water supplies and resources are better protected through
21 the prevention of contamination and environmental degradation, rather than the cleanup
22 of contamination and restoration of degraded environments after the fact; and

1 WHEREAS, under the authority granted by Chapter 125.66, Florida Statutes, the
2 county council finds that an emergency exists and that the immediate enactment of this
3 ordinance is necessary.

4 BE IT ORDAINED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY,
5 FLORIDA, AS FOLLOWS:

6
7 (Words in ~~strike-through~~ type are deletions; words in underscore type are
8 additions.)

9
10 SECTION I: Chapter 50, article II, section 50-42, of the Code of Ordinances,
11 County of Volusia is amended to read as follows:

12 **50-42. High-Pressure Well Stimulation prohibited.**

13 No person or entity may engage in any oil or gas exploration or production that
14 utilizes high-pressure well stimulation. As used in this section, the term "well
15 stimulation" shall mean a well intervention, exploration, operation, or maintenance
16 procedure performed by injecting any fluid into a rock formation in order to increase
17 production at an oil or gas well by improving the flow of hydrocarbons from the
18 formation into the wellbore. Well stimulation does not include routine well cleaning that
19 does not affect the integrity of the well or the formation. The use of such well
20 stimulation methods is expressly declared to be a nuisance and to cause pollution within
21 the meaning of said term as defined in section 50-32, and to be an illicit discharge
22 pursuant to section 50-505.

23 SECTION II: AUTHORIZING INCLUSION IN CODE - The provisions of this
24 ordinance shall be included and incorporated into the Code of Ordinances of the County
25 of Volusia, as additions or amendments thereto, and shall be appropriately renumbered to
26 conform to the uniform numbering system of the code.

1 **SECTION III: SEVERABILITY** - Should any word, phrase, sentence,
2 subsection or section be held by a court of competent jurisdiction to be illegal, void,
3 unenforceable, or unconstitutional, then that word, phrase, sentence, subsection or section
4 so held shall be severed from this ordinance and all other words, phrases, sentences,
5 subsections, or sections shall remain in full force and effect.

6 **SECTION IV: CONFLICTING ORDINANCES** - All ordinances, or parts
7 thereof, in conflict herewith are, to the extent of such conflict, repealed.

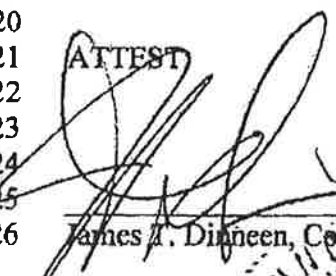
8 **SECTION V: VOTING** - This ordinance was adopted by a four-fifths (4/5th)
9 vote of the Volusia County Council pursuant to Section 125.66(3) Florida Statutes.

10 **SECTION VI: EFFECTIVE DATE** - This emergency ordinance shall be
11 transmitted by the County Manager by e-mail to the Department of State upon adoption.
12 It shall be deemed to be filed and shall take effect when a copy has been accepted and
13 confirmed by the Department of State by e-mail.

14 ADOPTED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY,
15 FLORIDA, IN OPEN MEETING DULY ASSEMBLED IN THE COUNTY COUNCIL
16 CHAMBERS AT THE THOMAS C. KELLY ADMINISTRATION CENTER, 123
17 WEST INDIANA AVENUE, DELAND, FLORIDA, THIS 18th DAY OF FEBRUARY,
18 A.D., 2016.

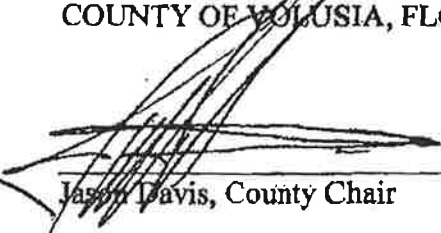
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ATTEST

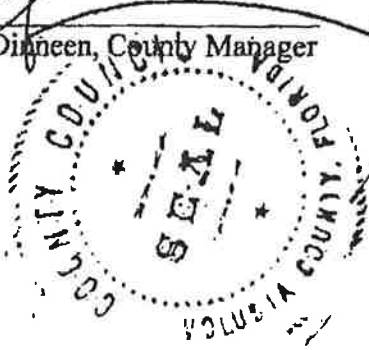


James A. Dianeen, County Manager

COUNTY COUNCIL
COUNTY OF VOLUSIA, FLORIDA



Jason Davis, County Chair



Counties in FL	Ord/Res?	
Alachua County, FL	Resolution	R
Bay County, FL	FAC-type resolution	F
Broward County, FL	Resolution	R
Escambia County, FL	resolution	R
Flagler County, FL	resolution	R
Franklin County, FL	resolution	R
Gadsden County, FL	resolution	R
Gulf County, FL	resolution	R
Hamilton County, FL	resolution	R
Hillsborough County, FL	FAC-type resolution	F
Jackson County, FL	resolution	R
Jefferson County, FL	resolution	R
Lake County, FL	FAC-type resolution	F
Leon County, FL	resolution	R
Madison County, FL	resolution	R
Marion County, FL	FAC-type resolution	F
Martin County, FL	resolution	R
Miami-Dade County, FL	resolution	R
Monroe County, FL	resolution	R
Nassau County, FL	resolution	R
Orange county, FL	Resolution	R
Palm Beach County, FL	resolution	R
Pasco County, FL	FAC-type resolution	F
Putnam County, FL	resolution	R
St. Johns County, FL	resolution	R
St. Lucie County, FL	ordinance	O
Seminole County, FL	ordinance	O
Taylor County, FL	resolution	R
Union County	resolution	R
Volusia County, FL	not yet Passed	O
Wakulla County, FL	ordinance	F

Washington County, FL	FAC-type resolution	R
Cities in FL with Resol/Ord. Passed	County	
Atlantic Beach	Duval	R
Bonita Springs	Lee	O
Callahan	Nassau	R
Cape Coral	Lee	O
Coconut Creek	Broward	R
Cooper City	Broward	R
Coral Springs	Broward	R
Dade City	Pasco	R
Dania Beach	Broward	R
Davie	Broward	R
Deerfield Beach	Broward	R
Ebro	Washington	R
Estero	Lee	O
Fernandina Beach	Nassau	R
Fort Myers Beach	Lee	R
Hallandale Beach	Broward	R
Hollywood	Broward	R
Key West	Monroe	R
Lake Worth	Palm Beach	R
Lauderhill	Broward	R
Lighthouse Point	Broward	R
Lynn Haven	Bay County	R1
Margate	Broward	R
Marianna	Jackson	R
Mexico Beach	Bay County	R1
Miramar	Broward	R
Monticello	Jefferson	R
North Lauderdale	Broward	R

Neptune Beach	Duval	R
Panama City	Bay	R
Parkland	Broward	R
Pembroke Pines	Broward	R
Plantation	Broward	R
Pompano Beach	Broward	R
Punta Gorda	Charlotte	R
South Miami	Miami-Dade	R
Southwest Ranches	Broward	R
St. Augustine	St. Johns	R
St. Petersburg	Pinellas	R
Stuart	Martin	R
Sunrise	Broward	R
Tallahassee	Leon	R
Tamarac	Broward	R
Tampa	Hillsborough	R1
Tarpon Springs	Pinellas	F
Weston	Broward	R
Wilton Manors	Broward	R
Resolution		

The EPA's 2015 Assessment:

- Does NOT conclude that fracking activities are safe or "worth the risk."
- Any exposure to or proximity to the risk identified in Assessment is deemed a contributing factor to the overall health risk.
- Does NOT rule out risks of spills and contamination and dangers to drinking water resources from fracking activities.
- Admits the record 151 spills due to fracking activities were "likely a subset of all hydraulic spills during the study's time period" (January 2008 - April 2012 to only 11 covered).
- "The record revealed numerous future human health risks of concern including, and not limited to, cancer and birth defects."
- Admits that some of the "EPA's chemicals used in fracking were associated with 'potential for carcinogenicity, immune system effects, changes to body weight, changes in blood chemistry, and effects on reproduction, liver and kidney toxicity, and reproductive and developmental toxicity.'"
- Admits the maximum of 100,000 gallons per acre per year of water consumption due to the use of water in fracking.

WHAT IT FAILS TO ADDRESS

Source: <http://www.epa.gov/epaospr/assessments/2015/2015-02-23-epa-2015-02-23.pdf>

The Fracking Industry Sued For Failure to Enforce EPA's Spill and Enforcement Provisions, "Assessment of the Potential Impacts of Hydraulic Fracturing," October 26, 2015. This number does not account for the number of chemicals not reported to the FRACORDER registry.

The EPA admits: SPILLS HAPPEN

Loss of Reputation

HEADLINE NEWS:

'SPILL' Panic ensues via News, Social Media

Costs of Clean-up*

Contaminated Drinking Water

Contaminated Surface Water

Loss of Revenue

Real Estate, Land Development

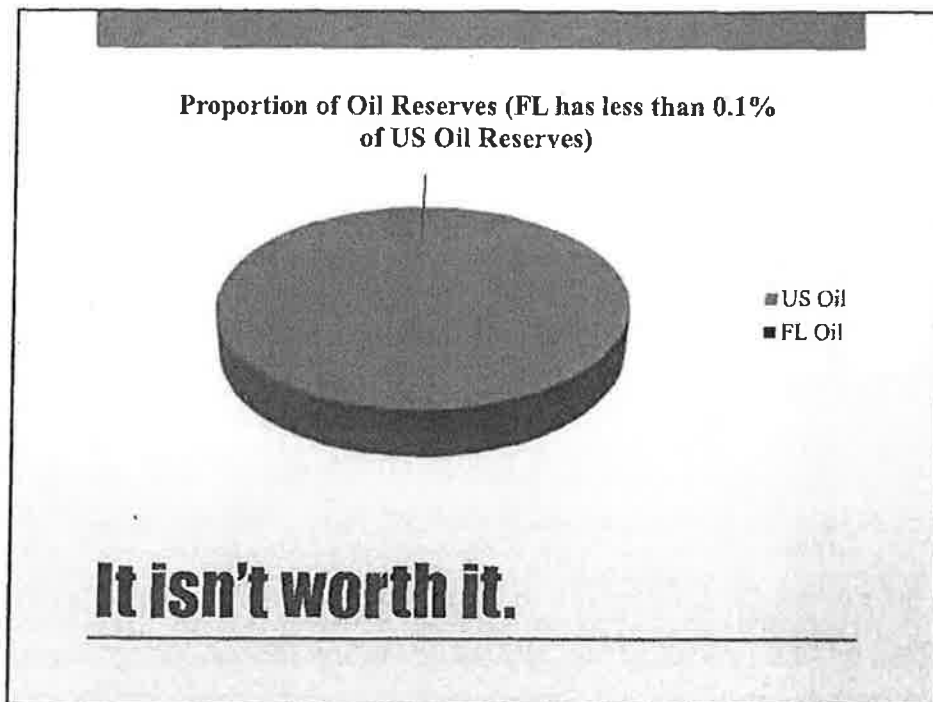
Local Agriculture, Markets

Tourism, Sport, General Commerce

Putting Brevard at Risk

*Due to loopholes in Federal anti-pollution legislation, frackers are IMMUNE from suit for damages, despite the millions/billions of dollars their spill would cost the taxpayers.

And for what?



<p>Reasons anyone would allow fracking here</p> <ul style="list-style-type: none"> • You are a major shareholder of an oil company interested in fracking Florida (\$\$\$) • You personally, financially or politically, benefit in helping to usher in the fracking industry (\$\$\$) 	<p>Reasons to BAN FRACKING immediately</p> <ul style="list-style-type: none"> • Fragile hydro-geology <ul style="list-style-type: none"> • Limestone and coquina bedrock (calcium carbonates → matrix acidizing, acid stimulation techniques); THERE IS NO SCIENCE TO JUSTIFY THE NOTION THAT THIS IS SAFE <ul style="list-style-type: none"> • We are not in lab experiment. • Interconnected aquifer system affecting millions of Floridians; businesses, ecosystems <ul style="list-style-type: none"> • CANNOT be fixed • Spills are inevitable <ul style="list-style-type: none"> • Known carcinogens, toxins used in fracking • Actual trade-secret chemicals will never be disclosed to the public, so we must presume the worst for safety's sake • Will kill regional economy • Fracking companies immune from lawsuit; no deterrence in bad acts; inviting irresponsibility • DEP not a protective barrier <ul style="list-style-type: none"> • Understaffed, underqualified • Admitted to be legally powerless in denying any fracking permit request they receive • Unless and until Florida or Brevard bans fracking, <u>we are exposed.</u>
---	---

Balancing interests?



There is no "controversy" here.

It is intuitively obvious what public officials should do to protect the public interest.

BREVARD NEEDS, WANTS, AND DESERVES A BAN ON FRACKING.

VI. F. 1

Subject: Summary Package LWVSC Resolution against fracking in Brevard and in the state

From: Terry LaPlante (tlaplante2012@gmail.com)

To: D1.commissioner@brevardcounty.us; D2.commissioner@brevardcounty.us;
D3.Commissioner@brevardcounty.us; D4.Commissioner@brevardcounty.us;
D5.Commissioner@brevardcounty.us;

Date: Sunday, February 28, 2016 8:27 PM

Dear Commissioners,

The League of Women Voters of the Space Coast (LWVSC) is seeking an immediate action on the part of the Brevard County Board of Commissioners in response to Florida Committee Substitute Senate Bill 318 (CS/SB 318)¹.

This bill which claims to regulate the fracking business will open the doors to the oil and gas industry allowing them to drill and frack at will. It will allow hydraulic fracking, acid fracking, and well simulation - a process that involves extracting natural gas by injecting water and dangerous chemicals into underground rock formations and disposing of the polluted waste water by deep-well injection or in waste water retention ponds². Some methods involve newer untested technology. CS/SB 318 also prohibits local governments from adopting ordinances banning the use of these technologies¹, and removes the existing authority municipalities have to approve or deny drilling permits. Your immediate action is extremely important to prevent the State of Florida from stripping local governments of the power to make their own land-use compatibility decisions.

If CS/SB 318 passes, local governments will only receive notification of permit applications and have an opportunity to comment; however, the State will not be obligated to address concerns. An example occurred in 2013 when a well was permitted within 1,000 feet of residential homes in Collier County³. CS/SB 318 contains no language or buffer zones to address land use compatibility, and precludes home rule. The citizens protested due to the noise, air pollution, decline in home values, and damage to residential roadways that would have resulted if the well application proceeded.

At least 34 counties and 37 cities have already adopted resolutions and/or ordinances against fracking in Florida, with Volusia County^{4,5} being the most recent and adopting both. It's imperative that Brevard County do likewise because permits have already been issued for Edgewater and New Smyrna Beach, according to Maps.FracTracker.org. We doubt the oil and gas industry is fighting so hard for this legislation if they do not attend to use it. While prices are down and we have a supply glut the oil and gas industry sees this as a temporary situation and plans to continue with the national agenda of expanding production not only for our use but to export as well. This would be done on our land and at our expense.

LWVSC believes that fracking is a serious threat to the quantity and quality of our water supply, and will increase the load of non-point pollutants to our rivers, lakes, and aquifers^{6,7}. We believe our air will also be polluted due to the known problems of methane leaks and emissions^{7,8}. We find overwhelming evidence that this air and water pollution causes serious health problems for residents⁸. The Lagoon and the Florida Everglades are of great concern. The Everglades supplies over one third of the drinking water for the state of Florida. Maps.FracTracker.org shows that 2 permits have been issued in Volusia County (Edgewater, New Smyrna Beach). According to Maps.FracTracker.org, many permits have already been issued in or near the Everglades with at least 148 permits issued statewide.

LWVSC strongly supports economic growth for our community and is actively working to bring green energy to our community to provide jobs, decrease pollution, enhance our quality of life, and create a sustainable future.

We hope you will immediately go on record by adopting a resolution against fracking to protect our community, and to protect home rule.

We urge you to review and strengthen our zoning laws. We ask you to contact Senator Thad Altman, who is on the Appropriations Committee and has voted in favor of CS/SB 318, and make clear our position: We are against fracking in Brevard and in Florida. Below is a record of the most recent vote and contact information for the appropriation committee. Please know that this bill was voted down but now it has come back up for a 2nd vote March 1.

We look forward to working with you on this critical issue.

Respectfully yours,

The League of Women Voters of the Space Coast

References / More Information

1. CS/SB 318 full text, web page or PDF
2. "FRACKING: An Inconvenient Truth" video
3. Jennifer Hecker's report "At the Crossroads" re: Collier County
4. News Article 1 and Article 2 on Volusia County's fracking vote
5. Volusia County Emergency Ordinance 2016-07 banning fracking
6. Conservancy of Southwest Florida's report "The Dangers of Fracking" and Chart
7. Sierra Club's report "Unlucky Town" web page or YouTube
8. Food & Water Watch's report "The Urgent Case for a Ban on Fracking" PDF pages 15-16
9. California Polytechnic Institute Study "Impact of Hydraulic Fracturing on Ground and Surface Water Resources"

Senate Bill 318 will be voted on again on Tuesday Take a stand against fracking

Deadline to call and email: 2/29

1. **CONTACT** your Senator and let them know that you do not want fracking **IN ANY FORM** in the state of Florida !
Vote **NO** on SB 318.

2. **CALL** Chair Tom Lee and members of his Appropriations Committee. **THANK** the ones who voted no and ask them to vote no again. Ask that those who voted **YES** reconsider their vote, and to vote no.

Chair - Sen. Tom Lee **(850) 487-5024 YES**

Vice-Chair - Sen. Lizbeth Benacquisto **(850) 487-5030 NO**

Sen. Thad Altman **(850) 487-5016 YES**

Sen. Anitere Flores **(850) 487-5037 NO**

Sen. Don Gaetz **(850) 487-5001 YES**

Sen. Bill Galvano **(850) 487-5026 YES**

Sen. Rene Garcia (850) 487-5038 YES
Sen. Denise Grimsley (850) 487-5021 YES
Sen. Alan Hays (850) 487-5011 YES
Sen. Dorothy Hukill (850) 487-5008 NO
Sen. Arthenia Joyner (850) 487-5019 NO
Sen. Jack Latvala (850) 487-5020 NO
Sen. Gwen Margolis (850) 487-5035 NO
Sen. Bill Montford (850) 487-5003 NO
Sen. Joe Negrón (850) 487-5032 NO
Sen. Garrett Richter (850) 487-5023 YES
Sen. Jeremy Ring (850) 487-5029 NO
Sen. David Simmons (850) 487-5010 YES
Sen. Chris Smith (850) 487-5031 NO

Email your senators tool Scroll Down

altman.thad.web@flsenate.gov, benacquisto.lizbeth.web@flsenate.gov, flores.anitere.web@flsenate.gov,
gaetz.don.web@flsenate.gov, galvano.bill.web@flsenate.gov, garcia.rene.web@flsenate.gov,
grimsley.denise.web@flsenate.gov, hays.alan.web@flsenate.gov, hukill.dorothy.web@flsenate.gov,
joyner.arthenia.web@flsenate.gov, latvala.jack.web@flsenate.gov, lee.tom.web@flsenate.gov,
margolis.gwen.web@flsenate.gov, montford.bill.web@flsenate.gov, negrón.joe.web@flsenate.gov,
richter.garrett.web@flsenate.gov, ring.jeremy.web@flsenate.gov, simmons.david.web@flsenate.gov,
smith.chris.web@flsenate.gov

Attachments

- BOCC Synopsis March 1, 2016.pdf (114.39KB)

New

Donna Scott

From: Lepore, Christine V <Christine.Lepore@brevardcounty.us>
Sent: Thursday, March 03, 2016 10:04 AM
To: Lewis, Sally A; Donna Scott
Cc: Knox, Scott L; Byrum, Diane
Subject: Re: Anti-fracking ordinance title
Attachments: Brevard County Fracking Ban Ordinance 3 3 16.docx

Importance: High

Sally and Donna,

Attached is the final version, including a revised title. Please update the notices for this item accordingly. Sally confirmed the newspaper ad can be updated and published in time to be heard on March 15th.

Please let me know if there are any questions.

Thanks,

Christine

Christine Lepore, Esq.
Brevard County Attorney's Office
2725 Judge Fran Jamieson Way, Bldg. C
Viera, Florida 32940
(321) 633-2090
(321) 633-2095 (fax)



Please note: Florida has a very broad public records law. Most written communications to or from county employees regarding county business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

From: Lepore, Christine V
Sent: Tuesday, March 1, 2016 4:35 PM

RECORD AND MINUTES

MARCH 15, 2016

**PUBLIC HEARING
AGENDA ITEM IV.D.**

Meeting Date
March 15, 2016



AGENDA	
Section	Public Hearing
Item No.	TV.D.

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	ORDINANCE PROHIBITING ANY OIL AND GAS EXPLORATION THAT USES WELL STIMULATION WITHIN THE BOUNDARIES OF BREVARD COUNTY, FLORIDA
DEPT/OFFICE:	County Attorney's Office

Requested Action:

Pursuant to Resolution 2016-024 adopted March 1, 2016, the Board of County Commissioners requested creation of an ordinance prohibiting any oil and gas exploration that uses well stimulation within the boundaries of Brevard County, Florida.

Summary Explanation & Background:

LEGISLATIVE INTENT: It is the intent of this ordinance to prohibit any oil and gas stimulation, including hydraulic fracturing, acidizing and acid fracturing, that is performed by injecting fluid into a rock formation in order to increase production at an oil or gas well or use chemical combinations from a list of hundreds of chemicals, some of which are determined by the Center for Disease Control (CDC) to be carcinogenic or which could otherwise pose a widespread and significant risk to public health, safety and the environment.

Clerk to the Board Instructions:

Exhibits Attached: proposed Ordinance No. 2016-

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager	Assistant County Manager	Department Director / Extension Scott Knox/52090
Stockton Whitten	Assistant County Manager	

ORDINANCE NO. 2016-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, PROHIBITING ANY OIL AND GAS EXPLORATION THAT USES WELL STIMULATION WITHIN THE BOUNDARIES OF BREVARD COUNTY, FLORIDA; CREATING CHAPTER 46, ARTICLE IX. OIL AND GAS WELL STIMULATION PROHIBITED; CREATING SEC. 46-375 PURPOSE AND SCOPE; CREATING SEC. 46-376 DEFINITIONS; CREATING SEC. 46-377 WELL STIMULATION PROHIBITED; CREATING SEC. 46-378 ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR RESOLUTION OF CONFLICTING PROVISIONS; PROVIDING FOR AREA ENCOMPASSED; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board seeks to protect the water resources of Brevard County from potential contamination by carcinogenic chemicals; and

WHEREAS, oil and gas well stimulation, including hydraulic fracturing, acidizing and acid fracturing, is performed by injecting fluid into a rock formation in order to increase production at an oil or gas well; and

WHEREAS, oil and gas well stimulations involve the use of chemical combinations from a list of hundreds of chemicals, some of which are determined by the Center for Disease Control (CDC) to be carcinogenic or which could otherwise pose a widespread and significant risk to public health, safety, and the environment; and

WHEREAS, use of these hydraulic fracturing mixes exposes 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, well stimulation through hydraulic fracturing 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,

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), and the National Environmental Protection Act; and

WHEREAS, much of Florida's water supply comes from aquifers in highly-permeable limestone formations which are vulnerable to contamination from hydraulic fracturing activities; and

WHEREAS, Florida's oil and gas regulations, Chapter 377, Florida Statutes, and Rules 62C-25 through 62C-30, Florida Administrative Code, make no reference to hydraulic fracturing or other well stimulation techniques; and

WHEREAS, fracking requires the use of hundreds of thousands to millions of gallons of water for each fracking event, and Florida Water Management Districts have declared an insufficient water supply for growth in the Central Florida region; and

WHEREAS, the residents of Brevard County have a reasonable expectation that their local governments will endeavor to protect their health and welfare, along with that of the community environment; and

WHEREAS, on March 1, 2016, the Board adopted Resolution 2016-024 urging the Florida Legislature to not enact laws preempting local authority to regulate oil and gas exploration practices, including hydraulic fracturing and well stimulation; urging the Florida Legislature to enact a moratorium on the use of hydraulic fracturing and well stimulation until scientific study and evaluation proves that they do not pose a significant and harmful risk to water supplies or to public health, safety or the environment; and urging the U.S. Environmental Protection Agency to intervene should the Florida Legislature fail to enact legislation that protects Florida residents and the environment from the harms associated with hydraulic fracturing and well stimulation; and

WHEREAS, the Board has determined that the proposed amendment serves the public health, safety and welfare of the citizens of Brevard County, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA:

SECTION 1. Chapter 46, Article IX. Oil and Gas Well Stimulation Prohibited, is hereby created.

SECTION 2. Chapter 46, Article IX, Sec. 46-375. Purpose and scope, is hereby created as follows:

Sec. 46-375. Purpose and scope.

It is the purpose and intent of the Board to prohibit all oil and gas well stimulation activities within the boundaries of Brevard County, Florida.

SECTION 3. Chapter 46, Article IX, Sec. 46-376 Definitions, is hereby created as follows:

Sec. 46-376. Definitions.

The following words, terms, and phrases shall apply in the application, interpretation and enforcement of this Division:

Hydraulic fracturing means the process by which fractures in the earth's subsurface are widened by injection of water, chemicals, or both, under high pressure used in the extraction of oil and gas.

Matrix stimulation means the injection of any acid into a well to break up impediments without fracturing the well.

Well stimulation means any process of using vast amounts of water, chemicals, or both, injected into the ground as a means of oil and gas exploration, including but not limited to hydraulic fracturing and matrix stimulation. Well stimulation does not include routine well cleaning that does not affect the integrity of the well or formation.

SECTION 4. Chapter 46, Article IX, Sec. 46-377, Well stimulation prohibited, is hereby created as follows:

Sec. 46-377. Well stimulation prohibited.

(a) No person or entity may engage in any oil and gas exploration or production that utilizes well stimulation within the boundaries of Brevard County, Florida.

(b) No person or entity may engage in oil or gas exploration or production utilizing well stimulation techniques originating outside of the boundaries of Brevard County, Florida that in any way enters onto, into, or under the ground within the boundaries of Brevard County.

SECTION 5. Chapter 46, Article IX, Sec. 46-378 Enforcement, is hereby created as follows:

Sec. 46-378. Enforcement.

The Brevard County Attorney's Office, or special counsel as otherwise authorized, is authorized to pursue temporary or permanent injunctive relief or any other legal or equitable remedy authorized by law in courts of competent jurisdiction to cure, remove or end any activity which violates this Division.

Section 6. Severability. If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalid or unconstitutional portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the other portions of this ordinance, provided the remaining portions effectuate the purpose and intent of this ordinance.

Section 7. Inclusion in Code. It is intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida, and that the sections of this

ordinances may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 8. Conflicting Provisions. In the case of a direct conflict between any provisions of this ordinance and a portion or provision of any other appropriate federal, state, or county law, rule, code or regulation, the more restrictive shall apply.

Section 9. Area Encompassed. This ordinance shall take effect throughout the incorporated and the unincorporated areas of Brevard County, Florida.

Section 10. Effective Date. This ordinance shall take effect upon adoption and filing as required by law. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment.

DONE, ORDERED AND ADOPTED, in regular session, this 15th day of March, 2016.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

By: _____
Jim Barfield, Chairman

As approved by the Board on March 15, 2016



Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: B.O.C.C. COUNTY MANAGER'S OFF
Address: 2725 JUDGE FRAN JAMIESON WAY
MELBOURNE FL 32940
USA

Ad No.: 0001097952
Pymt Method: Invoice
Net Amt: \$178.04

Run Times: 1

No. of Affidavits: 1

Run Dates: 03/05/16

Text of Ad:

AD#1097952 3/5/2016
NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Brevard County, Florida, on March 15, 2016 at 9:00 a.m. in the Commission Room at 2725 Judge Fran Jamieson Way, Building C, First Floor, Viera, FL, 32940, will hold a public hearing on the following ordinance:
ORDINANCE NO. 2016-
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, PROHIBITING ANY OIL AND GAS EXPLORATION THAT USES WELL STIMULATION WITHIN THE BOUNDARIES OF BREVARD COUNTY, FLORIDA; CREATING CHAPTER 46, ARTICLE IX, OIL AND GAS WELL STIMULATION PROHIBITED; CREATING SEC. 46-375 PURPOSE AND SCOPE; CREATING SEC. 46-376 DEFINITIONS; CREATING SEC. 46-377 WELL STIMULATION PROHIBITED; CREATING SEC. 46-378 ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR RESOLUTION OF CONFLICTING PROVISIONS; PROVIDING FOR AREA ENCOMPASSED; AND PROVIDING FOR AN EFFECTIVE DATE.

All persons for or against said ordinance can be heard at said time and place. If a person decides to appeal any decision made by the Board with respect to such hearing or meeting, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The needs of hearing or visually impaired persons shall be met if the department sponsoring the Public Hearing is contacted at least 48 hours prior to the public meeting hearing by any person wishing assistance. The sponsoring department is the County Attorney Office, 633-2090.

A copy of the ordinance may be inspected at the following locations:
Brevard County Government Center,
Building C Clerk to the Board of County
www.brevardcounty.us/business
North, Central, South Libraries
By order of the Board of County Commissioners of Brevard County, Florida

RESOLUTION No. 16-024

[BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS – (1) OPPOSING PROPOSED FLORIDA LEGISLATION PREEMPTING OR VOIDING LOCAL GOVERNMENT REGULATIONS ON HYDRAULIC FRACTURING, ACID FRACTURING AND WELL STIMULATION TREATMENTS PERFORMED FOR THE PURPOSE OF EXPLORATION OR PRODUCTION OF OIL OR NATURAL GAS; AND (2) URGING THE PASSAGE OF A MORATORIUM ON HYDRAULIC FRACTURING, ACID FRACTURING AND WELL STIMULATION TREATMENTS IN FLORIDA.]

WHEREAS, oil and gas well stimulation, including hydraulic fracturing, acidizing and acid fracturing, is performed by injecting chemical fluids into rock formations, to create fractures, in order to explore for, or produce and recover, oil and gas; and

WHEREAS, oil and gas stimulations involve the use of hundreds of chemicals some of which have been determined by the U.S. Center for Disease Control to be carcinogenic or which could otherwise pose a significant and harmful risk to water supplies or to public health, safety or the environment; and

WHEREAS, the Florida Legislature is currently considering legislation (including Senate Bill 318 and House Bill 191) permitting and regulating oil and gas well stimulation, including hydraulic fracturing and acid fracturing; and

WHEREAS, current versions of such proposed legislation would preempt counties, municipalities and other political subdivisions from regulating any activity related to oil and gas exploration, development, production, processing, storage and transportation; and

WHEREAS, current versions of such proposed legislation would also void any existing county or other ordinance related to such matters; and

WHEREAS, preemption by the state is in opposition to the philosophy of self-government observed by the many and diverse Florida communities; and

WHEREAS, Brevard County residents have a reasonable expectation that their local governments will be able to act to protect their water supplies and their health, safety and environment; and

WHEREAS, Brevard County residents must depend upon all of their local, state and federal governments to ensure that they live in a safe environment and to protect the public's health; and

WHEREAS, the Brevard County Commission and its constituents will almost certainly have to bear some, or all, of the costs of future environmental and health problems resulting from the injection of the water and chemicals used in the processes of oil and gas well stimulation, including hydraulic fracturing and acid fracturing;

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, DOES HEREBY:

1. Urge the Florida Legislature not to enact any legislation that would preempt local governments' ability to impose, by ordinance or other means, regulation of the exploration, development, production, processing, storage and transportation of oil and gas within their respective borders, including such matters relating to the processes of hydraulic fracturing, acid fracturing and well stimulation.

2. Urge the Florida Legislature not to enact any legislation that would void any existing local government ordinance or other action that is intended to accomplish the regulation described in paragraph numbered 1. above.

3. Urge the Florida Legislature to (a) declare an immediate moratorium on the use of the processes of hydraulic fracturing, acid fracturing and well stimulation, and (b) ban these processes in Florida until further scientific study and evaluation establishes that they do not pose a significant and harmful risk to water supplies or to public health, safety or the environment.

4. Urge the U.S. Environmental Protection Agency, if the Florida Legislature fails to enact legislation that (a) protects all Florida residents from the dangers of various forms of hydraulic fracturing, acid fracturing and well stimulation and (b) preserves the right of local governments in Florida to protect the health, safety and environments of their residents, to adopt and enforce rules and regulations that ensure that all Florida residents' are protected from any harm from any form of hydraulic fracturing, acid fracturing or well stimulation.

DONE, ORDERED AND ADOPTED, in regular session, this 1st day of MARCH, A.D., 2016.

BREVARD COUNTY, FLORIDA

By: BOARD OF COUNTY COMMISSIONERS

By: 
JIM BARFIELD, CHAIRMAN

ATTEST:



Scott Ellis, Clerk

Approved by the Board: 3/1/16

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setbacks, and stormwater was done, they would not be able to fit a Dunkin Donuts on it at that point in time. He added this property has no commercial value that he would be able to see with his background in real estate.

Commissioner Infantini stated there is property in West Melbourne on 192 that is on less than half of an acre that is commercially used; and if he would like to justify it that way she is okay with that.

The Board adopted Resolution No. 16-033, vacating an unimproved 60.00 foot public right-of-way at the northwest corner of State Road 520 and Interstate 95, in Section 26, Township 24 South, Range 35 East, Cocoa.

RESULT: **ADOPTED [4 TO 1]**
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Andy Anderson, Commissioner District 5
AYES: Robin Fisher, Jim Barfield, Curt Smith, Andy Anderson
NAYS: Trudie Infantini

ITEM IV.D. PERMISSION TO ADVERTISE LEGISLATIVE INTENT, RE: ORDINANCE PROHIBITING ANY OIL AND GAS EXPLORATION THAT USES WELL STIMULATION WITHIN THE BOUNDARIES OF BREVARD COUNTY

Philip Stasik stated he is speaking on behalf of the Space Coast Progressive Alliance; he thanked the Board for protecting the land, water, and the air of Brevard County; and thanked the Board for the Resolution that was passed, and the wording in the proposed ordinance. He noted he believes what the Board is proposing is the right thing to do; it is very important to protect the health of the citizens; and he would like to encourage the Board to think about what has happened in other places where fracking is taking place. He added many times when fracking takes place, the waste water that is brought up is transported away from the fracking site; sometimes it is carried across state lines, or county lines; and something the Board could consider in the wording is a prohibition of the dumping of that waste water within the boundaries of this County. He indicated it is something to think about, and he is not sure if the Board had thought of that yet or not, but it does happen in other places where fracking takes place; so the Board may ban fracking within Brevard County's boundaries, but someone in adjacent county may bring that water and dump it here. He went on to say offshore oil exploration and drilling could potentially come here, it does not apply to this ordinance, or the Resolution however, he suspects it is something the Board has thought about. He thanked the Board again for the Resolution; the Commissioners are each individuals with their own viewpoints, and to see all of them come together is remarkable; and they look forward to the final wording of the ordinance.

Terry La Plante thanked the Board for the great work that it is doing with working with them on the ordinance; she stated they very much appreciate the protection it is providing to the community; she has read the ordinance and there is a fair amount of comments regarding some of the nationwide problems of the disposal of the toxic waste water; and New York has even banned fracking in their state, and they are having problems with this water being trucked over into their state for disposal. She added she would like the Board to consider that be added to the ordinance; there are over 400 natural gas storage facilities in the United States, most of those are underground; currently, to her knowledge, there is only one here in the State of Florida, and that is in Indian Town, in Martin County; and that one is above ground, it is a very large facility. She went on to say it is a rather new development to

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store natural gas above ground in that huge facility; Florida Power and Light (FPL), which needed access to the natural gas, they were refused to allow that storage facility to be on their property. She added it hung up the development of that project for quite some time; she does not know what it tells them when FPL does not want a natural gas storage facility on their own property. She indicated while natural gas disasters are not that common, Texas, Kansas, and California have all experienced disasters; recently Aliso/Los Angeles County had a natural gas leak that lasted over four months; it forced over 2,000 residents to be evacuated, a long list of health problems associated with that; and there are a lot of dangers to a community, to the air pollution, and the health of citizens regarding storage of natural gas. She pointed out that is not to mention the dangers of having the natural gas trucked around and on the freight rails; the County is particularly vulnerable and at risk due to Port Canaveral's Port Authority Progressive Plans to industrialize pushing for freight rails, cargo business, and pipelines; now that the community has agreed to say no to fracking, and hopefully some of the auxiliary businesses, there is an extraordinary opportunity to say yes to a booming industry; a booming industry of recreational tourism; and there is an extraordinary opportunity to say yes to green energy, and bring solar power to Florida, which is now becoming more and more cost effective. She added there are 76 million baby boomers in the process of retiring; one third of them are headed to the State of Florida; 80 percent of them have a plan to travel, they want to travel as a retirement plan; consumer spending is well known, it is a major economic growth engine to the local and nationwide industries; and tourism is extremely important for Brevard County. She stated it is important to her to keep Port Canaveral open for private boats and yachting that the Port stay open for residences, which means keeping out all of this dangerous industrial oil and gas business. She pointed out they can further define themselves as a world class tourism destination. She added the County can further provide a very high quality standard of living to the residents by expanding the recreational tourism and making that the engine of economic growth.

John Saathoff stated he is a member of the Citizens Combating Climate Change Organization; he will be coordinating the new Space Coast Chapter of the Citizens Climate Lobby; he thanked the Board for stepping up with a unanimous decision for the fracking Resolution; and he stated the message that sent to Tallahassee was loud and clear. He added he does not think it is a coincidence that on that same day Senate Bill 318 was withdrawn from the appropriations committee agenda; that was a narrowly escaped disaster because that was only one vote short of getting to the full Senate; and from there on, to the Governor's desk for signature. He noted March 1, 2016, was a milestone, and today they ask the Board to follow through on the ordinance to ban fracking in Brevard; as was discussed last time, the science, economics, and ethics are all on the Board's side on this issue, and of those that would like to safeguard the ecology, health, and safety of Brevard County citizens. He went on to say his purpose this morning is to add one more point of argument against fracking for natural gas, and that is to set the record straight on the role of natural gas and the energy and dependence of the United States; as the Board knows, energy companies have an objective in fracking, and that is to develop further production and reserves of this fossil fuel. He advised he has personal experience in this field, having worked for Aamco to develop computer models to optimize their exploration and production activity; fracking is led to an oversupply of gas that drove domestic prices to a seventeen year low at the end of February; and the United States is now facing a glut of oil and natural gas, leading congress recently to lift the ban on gas exports. He added US producers are now looking for customers in a saturated global marketplace; he has a nearby example, the Sabine Pass liquid natural gas terminal in Louisiana, in the swamp; a decade ago, Sabine Pass was planned as a gas import terminal. He informed the Board when fracking took off,

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the project reversed directions, and now it is set up for exports; Cheniere Energy, the operator of Sabine Pass, has signed 20-year contracts with a number of European gas companies; and many of them in countries which have banned fracking. He went on to state the first major exports of natural gas left a port in Louisiana of February 24, 2016, so it is underway; with all due respect, he suggests that the Board ask the question if fracking is for energy self-sufficiency another phony argumen. He indicated looking ahead it gets worse, about 90 million metric tons of new gas per year will hit the markets over the next three years; this is equal to about one-third of the current demand, so the flood gates are open. He added the bottom line is there is no way energy security is dependent on fracking to get at Florida's marginal reserves of oil and natural gas, it just does not connect; the Board should be worried about the worsening big picture around climate change. He went on to say Senator Marco Rubio is fond of saying America is not a planet, that is true, just as Florida is not a nation, and Brevard is not a State; but as the most developed country in the world, the United States has pumped more greenhouse gasses into the atmosphere than anyone else. He pointed out this past year in Paris, together with 195 other nations, committed to limit the increase in global average temperatures to two degrees centigrade above pre industrial levels, which gives them a chance to save the planet; if one were an energy company, the inconvenient fact is that existing fossil fuel reserves amount to over 5,000 gigatons of carbon; and the world cannot afford to extract and burn this much if it is to stay below the two degrees centigrade goal. He added climate physics tells them there is a carbon budget of about 20 percent of that, so if they are not going to drill for the vast majority the current reserve, why would anyone want to explore and drill for more; even if Florida and Brevard did have substantial viable natural gas potential, it should be left in the ground; and he asks the Board to join the dozens of sister counties in Florida who have already banned fracking once and for all.

Melissa Martin stated she would also like to thank the Board for its deliberate consideration, view, and support of this issue; it has inspired hope throughout the County; and every person she has met or talked to after March 1, 2016, has regained a certain trust and confidence in the local government. She noted something that happened last week that spurred an afterthought in the recommendation to add a few provisions perhaps, in the ordinance language; that was alluded to earlier regarding wastewater disposal storage and transportation. She went on to say Wednesday, March 9, 2016, a truck hauling drilling wastewater overturned in Eastern Ohio, sending thousands of gallons of toxic water into a nearby creek and contaminating a reservoir in Barnesville, Belmont County; they found that the oil and gas wastewater typically is loaded with salt, but can contain sand and toxic chemicals; it has spilled into a field, then a creek, and finally into one of Barnesville's three reservoirs; and that caught her attention. She explained that one would think the predominant danger from fracking activities would be the actual fracking itself, but to think that someone in an adjacent county could be hauling through Brevard County's jurisdiction and happen to spill into one of its very precious water sources was eye opening; and she thinks the Board should consider expanding the language in the ordinance itself to further and properly protect its interests. She read aloud from her notes, "Whereas government bodies and peer reviewed science pulled that the transportation, storage, and disposal of hydraulic fracking wastewater can pose and has caused significant risk of harm to humans and ecosystems"; and not to add to it, but the fact that trucks of wastewater can spill at any moment, but also referring a couple other issues regarding wastewater treatment plants failing to account for the halides, but there are plenty of chemicals that still seep into the system wherever the treated wastewater is dumped. She went on to say it does eventually get into the drinking water resources; the fact that the government of Oklahoma admits that the injection of wastewater from fracking activities has caused their earthquake issues; and

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what the County does with the wastewater after fracking is definitely something that should be considered. She stated in addition to the extra wording, she recommends that the ordinance is titled to include ordinance prohibiting oil and gas well stimulation activities to include the definition of activities as descriptively used in well stimulation operations activities includes the transportation on roads with County jurisdiction, storage, ground injection, or treatment disposal of wastewater produced by such well stimulation operations; and that is for the Board's consideration.

Fran Baer stated she is a proud resident of Brevard County for the past 50 years; she is co-president of the Space Coast League of Women Voters, a non-partisan political organization, whose members female and male study and encourage informed and active participation in government at all levels. She added two weeks ago, the League of Women Voters spoke to the Board regarding the adoption of a resolution opposing Senate Bill 318, which, had it passed, would have permitted the practice of allowing hydraulic fracking, acid fracking, and well stimulation in order to extract petroleum and natural gas, while at the same time, restricting the ability of the Board to make land use compatability decisions for Brevard County; the Board not only listened, it acted and adopted unanimously the Resolution, and took the necessary steps to begin the process of presenting to the public, the ordinance before it this morning. She added for that the League thanks the Board, for its willingness to protect the environment and the residents voices in adopting its Home Rule Charter in November 1994, Brevard voters dedicated themselves to the guiding principal that government closest to the people is the appropriate authority to serve the needs and requirements of the community; in the Board's elected good hands, it has done just that. She added the proposed ordinance has been read, and all of its sections; and she believes it thoughtfully and adequately compliments the Resolution of March 1, 2016, and offers further reasons why the practice commonly known as fracking poses significant risks to health, safety, and the environment. She went on to say it further protects the Board's ability to act on the residents behalf as good stewards of the community; they urge the approval of the wording of the ordinance, and the consideration of the tweaks suggested by pervious speakers so that it may proceed further for adoption. She noted they further recognize the complexities of every issue and assure the Board that the League supports economic growth and wants to work with the Board to bring green energy to this community to provide jobs, decrease pollution, enhance the quality of life, and create a sustainable future for the children, citizens, guests, and flora and fauna. She noted she would also like to echo the message from the Supervisor of Elections, Lori Scott, in the interest of good government, which the League is committed to, she urges everybody to be sure to vote today.

David Kearns stated his thanks to the Board; Senate Bill 318 died, the vote standing at 10:9, against the Bill; and the Board did that. He added he was in the room in a subcommittee hearing in the audience prepared to speak a third time; he turned to speak to a reporter during the session for the *Tallahassee Democrat*; he got up and started making the rounds; and within an hour or two, Senator Garrett Richter pulled his measure and gave up the fight. He went on to say the work is not finished, Senator David Simons vowed on March 1, Senate Bill 318, or its likeness would return and fracking would be a thing in Florida; and every single Legislator from Brevard, who could vote for fracking, voted for it. He pointed out they should be asked why, what made them do that with so much at stake; it may not surprise anyone to learn that all of them are seeking re-election again; he added at risk especially are the cities, Senate Bill 318, for some unknown reason, has sought to strike out protections for cities; so someone wants to frack in cities; and he does not know who would want to put this activity in cities, but they need re-education. He noted he does not know what tweaks the Board could make; he read in the newspaper yesterday that

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there was an opt-out for cities; he believes the Board has enough information at its disposal that an opt-out for cities is really not good; and it is not good to let this in a municipal area, if at all.

Commissioner Infantini stated she believes the opt-out says that all the cities will agree to be bound by the County's regulations, unless they have a conscientious vote to opt-out of the ordinance; and it is very good what the Board has done; otherwise they are agreeing to be bound by it unless they so state they do not want to be bound by it; and the Board does not want to take over jurisdiction of cities, this prevents them from having to have a vote. She went on to say she does not think there are any elected city officials that would vote for fracking.

Joyce Wasserman stated she is a transplant, she came here from New York; she is delighted to be here; and when she lived in New York, it was going through a similar process as Brevard County is today. She added they ultimately decided to ban fracking for very good reasons; the Board has heard many of them; she added she is here on behalf of Citizens Combating Climate Change, she is also a member of the Sierra Club, and a person who has grandchildren, and wants them to have a good life. She went on to say she would talk about this from two positions; one is something her father told her, a person can rely on two things, death and taxes, and she will add a third, accidents; in the diagram she provided to the Board, it shows a lot of accidents in Texas due to fracking. She added she does not care how many controls that are dictated, accidents happen; some of them are minor, some of them are not; some of them relate to people turning their tap water on at home and having the water be flammable and having their daughter pass out while doing dishes; and others relate to methane leaks, methane leaks that get into the atmosphere, will help make the climate warmer, and change every ecosystem here in Florida. She advised fracking is not safe, not on a personal level, environmental level, drinking water, and there are multiple instances in that Texas chart that show water contamination; and the water that is drank today is of limited supply, it is the same water that the dinosaurs drank; it is just recycled. She added once it is contaminated, that is it, it is contaminated; and she asks the Board to look favorably on the ordinance to vote down fracking in the area, and to promote things that are healthy for the population; and to make the Sunshine State wonderful.

Judy McCluney stated she would like to thank the Board again for being concerned; one of her sons that was born and raised here, but moved to Colorado, and he lives in a small town where the representative was not so sure about fracking until one day he woke up and looked a little beyond the town limits and saw a big fracking operation. She went on to say he was adamantly opposed; she does not want any kind of nightmare like that in her town where she lives; Florida is a cased topography; geologically, cased means a landscape formed from the dissolution of soluble rocks, it is characterized by underground drainage systems with sinkholes and caves, it is not especially stable, it is inter-connected, it can be broken, it is the Board and the citizens' job to make sure that other than the natural disasters like sinkholes, which occur naturally, that the ground is not further weakened or further lower the water table. She went on to say that makes sinkholes and collapses more likely; they certainly do not want to weaken the structure of this; also water runs through artesian wells and the upwell of water to the surface; that only happens when the natural barriers are respected, made and left intact; and if they are not left intact, that would destroy the artisan well system, which is vital to the springs. She noted there is also the matter of earthquakes, which seem to be happening a lot, and have been connected to where there are fracking practices; and one could say that would not happen in Florida, and it has in 2006 in the middle of the Gulf of Mexico that sent shock waves through Tampa and Fort

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Meyers. She mentioned it thankfully did not trigger a tsunami, and if it had been closer and Florida had more earthquakes, it would be in danger of that.

Richard Charbeneau stated at the last meeting, Scott Knox, County Attorney stated if the State would like to overturn this, they could if they wanted to; and whatever the Board did was a feel good kind of thing. He inquired if anyone knows where FPL gets 98 percent of its power from; he stated they get it from natural gas; if natural gas is done away with, then FPL will be gone; the other thing was there was a big push for FPL to do clean natural gas, they converted all of their power plants to natural gas, and all of a sudden natural gas went from great, clean fuel to bad. He went on to state carbon monoxide (CO₂) is not a green house gas, the weight of CO₂ is 1.33 times the weight of the atmosphere, and unless one were to put the CO₂ in a rocket ship and blast it into the atmosphere, it will not go. He added if natural gas is the worry, methane is 100 times worse than anything; his father-in-law designed a system where methane gas is trapped and converted to power; it powers 25,000 people; and Brevard County does not do anything like that. He went on to say methane gas happens when food and things like that decay; to the naysayers of natural gas, this is a typical liberals, they do not like this, they do not like that, but when asking them what they do like, and let one person in this room tell him what they want to power the world by if natural gas, coal, and oil are eliminated; and he inquired what would everyone use for power. He advised there is nothing else to use, and the idea of solar is nonsense; he has done the biggest solar installation in the State of Florida himself, solar only works because of the angle of the sun, not by heat, it works by light; it depends on the time of year, but from about 9:00 a.m. until 3:00 or 4:00 p.m. then it goes off, and what would everyone use then; it would have to be natural gas or something else; and when fracking happens, they would go down two to four miles, and the depth of the tectonic plates are hundreds of miles down, not two of three miles, there is no possible way that a hole could be drilled far enough down to cause an earthquake. He added there is no alternative right now for power; and there is only one thing that has zero emissions and it does not work either.

Commissioner Infantini stated she realizes that the Board's resolution to the Legislature has no final impact on them, but it does give them the will of Brevard County, and it is a very big voting block; it lets the Legislature know that the Board and its citizens are not behind them on fracking; they can do what they want, and do it at their own risk, but they need to understand that the will of the people are not behind the State. She went on to say that was the purpose of the Resolution; and to the extent that it was effective, because the Bill was repealed; and she feels that they thought they better regroup to find something different. She added she is not against fracking, she is against fracking in Brevard County and in Florida; there are things she does in her backyard that others cannot do in theirs in other states; and just because she does not want certain things here, does not mean she is opposed to them. She explained she is not against it, she is just against it being here.

Mr. Charbeneau inquired if there was oil in Brevard County. Commissioner Infantini responded, if the County does not have it, why does the Board need to allow fracking.

Chairman Barfield stated that is a main issue for him when the State starts taking away Home Rule; when they take that away, that is going to far; and the Board has the right to make that decision for the County.

Terry Mott stated she was not going to say anything today because everything has been said, however, she could not sit back there after Commissioner Infantini's comments. She

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added she thanked the Board for their comments and proposal to put this ordinance in play; but those comments were especially important to her because as this gentleman has asked, what is the risk and what is being considered, are there reserves; that question was asked a couple of weeks ago; and she checked to find out. She advised she went on the Cal Tech website and in their report, that a senior of the school prepared, showed a shale play chart, that chart was prepared by the Department of the Interior, the Bureau of Land Management, and in that chart, Florida showed nothing; she contacted the Department of the Interior, and got the 2015 map, which also showed no shale. She went on to say she could not understand why there was nothing on the shale map for Florida; the answer is that in order to get on that map, there has to be seismic testing done, and it is called air gun testing; when she researched the seismic testing, again she came up with a series of resolutions against seismic testing; and in order to find out whether or not Florida has any oil reserves, seismic testing would have to be done. She noted it is extensive, there are number of cities and counties that have flat out said no; they do not want to risk their substrates, environment, or the health of the people just to find out if by chance there may be something in the ground worth risking fracking for.

Commissioner Anderson stated this is legislative intent is for a land use ordinance; he thinks the Board needs to keep it that way; he does not want to subject the Board to political stuff regarding energy and climate change because that would not be appropriate in a land use ordinance; and the transportation tweak is not something the Board can enforce, that is a State and Federal issue. He added deputies have no idea of what is in any container driving down any county street, unless they were to have probable cause to pull them over to run a test; and he can guarantee the Sheriff does not have the resources. He added he just wants to keep it at land use, transportation is not part of the land use code; and keep it as is.

Chairman Barfield stated he would like to direct staff to look at the resource conservation recovery act, and the NEEPA act, and flows down through the state; there are some others for transportation of hazardous materials, just to verify that is covered; and he would like to see that to make sure.

Commissioner Anderson stated there is an equal treatment of different things; if the Board said the wastewater was illegal, there was a spill in Palm Bay not too long ago that was cruise ship sludge, and there is no where to stop; and he thinks the Board is out of that business.

Commissioner Fisher stated it would be very difficult with Federal Highways and such to try and determine what is traveling where.

The Board granted permission to advertise for legislative intent for an ordinance prohibiting any oil and gas exploration that uses well stimulation within the boundaries of Brevard County.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Robin Fisher, Commissioner District 1
SECONDER: Trudie Infantini, Commissioner District 3
AYES: Fisher, Barfield, Infantini, Smith, Anderson

March 15, 2016

From: Melissa Martin (Cocoa, Florida)

To: Brevard Board of County Commission (Attn: County Attorney's Office)

Subj: PROPOSED LANGUAGE TO ADD TO ORDINANCE PROHIBITING OIL AND GAS WELL STIMULATION

1. The following language is submitted for your review and consideration to amplify the protective coverage the subject ban will provide against inherently dangerous activities involved in hydraulic fracturing (fracking).
2. Insert between "WHEREAS, fracking requires the use of hundreds of thousands..." and "WHEREAS, the residents of Brevard County have a reasonable expectation that...":

"WHEREAS, government bodies and peer-reviewed science hold that the transportation, storage, and disposal of hydraulic fracturing wastewater can pose and has caused significant risk of harm to humans and ecosystems." (or words to that effect)
3. Include in the ordinance title, "...ordinance prohibiting oil and gas well stimulation ACTIVITIES." Clarify also throughout ordinance, to include Sec. 46-377, "Well stimulation ACTIVITIES prohibited."
4. Insert in Sec. 46-375. Definitions, "*Activities*, as descriptively used in well stimulation operations, includes the transportation [on roads within county jurisdiction], storage, ground injection, or treatment/disposal of wastewater produced by such well stimulation operations."
5. Thank you for your consideration of this matter.



M. MARTIN

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By [Laura Arenschield](#)

The Columbus Dispatch • Wednesday March 9, 2016 8:43 PM

A truck hauling drilling wastewater overturned in eastern Ohio early Wednesday, sending thousands of gallons of toxic water into a nearby creek and contaminating a reservoir in Barnesville in Belmont County.

The truck crashed along a curve just after 3 a.m. Wednesday, said Barnesville Fire Chief Bob Smith. The driver, Hiley Wogan of Chesterhill, Ohio, was flown by helicopter to a hospital in Columbus, Smith said. Wogan's injuries are not life-threatening.

About 5,000 gallons of drilling wastewater spilled into a field, then a creek and finally into one of Barnesville's three reservoirs, Smith said. Oil and gas drilling wastewater typically is loaded with salt, but also could contain sand and toxic chemicals.

Smith said the reservoir is closed while the Ohio Environmental Protection Agency tests the water.

"Cleanup crews are down there now starting to clean it up," Smith said. "It'll probably take a couple days because they have to clean the field, dig the dirt up, clean up along the creek."

He said the truck was hauling waste from a well in Monroe County owned by Gulfport Energy, an Oklahoma-based oil and gas company. Calls to Gulfport were not returned Wednesday.

James Lee, a spokesman for the Ohio EPA, said the agency is testing the reservoir and collecting information about possible chemicals or other toxins in the spilled wastewater.

Eric Heis, a spokesman for the Ohio Department of Natural Resources, said the agency is working to determine which of Gulfport's wells produced the spilled wastewater. He said no animals or fish were harmed.


Gulfport operates about 60 wells in Monroe County, though not all are active, according to ODNR records.

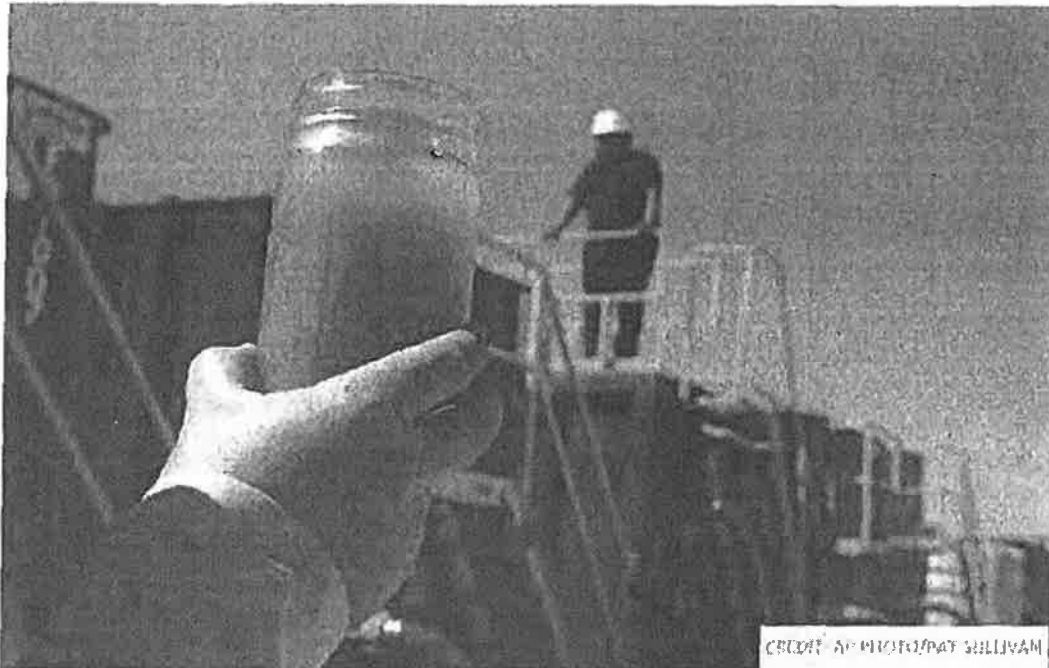
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CLIMATE

Scientists: Fracking Wastewater Poses Threat To Drinking Water

BY [EMILY ATKIN](#)  SEP 25, 2014 2:21 PM



A jar holding waste water from hydraulic fracturing is held up to the light at a recycling site in Midland, Texas, Sept. 24, 2013.

Every year, hundreds of billions of gallons of wastewater are produced by fracking operations across America. Some of that water gets stored in manmade ponds, some of it is injected underground, and some of it is treated and put back into rivers.

For the people whose drinking water systems are downstream of those rivers, scientists have some bad news.

New peer-reviewed research from Stanford and Duke University scientists shows that even when fracking wastewater goes through water treatment plants, and is disposed of in rivers that are not drinking water systems, the treated water still risks contaminating human drinking water. That's because there are generally drinking water systems downstream of those rivers, and treatment plants aren't doing a good job of removing contaminants called halides, which have the potential to harm human health.

The scientists say halides — which are salts like bromide, chloride, and iodide — are often found in fracking wastewater, and the concern about them is that their presence in the water can

promote the formation of something called “disinfection byproducts,” or DBPs. These chemicals — trihalomethanes, haloacetic acids, bromate, and chlorite — are formed when the disinfectants used in water treatment plants react with halides, according to the Environmental Protection Agency.

Published in the journal *Environmental Science and Technology* and released by the American Chemical Society on Wednesday, the research showed that toxic compounds formed in water even when fracking wastewater made up only 0.01 to 0.1 percent of the waters’ volume. To prevent this from happening, the researchers recommended that fracking wastewater should not be discharged into surface waters, even when it is treated.

So why are we talking about water? I thought fracking was for oil and gas?

Fracking is a technique that makes it easier for companies to get more oil and gas from the ground, but one of the reasons it’s so controversial is because of how much water is needed for that to happen. Fracking works better than conventional drilling because, instead of just drilling down and trying to extract gas from shale rock, companies also inject a high-pressure mixture of water, sand, and chemicals miles-deep into that rock. That high-pressure brine effectively cracks, or “fractures,” the rock, and makes the gas easier to extract.

As fracking has boomed across the United States, so has the use of water to do it. A 2013 report from Environment America showed that fracking wells nationwide produced an estimated 280 billion gallons of wastewater in 2012 — a huge number considering more than 55 percent of fracked wells are in areas experiencing droughts.

How to manage that water, which is often radioactive, has also been a huge issue. Some consider

Table 2. Wastewater from Fracking in 2012¹

State	Wastewater Produced (million gallons)
Arkansas	800
Colorado	2,200
Kansas	No estimate
Louisiana	No estimate
Mississippi*	10
Montana	360
New Mexico	3,000
North Dakota**	12,000
Ohio	30
Oklahoma	No estimate
Pennsylvania	1,200
Tennessee	No estimate
Texas	260,000
Utah	800
Virginia	No estimate
West Virginia	No estimate
Wyoming	No estimate
TOTAL	280,000

* Data for Mississippi are for 2012-2013.

** Data for North Dakota are cumulative to early 2013.

CREDIT: ENVIRONMENT AMERICA

it an even bigger issue than fracking's potential to leak drilling fluids or other contaminants, as detailed by a Yale Environment [report](#) on the problem.

What are some other problems with fracking wastewater?

Some of the most contentious issues surrounding fracking have been about wastewater. Drinking water contamination has always been one of them.

In addition to this most recent research on threats to drinking water supply from wastewater that's been treated and released into rivers, some have been concerned about whether wastewater injected underground can contaminate aquifers. Environment America's 2013 [report](#) said that pressure from those water injection wells can cause underground rock layers to crack, "accelerating the migration of wastewater into drinking water aquifers."

Storage ponds of wastewater are also prone to accident. In 2013, federal regulators [fined](#) ExxonMobil \$100,000 for a fracking wastewater pond leak in 2010 that contaminated a tributary of the Susquehanna River.

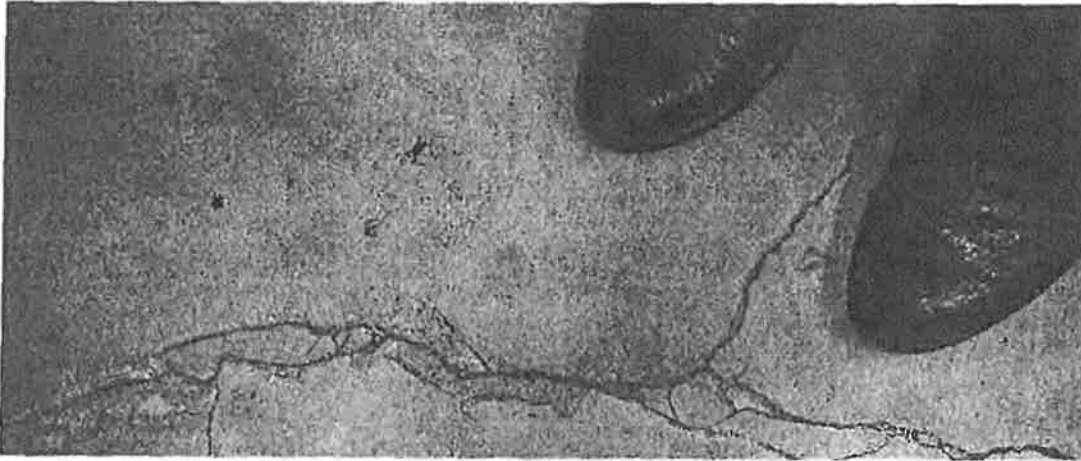
Perhaps the most high-profile concern with fracking wastewater, though, is that the process of injecting it underground may [be causing earthquakes](#). Scientists [increasingly believe](#) that the large amount of water that is injected into the ground after a well is fracked can change the state of stress on existing fault lines to the point of failure, causing quakes. The quakes have usually been too small to be felt, but scientists have also [warned](#) that they stand to get stronger as more wastewater injection happens — a likelihood considering the growing [expansion](#) of fracking.

TAGS Fracking Fracking Fluid Stanford

Oklahoma Admits Oil and Gas Industry Responsible for Dramatic Rise in Earthquakes

By EVAN SIMON

Apr 22, 2015, 4:48 PM ET



WATCH | Caught on Camera: Oklahoma's Rising Earthquakes

For the first time in the state's history, Oklahoma's state government officially recognized the long held scientific consensus linking the disposal of oil and gas wastewater with the record number of earthquakes plaguing it in recent years.

On Tuesday, the Oklahoma Geological Survey released a statement declaring it was "very likely that the majority of recent earthquakes, particularly those in central and north-central Oklahoma, are triggered by the injection of produced water in disposal wells."

Chile Earthquake, Tsunami Warnings: The Science of Disaster

6.1 Magnitude Earthquake Strikes Near Greek Island

The statement coincided with the launch of a website produced by Oklahoma's Energy and Environment Cabinet, featuring an interactive map and links to expert studies detailing the scientific evidence behind the link between Oklahoma's earthquakes and the disposal of oil and gas waste water. The website represents the first time Oklahoma lawmakers have recognized the link, after years of official skepticism.



PHOTO: Images show the number of earthquakes in Oklahoma during the period of 1980-1999 compared ...more +

Hydraulic fracturing, a controversial gas extraction process involving the injection of waste water into deep underground wells, has boomed in Oklahoma. In 2009, the state's landscape featured more than 32,000 oil wells, according to the U.S. Energy Information Administration.

Before Oklahoma's recent oil and gas boom, which began in the mid 2000s, the state experienced only about one and a half earthquakes exceeding magnitude 3.0 (the level at which most humans can detect an earthquake without scientific instruments) in an average year, according to the Oklahoma Geological Survey.

Last year, the state recorded 585 quakes of 3.0 or larger, about 600 times greater than the background seismic rate, according to the Oklahoma Geological Survey.

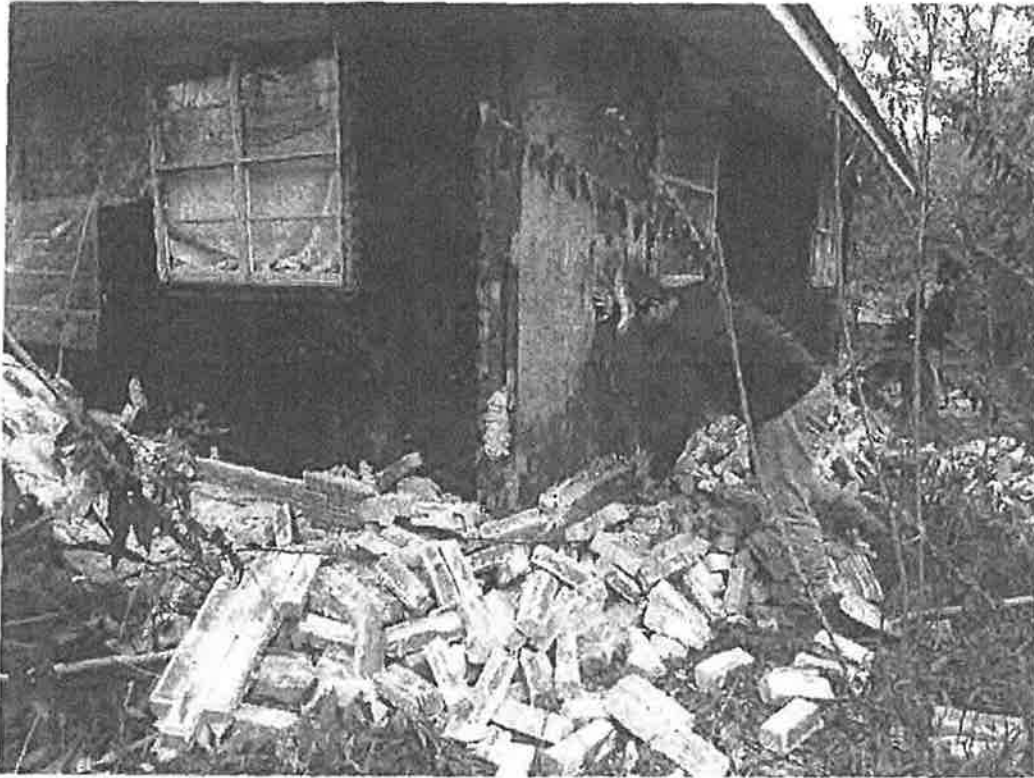
Another recent report by the U.S. Geological Survey claimed that the 5.6 magnitude quake that struck Prague, Oklahoma, in 2011, resulting in several injuries and damage to more than a dozen homes, appears to have been "waste water disposal induced."

"There may be a link between earthquakes and disposal wells," Chad Warmington, President of Oklahoma Oil and Gas Association, said in a statement released Monday, "but we -- industry, regulators, researchers, lawmakers or state residents -- still don't know enough about how waste water injection impacts Oklahoma's underground faults."

But William Leith, senior science advisor for earthquake hazards at the U.S. Geological Survey, claims that evidence for waste water induced earthquakes is "well established in theory,

laboratory, and field experiments."

"The earthquake rate in Oklahoma has increased so significantly that it raises the risk of a larger damaging earthquake," said Leith, who also warned that "Oklahomans should be concerned about this increased risk."



AP Photo

This Nov. 6, 2011 file photo shows earthquake damage in Sparks, Okla. on after two earthquakes hit the ar...more +

"Oklahoma state agencies are already taking action to address this issue and protect homeowners," Oklahoma Gov. Mary Fallin said in a statement released on Tuesday, referring to her efforts to assemble the Coordinating Council on Seismic Activity last year.

But critics were quick to point out that the Governor's announcement came late and does not impose any measures to curtail the injection of waste water.

"The word finally popped across my head," said Cory Williams, a Democrat and State Representative who has been an outspoken advocate for a moratorium on waste water injection and often points to scientific evidence of waste water induced earthquakes that he says has been available for years.

"I have been frustrated," Williams said. "We have a lot of bills that are all very much pro-industry, oil and gas related, yet we don't have a single bill in the process in regard to induced seismicity and oil and gas operations. I think that's a failure to act and a failure to protect our constituents."



MCT via Getty Images

A Sandridge Energy oil rig operates on the Oklahoma border in Harper County, Kan., in Feb. 2012.

Oklahoma isn't the only state experiencing a dramatic rise in earthquakes as vast swaths of central and eastern parts of the country have recorded an uptick in seismic activity during their region's oil and gas boom.

Between the years 1973-2008 there was an average of 21 earthquakes of magnitude 3.0 or larger in the central and eastern United States per year, according to the U.S. Geological Survey. Last year, there were 659 quakes of 3.0 or larger.

The increase in seismicity has been found to coincide with the injection of wastewater in deep disposal wells in states including Colorado, Texas, Arkansas, Ohio, and Oklahoma, according to the U.S. Geological Survey.

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ordinances may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 8. Conflicting Provisions. In the case of a direct conflict between any provisions of this ordinance and a portion or provision of any other appropriate federal, state, or county law, rule, code or regulation, the more restrictive shall apply.

Section 9. Area Encompassed. This ordinance shall take effect throughout the incorporated and the unincorporated areas of Brevard County, Florida.

Section 10. Effective Date. This ordinance shall take effect upon adoption and filing as required by law. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment.

DONE, ORDERED AND ADOPTED, in regular session, this 3rd day of May, 2016.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

Scott Ellis, Clerk

By: _____
Jim Barfield, Chairman

As approved by the Board on May 3, 2016