



TOWN OF KILL DEVIL HILLS

Land Where Flight Began

MEMORANDUM

April 8, 2013

TO: KDH Board of Commissioners

FROM: Mayor Sheila F. Davies

REF: Mayor's Agenda

3. Resolution Opposing the Subsurface Injection of Fracking Waste in Eastern North Carolina (Attached MA-3)

Senate Bill 76 is currently under consideration by the General Assembly. This controversial proposal would lift North Carolina's moratorium on fracking and also provides "sweeteners" for energy companies to encourage developers to select North Carolina for shale gas exploration over other states. Fracking refers to hydraulic fracturing shale rock formations by drilling into the rock and shattering it with water and chemicals to release natural gas trapped in the shale. Opposition to fracking primarily focuses on the potential for chemical spills and environmental accidents. Supporters say fracking can produce a clean domestic fuel to offset coal and imported oil.

Of particular interest to eastern North Carolina is a provision in SB 76 that would allow the deep injection of fracking wastewater for permanent disposal underground by means of wells into the state's groundwater system. A significant amount of public discussion has been about the potential of injecting the used hydraulic fracturing fluid into the aquifer systems of the North Carolina Coastal Plain. This threatens the utilizations of all aquifers as potable water sources, and contamination of either the fresh or saline portions of our aquifers could be devastating.

This resolution, adopted by the Dare County Board of Commissioners at their April 1, 2013 meeting, is presented for adoption by Kill Devil Hills at this time. I recommend a motion for approval, and upon approval it will be copied to our General Assembly delegation, the Governor's Office, the Secretary of the Department of Environment and Natural Resources, and the other Dare County local governments.

A motion will be in order.



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RESOLUTION OPPOSING THE SUBSURFACE INJECTION OF FRACKING WASTE IN EASTERN NORTH CAROLINA

WHEREAS, the protection of Kill Devil Hills source of future drinking water supplies is vital to the current and future residents of Kill Devil Hills. The proposed Senate Bill 76 will authorize the Department of Environment and Natural Resources (DENR) to issue permits on or after March 1, 2015 for oil and gas exploration and development activities in the State. Part IV of the proposed legislation is an amendment to the existing statute governing subsurface fluid injection. Currently, the discharge of any wastes to the subsurface or groundwaters of the State by means of wells is prohibited; and

WHEREAS, the intent of Part IV of SB76 is to lift the ban on subsurface injection through adoption of the following specific language: *“The discharge of any wastes to the subsurface or groundwaters of the State by means of wells is prohibited. This section shall not be construed to prohibit (i) the operation of closed-loop groundwater remediation systems in accordance with G.S. 143-215.1A or (ii) injection of hydraulic fracturing fluid for the exploration or development of natural gas resources and water produced from subsurface geologic formations during the extraction of natural gas, condensate, or oil in North Carolina;”* and

WHEREAS, SB76 therefore provides for the termination of the current ban on injection of liquid wastes by means of wells into the groundwater system in North Carolina, and SB76 specifically addresses the disposal of fluids produced during the process of hydraulic fracturing associated with the development of natural gas resources. Although SB76 does not include language which specially identifies where waste disposal (via well injection) will be permitted, there has been a significant amount of public discussion about the disposal of fracturing fluids into the aquifer systems of the North Carolina Coastal Plain. One specific area that has been targeted is the saline part of our Coastal Plain aquifers. The introduction of contaminants via injection wells directly threatens the utilization of all aquifers as potable water sources; and

WHEREAS, the Coastal Plain province is blessed with thick and prolific aquifers that provide the bulk of water for municipal, agricultural, industrial and residential use within the region. Only three communities in the entire Coastal Plain rely partly or solely on surface water. In spite of the presence of these prolific aquifer systems, increasing demands for water resources in the Coastal Plain has required the implementation of stringent water resource management programs, including the Central Coastal Plain Capacity Use Area. Dare County and Kill Devil Hills utilize both the fresh water and salt water portions of our aquifers to meet our current and future water supply demands. One common misconception is that the saline portions of our coastal aquifer systems are unusable. Nothing could be further from the truth. Indeed, the saline portions of the system will become an increasingly important water source as population demands continue to increase; and

ATTACHMENT MA-3

WHEREAS, the fresh and saline groundwater resources of the Coastal Plain of North Carolina are vital to the future of the region and the State of North Carolina as a whole. The protection of these vital resources cannot be compromised. We emphatically state our position that the North Carolina General Assembly not pass SB76, or any other legislation which effectively lifts the ban on injecting liquid wastes into the fresh or saline parts of the groundwater systems of North Carolina without first completing a thorough study of the potential effects of these actions. The coastal groundwater system is complex, and the injection of liquid wastes into this system would prove to be detrimental. There are essentially no unusable portions of the groundwater system in the Coastal Plain, and targeting the saline portions as waste disposal reservoirs is based on lack of understanding of the value of the resource to the current and future viability of the region.

NOW, THEREFORE BE IT RESOLVED, that the Kill Devil Hills Board of Commissioners urges the North Carolina General Assembly to maintain current laws in North Carolina that prevent disposal of hydraulic fracturing waste through underground injection or above ground storage in Eastern North Carolina and to take no action that would weaken these laws before a viable option for disposal of fracking waste is found that does not include Eastern North Carolina.

This 8th day of April, 2013.

SEAL

Mayor Sheila F. Davies
Town of Kill Devil Hills

ATTEST:

Mary E. Quidley
Town Clerk