

**SENATE CONCURRENT
RESOLUTION No. 92**

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 5, 2020

Sponsored by:

Senator CHRISTOPHER "KIP" BATEMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

SYNOPSIS

Urges Governor to block proposed rules permitting import of wastewater from hydraulic fracturing into Delaware River Basin and export of water from basin for hydraulic fracturing; urges Governor to ban hydraulic fracturing in basin.

CURRENT VERSION OF TEXT

As introduced.



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1 **A CONCURRENT RESOLUTION** urging the Governor to block a
2 proposed rule that would permit the storage, treatment, disposal,
3 and discharge of wastewater generated from hydraulic fracturing
4 within the Delaware River Basin and the export of water from
5 the basin to be used in hydraulic fracturing; and urging the
6 Governor to support rules that would permanently prohibit
7 hydraulic fracturing in the basin.
8
9 **WHEREAS**, Hydraulic fracturing, also known as “fracking,” is the
10 process of injecting water, sand, and other chemicals at high
11 pressure into a bedrock formation in order to stimulate the flow of
12 natural gas or oil, increasing the volumes of those materials that can
13 be recovered; and
14 **WHEREAS**, Drilling companies have been less than forthcoming in
15 revealing the cocktail of chemicals they use in the hydraulic
16 fracturing process, and the volumes of those chemicals, often
17 claiming that this information is a trade secret; and
18 **WHEREAS**, Records released by the U.S. Environmental Protection
19 Agency (EPA) in response to a Freedom of Information Act request
20 indicate that these chemicals could have serious health effects on
21 humans, including irritation to skin and lungs, liver toxicity,
22 developmental toxicity, and neurotoxicity; and
23 **WHEREAS**, The EPA has also found that more than 1,400 chemicals
24 found in hydraulic fracturing fluid or wastewater lack high quality
25 toxicity information, making it impossible to know the true effects
26 of hydraulic fracturing on human health and the environment; and
27 **WHEREAS**, During the process of hydraulic fracturing, millions of
28 gallons of contaminated water, as well as wastewater solids, sludge,
29 drill cuttings, and other byproducts, flow back out of the well, and
30 must be stored, treated, disposed of, and discharged; and
31 **WHEREAS**, High concentrations of solids present in hydraulic
32 fracturing wastewater may include calcium, magnesium,
33 phosphates, nitrates, sulfates, chloride, barium, cadmium,
34 strontium, dissolved organics such as benzene and toluene, and
35 copper; and
36 **WHEREAS**, No State standards have been adopted governing the
37 treatment and disposal of hydraulic fracturing waste; and
38 **WHEREAS**, The EPA has noted that radioactive materials have been
39 found in “fairly high concentrations” in hydraulic fracturing
40 wastewater, posing a risk to public drinking water supplies since
41 wastewater treatment plants are not designed to treat for
42 radioactivity; and
43 **WHEREAS**, Hydraulic fracturing also releases large amounts of
44 methane, a greenhouse gas 86 times more potent than carbon
45 dioxide on a 20-year timescale, into the atmosphere, contributing to
46 climate change; and

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1 **WHEREAS**, The Delaware River Basin, which includes parts of four
2 states, 42 counties, and 838 municipalities, supplies drinking water
3 to 15 million people, including 2.9 million people in New Jersey;
4 and

5 **WHEREAS**, The Delaware River Basin Commission (DRBC) is the
6 interstate agency responsible for the oversight and management of
7 all water resources within the geographical boundaries of the
8 Delaware River Basin; and

9 **WHEREAS**, The DRBC consists of five members, which include the
10 governors of the four basin states (Delaware, New Jersey, New
11 York, and Pennsylvania) and a representative from the U.S. Army
12 Corps of Engineers; and

13 **WHEREAS**, The DRBC manages the waters of the basin to ensure that
14 the water supply, aquatic ecosystems, and recreational resources of
15 the region are protected according to adopted standards; and

16 **WHEREAS**, The DRBC currently has in place a moratorium on natural
17 gas development in the basin, including hydraulic fracturing, and it
18 has not allowed the import of high volumes of hydraulic fracturing
19 wastewater to the basin or the export of high volumes of water to be
20 used in hydraulic fracturing from the basin since 2011; and

21 **WHEREAS**, The DRBC is now considering the adoption of regulations
22 that would allow for the “storage, treatment, disposal and/or
23 discharge of wastewater within the basin associated with horizontal
24 drilling and hydraulic fracturing for the production of natural gas
25 where permitted”; and

26 **WHEREAS**, Permitting the storage, treatment, disposal, and discharge
27 of hydraulic fracturing wastewater in the Delaware River Basin
28 poses serious health risks to the 15 million people who rely on the
29 Delaware for drinking water, and to the environment; and

30 **WHEREAS**, The DRBC is also considering the adoption of regulations
31 that would allow for the export of water from the Delaware River
32 Basin to be used in hydraulic fracturing elsewhere; and

33 **WHEREAS**, Hydraulic fracturing consumes millions of gallons of water
34 per oil or gas well, and permitting this water loss from the Delaware
35 River Basin may diminish the available supply of drinking water,
36 degrade water quality, and disrupt aquatic ecosystems; now,
37 therefore,

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39 **BE IT RESOLVED** *by the Senate of the State of New Jersey (the*
40 *General Assembly concurring):*

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42 1. The Legislature urges the Governor, as a member of the
43 Delaware River Basin Commission, to block the commission’s
44 proposed rule that would permit the storage, treatment, disposal,
45 and discharge of hydraulic fracturing wastewater in the basin and
46 the export of water from the basin to be used in hydraulic
47 fracturing.

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1 2. The Legislature urges the Governor, as a member of the
2 Delaware River Basin Commission, to support the adoption of rules
3 that would permanently ban hydraulic fracturing for oil and gas in
4 the Delaware River Basin.

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6 3. Copies of this resolution, as filed with the Secretary of State,
7 shall be transmitted by the Clerk of the General Assembly or the
8 Secretary of the Senate to the Governor.

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STATEMENT

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13 This concurrent resolution would urge the Governor to block a
14 proposed rule that would permit the storage, treatment, disposal,
15 and discharge of wastewater generated from hydraulic fracturing in
16 the Delaware River Basin and the export of water from the basin to
17 be used in hydraulic fracturing. The concurrent resolution would
18 also urge the Governor to support the adoption of rules that would
19 permanently ban hydraulic fracturing in the basin.