

FROM	NAME & TITLE	Rudolph S. Chow, P.E., Director	CITY of BALTIMORE MEMO
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building	
	SUBJECT	CITY COUNCIL BILL 16-0758	

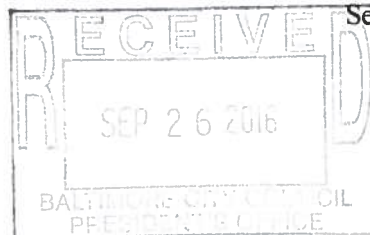


TO

DATE:

September 22, 2016

The Honorable President and Members
of the Baltimore City Council
c/o Natawna Austin
Room 400 – City Hall



I am herein reporting on City Council Bill 16-0758 introduced by Council Members Curran, Stokes, Holton, Henry, Middleton, Clarke, Spector, and Kraft.

The purpose of the Bill is to prohibit hydraulic fracturing in Baltimore City; set certain penalties; and generally relating to the regulation of hydraulic fracturing and its byproducts.

Hydraulic fracturing is a horizontal drilling technique used to access and retrieve oil or natural gas trapped in subterranean rock formations. By creating fractures in rock formations that are not naturally porous, the trapped oil or natural gas can be released in a wellbore at very economic rates. This process requires pumping large amounts of water mixed with sand or other propellants to fracture the rock and release the oil or gas. When the wellbore pressure is released, a percentage of the water flows out of the well and requires treatment to remove chemicals and other contaminants. Marcellus Shale was formed along the Appalachian Basin from a river delta more than 350 million years ago and extends from southern New York to Pennsylvania, West Virginia, eastern Ohio and far western Maryland. This formation is estimated to contain up to 500 trillion cubic feet of natural gas and is attractive to companies that wish to extract the available natural gas through hydraulic fracturing.

Ordinance 13-113 prohibits the storage, treatment, discharge, or disposal of flow back or other wastewater resulting from hydraulic fracturing within the City or in any City-owned facility or property, wherever situated. This prohibition appears in Title 7 {Waste Control} of the Health Code. A person found guilty of this misdemeanor could be subject to a fine of not more than \$1,000.00, imprisonment for not more than 90 days, or both fine and imprisonment, for each offense. Each day that a violation continued would be considered a separate offense. This Ordinance also added a new provision under Article 25 {Sewers} § 2-4 (h) that prohibits a person from discharging any waste from hydraulic fracturing into the City's sanitary or storm sewers.

City Council Resolution 15-0241R urges the State Legislature to pass a State-wide ban on hydraulic fracturing in Maryland. During the 2015 General Assembly Session, legislation was passed that banned hydraulic fracturing in the state until October 1, 2017 and required the Maryland Department of the Environment (MDE) to adopt regulations on hydraulic fracturing by October 1, 2016. MDE is working on regulations but recently announced that they were not expecting to complete their regulations by the October 1, 2016 deadline.


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City Council Bill 16-0758, if adopted, would prohibit hydraulic fracturing within the limits of Baltimore City. This prohibition would be placed under Title 7 of the Health Code, making a person who violated and was found guilty of this prohibition subject to the misdemeanor and imprisonment penalties previously mentioned.

The Department of Public Works has no objection to the passage of City Council Bill 16-0758.

Respectfully,


Rudolph S. Chow, P.E.
Director

RSC/MMC:ela