
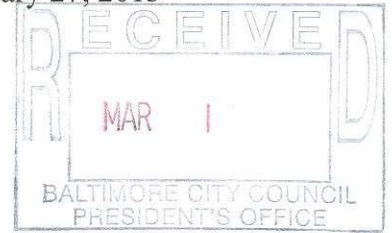


FROM	NAME & TITLE	Alfred H. Foxx, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	CITY COUNCIL BILL 13-0190		

TO

DATE: February 27, 2013

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



I am herein reporting on City Council Bill 13-0190 introduced by Council Members Kraft, Henry, Welch, Reisinger, Clarke, Middleton, Mosby, Curran, and Holton.

The purpose of the Bill is to prohibit the storage, treatment, discharge, or disposal of backflow or other wastewater resulting from hydraulic fracturing; define certain terms; and impose certain penalties.

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. The technique 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. The formation extends from southern New York to Pennsylvania, West Virginia, eastern Ohio and far western Maryland. It is estimated to contain up to 500 trillion cubic feet of natural gas. This rich rock formation is attractive to companies that wish to extract the available natural gas through hydraulic fracturing.

City Council Bill 13-0190 would add to Title 7 of the Health Code a prohibition that any backflow or wastewater generated from hydraulic fracturing could not be stored, treated, discharged, or disposed of in Baltimore City. A person found guilty of this provision 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.

The legislation uses the term “backflow” on line 3 of page 1 and “back flow” on line 12 of page 2; and the term “flow back” on lines 1 and 2 of page 2. For purposes of consistency, it is recommended that the Bill be amended to reflect one term for the hydraulic fracturing wastewater. In addition, it is recommended that Article 25 § 2-4 be amended to add this prohibition under a new item (h).

In April of 2010 the City’s Back River Wastewater Treatment Plant did receive treated hydraulic fracturing wastewater from a centralized wastewater treatment company

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located in the City that is permitted to collect, store, analyze, treat, consolidate and transport hazardous waste and wastewater. The company is part of the City's industrial pretreatment program and must meet certain federal and City-required discharge limits for any material to be accepted at the wastewater treatment plant. With the exception of this one event, the City did not and does not accept hydraulic fracturing wastewater at either of its two wastewater treatment plants.

In April of 2011 the City received a letter from the Maryland Department of the Environment (MDE) noting the leasing of gas rights on acreage in Garrett and Allegany counties by companies wishing to conduct drilling operations in the Marcellus Shale formation. The MDE letter put the City on notice that acceptance of hydraulic fracturing wastewater by any Maryland wastewater treatment plant would require advance approval by MDE and might also require review and approval of a pretreatment permit as part of that approval process.

The Department of Public Works has no objection to the passage of City Council Bill 13-0190 as proposed to be amended.

Respectfully,

A handwritten signature in blue ink, appearing to read "Alfred H. Foxx" with a stylized flourish at the end.

ALFRED H. FOXX
DIRECTOR

AHF/MMC:ela