ORDINANCE NO. 2016-7 **SEMINOLE 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 SEMINOLE COUNTY; PROHIBITNG ANY PERSON OR ENTITY ENGAGED IN OIL OR GAS EXPLORATION OR PRODUCTION FROM USING WELL STIMULATION TECHNIQUES ORIGINATING OUTSIDE OF THE BOUNDARIES OF SEMINOLE COUNTY; PROVIDING INJUNCTIVE RELIEF; CREATING CHAPTER 185 OF THE SEMINOLE COUNTY CODE, OIL AND GAS WELL STIMULATION PROHIBITED; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Seminole County Board of County Commissioners ("Board") seeks to protect the water resources of Seminole 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

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MARYANNE MORSE
Clerk of Circuit Court and Comptroller
SEMINOLE COUNTY, FLORIDA
BY
DEPUTY CLERK

Act, Resource Conservation and Recovery Act, many of which have been adopted by Seminole County Government as part of its Land Development Code ("LDC"), Chapter 55 Wellfield Protection; 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 (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 Seminole 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, Seminole County Board of County Commissioners has determined to exercise its home rule powers and authority to prohibit well stimulation to prohibit potential detrimental impacts to the community through contamination of water supplies.

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

Section 1. Creation of Chapter 185, Seminole County Code, Oil and Gas Well Stimulation Prohibited. There is hereby created Part I within Chapter 185, Seminole County Code by adding the following language which shall read as follows:

CHAPTER 185. OIL AND GAS WELL STIMULATION PROHIBITED.

Sec. 185.1. Purpose and Scope. It is the purpose and intent of the Seminole County Board of County Commissioners to prohibit all oil and gas well stimulation activities within Seminole County, Florida.

Sec. 185.2. 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 includes hydraulic fracturing and matrix stimulation and does not include routine well cleaning that does not affect the integrity of the well or formation.

Sec. 185.3. Well Stimulation is prohibited within Seminole 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 Seminole 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 Seminole County, Florida that in any way enters onto, into, or under the ground within the boundaries of Seminole County, Florida.

Sec. 185.4. Injunctive relief. The Seminole 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 2. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance, including its preamble, will become and be made a part of the Seminole 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; providing, however, that the Sections 2, 3, and 4 of this Ordinance shall not be codified.

Section 3. 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 Board of County Commissioners 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.

Section 4. Effective date. This Ordinance takes effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this 9th day of Feb, 2016.

ATTEST:

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

JOHN HORAN, Chairman

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

February 15, 2016

Honorable Maryanne Morse
Clerk of the Circuit Court
Seminole County
County Commission Records
1101 E. First Street, Room 2204
Sanford, Florida 32771

Attention: Jane Spencer

Dear Ms. Morse:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Seminole County Ordinance No. 2016-7, which was filed in this office on February 15, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

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