

# City of Willoughby Hills

## RESOLUTION NO. 2009 – 17

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### **A RESOLUTION SUPPORTING THE NORTHEAST OHIO GAS ACCOUNTABILITY PROJECT'S (NEOGAP) SIX STEPS TO PUBLIC SAFETY AND DECLARING AN EMERGENCY.**

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**WHEREAS**, in 2004, the enactment of H.B. 278, the Ohio General Assembly stripped away local governmental authority for regulating and permitting oil and gas wells; and

**WHEREAS**, as a result, wells are placed in close proximity to homes, schools, daycare centers and other similar sensitive locations despite numerous accidents and opposition from communities; and

**WHEREAS**, the Council of the City of Willoughby Hills supports the legislation currently being endorsed by Senator Timothy Grendell and the Northeast Ohio Gas Accountability Project (NEOGAP) for the plan addresses the needs of our municipality by: restoring local control; increasing the setback from homes and playgrounds; eliminating mandatory pooling; eliminating hazardous waste dumping; requiring mandatory disclosure and increasing financial and legal liability for drillers; and

**WHEREAS**, supporting NEOGAP's Six Steps to Public Safety will implement the required "common sense" legislation and regulation similar to that of other oil and gas producing states to protect public health and safety.

***NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:***

**SECTION 1.** The City Council and Administration hereby supports the Northeast Ohio Gas Accountability Project's (NEOGAP) Six Steps to Public Safety:

1. **Restore Local Control.**  
Require gas and oil well permits to be approved by local governments after holding public hearings. Replace the current system of State-mandated permitting.
2. **Remove Mandatory Pooling.**  
Change current law that allows private companies to take over your property and mineral rights by force without your permission of fair compensation.
3. **Increase Safety Setbacks.**  
Require minimum distances between homes, schools, parks and other public gathering places; and, gas/oil wells to be increased from the current 100 feet to 3000 feet. Explosions typically send debris 400 feet away, and toxic air and liquid blowouts can travel up to 3000 feet.
4. **Protect Our Environment.**  
Ban on-site burial of hazardous wastes, toxic chemicals, and potentially radioactive material. Require waste tanks to be utilized at well sites ("closed loop, pit-less systems") instead of the open waste pits currently permitted. Conduct air and water testing and monitoring by an independent third party at the expense of the gas company. This includes, but is not limited to, hydrogen sulfide and radon monitoring, and pre- and post-water quality and quantity testing within a 3000 foot radius of the oil/gas well.

5. **Demand Disclosure and Accountability.**

Require the State to publicize: new applications for permits, permits issued; have companies disclose any hazardous chemicals which could be present on-site; and post all orders issued by the State to residents within a 3000 foot radius of a (potential) well site.


6. **Require Financial and Legal Accountability.**

Require insurance in excess of five million dollars to ensure financial accountability for injuries to people's health, and ten million for damages to private property and to the environment. Reform the current ineffective Oil & Gas Commission, which is stacked with industry insiders. Give the State real power to enforce health, safety, and zoning laws and regulations.

**SECTION 2.** The actions of this Council concerning and relating to the adoption of this legislation were conducted in lawful meetings of this Council and all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

**SECTION 3.** This Resolution constitutes an emergency measure in that the same provides for the immediate preservation of the public, peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills insofar as it provides for the usual daily operation of a municipal department; to wit: it is imperative to implement common-sense legislation and regulation to secure the public health and safety of the resident of Willoughby Hills; wherefore, this Resolution shall be in full force and effect from and after its passage and approval by the Mayor..

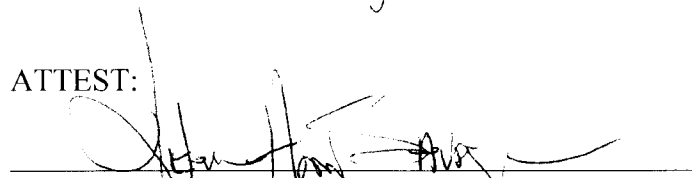
PASSED: September 10, 2009

  
Kevin D. Malecek  
President of Council

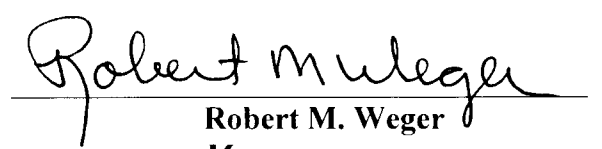
Submitted to the Mayor for his approval

on this 10 day of September, 2009

ATTEST:

  
Victoria Ann Savage, CMC  
Clerk of Council

Approved by the Mayor

September 10, 2009  
  
Robert M. Weger  
Mayor