



# Pinellas County

## Legislation Details (With Text)

**File #:** 16-853A      **Version:** 1

**Type:** County Attorney Item      **Status:** Passed

**File created:** 5/18/2016      **In control:** Board of County Commissioners

**On agenda:** 6/7/2016      **Final action:** 6/7/2016

**Title:** Ordinance amending County Code Chapter 58 (Environment) by adding Article IX (Oil and Gas Well Stimulation), which provides for a ban on Oil and Gas Well Stimulation, including, but not limited to Acid Fracturing, Hydraulic Fracturing, and Matrix Acidizing.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Comment Cards Submitted by Meeting Attendees, 2. Correspondence Received by BCC, 3. State-filed ORD 16-37, 4. Adopted Ordinance 16-37 As Amended, 5. Fracking Ordinance Final, 6. Amended Fracking Ordinance as Presented at BCC Meeting, 7. Affidavit of Publication - Notice of Public Hearing, 8. Correspondence to BCC in Support of Ordinance, 9. Proposed Fracking Ordinance AATF, 10. Public hearing ad June 7, 2016

Date	Ver.	Action By	Action	Result
6/7/2016	1	Board of County Commissioners	approved as amended	Pass

**Subject:**

Ordinance amending County Code Chapter 58 (Environment) by adding Article IX (Oil and Gas Well Stimulation), which provides for a ban on Oil and Gas Well Stimulation, including, but not limited to Acid Fracturing, Hydraulic Fracturing, and Matrix Acidizing.

**Recommended Action:**

Adoption of a proposed ordinance amending Pinellas County Code Chapter 58 (Environment) by adding Article IX (Oil and Gas Well Stimulation), which provides for a ban on Oil and Gas Well Stimulation, including, but not limited to Acid Fracturing, Hydraulic Fracturing, and Matrix Acidizing.

**Strategic Plan:**

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure community

Practice Superior Environmental Stewardship

3.3 Protect and improve the quality of our water, air, and other natural resources

Deliver First Class Services to the Public and our Customers

5.2 Be responsible stewards of the public’s resources

**Summary:**

In February 2016, the Board of County Commissioners (“Board”) directed the County Attorney’s Office to draft an ordinance banning oil and gas production activities commonly referred to as “fracking.” Fracking - or “well stimulation” as referred to in the proposed ordinance is a method of resource extraction by which fluid is injected into an oil or gas well to fracture the subsurface rock. Another form of well stimulation known as “matrix acidizing” whereby acid dissolves the rock is also banned under the proposed ordinance.

Fracking can adversely impact the environment in numerous ways including, but not limited to, ground and surface water contamination, hazardous substance release, and air pollution. It can also create a societal nuisance for surrounding residents (e.g., noise, traffic concerns).

**Background Information:**

Despite its growing popularity across the country, fracking is not common in Florida. It caught the state citizenry's attention after a highly-publicized 2014 incident where the local residents and State Department of Environmental Protection (DEP) discovered a fracking operation in Collier County. The Florida Legislature responded with a series of bills seeking to regulate the activity. A 2016 bill that would have preempted local governments from regulating fracking with narrow exceptions passed the Florida House, but did not make it through the committee process in the Senate. Wary of state preemption, Brevard, Broward, Volusia, Wakulla, and Seminole counties all adopted ordinances banning fracking. Approximately 75 Florida counties and cities combined have passed resolutions more generally opposing the activity.

DEP records indicate that four oil and gas well sites were permitted in upland Pinellas County between 1948 and 1958. No oil or gas was found at any of the four sites, however, and apparently no oil or gas well sites have been permitted in the County since that time. Accordingly, the County possesses no records suggesting that any oil or gas extraction, including fracking, has ever occurred in Pinellas County.

**Fiscal Impact:**

N/A

**Staff Member Responsible:**

James L. Bennett, County Attorney  
Brendan P. Mackesey, Assistant County Attorney

**Partners:**

N/A

**Attachments:**

Proposed ordinance for approval