

LAI D ON DESKS 9/8/14
GOVERNMENT SERVICES & ADMINISTRATION

RESOLUTION NO. 2014252

RE: LOCAL LAW NO. OF 2014, A LOCAL LAW TO BE KNOWN AS "KEEP
DUTCHESS COUNTY SAFE FROM HYDROFRACKING BY-PRODUCTS
ACT."

Legislators TYNER, JETER-JACKSON, AMPARO, STRAWINSKI, PERKINS,
MAC AVERY, KELSEY, and FARLEY offer the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No.
_____ of 2014, which has been submitted this day of consideration by said
Legislature.

STATE OF NEW YORK
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 14th day of October 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 14th day of October 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

LOCAL LAW NO. OF 2014

RE: A LOCAL LAW TO BE KNOWN AS “KEEP DUTCHESS COUNTY SAFE FROM HYDROFRACKING BY-PRODUCTS ACT.”

BE IT ENACTED by the County Legislature of the County of Dutchess, State of New York as follows:

SECTION 1. NAME OF LOCAL LAW. This law shall be known as the “Keep Dutchess County Safe from Hydrofracking By-Products Act.”

SECTION 2. LEGISLATIVE INTENT. The wastewater from the gas and oil extraction process known as hydraulic fracturing, or hydrofracking is known to contain numerous carcinogenic chemicals as well as many other hazardous compounds. Unable to treat this hazardous waste effectively, extractors frequently truck wastewater to municipal wastewater treatment plants that are unable to effectively treat and remove many of the hazardous chemicals. Many municipalities have passed legislation banning hydrofracking wastewater from their wastewater treatment plants due to the potentially damaging impact of the waste on the plant infrastructure and equipment and because the plants are not equipped to adequately treat the waste.

Further, the brine from hydrofracking, water that has been trapped in the shale for thousands of years, is sold to municipalities as a deicing fluid and to control dust on roadways. In addition to extremely high levels of sodium, which is hazardous to drinking supplies, this brine has also been found to contain high levels of radioactive compounds. Many municipalities have banned the use of hydrofracking brine on their roads.

The Dutchess County Legislature believes that the treatment of hydrofracking wastewater in any (public or private) wastewater treatment plant in Dutchess County should be prohibited and the use of hydrofracking brine to treat roads should be banned in Dutchess County.

SECTION 3. DEFINITIONS. As used in this article, the following terms shall have the meanings indicated:

- A. COUNTY – The County of Dutchess, New York.
- B. HYDRAULIC FRACTURING – the fracturing of shale formations by manmade fluid-driven techniques for the purpose of stimulating natural gas or other subsurface hydrocarbon production.
- C. NATURAL GAS EXTRACTION ACTIVITIES – all geologic or geophysical activities related to the exploration for or extraction of natural gas or other subsurface hydrocarbon deposits, including, but not limited to, core and rotary drilling and hydraulic fracturing.
- D. NATURAL GAS WASTE – shall mean any waste that is generated as a result of natural gas extraction activities, which may consist of water, chemical additives, or naturally occurring radioactive materials (“NORMs”) and heavy metals. Natural gas

waste includes, but is not limited to, leachate from solid wastes associated with natural gas extraction activities.

- E. APPLICATION – shall mean the physical act of placing or spreading natural gas waste on any road or real property located within the County of Dutchess.

SECTION 4. PROHIBITIONS.

- A. The introduction of natural gas waste into any wastewater treatment facility within or operated by the County is prohibited.
- B. The sale of natural gas waste within the County is prohibited.
- C. The application of natural gas waste on any road or real property located within the County is prohibited.

SECTION 5. PROVISION TO BE INCLUDED IN BIDS AND CONTRACTS RELATED TO THE CONSTRUCTION OR MAINTENANCE OF COUNTY ROADS.

- A. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain a County road shall include a provision stating that no materials containing natural gas waste shall be provided to the County.
- B. All bids and contracts related to the retention of services to construct or maintain a County road shall include a provision stating that no materials containing natural gas waste shall be utilized in providing such a service.

SECTION 6. DUTY OF EMPLOYEES TO BE FAMILIAR WITH THIS CHAPTER.

The County Executive or, at the County Executive's option, any Department head or commissioner appointed by the County Executive is authorized to develop policies to ensure county employees are familiar with the provisions of this Chapter and take such steps as are directed by the County Executive or such department head or commissioner to ensure a diligent effort by the County that materials supplied to the County or used on County roads or property comply with this law. This Section shall not excuse non-compliance by a contractor or vendor of the County.

SECTION 7. PENALTIES.

This law shall apply to any and all actions occurring on or after the effective date of this law. Any violation of Section 4 of this Chapter shall be an unclassified misdemeanor punishable by a fine not to exceed \$25,000.00 per violation and/or up to thirty days imprisonment. Each sale and/or application of natural gas waste shall constitute a separate and distinct violation.

SECTION 8. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or

unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 9. EFFECTIVE DATE.

This local law shall take effect sixty days after it is filed with the New York State Department of State.

NAME: ^u Keep Dutchess County

Safe from Hydrofracking

Pay-Fracking Act^u

No Fiscal Impact

FISCAL IMPACT STATEMENT

APPROPRIATION RESOLUTIONS

Total Current Year Cost \$ 0

Total Current Year Revenue and Source: \$ 0

Source of County Funds (check one): Existing Appropriations
Contingency
Transfer of Existing Appropriations
Additional Appropriations
Other (explain)

Identify Line Item (s):
Related Expenses:

NONE

Nature of Expenses:

Anticipated Savings to County:

Net county Cost (this year): \$

(over five years): \$

protecting
public health
SAVES TAX DOLLARS!

Additional Comments:

[see NYAgainstfracking.org]