

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County    City    Town    Village  
(Select one.)

of Cayuga

Local Law No. 7 of the year 2014

A local law Prohibiting the sale, application, and disposal of waste associated with oil and natural gas  
(Insert Title)  
exploration, extraction and storage activities.

Be it enacted by the Cayuga County Legislature of the  
(Name of Legislative Body)

County    City    Town    Village  
(Select one.)

of Cayuga as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

STATE OF NEW YORK  
COUNTY OF CAYUGA

AMENDED LOCAL LAW NO. 7 FOR THE YEAR 2014

A LOCAL LAW PROHIBITING SPECIFIC USES OF WASTE ASSOCIATED WITH  
OIL AND NATURAL GAS, EXTRACTION ACTIVITIES.

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

**Section 1. Intent:**

It is hereby intended to enact a local law to prohibit specific uses of waste associated with the exploration, development and production of oil and natural gas in the County of Cayuga.

**Section 2. Definitions:**

As used in this Local Law, the following terms shall have the meanings indicated:

1. As used in this Local Law the term "*hydraulic fracturing*" shall mean the fracturing of subsurface rock formations, including shale and non-shale formations, by manmade fluid driven techniques for the purpose , or intention of increasing the recovery , natural gas, or other hydrocarbon .
2. As used in this Local Law the term "*natural gas extraction activities*" or "*oil extraction activities*" shall mean all activities related to the exploration, development and production of natural gas, or oil.
3. As used in this Local Law the term "*application*" shall mean the physical act of placing brine on one or more roads or one or more pieces of property located within the County of Cayuga. Each physical act shall be deemed separate when the person committing the act stops for any reason the placement of the brine for any purpose, including but not limited to stopping a vehicle used in the placement of the brine, stopping work for any reason, or loading or replacing any material or equipment necessary to apply the brine.
4. As used in this Local Law the term "*brine*" shall include any or all of the following:
  - (a) Produced brine, or water
  - (b) Flow back, or water
  - (c) Hydraulic fracturing fluid, and additives

5. As used in this Local Law the term **"flowback"** shall mean any fluid that is returned to the surface via the wellbore following any hydraulic fracturing or other type of well stimulation treatment.
6. As used in this Local Law the term **"hydraulic fracturing fluid"** shall mean any fluid used to hydraulic fracturing and oil or natural gas well, includes the primary carrier fluid and any other additives.
7. As used in this Local Law the term **"municipality"** shall mean the County of Cayuga.
8. As used in this Local Law the term **"production brine"** shall mean liquids separated from oil or natural gas during any phase of production.
9. As used in this Local Law the term **"roads"** shall mean public or private roads, streets, or bridges located within the County of Cayuga.
10. As used in this Local Law the term **"natural gas waste"** and "oil waste" shall include:
  - a. any liquid or solid waste, or its constituents, that is generated as a result of natural gas or oil extraction activities, which may consist of water, brine, chemicals, , naturally occurring radioactive materials ("NORMs"), heavy metals, or other contaminants; and
  - b. leachate from solid wastes associated with natural gas, or oil extraction activities; and
  - c. any waste that is generated as a result of, or in association with the underground storage of natural gas; and
  - d. any waste that is generated as a result of, or in association with, liquefied petroleum gas well storage operations; and
  - e. any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.



### **Section 3. Prohibitions:**

1. No brine, oil waste or natural gas waste shall be applied to or placed upon real property or roads located within the County of Cayuga.
2. The application of brine, natural gas waste or oil waste, whether or not such waste has received a Beneficial Use Determination pursuant to 6 NYCRR Part 60, on any road or real property located within the County of Cayuga for any purpose is prohibited.
3. The introduction of brine, natural gas waste or oil waste into any wastewater treatment facility within the County of Cayuga which is municipally operated, privately operated or operated by the County of Cayuga is prohibited.
4. The introduction of brine, natural gas waste or oil waste into any solid waste management facility within or operated by the County of Cayuga is prohibited.
5. The Disposal of hydraulic fracturing fluids, produced or flowback, or natural gas, or oil waste within the County of Cayuga is prohibited.

### **Section 4. Bids:**

Provision to be included in bids and contracts related to the construction or maintenance of publicly owned and/or maintained roads or real property within Cayuga County

1. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the Cayuga County shall include a provision stating that no materials containing natural gas waste or oil waste shall be provided to the County of Cayuga.
2. All bids and contracts related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the County of Cayuga shall include a provision stating that no materials containing natural gas waste or oil waste shall be utilized in providing such a service.
3. In any bid for materials, services or equipment which relate to property maintenance or road improvements or road construction, the Municipality, in a bid specification or bid document describing the nature of the services or equipment sought, and any agency or division of the Municipality, shall expressly state in capitalized, bold font, the following statement:

**"THE PLACEMENT OF BRINE, OIL WASTE, OR NATURAL GAS WASTE ON ANY ROAD OR PROPERTY OF THE COUNTY OF CAYUGA IS UNLAWFUL. ANY BIDDER SHALL FILE A SWORN STATEMENT WITH THEIR BID THAT NO BRINE, OIL WASTE, OR NATURAL GAS WASTE IS DEFINED BY LOCAL LAW OF THE COUNTY WILL BE SOLD TO THE COUNTY AS PART OF THE BID, OR UTILIZED ON OR PLACED ON ANY PROPERTY OR ROAD OF THE COUNTY OF CAYUGA. BIDDERS ARE DIRECTED TO COUNTY OF CAYUGA LOCAL LAW NO. 7 FOR THE YEAR 2014 FOR THE DEFINITION OF BRINE, OIL WASTE, OR NATURAL GAS WASTE."**

4. The following statement, which shall be a sworn statement under penalty of perjury, shall be included in all bids related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property-within the County of Cayuga and all bids related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the County of Cayuga:

"We, \_\_\_\_\_ hereby submit a bid for materials, equipment and/or labor for the [County/City/Town/Village] of \_\_\_\_\_. The bid is for bid documents titled \_\_\_\_\_. We hereby certify under penalty of perjury that no natural gas waste or oil waste will be used by the undersigned bidder or any contractor, sub-contractor, agent, or vendor agent in connection with the bid; nor will the undersigned bidder or any sub-contractor, agent or vendor agent thereof apply any natural gas waste or oil waste to any road or real property within the County of Cayuga as a result of the submittal of this bid if selected."

**Section 5. Duty of Employees to be familiar with this Local Law:**

The Chairperson of the Cayuga County Legislature and the Cayuga County Administrator at the option of the Cayuga County Legislature and the Cayuga County Administrator, any Department Head or Commissioner appointed by the Chairperson of the Cayuga County Legislature and the Cayuga County Administrator is authorized to develop policies to ensure Cayuga County employees are familiar with the provisions of this Local Law and take such steps as are directed by the Chairperson of the Cayuga County Legislature, or the Cayuga County Administrator or such department head or Commissioner to ensure a diligent effort by the that materials supplied to the Cayuga County or used on roads or property within the County of Cayuga, comply with this law. This Section shall not excuse non-compliance by a contractor or vendor within of County of Cayuga or any municipal or City subdivision within the territorial limits of Cayuga County.



**Section 6. 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 Local Law shall be an unclassified misdemeanor punishable by a fine not to exceed \$100,000.00 per violation and/or up to thirty days' imprisonment. Each action shall constitute a separate and distinct violation.

**Section 7. 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 8. Effective:**

That this Local Law shall take effect sixty days after it is filed with the New York State Department of State, in accordance with the provisions of the Municipal Home Rule of the State of New York.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 2014 of the (County)(City)(Town)(Village) of Cayuga was duly passed by the Cayuga County Legislature on December 16 2014, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting in person at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

*Shula P. Smith*  
\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12/23/14

(Seal)

