

ORANGE COUNTY LEGISLATURE

LOCAL LAW NO. 14 OF 2013

A LOCAL LAW OF ORANGE COUNTY, NEW YORK KNOWN AS THE "HYDROFRACKING WASTEWATER DISPOSAL RESTRICTION ACT" AMENDING LOCAL LAW NO. 4 OF 2008 (ORANGE COUNTY SEWER USE LAW).

BE IT ENACTED, by the County Legislature of the County of Orange as follows:

Section 1 Purpose.

WHEREAS, the Marcellus Shale is a shale play located in the northeast United States, and specifically in the States of New York, Pennsylvania and Ohio. The Marcellus Shale play has been identified as a source for the extraction and production of natural gas processes by drilling horizontal wells or through a stimulation process known as high volume hydraulic fracturing; and

WHEREAS, hydraulic fracturing is a well stimulation technique which consists of pumping an engineered fluid and a propping agent (such as sand) down a wellbore under high pressure to create fractures in the hydrocarbon-bearing rock. The fractures serve as pathways for hydrocarbons to move to the wellbore for production; and

WHEREAS, the New York State Departments of Health and Environmental Conservation are currently charged with studying the impacts of high volume hydraulic fracturing on public health; and

WHEREAS, current hydrofracking operators do not fully and adequately disclose information analyzing the added and acquired chemicals contained within the engineered fluid and by-products; and

WHEREAS, disposal of hydrofracking waste water is of great concern to the Orange County Legislature given the potential for contamination of municipal and individual well based drinking water and potential negative water quality impacts from the migration of chemicals and improper discharge of waste water in municipal waste water treatment plants; and

WHEREAS, the residual liquid by product of hydrofracking at the end of the natural gas collection process is often contaminated with salt, naturally occurring radioactivity and unlisted chemicals which are shielded from disclosure to protect proprietary interests.

WHEREAS, by Local Law No. 10 of 2013, Orange County adopted the "Hydraulic Fracturing Brine Prohibition Act", which established a policy prohibiting the application of waste water resulting from hydrofracking natural gas collection processes on Orange county roads or county property and

Section 2.

The Orange County Legislature is opposed to the disposal of water utilized in the hydrofracking process in any municipal or other sewage treatment plant in Orange County; and

Section 3. Definitions

The following paragraphs are hereby added, in alphabetical order:

“Hydraulic Fracturing” shall mean the fracturing of sale formation by man-made-fluid-driven techniques for the purpose of stimulating natural gas or other subsurface hydrocarbons production.”

“Natural Gas Extraction Activities” shall mean 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.

“Natural Gas Extraction Waste” shall mean any liquid or solid waste or its constituents which are 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 generated by or associated with natural gas extraction activities.”

Section 4. Amendment to Local Law No.4 of 2008 Orange County Sewer Use Law

Local Law No. 4 of 2008 Article IX, Section 9.2 is hereby amended to add the following:

“[25] Notwithstanding any other section of this local law, any natural gas extraction waste and waste water utilized in or resulting from hydraulic fracturing process shall be considered Industrial Waste, and prohibited from being accepted, stored, entered upon, processed or treated in Users tributary to the Orange County Sewer District No. 1 system and the Harriman Sewage Treatment Plant as well as any publicly owned treatment works (POTW) located within Orange County Sewer District No. 1 that is owned, operated and/or maintained by Orange County Sewer District No. 1 and plants owned and/or operated in its jurisdiction.”

Section 5. Severability

If any provision of this Local Law is held invalid, such invalidity shall not affect the remaining provisions of the Local Law which shall remain effective absent the invalid provision, and to this end, the provisions of the Local Law are declared to be severable.

Section 6. Effective Date.

This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

Section 7. Distribution of Adopted Local Law

The Clerk of the Orange County Legislature is hereby directed:

1. To distribute certified copies of this local law to each town supervisor and mayor within Orange County whose municipality includes a municipal sewage treatment plant in order to encourage that each may consider adopting compatible policies that prohibit and restrict the disposal of hydrofracking waste water in their plants; and
2. To forward certified copies of this local law to Orange County’s federal and state representatives seeking their intervention and supporting in providing the public with

additional information concerning the environmental impacts of the Hydrofracking process. This list includes United States Senators Charles E. Schumer and Kirsten E. Gillibrand, U.S. Congressman Sean Patrick Maloney, New York State Governor Andrew M. Cuomo, New York State Senators, William J. Larkin, Jr. John J. Bonacic, and New York Assembly members, Aileen M. Gunther, Annie G. Rabbit, Frank Skartados, James Skoufis and Claudia Tenney.

STATE OF NEW YORK
COUNTY OF ORANGE
OFFICE OF THE CLERK OF
THE COUNTY LEGISLATURE

THIS IS TO CERTIFY THAT I, Jean M. Ramppen, Clerk of the County Legislature of said County of Orange, have compared the foregoing copy of Local Law with the original thereof now on file in my office and which was passed by the County Legislature of said County of Orange on the 7th day of November, 2013, 19 votes being in favor of said Local Law and 2 votes being against the same, and that the same is a correct and true transcript of such original Local Law and the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of said County Legislature this 7th day of January, 2014.


CLERK OF THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE