

A LOCAL LAW GOVERNING THE SALE, APPLICATION AND DISPOSAL OF WASTE
ASSOCIATED WITH NATURAL GAS EXPLORATION AND EXTRACTION ACTIVITIES

BE IT ENACTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY AS
FOLLOWS:

Section 1. Findings/Purpose.

The toxins and radioactive materials found in hydraulic fracturing (“hydrofracking”) waste are detrimental to the public health and should be kept out of the County water supply and off County roadways. Due to the significant public health risks, and to ensure the safety of future generations, this Legislature hereby finds it necessary to prohibit the introduction of such waste into treatment facilities and roadways located within Onondaga County.

Section 2. Definitions.

As used within this Local Law, the several terms listed below shall have the following meaning:

1. “hydraulic fracturing” shall mean the fracturing of shale formations by man-made fluid-driven techniques for the purpose of stimulating natural gas or other subsurface hydrocarbon production.

2. “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.

3. “natural gas waste” shall mean any waste which 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.

4. “application” shall mean the physical act of placing or spreading natural gas waste on any road or real property located within Onondaga County.

Section 3. Prohibitions.

1. The introduction of natural gas waste into any wastewater treatment facility within or operated by the Onondaga County is prohibited.

2. (a). The sale of natural gas waste within Onondaga County is prohibited.

(b). The application of natural gas waste on any road or real property located within Onondaga County is prohibited.

Section 4. Provision to be included in bids and contracts related to the construction or maintenance of County roads.

1. 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.

2. 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 5. Education for County Employees.

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 and educational materials and training to ensure county employees are familiar with the provisions of this Local Law 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 noncompliance by a contractor or vendor of the County.

Section 6. Penalties.

Any violation of Section 3 of this Local Law shall be an unclassified misdemeanor punishable by a fine not to exceed \$25,000 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.

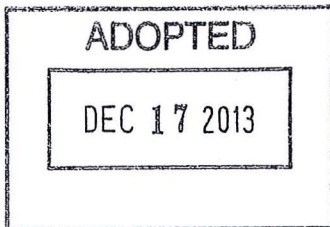
Section 7. Severability.

If any clause, sentence, subparagraph, subsection or section of this Local Law shall be held invalid by any court of competent jurisdiction, or the application of this Local Law to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subparagraph, subsection, section, or operation of this Local Law directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this Local Law are hereby declared to be severable.

Section 8. Effective Date.

This local law shall take effect January 1, 2014, and shall be filed pursuant to the Municipal Home Rule Law.

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I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE 17th DAY OF December, 2013.

Deborah A. Matuso

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK

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LEGISLATURE