

**LOCAL LAW NO. 2 OF 2013
COUNTY OF ROCKLAND
STATE OF NEW YORK**

(Introduced by Hon. Harriet D. Cornell)
(Co-Sponsor: Hon. Alden H. Wolfe)

Chairwoman Cornell offered the following Local Law, which was seconded by Mr. Schoenberger and Mr. Wolfe and unanimously adopted:

A local law within the County of Rockland.

Be it enacted by the legislature of the county of Rockland as follows:

Section 1. Name of local law

This law shall be known as the "Keep Rockland 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 Rockland County legislature believes that the treatment of hydrofracking wastewater in any (public or private) wastewater treatment plant in Rockland County should be prohibited and the use of hydrofracking brine to treat roads should be banned in Rockland County.

Section 3. Definitions.

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

- A. COUNTY** – The County of Rockland, New York.
- B. HYDRAULIC FRACTURING** - the fracturing of shale formations by man-made 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 Rockland.

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.

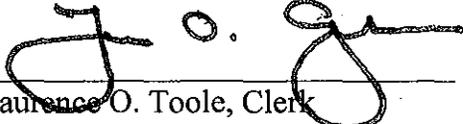
STATE OF NEW YORK)
) ss.:
COUNTY OF ROCKLAND)

I, the undersigned, Clerk to the Legislature of the County of Rockland DO HEREBY CERTIFY that the attached is an original Local Law of such Legislature, duly adopted on the 4th day of June 2013 by a majority of the members elected to the Legislature while such Legislature was in regular session with a duly constituted quorum of members present and voting.

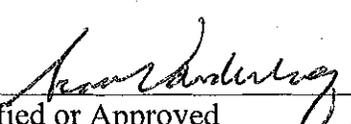
I FURTHER CERTIFY that at the time said Local Law was adopted said Legislature was comprised of seventeen members.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Legislature this 5th day of June 2013.

Date sent to the County Executive:
June 5, 2013



Laurence O. Toole, Clerk
Rockland County Legislature



Certified or Approved
C. SCOTT VANDERHOEF
County Executive, County of Rockland

7/1/13

(date)

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