

LOCAL LAW INTRO. NO. -2012

A LOCAL LAW adding a new Chapter 532 to the Laws of Westchester County in relation to the sale, application and disposal of waste associated with natural gas exploration and extraction activities.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. A new Chapter 532 is hereby added to the Laws of Westchester County to read as follows:

Chapter 532

HYDRAULIC FRACTURING

Section 532.01. Definitions.

Section 532.02. Prohibitions.

Section 532.03. Provision to be included in bids and contracts related to the construction or maintenance of County roads.

Section 532.04. Duty of Employees to be Familiar with this Chapter.

Section 532.05. Penalties.

Section 532.06. Severability.

Section 532.01. Definitions.

1. As used in this Chapter the term “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. As used in this Chapter the term “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. As used in this Chapter the term “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. As used in this Chapter the term “application” shall mean the physical act of placing or spreading natural gas waste on any road or real property located within the County of Westchester.

Section 532.02. Prohibitions.

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

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

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

Section 532.03. 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 532.04. 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 532.05. Penalties.

Any violation of Section 532.02 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 532.06. Severability.

If any clause, sentence, subparagraph, subsection or section of this Chapter shall be held invalid by any court of competent jurisdiction, or the application of this Chapter 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 Chapter directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this Chapter are hereby declared to be severable.

§2. This Local Law shall take effect in sixty days.