

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 Tompkins _____

Local Law No. 1 of the year 2015

A local law Governing the Sale, Application, and Disposal of Waste Associated with Oil and
(Insert Title)
Natural Gas Exploration, Extraction, and Storage Activities

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

County City Town Village
(Select one.)

of Tompkins _____ as follows:

See Attachment

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

Title: A Local Law Governing the Sale, Application, and Disposal of Waste Associated with Oil and Natural Gas Exploration, Extraction, and Storage Activities

Section 1. This is a Local Law creating a new Chapter 123 of the County Code "Oil and Gas Waste" governing the sale, application, and disposal of waste associated with oil and natural gas exploration, extraction and storage activities.

Section 2. Chapter 123 of the Tompkins County Code shall read as follows:

§123-1. Findings/Purpose.

The toxins and radioactive materials found in oil and gas 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 and the natural environment, this Legislature hereby finds it necessary to prohibit the introduction of such waste into treatment facilities, onto roadways, and onto real property located within Tompkins County.

§123-2. Definitions.

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

(1) "Hydraulic fracturing" shall mean the fracturing of underground rock formations, including shale and non-shale formations, by human-made fluid-driven techniques for the purpose of stimulating oil, 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, including, but not limited to, core and rotary drilling and hydraulic fracturing.

(3) "Oil extraction activities" shall mean all geologic or geophysical activities related to the exploration for or extraction of oil, including, but not limited, to, core and rotary drilling and hydraulic fracturing.

(4) "Natural gas waste" shall mean:

(a) any liquid or solid waste or its constituents that is generated as a result of natural gas extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants;

(b) leachate from solid wastes associated with natural gas extraction activities;

(c) any waste that is generated as a result of or in association with the underground storage of natural gas;

(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.

(5) "Oil waste" shall mean:

(a) any liquid or solid waste or its constituents that is generated as a result of oil extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants;

(b) leachate from solid wastes associated with oil extraction activities; and

(c) any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

(6) "Application" shall mean the physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the County of Tompkins.

§123-3. Prohibitions.

(1) The application of natural gas waste or oil waste, whether or not such waste has received a Beneficial Use Determination pursuant to 6 NYCRR Part 360, on any road or real property located within Tompkins County for any purpose is prohibited.

(2) The introduction of natural gas waste or oil waste into any wastewater treatment facility within Tompkins County is prohibited.

(3) The introduction of natural gas waste or oil waste into any solid waste management facility within Tompkins County is prohibited.

(4) The sale, acquisition, storage, handling, treatment and/or processing of natural gas waste or oil waste from oil and natural gas extraction activities (including leachate and byproducts from same) within Tompkins County is prohibited.

§123-4. Duty of Employees to be familiar with this Chapter.

The County Administrator or, at the County Administrator's option, any Department head or commissioner appointed by the County Administrator, 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 Administrator 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.

§123-5. Penalties.

Failure to comply with this Article may result in enforcement by the County to prevent violations, and/or impose civil penalties. In addition, persons who intentionally violate Section 123-3 of this Article may be subject to prosecution in criminal court.

(1) Civil sanctions. The County may commence a civil action to enjoin or otherwise remedy any failure to comply with this article.

(2) A person who violates any provision of Section 123-3 of this Article shall be liable for a civil penalty not to exceed \$1,000 for a first violation, and not to exceed \$5,000 for a subsequent offense.

(3) Criminal penalty. Any person who violates any provision of Section 123-3 of this Article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$5,000 for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment.

§123-6. 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 impair, have an effect on, 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. To further this end, the provisions of this Chapter are hereby declared to be severable.

Section 3. This law shall take effect sixty days after it is filed with the Secretary of State.

(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. 1 of 2015 of the (County)(City)(Town)(Village) of Tompkins was duly passed by the Tompkins County Legislature on April 21, 2015, 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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20 , in accordance with the applicable provisions of law.

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) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(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) *(Name of Legislative Body)* (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. *(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 thereon 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.

Catherine Court

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: April 22, 2015

(Seal)