

County of Putnam
Local Law #3 of 2013
(Passed at the March 6, 2013 Full Legislature Meeting)

A Local Law Adding a New Chapter 172 to the Putnam County Code in Relation to the Sale, Application and Disposal of Waste Associated with Natural Gas Exploration and Extraction Activities.

Be it Enacted by the Legislature of the County of Putnam as follows:

Section 1.

A New Chapter 172 is hereby added to the Code of Putnam County to read as follows:

**Chapter 172
Hydraulic Fracturing**

- §172.01. Definitions.
- §172.02. Prohibitions.
- §172.03. Provision to be included in Bids and Contracts related to the Construction or Maintenance of County Roads.
- §172.04. Duty of Employees to be Familiar with this Chapter.
- §172.05. Penalties.
- §172.06. Recommendation to other municipalities within Putnam County.
- §172.07. Severability.

Section 172.01. 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.

Section 172.02. Prohibitions.

1. The introduction of natural gas waste into any wastewater treatment facility within the County of Putnam which is either privately operated or operated by the County of Putnam is prohibited.
2.
 - (a) The sale of natural gas waste within the County of Putnam is prohibited.
 - (b) The application of natural gas waste on any County road or privately owned real property located within the County of Putnam is prohibited.

Section 172.03. 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 than no materials containing natural gas waste shall be utilized in providing such a service.

Section 172.04. 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 172.05. Penalties.

Any violation of Section 172.02 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 172.06. Recommendation to other municipalities within Putnam County.

The Clerk of the Putnam County Legislature shall forward a copy of this Chapter to the chief executive and the legislative body of each and every municipal corporation located within the boundaries of Putnam County. Each municipality within Putnam County is encouraged to adopt similar prohibitions with respect to its roads and/or properties as are contained herein.

Section 172.07. 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, 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.

Section 2.

This Local Law shall take effect in sixty days.