

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.**

PUTNAM COUNTY LEGISLATURE

Resolution #220

Introduced by Legislator: Sam Oliverio Jr. on behalf of the Health, Social, Educational & Environmental Committee at a Regular Meeting held on August 3, 2010.

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**APPROVAL/MEMORIALIZATION/STATE TO IMPOSE MORATORIUM ON HYDROFRACKING OPERATIONS**

**WHEREAS, New York faces a potential environmental crisis in the form of hydraulic fracturing, known as "hydrofracking", which involves drilling deep horizontal wells into areas of shale, and infusing massive quantities of water and potentially toxic chemicals into wells to fracture the shale and release natural gas; and**

**WHEREAS, companies are buying land rights from landowners across New York with the expectation that New York State will quickly finalize its environmental review allowing hydrofracking in our region; and**

**WHEREAS, the proposed state environmental review raises serious questions about the ability of the proposed state permit conditions to protect our natural resources and prevent permanent damage to our environment; and**

**WHEREAS, the New York State Environmental Conservation Law supersedes local regulation of the gas and solution mining industries, thereby precluding local governments from regulating gas and oil well drilling operations; and**

**WHEREAS, many residents of Putnam County receive their drinking water from the unfiltered Catskill watershed; and**

**WHEREAS, the proposed permit conditions could allow companies to conduct hydrofracking within the Catskill and Delaware watersheds and could fail to provide for adequate protection for the drinking water supply to Putnam County from potential contaminants released during the hydrofracking process; and**

**WHEREAS, the proposed permit conditions fail to adequately monitor groundwater near gas wells and fail to detect or remediate**

Vote:

State Of New York

ss:

County of Putnam

I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on August 3, 2010.

Dated: August 5, 2010

Signed: \_\_\_\_\_

M. Chris Marrone  
Clerk Of The Legislature Of Putnam County

PUTNAM COUNTY LEGISLATURE

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contamination of aquifers, thereby posing a threat to individual and public supply wells; and

WHEREAS, the proposed permit conditions further fail to provide for an adequate analysis of the chemicals used in the fracking fluids, allowing the use of substances that may be carcinogenic, mutagenic or endocrine disrupters; and

WHEREAS, frequent and heavy traffic on poorly paved roads from hydrofracking operations may cause significant damage to water quality within the Catskill and Delaware watersheds by increasing the amount of sedimentation runoff and potential for contamination through truck accidents; and

WHEREAS, the constituents of the flowback water from the hydrofracking operations may be unsuitable and unsafe for disposal at local wastewater treatment plants, resulting in potential holding ponds of toxic waste across New York; and

WHEREAS, the large quantities of water that must be withdrawn for hydrofracking operations pose a serious and permanent threat to our ecosystem; and

WHEREAS, the potential for contamination of municipal and individual well-based drinking water and the potential water quality impacts from the migration of chemicals and improper discharge of wastewater directly into the watershed are causes of deep concern to this legislative body; and

WHEREAS, the potential damage to local landscapes and wildlife is incalculable and the possible threat to air quality and public health from drilling operations is immeasurable; and

WHEREAS, in comments on the draft environmental review of high-volume hydraulic fracturing the United States Environmental Protection Agency stated it "has serious reservations about whether gas drilling in

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the New York City watershed is consistent with the vision of long-term maintenance of a high quality unfiltered water supply”; and

WHEREAS, water from the Catskill and Delaware Watershed is subject to a Filtration Avoidance Determination (“FAD”) from the United States Environmental Protection Agency that allows New York City to avoid building a water filtration plant estimated to cost at least \$10 billion to construct and hundreds of millions of dollars to operate annually; and

WHEREAS, should hydrofracking impacts cause the United States Environmental Protection Agency to revoke the FAD a portion of the costs of building a filtration could be passed on to Putnam consumers; and

WHEREAS, it is necessary to pursue further independent scientific assessments of all aspects of hydrofracking and the United States Environmental Protection Agency initiated such an assessment only very recently; and

WHEREAS, this legislative body recognizes a need for both energy independence and economic vitality within upstate communities but natural gas development must not endanger the Catskill and Delaware watersheds which supplies drinking water for eight million individuals; and

WHEREAS, a comprehensive cost-benefit analysis evaluating the proposed Marcellus Shale natural gas development in New York State has not been completed; and

WHEREAS, New York State’s recently expressed intent to conduct site-specific environmental review for hydrofracking projects within the Catskill and Delaware watershed does not remove the above serious risks, but only defers consideration of those risks to a later date to facilitate the issuance of drilling permits in other parts of the State ; now therefore be it

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Clerk Of The Legislature Of Putnam County

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**RESOLVED, that the Putnam County Legislature hereby requests the state to impose a moratorium on hydrofracking operations pending completion of further independent scientific assessments and final review by the United States Environmental Protection Agency, the New York Department of Environmental Conservation and other relevant government bodies; and be it further**

**RESOLVED, that the Putnam County Legislature hereby requests that the state ban hydrofracking operations within the Catskill and Delaware watersheds; and be it further**

**RESOLVED, that the Putnam County Legislature hereby further requests that Governor Paterson withdraw from SEQRA review the Draft Supplemental Generic Environmental Impact Statement On The Oil, Gas and Solution Mining Regulatory Program-Well Permit Issuance for Horizontal Drilling and High Volume Hydraulic Fracturing to Develop the Marcellus Shale and Other Low Permeability Gas Reservoirs, pending further independent scientific assessments to determine the aggregate protection provided therein concerning the public health, environmental and economy of New York State; and be it further**

**RESOLVED, that the Clerk is hereby authorized to send a certified copy of this resolution to U.S. Senators Charles Schumer and Kirsten Gillibrand; U.S. Representative John Hall, New York State Governor David Paterson; New York State Senator Vincent L. Leibell; New York State Assemblywoman Galef; New York State Assemblyman Ball; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; New York State Department of Health and the New York State Department of Environmental Protection.**

**BY ROLL CALL VOTE: SIX AYES. THREE NAYS – LEGISLATORS BIRMINGHAM, CONKLIN & OTHMER. MOTION CARRIES.**

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State Of New York

ss:

County of Putnam

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Signed: M. Chris Marrone

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Clerk Of The Legislature Of Putnam County