

RESOLUTION NO. 244 -2012, PROHIBITING THE ACCEPTANCE OF WASTEWATER PRODUCED BY HYDRAULIC FRACTURING AT COUNTY SEWAGE TREATMENT FACILITIES

WHEREAS, hydraulic fracturing is a controversial mining technique used to extract fossil fuels that have collected in layers of porous rock; and

WHEREAS, hydraulic fracturing, commonly known as “hydrofracking”, involves the injection of fracturing fluids through a well into a rock formation at a force exceeding the parting pressure of the rock, which causes fractures in the rock through which oil and natural gas can be released and captured for further processing and use; and

WHEREAS, fracturing fluids are comprised of water and chemical additives, including, but not limited to, biocides, surfactants, viscosity-modifiers and emulsifiers, which vary in toxicity and include known carcinogens; and

WHEREAS, once hydraulic fracturing has been completed at a well site, the fluids used to fracture the rock, commonly referred to as flowback water, return to the surface; and

WHEREAS, several states and municipalities, including Buffalo, Kingston, and Auburn, New York, and the State of Maryland, have set a policy not to accept flowback wastewater and other wastewater created by hydraulic fracturing occurring outside their communities; and

WHEREAS, the New York State Department of Environmental Conservation identified the Bergen Point sewage treatment plant as a facility capable of handling flowback water or other wastewater from hydraulic fracturing activities; and

WHEREAS, tertiary wastewater treatment facilities, such as Bergen Point, treat water to remove nitrogen, phosphorous, and carbons, but do not treat for all of the chemicals in fracturing fluid and flowback water; and

WHEREAS, the County’s wastewater treatment facilities discharge treated water into Long Island Sound, the Great South Bay, the Atlantic Ocean, and other waterways which feed into Long Island’s sole source aquifer; and

WHEREAS, the County of Suffolk should not accept toxic byproducts of hydraulic fracturing into County sewage treatment facilities for processing; now, therefore be it

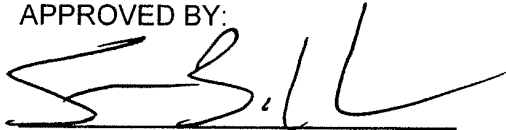
1st RESOLVED, that no sewage treatment facility owned and/or operated by the County of Suffolk shall accept or treat flowback water or any other wastewater resulting from hydraulic fracturing activities; and be it further

2nd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF

RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: March 27, 2012

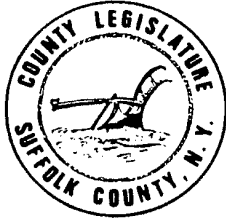
APPROVED BY:



County Executive of Suffolk County

Date: 4/9/12

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on
March 27, 2012 *and that the same is a true and correct transcript of said resolution and of the whole thereof.*

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res. 1228

Res. No. 244

March 27, 2012

Motion:
 Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:
 Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:
 Romaine, Schneiderman, Browning, Muratore, Anker
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
5	Kara HAHN					
6	Sarah S. ANKER					
7	Rob CALARCO					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	William SPENCER					
14	Wayne R. HORSLEY, D.P.O.					
8	William J. LINDSAY, P.O.					
Totals		17				

MOTION
<input checked="" type="checkbox"/> Approve
___ Table: _____
___ Send To Committee
___ Table Subject To Call
___ Lay On The Table
___ Discharge
___ Take Out of Order
___ Reconsider
___ Waive Rule _____
___ Override Veto
___ Close
___ Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
___ NOT ADOPTED

Roll Call _____ Voice Vote

Tim Laube

Tim Laube, Clerk of the Legislature

**RESOLUTION NO. 1006 -2012, PROHIBITING THE USE OF
HYDRAULIC FRACTURING BRINE ON COUNTY PROPERTY
OR ROADWAYS**

WHEREAS, hydraulic fracturing is a highly controversial form of mining which uses pressurized fluid to break rock formations and release natural gas that is then collected; and

WHEREAS, the fluids used in hydraulic fracturing contain a variety of chemicals, the exact contents of which are unknown; and

WHEREAS, hydraulic fracturing produces a liquid waste product with high levels of salinity, commonly known in the industry as fracking brine; and

WHEREAS, some businesses which perform hydraulic fracturing would like to dispose of such brine by providing it to local governments as a road de-icing agent for use in the winter; and

WHEREAS, the ingredients in fracking brine are vastly different from the brine commonly applied to roadways by municipalities prior to a winter storm, which is composed primarily of water and salt; and

WHEREAS, some of the chemicals found in fracking brine have been linked to health problems associated with the respiratory system and other organs; and

WHEREAS, the County of Suffolk is situated atop a sole-source aquifer, which provides drinking water for County residents; and

WHEREAS, when applied to roadways, fracking brine has the potential to pollute surface and groundwater; and

WHEREAS, to protect the health and safety of County residents and local drinking water, Suffolk County should prohibit the use of hydraulic fracturing brine on County roadways and properties; now, therefore be it

1st RESOLVED, that the Department of Public Works shall not utilize brine created in the hydraulic fracturing process on County roadways or property; and be it further

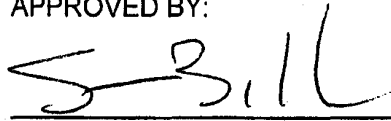
2nd RESOLVED, that the Department of Public Works is hereby authorized, empowered and directed to enforce this policy with all subcontractors it engages for road work; and be it further

3rd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency

administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: November 20, 2012

APPROVED BY:



County Executive of Suffolk County

Date: 12-3-2012

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on November 20, 2012 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res.

1439

Res. No.

1004

November 20, 2012

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

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14	Wayne R. HORSLEY, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	17	1	1	1	

MOTION
<input checked="" type="checkbox"/> Approve
Table: _____
<input type="checkbox"/> Send To Committee
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<input type="checkbox"/> Lay On The Table
<input type="checkbox"/> Discharge
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RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote