

LOCAL LAW NO. “D” FOR 2014

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK IN RELATION TO THE DISPOSAL OF WASTE ASSOCIATED WITH NATURAL GAS EXPLORATION AND EXTRACTION ACTIVITIES IN SOLID WASTE MANAGEMENT FACILITIES

Introduced: 6/9/14

By Messrs. Clenahan, Bullock, Mss. McLean Lane, Kinsch, Messrs. O’Brien and Dawson:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Legislative Findings

The Legislature finds and determines that 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 the fluids used in hydraulic fracturing produce a liquid waste product with high levels of salinity, commonly known as fracking brine; and

The Legislature further finds and determines that fracking brine contains toxic substances and many of the chemicals found in fracking brine have been linked to severe health problems associated with the respiratory system and other organs; and

The Legislature further finds and determines that the introduction of fracking brine into solid waste management facilities poses a serious health risk to County residents; and

The Legislature further finds and determines that it is in the best interests of the residents of Albany County to protect the health and safety of Albany County residents by prohibiting the introduction of fracking waste and brine into solid waste management facilities in Albany County.

Section 2. Definitions

As used in this law, the following terms shall have the meanings indicated:

A) “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.

B) “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.

C) "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.

D) "SOLID WASTE MANAGEMENT FACILITY" shall mean any facility employed beyond the initial solid waste collection process, including but not limited to recycling centers, transfer stations, baling facilities, rail haul or barge haul facilities, processing systems, including resource recovery facilities or other facilities for reducing solid waste volume, sanitary landfills, plants and facilities for compacting, composting or pyrolyzation of solid waste, incinerators and other solid waste disposal, reduction or conversion facilities.

E) "SOLID WASTE" shall mean all materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water pollution control facilities or water supply treatment facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris and offal, but not including sewage and other highly diluted water-carried materials or substances and those in gaseous form.

F) "RECYCLING CENTER" shall mean a community-based facility where separated solid waste can be stored, assembled and prepared for sale or other disposition.

G) "RESOURCE RECOVERY" shall mean the separation, extraction and recovery of useable materials, energy or heat from solid waste through source separation, recycling centers or other programs, projects or facilities.

H) "SOLID WASTE MANAGEMENT" means the purposeful and systematic transportation, storage, processing, recovery and disposal of solid waste.

Section 3. Prohibitions.

The introduction of natural gas waste into any solid waste management facility within or operated within Albany County (hereinafter "County") is prohibited.

Section 4. Penalties.

Any violation of Section 3 of this Local Law shall be an unclassified misdemeanor punishable by a fine not to exceed \$25,000 per violation and/or up to thirty days' imprisonment. Each disposal of natural gas waste in a solid waste management facility shall constitute a separate and distinct violation.

Section 5. Severability

If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect except as limited by such order or judgment.

Section 6. State Environmental Quality Review Act compliance.

This County Legislature determines that the foregoing action constitutes a "Type II action" as said term is defined in the State Environmental Quality Review Act ("SEQRA"), and that no further action with respect to same is required under SEQRA.

Section 7. Effective Date and Applicability.

This Local Law shall be effective ninety (90) days subsequent to filing in the Office of the Secretary of State and shall apply to all transactions occurring on or after the effective date of this local law.

Referred to Health Committee. 6/9/14