

# 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 SCHOHARIE

Local Law No. 8 of the year 2014

A local law GOVERNING THE SALE, APPLICATION AND DISPOSAL OF WASTE ASSOCIATED  
(Insert Title)  
WITH NATURAL GAS EXPLORATION AND EXTRACTION ACTIVITIES WITHIN  
SCHOHARIE COUNTY

Be it enacted by the Board of Supervisors of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of SCHOHARIE as follows:

FOR TEXT OF LOCAL LAW SEE PAGES THAT FOLLOW

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

**SECTION 1:** Legislative Intent.

The Toxins and radioactive materials found in hydraulic fracturing (hereinafter referred to as "hydrofracking") waste may be detrimental to the public health and therefore the application of it shall be kept off of County Roadways and kept out of our drinking water. As a result of the significant public health risks associated with hydrofracking wastes, the Schoharie County Board of Supervisors finds it necessary to prohibit the introduction of such waste into treatment facilities and application off of roadways located within Schoharie County.

**SECTION 2:** Definitions.

As used within this Local Law, the terms listed below shall have the following meaning:

1. "hydrolic 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. "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. "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 and heavy metals. Natural gas waste also includes, but is not limited to, leachate from solid wastes associated with natural gas extraction activities.
4. "application" shall mean the physical act of placing or spreading natural gas waste on any road or real property within Schoharie County.

**SECTION 3:** Prohibition.

1. The introduction of natural gas waste into any wastewater treatment facility within Schoharie County is prohibited.
2. The sale of natural gas waste within Schoharie County is prohibited.
3. The applications of natural gas waste product on any property within Schoharie County is Prohibited.
4. The storage of any natural gas waste within Schoharie County is prohibited.

**SECTION 4:** Provision Relating to Bids and Contracts involving construction or maintenance of County Roads.

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.

**SECTION 5: Education of County Employees**

The County Board of Supervisors, or any Committee appointed by the County Board of Supervisors, is hereby authorized to develop policies, educational material, and/or training courses for department heads and employees to ensure that all county employees are familiar with the provisions of this Local Law. Nothing in the Section shall be construed to excuse non-compliance by a contractor or vendor.

**SECTION 6: Penalties**

Any violation of Section 3 of this Local Law shall be an unclassified misdemeanor punishable by a fine not to exceed Twenty-Five Thousand (\$25,000.00) dollars per violation and up to thirty (30) days imprisonment. Each sale and/or application of natural gas waste product shall constitute a separate violation of Section 3.

**SECTION 7: Severability**

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**SECTION 8: Effective Date**

This Local Law shall take effect immediately upon the filing 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. 8 of 2014 of the (County)(City)(Town)(Village) of Schoharie was duly passed by the Board of Supervisors on April 18 2014, 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 *(Elective Chief Executive Officer\*)* 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 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 \_\_\_\_\_ above.

*Sheryl Lagutean*  
\_\_\_\_\_  
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: April 21, 2014

(Seal)