

Proposed Local Law Number 1 Of 2012

County Of Ulster

A Local Law Of The County Of Ulster, New York Known As The “Hydraulic Fracturing Brine Prohibition Act”

BE IT ENACTED, by the County Legislature of the County of Ulster, New York, as follows:

A new Chapter, Chapter 306 is added to the Code of the County of Ulster to read as follows.

§306-1

Title. This Local Law shall be known by and may be cited as the “Hydraulic Fracturing Brine Prohibition Act”.

§306-2

Definitions. As used in this Chapter, the following terms shall have the following meanings:

“Flowback” shall mean liquids and solids produced during initial completion and clean-up of the well or clean-up of a well following a re-fracture or workover.

“Flowback fluids” shall mean liquids produced following drilling and initial completion and clean-up of the well or clean-up of a well following a re-fracture of workover.

“Hydraulic fracturing fluid” shall mean fluid used to perform hydraulic fracturing and includes the primary carrier fluid and all applicable additives.

“Production brine or produced waters” shall mean liquids co-produced during oil and gas production.

“Property” shall mean real property, improved or otherwise, which the County of Ulster owns or controls.

“Brine” shall mean production brine or produced waters, flowback, flowback fluids, hydraulic fracturing fluid.

“High Volume Hydraulic Fracturing” shall mean a natural gas well stimulation technique consisting of the injection into the earth of a water and chemical mix with the intent of increasing the ability to extract natural gas from very tight rock.”

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“Municipality” shall mean the County of Ulster.

“Roads” shall mean public roads, streets, or bridges owned or controlled by the municipality.

§306-3

Use of Brine prohibited. No Brine shall be applied to or placed upon property or roads of the municipality. In any bid for materials, services, or equipment which relate to property maintenance or road improvements or road construction, the municipality in a bid specification or bid document describing the nature of the services or equipment sought, and any agency or division of the municipality, shall expressly state in capitalized, bold font, “THE PLACEMENT OF BRINE ON ANY ROAD OR PROPERTY OF THE COUNTY OF ULSTER IS UNLAWFUL. ANY BIDDER SHALL FILE A SWORN STATEMENT WITH THEIR BID THAT NO BRINE AS DEFINED BY LOCAL LAW OF THE MUNICIPALITY WILL BE SOLD TO THE MUNICIPALITY AS PART OF THE BID, OR UTILIZED ON OR PLACED ON ANY PROPERTY OR ROAD OF THE COUNTY OF ULSTER. BIDDERS ARE DIRECTED TO CHAPTER 306 OF THE LAWS OF THE COUNTY OF ULSTER FOR THE DEFINITION OF BRINE.”

§306-4

Statement to be included in Bid. The Statement provided for in §306-3, which shall be a sworn statement under penalty of perjury, shall read substantially as follows:

“We, _____ hereby submit a bid for materials, equipment, or labor for the _____ of _____. The bid is for bid documents titled _____. We hereby certify under penalty of perjury that no Brine will be used by the undersigned bidder or any contractor, sub-contractor, agent, or vendor thereof in connection with the bid; nor will the undersigned Bidder or any sub-contractor, agent, or vendor thereon apply any Brine to any property road(s) of the County of Ulster as a result of the submittal of this bid if selected.”

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§306-5

Duty of Employees to be Familiar with this Chapter. All employees or consultants of the County of Ulster who are authorized to bind the County of Ulster with respect to the purchase or goods for the maintenance of roads, or who may direct the placement of liquids or substances onto the roads of the County of Ulster, shall be familiar with this Chapter and shall be responsible for following it.

§306-6

Effective Date. This act shall take effect _____.