

Introduced by: Legislators Denise Ford and Dennis Dunne, Sr., Alternate Deputy Presiding Officer Howard J. Kopel, Deputy Presiding Officer Norma L. Gonsalves, Presiding Officer Peter J. Schmitt, and Legislators Francis X. Becker, Vincent T. Muscarella, Richard J. Nicoletto, Joseph V. Belesi, and Rose Marie Walker, Minority Leader Kevan Abrahams, Robert Troiano, Carrie Solages, Joseph Scannel, Judi Bosworth, Wayne Wink, Judy Jacobs, Delia DeRiggi-Whitton, David Denenberg

LOCAL LAW 3 - 2012

A LOCAL LAW PROHIBITING THE ACCEPTANCE OF WASTEWATER PRODUCED BY HYDRAULIC FRACTURING BY SEWAGE TREATMENT FACILITIES LOCATED IN, OWNED AND/OR OPERATED IN OR BY NASSAU COUNTY.

Passed by the Nassau County Legislature on April 16, 2012

Voting: ayes: 15, nays: 0, abstained: 0

Became a law on April 23, 2012 with the approval of the County Executive.

FORM APPROVED  
M. Mitchell  
Deputy MAJORITY COUNSEL

BE IT ENACTED by the County Legislature of the County of Nassau, as follows:

Section 1. Short Title

This law shall be known as the "Law Against Fracking Wastewater at Sewage Treatment Plants" and shall appear in the Miscellaneous Laws of Nassau County as Title 78.

§ 2. Legislative Intent.

This Legislature finds that hydraulic fracturing is a mining technique used to extract fossil fuels that have collected in layers of porous rock.

This Legislature further finds that 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.

This Legislature further finds that 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.

This Legislature further finds that 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.

This Legislature further finds that the New York State Department of Environmental Conservation identified four sewage treatment plants in Nassau County as facilities capable of handling flowback water or other wastewater from hydraulic fracturing activities.

This Legislature further finds that tertiary wastewater treatment facilities treat water to remove nitrogen, phosphorous, and carbons, but do not treat for all of the chemicals in fracturing fluid and flowback water.

This Legislature further finds that Nassau County's wastewater treatment facilities discharge treated water into waterways which feed into Long Island's sole source aquifer.

This Legislature further finds that it is not in the best interests of Nassau County or its residents to accept toxic byproducts of hydraulic fracturing into Nassau County sewage treatment facilities for processing.

Therefore, the primary purpose of this local law is to prohibit the acceptance of wastewater produced by hydraulic fracturing by sewage treatment facilities located in, owned and/or operated in or by Nassau County.

§ 3. Prohibition.

No sewage treatment facility located in, owned, and/or operated in or by Nassau County shall accept or treat flowback water or any other wastewater resulting from hydraulic fracturing activities.

§ 4. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership entity or circumstance directly involved in the controversy in which order or judgment shall be rendered.

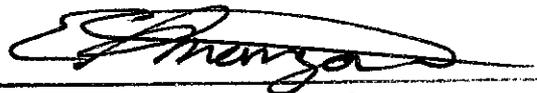
§ 5. SEORA Determination.

It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L., section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 6. Effective Date.

This local law shall take effect immediately.

**APPROVED**



**County Executive**

**DATE** 4/23/12