

VILLAGE OF NEW PALTZ
LOCAL LAW NO. 13 OF 2012

**A LOCAL LAW TO PROHIBIT THE DISPOSAL OF NATURAL GAS AND/OR
OIL PRODUCTION WASTES INTO THE MUNICIPAL SEWER SYSTEM**

BE IT ENACTED by the Village Board of the Village of New Paltz as follows:

Existing language which will remain unchanged indicated without modification.

~~Existing language to be stricken indicated by strikethrough.~~

New language to be added indicated by underlining.

Section 1: Legislative intent.

This local law prohibits the disposal of natural gas and/or oil production wastes into the municipal sewer system.

§ 2. Section 1-2 of the Village Code, definitions, is hereby amended by the addition of the following new definitions:

INDUSTRIAL WASTES – Any discarded matter, including any liquid, gaseous or solid substance, or combination thereof, resulting from any industrial user, excluding natural gas and oil production byproducts.

NATURAL GAS AND OIL EXPLORATION – The use of land for geological or geophysical activities related to the search for natural gas, oil or other subsurface hydrocarbons including prospecting, geophysical and geologic seismic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation in the search and evaluation of natural gas, oil or other subsurface hydrocarbon deposits.

NATURAL GAS AND OIL EXTRACTION – The use of land for the purpose of extracting, developing and producing natural gas, oil or other subsurface hydrocarbons from subsurface deposits. Natural gas and oil extraction includes storage or construction staging yards associated with an oil or gas extraction operation, and gas pipelines, water lines and other gathering systems and components including but not limited to drip stations, vent stations, injection stations and valve boxes associated with an a natural gas or oil extraction operation.

NATURAL GAS AND OIL PRODUCTION BYPRODUCTS – Any refuse, sludge or other waste materials, whether or not recycled or reused or intended to be recycled or reused, including solid, liquid, semi-solid, or contained gaseous material that results from, is associated with or produced as a byproduct of natural gas and oil exploration or extraction, including, without limitation, production brine, produced waters, flowback, flowback fluids and hydraulic fracturing fluids.

§ 3. Section 163-37 of the Village Code is hereby amended by making the existing text thereof sub-section "A", striking certain language therein, and adding new subsections "B" – "D", as follows:

A. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works. ~~Any person violating this provision shall be subject to immediate arrest.~~

B. It shall be unlawful to discharge into any outlet within the district which is serviced by public sewers under the jurisdiction of the district any natural gas and oil production byproducts. It shall be unlawful to install any infrastructure or materials for the purpose of transporting or discharging any industrial wastes, or to perform natural gas exploration, extraction, or to produce natural gas extraction byproducts.

C. Penalties for Violations. Violation of this chapter is a misdemeanor and punishable by a maximum fine of \$500 and/or imprisonment of up to 15 days for each separate offense.

D. The Village may maintain a civil action or proceeding to enjoin any action in violation of this Chapter, or enforce any provision hereof, and for damages occasioned by the acts prohibited.

§ 4. Severability

The invalidity of any word, section, clause, paragraph, sentence, part of provision of this Local Law shall not affect the validity of any other part of this Local Law, which can be given effect without such part or parts.

§ 5. Effective Date.

This local law shall take effect immediately, or immediately upon filing in the office of the Secretary of State of New York as provided by law, whichever is earlier enforceable by law.