

VILLAGE OF NEW PALTZ  
LOCAL LAW NO. 14 OF 2012

A LOCAL LAW TO PROHIBIT BRINE ON VILLAGE ROADS

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.

§ 1: Legislative intent.

This local law prohibits the application of oil and gas mining and drilling byproduct, including brine, on Village roads and Village property.

§ 2: Amendments to Code

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

APPLICATION – In the context of natural gas and oil exploration, extraction, or production byproducts, the physical act of placing natural gas and oil production byproducts on one or more Village roads or one or more pieces of Village property. Each physical act shall be deemed a separate violation. Each time a person stops the placement of natural gas and oil production byproducts for any reason, including but not limited to stopping a vehicle used in the placement or re-loading or replacing any material or equipment and then resuming placement shall be deemed a separate application.

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 or hydraulic fracturing fluids.

2. A new Chapter 106, entitled "Environmental Protection," shall be added to the Code.

3. A new Section 106 is added to read as follows:

A. The application of, authorization or direction to, or allowance of, oil and gas mining and drilling byproduct, including brine, and the transport of such byproducts or the equipment or materials necessary to make such Application as is defined herein, on Village roads and/or property is prohibited.

B. The Village Board, Building Inspector, and Department of Public Works are authorized to develop policies to ensure Village employees are familiar with this Chapter and take such steps as are required to ensure that materials supplied to the Village or used on Village roads or properties comply with this Law. Failure to adopt such additional policies shall not excuse non-compliance by a contractor or vendor of the Village.

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.

### § 3. 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.

### § 4. 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 sooner enforceable by law.