

RESOLUTION NO. 1099 -2014, ADOPTING LOCAL LAW NO. 5 -2015, A LOCAL LAW TO AMEND LOCAL LAW NO. 13-2014, TO FURTHER DETER THE IMPORTATION OR USE OF HYDRAULIC FRACTURING MATERIALS IN SUFFOLK COUNTY

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on October 7, 2014, a proposed local law entitled, "**A LOCAL LAW TO AMEND LOCAL LAW NO. 13-2014, TO FURTHER DETER THE IMPORTATION OR USE OF HYDRAULIC FRACTURING MATERIALS IN SUFFOLK COUNTY;**" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 5 -2015, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO AMEND LOCAL LAW NO. 13-2014, TO FURTHER DETER THE IMPORTATION OR USE OF HYDRAULIC FRACTURING MATERIALS IN SUFFOLK COUNTY

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that Local Law No. 13-2014 prohibits the sale and use of hydraulic fracturing byproducts in Suffolk County.

This Legislature finds that the maximum monetary penalty under Local Law No. 13-2014 is \$5,000 per violation.

This Legislature determines that this penalty is insufficient to deter those who may act in violation of Local Law No. 13-2014.

This Legislature also finds that similar laws in neighboring jurisdictions provide significantly higher monetary penalties for violations.

This Legislature further finds that Suffolk County should increase the maximum fine amount in Local Law No. 13-2014, to deter persons from bringing hydraulic fracturing byproducts into Suffolk County and to adequately punish those who violate the law.

Therefore, the purpose of this law is to amend Local Law No. 13-2014 to increase the maximum fine for a violation of Local Law No. 13-2014 to \$25,000.

Section 2. Amendments.

Section 5 of Local Law No. 13-2014 is hereby amended as follows:

Section 5. Penalties.

Any violation of Section 3 of this law shall constitute an unclassified misdemeanor, punishable by a fine not to exceed [~~\$5,000~~] \$25,000 per violation and/or up to thirty (30) days imprisonment. Each sale and/or application of natural gas waste shall constitute a separate and distinct violation.

Section 3. Applicability.

This law shall apply to actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this 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 such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: December 2, 2014

APPROVED BY:
/s/ Steven Bellone
County Executive of Suffolk County

Date: December 30, 2014
After a public hearing duly held on December 15, 2014
Filed with the Secretary of State on January 27, 2015