

RESOLUTION NO. 244 -2012, PROHIBITING THE ACCEPTANCE OF WASTEWATER PRODUCED BY HYDRAULIC FRACTURING AT COUNTY SEWAGE TREATMENT FACILITIES

WHEREAS, hydraulic fracturing is a controversial mining technique used to extract fossil fuels that have collected in layers of porous rock; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, several states and municipalities, including Buffalo, Kingston, and Auburn, New York, and the State of Maryland, have set a policy not to accept flowback wastewater and other wastewater created by hydraulic fracturing occurring outside their communities; and

WHEREAS, the New York State Department of Environmental Conservation identified the Bergen Point sewage treatment plant as a facility capable of handling flowback water or other wastewater from hydraulic fracturing activities; and

WHEREAS, tertiary wastewater treatment facilities, such as Bergen Point, treat water to remove nitrogen, phosphorous, and carbons, but do not treat for all of the chemicals in fracturing fluid and flowback water; and

WHEREAS, the County’s wastewater treatment facilities discharge treated water into Long Island Sound, the Great South Bay, the Atlantic Ocean, and other waterways which feed into Long Island’s sole source aquifer; and

WHEREAS, the County of Suffolk should not accept toxic byproducts of hydraulic fracturing into County sewage treatment facilities for processing; now, therefore be it

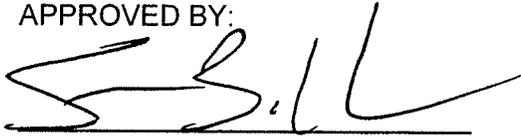
1st RESOLVED, that no sewage treatment facility owned and/or operated by the County of Suffolk shall accept or treat flowback water or any other wastewater resulting from hydraulic fracturing activities; and be it further

2nd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (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, and 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 resolution.

DATED: March 27, 2012

APPROVED BY:

A handwritten signature in black ink, appearing to read 'S. Bill', written over a horizontal line.

County Executive of Suffolk County

Date: 4/9/12

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on March 27, 2012 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res.

1228

Res. No.

244

March 27, 2012

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
5	Kara HAHN					
6	Sarah S. ANKER					
7	Rob CALARCO					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	William SPENCER					
14	Wayne R. HORSLEY, D.P.O.					
8	William J. LINDSAY, P.O.					
Totals		17				

MOTION	
<input checked="" type="checkbox"/>	Approve
Table: _____	
<input type="checkbox"/>	Send To Committee
<input type="checkbox"/>	Table Subject To Call
<input type="checkbox"/>	Lay On The Table
<input type="checkbox"/>	Discharge
<input type="checkbox"/>	Take Out of Order
<input type="checkbox"/>	Reconsider
<input type="checkbox"/>	Waive Rule _____
<input type="checkbox"/>	Override Veto
<input type="checkbox"/>	Close
<input type="checkbox"/>	Recess
APPROVED <input checked="" type="checkbox"/>	FAILED _____
No Motion _____	No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote