Ban the Use of Hydrofracking By-Product Brine on County Roads and Property

WHEREAS, by adoption of Resolution No. 215 of 2011 the Tompkins County Legislature submitted comments to the New York State Department of Environmental Conservation on the Revised Draft Supplemental GEIS (Generic Environmental Impact Statement) on the Oil, Gas, and Solution Mining Regulatory Program for the Marcellus Shale Gas Drilling, and Recommending that “no new shale gas extraction be allowed in Tompkins County and New York State until and unless a more benign technology is developed, and

WHEREAS, Resolution No. 216 of 2011 supported Home Rule Authority regarding local land use and gas drilling in New York State, and

WHEREAS, Resolution No. 217 of 2011 recommended a ban on horizontal drilling and high-volume hydrofracturing in the Finger Lakes Region, and

WHEREAS, the definition of a “natural gas and oil by-product” is 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, and

WHEREAS, the mineral properties of this by-product brine include certain chlorides that lower the freezing point and/or draw moisture from the air allowing the hydrofracking by-product brine to be used as a deicing agent in snow and ice control and/or being used as dust control on gravel roads, and

WHEREAS, Tompkins County officials have been made aware that roads in certain areas adjacent to hydrofracking sites are being sprayed with hydrofracking by-product liquid brine, and

WHEREAS, Tompkins County Legislature recognizes the dangers of additional harmful contents contained within this hydrofracking by-product brine, now therefore be it

RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That Tompkins County hereby bans the spraying, depositing, placing of all hydrofracking by-products, including brine liquid upon Tompkins County roads and properties and this prohibition will be reflected in relevant bidding documents and contracts,

RESOLVED, further, That copies of this resolution shall be sent to Governor Andrew Cuomo, New York State Department of Transportation Commissioner Joan McDonald, New York State Department of Environmental Conservation Commissioner Joe Martens, New York State Department of Environmental Conservation Executive Deputy Commissioner Marc S. Gerstman Chair of the Senate Committee on Environmental Conservation Mark Grisanti, Senate Majority Leader Dean Skelos, Deputy Senate Majority Leader Thomas W. Libous, Senate Minority Leader John Sampson, Deputy Minority Leader Neil D. Breslin, New York State Senators James Seward, Michael Nozzolio, Thomas O’Mara, New York State Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian Kolb, Chair of the Assembly Committee on Environmental Conservation Robert Sweeney, Chair of the Assembly Energy Committee Kevin Cahill, Assemblywoman Barbara Lifton, Attorney General Eric Schneiderman, New York State Association of Counties, the New York Association of Towns, and the New York Conference of Mayors, and all municipalities and Highway Superintendents located within Tompkins County.