



**Tompkins County Legislature**

320 North Tioga Street  
Ithaca, NY 14850

Meeting: 12/18/12 05:30 PM  
Department: Highway Division  
Category: Roads and Bridges  
Functional Category:

**SCHEDULED**

**RESOLUTION NO. r DOC ID: 3877**

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

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3       WHEREAS, by adoption of Resolution No. 215 of 2011 the Tompkins County Legislature submitted  
4 comments to the New York State Department of Environmental Conservation on the Revised Draft Supplemental  
5 GEIS (Generic Environmental Impact Statement) on the Oil, Gas, and Solution Mining Regulatory Program for the  
6 Marcellus Shale Gas Drilling, and Recommending that “no new shale gas extraction be allowed in Tompkins County  
7 and New York State until and unless a more benign technology is developed, and  
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9       WHEREAS, Resolution No. 216 of 2011 supported Home Rule Authority regarding local land use and gas  
10 drilling in New York State, and  
11

12       WHEREAS, Resolution No. 217 of 2011 recommended a ban on horizontal drilling and high-volume  
13 hydrofracturing in the Finger Lakes Region, and  
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15       WHEREAS, the definition of a “natural gas and oil by-product” is any refuse, sludge, or other waste materials,  
16 whether or not recycled or reused or intended to be recycled or reused, including solid, liquid, semi-solid, or contained  
17 gaseous material that results from, is associated with, or produced as a byproduct of natural gas and oil exploration or  
18 extraction, including, without limitation, production brine, produced waters, flowback, flowback fluids, or hydraulic  
19 fracturing fluids, and  
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21       WHEREAS, the mineral properties of this by-product brine include certain chlorides that lower the freezing  
22 point and/or draw moisture from the air allowing the hydrofracking by-product brine to be used as a deicing agent in  
23 snow and ice control and/or being used as dust control on gravel roads, and  
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25       WHEREAS, Tompkins County officials have been made aware that roads in certain areas adjacent to  
26 hydrofracking sites are being sprayed with hydrofracking by-product liquid brine, and  
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28       WHEREAS, Tompkins County Legislature recognizes the dangers of additional harmful contents contained  
29 within this hydrofracking by-product brine, now therefore be it  
30

31       RESOLVED, on recommendation of the Facilities and Infrastructure Committee, That Tompkins County  
32 hereby bans the spraying, depositing, placing of all hydrofracking by-products, including brine liquid upon Tompkins  
33 County roads and properties and this prohibition will be reflected in relevant bidding documents and contracts,  
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35       RESOLVED, further, That copies of this resolution shall be sent to Governor Andrew Cuomo, New York  
36 State Department of Transportation Commissioner Joan McDonald, New York State Department of Environmental  
37 Conservation Commissioner Joe Martens, New York State Department of Environmental Conservation Executive  
38 Deputy Commissioner Marc S. Gerstman Chair of the Senate Committee on Environmental Conservation Mark  
39 Grisanti, Senate Majority Leader Dean Skelos, Deputy Senate Majority Leader Thomas W. Libous, Senate Minority  
40 Leader John Sampson, Deputy Minority Leader Neil D. Breslin, New York State Senators James Seward, Michael  
41 Nozzolio, Thomas O’Mara, New York State Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron  
42 Canestrari, Assembly Minority Leader Brian Kolb, Chair of the Assembly Committee on Environmental Conservation  
43 Robert Sweeney, Chair of the Assembly Energy Committee Kevin Cahill, Assemblywoman Barbara Lifton, Attorney  
44 General Eric Schneiderman, New York State Association of Counties, the New York Association of Towns, and the  
45 New York Conference of Mayors, and all municipalities and Highway Superintendents located within Tompkins  
46 County.

47 **SEQR ACTION:** TYPE II-20