



# ULSTER COUNTY LEGISLATIVE NEWS

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**FOR IMMEDIATE RELEASE**

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## **ULSTER LEGISLATURE PASSES COMPREHENSIVE LOCAL LAW PROHIBITING USE OF FRACKING BRINE ON COUNTY PROPERTY**

This evening, The Ulster County Legislature passed a comprehensive local law, the Hydraulic Fracturing Brine Prohibition Act, banning the use of fracking brine on County owned property. The County Legislature initially proposed the ban in March; with County Executive Michael Hein following the Legislature's lead in April by issuing an Executive Order banning the substances. However, an Executive Order is not necessarily binding, carries no criminal penalties, and has only limited civil law remedies.

"Ulster County is enacting a comprehensive and meaningful law which will have real penalties for violating it. I want to applaud the efforts of Legislator Ken Wishnick and Town Supervisor Susan Zimet, both of New Paltz, for their efforts here," said Ulster County Legislature Chairman Terry Bernardo.

Legislator Wishnick said, "Fracking poses health risks. While Ulster County is not ground zero for fracking, the substances extracted from fracking can be trucked and placed anywhere. We are taking a responsible step here in Ulster County and I hope towns, villages, and other counties follow our lead and enact a meaningful law. Resolutions and Executive Orders are nice, but only a law has the teeth needed to be effective."

The law:

- Prohibits applications of fracking brine (a mixture of used fracking water and substances injected at high volume to fracture rocks in the Earth thereby enabling natural gas to escape and be captured) on Ulster County roads and properties;
- Requires that when relevant bid specifications are put out, that bidders acknowledge that fracking brine is not used;
- Provides for civil remedies, including breach of contract actions;
- Provides for a finding of an "irresponsible bidder" status if a corporation violates the ban and uses fracking fluids;
- Authorizes criminal penalties including fines of \$25,000 per incident and/or up to 15 days in jail.

Concerns relating to fracking brine include heightened radon levels which, if applied to county property such as ball fields, are feared to potentially cause health hazards.

Bernardo also applauded Legislator Carl Belfiglio for his leadership on the Energy, Environment and Technology Committee which oversaw the development of the local law. “Legislators Belfiglio and Wishnick are taking the lead on the fracking law and also showing leadership in seeking solutions for the RRA debacle that the County has not solved for years. They are doing a tremendous job.”

New Paltz Supervisor Susan Zimet said, “I am so proud to have worked on the fracking issue and am even more pleased that Ulster County has taken a statewide leadership role in cracking down on fracking brine. Chairman Terry Bernardo and my own local Legislator – and successor – Ken Wishnick, really have a lot to be proud of with this law.”

Governor Cuomo’s Department of Environmental Conservation is presently finalizing regulations on fracking. It has been widely reported that the DEC is most likely to permit fracking in the coming months in areas where there is public support for it, typically considered to be parts of the Southern Tier and parts of central New York.

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