

## **NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Carmel will conduct a Public Hearing at the Town Hall, 60 McAlpin Avenue, Mahopac, New York 10541 on Wednesday, August 7, 2013 at 7:00 p.m. or as soon thereafter that evening as possible to consider the adoption of a proposed local law amending the Town of Carmel Town Code and adding Chapter 95-a, thereto entitled "Hydraulic Fracturing"; as follows:

TOWN OF CARMEL  
PROPOSED LOCAL LAW # \_\_\_\_\_ OF THE YEAR 2013

### **A LOCAL LAW PROHIBITING THE USE OF NATURAL GAS WASTE WITHIN THE TOWN OF CARMEL**

Be it enacted by the Town Board of the Town of Carmel, Putnam County, State of New York as follows:

#### **Section 1: PURPOSE**

The purpose of this local law is to amend the Town Code to prohibit the use and application of natural gas waste on public and private properties within the Town of Carmel.

#### **Section 2: AMENDMENT OF THE TOWN CODE**

The Town Code of the Town of Carmel is hereby amended by the addition of a new chapter entitled, "CHAPTER 95-A, HYDRAULIC FRACTURING" which shall read as follows:

### **CHAPTER 95-A HYDRAULIC FRACTURING**

#### **§ 95-A-1. Definitions.**

1. As used in this Chapter the term "hydraulic fracturing" shall mean the fracturing of shale formations by man-made fluid-driven techniques for the purpose of stimulating natural gas or other subsurface hydrocarbon production.
2. As used in this Chapter the term "natural gas extraction activities" shall mean all geologic and/or geophysical activities related to the exploration for and/or extraction of natural gas and/or other subsurface hydrocarbon deposits, including but not limited to core and rotary drilling and/or hydraulic fracturing.
3. As used in this Chapter the term "natural gas waste" shall mean any waste which is generated as a result of natural gas extraction activities, which may

consist of water, chemical additives or naturally occurring radioactive materials [NORMS] and heavy metals. Natural gas waste includes, but is not limited to leachate from solid wastes associated with natural gas extraction activities.

4. As used in this Chapter the term “application shall mean the physical act of placing or spreading natural gas waste.

#### **95-A--2. Prohibitions**

1. The introduction of natural gas into any wastewater treatment facility within the Town of Carmel, regardless of whether owned by The Town of Carmel, and duly formed improvement district of the Town of Carmel or any other entity, public or private, is prohibited.
2. The application of natural gas waste on any Town of Carmel owned road, Town owned property or privately owned real property with the Town of Carmel is prohibited.

#### **95-A-3. Bids & Contracts**

1. All contracts and bid specifications related to the purchase or acquisition of materials to be used to construct or maintain a Town road shall include a provision stating that no materials containing natural gas waste shall be provided to, utilized or incorporated within the goods and/or services rendered/provided to the Town of Carmel in connection therewith.
2. All contracts and bids related to the retention or securing of services in connection with the construction, maintenance and/or reclamation of any Town road shall include a provision stating that no materials containing natural gas waste shall be provided to, utilized or incorporated within the goods and/or services rendered/provided to the Town of Carmel in connection therewith.

#### **95-A-4. Duty of Employees**

The Town Supervisor, or at the option of the Town Supervisor, any department head or Superintendent of Highways is authorized to develop policies and procedures to ensure the familiarity of Town Employees to the provisions of this Chapter and to take such steps as are directed by the Supervisor or Superintendent of Highways to ensure a diligent effort by the Town that materials supplied to the Town or used on Town roads or property comply with this chapter. This section shall not excuse non-compliance by a Contractor or Vendor of the Town.

**95-A-5. Penalties and Enforcement**

1. This Chapter shall be enforceable by the Town of Carmel Building Inspector and/or any other individual duly authorized by Resolution of the Town of Carmel Town Board.
2. Any violation of this Chapter shall be an unclassified misdemeanor offense punishable by a minimum fine of \$1,000 and not to exceed \$10,000 per violation of this Chapter and/or up to thirty (30) days imprisonment.

**95-A-6. Severability**

If any clause, sentence, subparagraph, subsection or section of this Chapter shall be held invalid by any court of competent jurisdiction or the application of this Chapter to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, subparagraph, subsection or operation of this Chapter directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this chapter are hereby declared to be severable.

Section 3: EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

At said Public Hearing, all interested persons shall be heard on the subject thereof. The Town Board will make every effort to assure that the Public Hearing is accessible to persons with disabilities. Anyone requiring special assistance and/or reasonable accommodations should contact the Town Clerk.

By Order of the Town Board  
of the Town of Carmel  
Ann Spofford, Town Clerk