The New York City Council

City Hall
New York, NY 10007

Legislation Details (With Text)

File #:	Int 0446-2014 **Version:** A	**Name:**	Banning the discharge and use within the city of certain wastes associated with oil and natural gas production activities, including hydraulic fracturing.
Type:	Introduction	**Status:**	Enacted
		In control:	Committee on Environmental Protection
On agenda:	8/21/2014		
Enactment date:	8/31/2016	**Enactment #:**	2016/095

Title: A Local Law to amend the administrative code of the city of New York, in relation to banning the discharge and use within the city of certain wastes associated with oil and natural gas production activities, including hydraulic fracturing

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Attachments: 1. Legislative History Report, 2. Summary of Int. No. 446-A, 3. Summary of Int. No. 446, 4. Int. No. 446 - 8/21/14, 5. Committee Report 2/22/16, 6. Hearing Transcript 2/22/16, 7. Hearing Testimony 2/22/16, 8. Proposed Int. No. 446-A - 8/15/16, 9. Committee Report 8/15/16, 10. Hearing Transcript 8/15/16, 11. August 16, 2016 - Stated Meeting Agenda with Links to Files, 12. Fiscal Impact Statement, 13. Int. No. 446-A (FINAL), 14. Hearing Transcript - Stated Meeting 8-16-16, 15. Mayor's Letter, 16. Minutes of the Stated Meeting - August 16, 2016, 17. Local Law 95

Date	Ver.	Action By	Action	Result
8/21/2014	*	City Council	Introduced by Council	
8/21/2014	*	City Council	Referred to Comm by Council	
2/22/2016	*	Committee on Environmental Protection	Hearing Held by Committee	
2/22/2016	*	Committee on Environmental Protection	Laid Over by Committee	
8/15/2016	*	Committee on Environmental Protection	Hearing Held by Committee	
8/15/2016	*	Committee on Environmental Protection	Amendment Proposed by Comm	
8/15/2016	*	Committee on Environmental Protection	Amended by Committee	
8/15/2016	A	Committee on Environmental Protection	Approved by Committee	Pass
8/16/2016	A	City Council	Approved by Council	Pass
8/16/2016	A	City Council	Sent to Mayor by Council	
8/31/2016	A	Mayor	Hearing Held by Mayor	
8/31/2016	A	Mayor	Signed Into Law by Mayor	

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8/31/2016 A City Council Recved from Mayor by Council

Int. No. 446-A

By Council Members Levin, Johnson, Barron, Chin, Mendez, Richards, Rodriguez, Rosenthal, Kallos, Constantinides, Levine, Cohen, Rose, Van Bramer, Espinal, Menchaca, Cornegy, Dromm, Grodenchik, Dickens, Lander, Lancman, Maisel, Miller, Koslowitz, Torres, Salamanca, Ferreras-Copeland, Garodnick, Reynoso, Cabrera, Williams, King, Gentile, Treyger, Gibson and Vallone

A Local Law to amend the administrative code of the city of New York, in relation to banning the discharge and use within the city of certain wastes associated with oil and natural gas production activities, including hydraulic fracturing

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-303.1 to read as follows:

§ 24-303.1 Protection of water supply. a. Definitions. As used in this section, the term "oil or natural gas waste" means (i) waste that is generated as a result of natural gas extraction activities, which may consist of water, chemical additives, or naturally occurring radioactive materials and heavy metals and (ii) brine that is generated as a result of oil or natural gas production, extraction or storage. The term "oil or natural gas waste" includes, but is not limited to, leachate from solid wastes associated with natural gas extraction activities, or any natural gas waste byproduct, but excludes the byproducts of natural gas from anaerobic decomposition processes at digesters and landfills in the city.

b. Prohibitions. 1. It shall be unlawful to discharge or cause to be discharged any oil or natural gas waste to any surface water bodies located within the city or to any wastewater treatment plant located within the city. Officers and employees of the department of environmental protection and officers of the department of sanitation may issue summonses, appearance tickets and notices of violation for violations of this paragraph.

2. It shall be unlawful to apply or cause to be applied any oil or natural gas waste on any road, real property or landfill located within the city. Officers and employees of the department of environmental protection may issue summonses, appearance tickets and notices of violation for violations of this paragraph.

c. Contracting. All city bids or contracts for the construction or maintenance of a city road shall include

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a provision stating that no materials containing or manufactured from oil or natural gas waste shall be utilized in providing such a service.

§ 2. Subdivision b of section 24-346 of the administrative code of the city of New York, as amended by local law number 55 for the year 2013, is amended to read as follows:

b. Any person who violates or fails to comply with any of the provisions of this chapter and chapter four of this title or any order, rule or regulation issued by the board or commissioner or with the conditions of any permit issued by the commissioner within the city of New York shall be liable for a civil penalty of not less than fifty nor more than one thousand dollars for each violation, except that the civil penalty for violating section 24-303.1 shall be not less than two thousand five hundred dollars nor more than twenty-five thousand dollars and the civil penalty for the removal of a manhole cover in violation of section 24-304 shall be not less than two thousand five hundred dollars nor more than ten thousand dollars. In the case of a continuing violation each day's continuance shall be a separate and distinct offense. The environmental control board shall have the power to impose such civil penalties. A proceeding to impose such penalties shall be commenced by the service of a notice of violation returnable to such board. Such board, after a hearing as provided by the rules and regulations of the board, shall have the power to enforce its final decisions and orders imposing such civil penalties as if they were money judgments pursuant to subdivision d of section one thousand forty-nine-a of the New York city charter. A civil penalty imposed by the board may also be collected in an action brought in the name of the city in any court of competent jurisdiction. The board, in its discretion, may, within the limits set forth in this subdivision, establish a schedule of civil penalties indicating the minimum and maximum penalty for each separate offense.

§ 3. This local law takes effect 90 days after it becomes law.

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