



NEW YORK STATE SENATOR

George D. Maziarz

## In light of Court of Appeals ruling, banning equate should move forward

GEORGE D. MAZIARZ June 30, 2014

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In the wake of today's ruling by the New York State Court of Appeals that upheld the right of towns to use zoning laws to ban hydraulic fracturing, Senator George Maziarz, Assemblyman John Ceretto, and local grassroots leaders Monica Daigler and Julie Otto called on the Towns of Wheatfield, Pendleton, Lewiston, Cambria, Wilson, and Newfane to approve a ban on the spreading or injection of equate, the Quasar-produced fertilizer made from human waste from sewer sludge.

"Today's ruling demonstrates that the Court of Appeals will give wide deference to home rule authority as it relates to banning practices that local governments consider to be harmful," Senator Maziarz said. "Before today's decision, towns in Niagara County were justifiably concerned that passing an outright ban on the spreading of equate would not hold up in court. Today's decision opens a major door, and therefore I call on all of the affected Towns to pass a local law banning the spreading or injection of equate produced from sewer sludge immediately."

Assemblyman Ceretto said, "We have been in constant contact with concerned residents and local officials trying to find a solution to this problem. The action we are proposing today is a real and final solution that will protect the health and safety of our community."

Senator Maziarz and Assemblyman Ceretto have vigorously opposed plans by Quasar Energy to spread and inject equate derived from human waste on local farm fields and to construct a large storage tank. They previously called on the Department of Environmental Conservation to revoke Quasar's permits and are working with the Niagara County IDA to revoke the company's PILOT agreement due to the company's failure to disclose key facts on its application.

Community Leader Julie Otto said, "I join with Senator Maziarz and Assemblyman Ceretto in calling on all of the effected Towns in Niagara County to pass a full ban on the spreading or injection of human waste derived equate. This material is dangerous to our children and threatens public health and the only responsible action is to ban it."

Community Leader Monica Daigler said, "I see no difference between the movement to ban hydrofracking and the movement to ban pathogen-laden equate. With today's ruling, the Court is saying loudly and clearly that a local government can ban practices that it believes threaten its citizens safety and health. Equate does exactly that, so we must move swiftly to ban it."

Senator Maziarz and Assemblyman Ceretto have been a supporter of safe natural gas drilling, and are not endorsing the substance of this particular Court of Appeals ruling-merely the precedent that it establishes as it relates to the power of municipal home rule.

"Quasar was not counting on this ruling today, and I am sure that its team of lawyers are currently searching for a loophole within it," said Maziarz. "I believe, however, that the court spoke loudly today, and therefore we need to act immediately to stop Quasar in its tracks, firm in our belief that the will of the people of Niagara County will be upheld in a court of law."

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