

## LOCAL LAW FILING

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### TOWN OF GUILDERLAND

#### LOCAL LAW NO. 4 OF 2012

A LOCAL LAW to amend ARTICLE III, §280-23 C. of Local Law No. 3 of 1987 entitled "Town of Guilderland Zoning Law of 1987".

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Be it enacted by the Town Board of the Town of Guilderland as follows:

1. A new subparagraph (51) is hereby added to paragraph C. of §280-23 of ARTICLE III, District Regulations, regarding the extraction of natural gas as follows:

#### **ARTICLE III District Regulations.**

##### **§280-23 I Industrial District.**

##### **C. Prohibited Areas.**

- (51) **Natural Gas Extraction.** The Town Board of the Town of Guilderland finds, declares and determines that the exploration for natural gas, the extraction of natural gas and the storage, transfer, treatment or disposal of natural gas exploration and production wastes in the environment of Town of Guilderland poses a significant threat to its residents' health, safety and welfare. If natural gas exploration or extraction or the storage, transfer, treatment or disposal of natural gas exploration and production wastes were to occur within the Town, this activity would endanger the health, safety and welfare of Town residents through the deposit of toxins into the air, soil, water, environment and the bodies of residents within the Town. Clean air and water are essential to most resources and activities in the greater Guilderland area and the quality of the air and the water will be degraded by natural gas exploration and extraction activities and/or the storage, transfer treatment or disposal of natural gas exploration and production wastes and natural gas exploration and extraction activities and the storage, transfer, treatment or disposal of natural gas exploration and production wastes may presently or in the future cause irreparable harm to the Town's water supply, pollution of the water, soil and air, and may cause cancer, lung disease and respiratory diseases. This Local Law is not directed at the regulatory scheme for the operation of natural gas wells under the Oil, Gas & Solution Mining Law of New York State. It only addresses land use and nuisance concerns and the protection of the health, safety and welfare of the people of the Town of Guilderland and the enhancement of its physical environment.

- (a) "Exploration" shall mean geologic or geophysical activities related to the search for natural gas or other subsurface hydrocarbons including

prospecting, geophysical and geologic seismic surveying and sampling techniques, which include but are not limited to core or rotary drilling or making an excavation in the search and evaluation of natural gas deposits.

- (b) "Natural Gas" shall mean any gaseous substance, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarified state at standard temperature or pressure conditions, and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.
  - (c) "Natural Gas Exploration and Production Wastes" shall mean any garbage, refuse, sludge, or other discarded materials, including solid, liquid, semisolid, or contained gaseous material that results from the exploration, drilling or extraction of natural gas.
  - (d) No person, firm or corporation shall conduct any exploration for natural gas; drill any well for natural gas; transfer, store, treat, or dispose of natural gas exploration or production wastes; or erect any derrick, building, or other structure or place any machinery or equipment for such purpose within the territorial boundaries of the Town of Guilderland.
  - (e) The storage, transfer, treatment and/or disposal of natural gas exploration and production wastes are hazardous wastes within the meaning of this Code. No person, firm or corporation shall engage in the storage, transfer, treatment and/or disposal of natural gas exploration and production wastes within territorial boundaries of the Town of Guilderland. No permit issued by any state or federal agency, commission or board to any person, firm or corporation, which would violate the prohibitions of this Local Law shall be deemed valid within the Town of Guilderland.
2. Except for the amendment herein contained, all of the terms, conditions and provisions of Local Law No. 3 of 1987 entitled Town of Guilderland Zoning Law of 1987 are continued in full force and effect and nothing herein contained shall be deemed to alter or modify the same in any other respect.
3. This Local Law, shall take effect upon its filing in the Office of the Secretary of State.