

LOCAL LAW NO. “J” FOR 2011

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PROHIBITING THE EXPLORATION, EXTRACTION, STORAGE, TRANSFER, TREATMENT OR DISPOSAL OF NATURAL GAS OR THE PRODUCTION WASTE FROM NATURAL GAS EXPLORATION AND EXTRACTION IN ALBANY COUNTY

Introduced: 9/12/11

By Messrs. Higgins, Bullock and Clenahan:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Title

This Local Law shall be known as the “Hydrofracking Prohibition Law.”

Section 2. Legislative Findings

The Legislature finds and determines that both the exploration for and extraction of natural gas and the storage, transfer, treatment, and disposal of the production waste caused by such exploration and extraction degrades the environment of Albany County and may presently or in the future cause irreparable harm to the water supply, soil and air and to the health of the residents of the County of Albany by the deposit of toxins into the environment that may lead to cancer and lung and respiratory diseases.

The Legislature further finds and determines that this Local Law only addresses the land use and nuisance concerns; the protection of the health, safety, and welfare of the residents of Albany County; and the enhancement of the physical environment of Albany County and that it 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.

Section 3. Definitions

“Exploration” – Geologic or physical 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 other excavation in the search and evaluation of natural gas deposits.

“Natural Gas” – 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 and/or pressure

conditions; and/or gaseous components or vapors occurring in or derived from petroleum or other hydrocarbons.

“Natural Gas Production Wastes” – Any sludge, refuse, garbage, or other discarded materials that result from the exploration, drilling, or extraction of Natural Gas, including, but not limited to, solid, liquid, semisolid, and/or contained gaseous material which are hereby found to be hazardous wastes.

Section 4. Natural Gas Extraction and Excavation Prohibited

No person, corporation or other legal entity shall conduct any exploration for natural gas, drill any well for natural gas; store, transfer, treat, or dispose of Natural Gas Production Wastes; erect any derrick, building, or other structure or employ or locate any machinery or equipment for such purpose within the territorial boundaries of the County of Albany.

Section 5. Penalties

In addition to any damages that may be awarded by a court of competent jurisdiction for violation of this Local Law, a first violation shall be subject to a fine of not more than ten thousand (\$10,000.00) dollars; a second violation shall be subject to a fine of not more than twenty-five thousand (\$25,000.00) dollars; and each subsequent violation shall be punished by an additional fifty thousand (\$50,000.00) dollars. In the case of excavation and/or drilling, in addition to the fines set forth above, each day of such excavation and/or drilling is punishable by a fine of up to five thousand (\$5,000.00) dollars.

Section 5. Severability

If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect except as limited by such order or judgment.

Section 6. Effective Date

This Local Law shall take effect within sixty (60) days of filing with the appropriate government officials and shall apply to all transactions occurring on or after its effective date.

Referred to Conservation and Improvement Committee. 9/12/11