

LOCAL LAW # 1 – Town of Thurston, County of Steuben

Filed with the State of New York this 8th day of February, 2024

TOWN OF THURSTON

COUNTY OF STEUBEN

LOCAL LAW # 1 OF THE YEAR 2024

A local law – ESTABLISHING A SOLID WASTE MANAGEMENT FACILITIES ONE (1) YEAR MORATORIUM

Be it enacted by the TOWN BOARD of the TOWN OF THURSTON as follows:

Section 1. Title

This Local Law shall be known as the “Solid Waste Management Facilities Moratorium Law.”

Section 2. Legislative Findings and Purpose

The Town Board of the Town of Thurston hereby finds and determines that it is in the best interest of the residents of the Town of Thurston to protect air quality, drinking water sources, watersheds and aquifers in the Town from possible contamination and damage from adverse effects caused by locating Solid Waste Management Facilities, as defined and applicable under Part 360 et seq. of the Codes, Rules and Regulations of the State of New York, including, but not limited to landfills, transfer stations and waste processing facilities that accept, process, dispose of, combust, gasify, or transfer solid waste in the Town of Thurston. These threats would be presented by the construction and operation of new or expanded Solid Waste Management Facilities currently proposed in the Town.

The purpose of this local law is to protect public health and safety, as well as the environment, in the Town of Thurston, by requiring a one (1) year moratorium, from the effective date of this Local Law, on the local and/or state approval of, or local and/or state permitting of, or expansion of, any Solid Waste Management Facilities, as defined and applicable under Part 360 et seq. of the Codes, Rules and Regulations of the State of New York, including, but not limited to landfills, transfer stations and waste processing facilities that accept, process, dispose of, combust, gasify, or transfer solid waste in the Town of Thurston.

Section 3. Moratorium

The Town Board of the Town of Thurston hereby prohibits, for a period of one (1) year from the effective date of this Local Law, the local and/or state approval of permits, or expansion of, or opening of any Solid Waste Management Facility, as

defined and applicable under Part 360 et seq. of the Codes, Rules and Regulations of the State of New York, including, but not limited to landfills, transfer stations and waste processing facilities that accept, process, dispose of, combust, gasify, or transfer solid waste in the Town of Thurston.

Section 4. Public Hearings

The Town Board of the Town of Thurston shall conduct public hearings and gather information on what further safeguards, if any, need to be put in place to assure that the public health and environment of the Town of Thurston are not put in jeopardy from the operation of, or expansion of, any Solid Waste Management Facilities, as defined and applicable under Part 360 et seq. of the Codes, Rules and Regulations of the State of New York, including, but not limited to landfills, transfer stations and waste processing facilities that accept, process, dispose of: combust, gasify, or transfer solid waste in the Town of Thurston.

Section 5. State Environmental Quality Review Act Compliance

The Town Board of the Town of Thurston determines that the adoption of this Local Law constitutes a "Type II action" as said term is defined in the State Environmental Quality Review Act ("SEQRA"), and that no further action with respect to same is required under SEQRA.

Section 6. 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 7. Effective Date

This Local Law shall take effect upon the date it is filed in the Office of the Secretary of State of the State of New York.