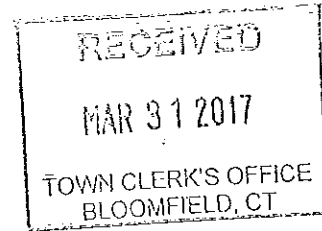


MEMORANDUM



TO: Marguerite Phillips, Town Clerk  
FROM: India Rodgers, Clerk of Council  
DATE: March 31, 2017  
RE: New Ordinance - Gas and Oil Exploration, Storage, Disposal and Use of Hydraulic Fracturing Waste

Ordinance (See Attached Ordinance for details)

Introduction: October 24, 2016  
Public Hearing: February 13, 2017  
Adoption: March 27, 2017  
Publication Date: April 6, 2017  
Effective Date: April 16, 2017

This is a new ordinance and needs to be assigned a chapter and article number.

The vote on this ordinance was as follows:

It was moved by Councilor Merritt, seconded by Councilor Washington and voted unanimously to adopt and approve the ordinance on Gas and Oil Exploration, Storage, Disposal and Use of Hydraulic Fracturing Waste.

**GAS AND OIL EXPLORATION  
STORAGE, DISPOSAL, AND USE OF HYDRAULIC FRACTURING WASTE**

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BLOOMFIELD:  
Chapter \_\_\_\_, Article \_\_\_\_, of the *Bloomfield Code* is adopted to read as follows:

**Sec. 1. Definitions**

As used in this Article, the following terms shall have the meanings indicated:

**APPLICATION** – The physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the Town of Bloomfield.

**HYDRAULIC FRACTURING** – The fracturing of underground rock formations, including shale and non-shale formations, by man-made fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production.

**NATURAL GAS EXTRACTION ACTIVITIES** – All geologic or geophysical activities related to the exploration for or extraction of natural gas, including, but not limited to, core and rotary drilling and hydraulic fracturing.

**NATURAL GAS WASTE:**

- A. Any liquid or solid waste, or its constituents, that is generated as a result of natural gas extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants;
- B. Leachate from solid wastes associated with natural gas extraction activities;
- C. Any waste that is generated as a result of or in association with the underground storage of natural gas;
- D. Any waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and
- E. Any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

**OIL EXTRACTION ACTIVITIES** – All geologic or geophysical activities related to the exploration for or extraction of oil, including, but not limited to, core and rotary drilling and hydraulic fracturing.

OIL WASTE:

- A. Any liquid or solid waste, or its constituents, that is generated as a result of oil extraction activities, which may consist of water, brine, chemicals, naturally occurring radioactive materials, heavy metals, or other contaminants;
- B. Leachate from solid wastes associated with oil extraction activities; and
- C. Any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

TOWN – The Town of Bloomfield.

Sec. 2. Prohibitions

- A. The application of natural gas waste or oil waste, whether or not such waste has received approval for use by DEEP (Department of Energy and Environmental Protection) or any other regulatory body, on any road or real property located within the Town for any purpose is prohibited.
- B. The introduction of natural gas waste or oil waste into any wastewater treatment facility within the Town is prohibited.
- C. The introduction of natural gas waste or oil waste into any solid waste management facility within the Town is prohibited.
- D. The sale, acquisition, storage, handling, treatment and/or processing of natural gas waste or oil waste within the Town is prohibited.

Sec. 3. Provisions required in bids and contracts for construction or maintenance of Town roads and real property.

- A. All bids and contracts related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that no materials containing natural gas or oil waste shall be provided to the Town.
- B. All bids and contracts related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the Town shall include a provision stating that no materials containing natural gas or oil waste shall be utilized in providing such a service.
- C. The following statement, which shall be a sworn statement under penalty of perjury, shall be included in all bids related to the purchase or acquisition of materials to be used to construct or maintain any publicly owned and/or maintained road or real property within the Town and all

bids related to the retention of services to construct or maintain any publicly owned and/or maintained road or real property within the Town: "We \_\_\_\_\_ hereby submit a bid for materials, equipment and/or labor for the Town of Bloomfield. The bid is for bid documents titled, \_\_\_\_\_. We hereby certify under penalty of perjury that no natural gas waste or oil waste will be used by the undersigned bidder or any contractor, subcontractor, agent or vendor agent in connection with the bid; nor will the undersigned bidder or any subcontractor, agent or vendor agent thereof apply any natural gas waste or oil waste to any road or real property within the Town of Bloomfield as a result of the submittal of this bid if selected."

#### Sec. 4. Penalties for offenses.

This Article shall apply to any and all actions occurring on or after the effective date of this Article. The Town is empowered to issue "cease and desist" orders in case of any violation of the prohibitions and provisions stated above in Section 2 and Section 3. It is further empowered to require remediation of any damage done to any land, road, building, aquifer, well, watercourse, air quality or other asset, be it public or private, within the Town of Bloomfield. It may impose fines in any amounts it deems necessary with any and all infractions against this Article.

#### Sec. 5 Savings Clause

The enactment of this Ordinance shall not operate as an abatement of any action or proceeding previously taken, now pending, or taken prior to the effective date of this Ordinance. All said actions and proceedings are hereby ratified to be continued.

#### Sec. 6 Transportation

Nothing in this Ordinance shall be interpreted to ban the transportation of any product or by-product described herein on any roadway or real property within the Town of Bloomfield.

#### Section 7. Severability

All provisions of the *Town Code of Ordinances* in conflict herewith are hereby repealed and that if for any reason, any word, clause, paragraph, or section of this Ordinance shall be held to make the same unconstitutional, this Ordinance shall not hereby be invalidated and the remainder of the Ordinance shall continue in effect. Any provision herein which is in conflict with the *Connecticut General Statutes* is hereby repealed, it being understood that said statutes shall take precedence over this Ordinance.

#### Section 8. Effective Date

This Ordinance shall become effective ten (10) days after publication in a newspaper having circulation in the Town of Bloomfield.