

Item# *36-17 Consent Calendar

Amendment to the Municipal Code of Ordinances, Title 8 - Health and Safety, amend to add new Chapter 8.09 - Prohibition on Waste Associated with Natural Gas and Oil Extraction.



**Report
of
Joint Committee
on**

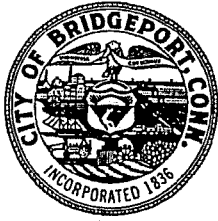
**Ordinances and Economic Community and
Development and Environment**

City Council Meeting Date: April 16, 2018

Attest: *Lydia N. Martinez*
Lydia N. Martinez, City Clerk

Approved by: _____
Joseph P. Ganim, Mayor

Date Signed: _____



City of Bridgeport, Connecticut

To the City Council of the City of Bridgeport.

The Joint Committee on Ordinances and ECD & Environment begs leave to report; and recommends for adoption the following resolution:

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Whereas, Chapter 8 of the Bridgeport Municipal Code (the "Ordinance") establishes sensible regulations to safeguard and promote the health and safety of Bridgeport residents;

Whereas, medical researchers at Yale University have identified in waste associated with natural gas and oil extraction more than fifty (50) known, probable or possible carcinogens that are potential water contaminants and/or air pollutants (Reference 1);

Whereas, the State of Connecticut Office of Legislative Research has noted that Connecticut's proximity to natural-gas rich New York and Pennsylvania "could make it a potential site for treating and disposing fracking waste if economic and regulatory conditions made it economically feasible" (Reference 2);

Whereas, over 20 Connecticut municipalities have passed local ordinances banning the drilling and extraction of natural gas and oil and the storage of resulting wastes to protect their people and natural resources from the widely reported health hazards and pollution risks presented by such activities; Now Therefore,

Be It Ordained: By the City Council of the City of Bridgeport that, effective upon publication, the Municipal Code of Ordinances, Title 8 – Health and Safety, is hereby amended to include the following new Chapter 8.09 – Prohibition on Waste Associated with Natural Gas and oil Extraction:

NEW:

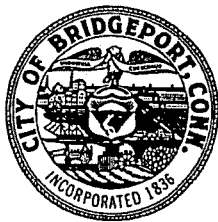
Chapter 8.09 – Prohibition on Waste Associated with Natural Gas and Oil Extraction

8.09.010 - Purpose

The prohibition of waste associated with the drilling and extraction of natural gas and oil is hereby declared necessary for the protection of the health, safety, welfare and property of the residents of the City of Bridgeport pursuant to the provisions of Section 7-148 of the Connecticut General Statutes that pertain in any way to the protection of health, safety, welfare and property, as the same may be amended from time to time.

8.09.020 - Definitions for the Purposes of this Ordinance

For the purposes of this Ordinance, the following terms, phrases, and words shall have the meanings given here, unless otherwise clearly indicated by the context:



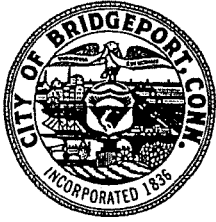
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- 1) *"Hydraulic fracturing" or "Fracking"* shall mean the fracturing of underground rock formations, including shale and non-shale formations, by manmade fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production. More specifically, this is the process of drilling down into the earth before a high-pressure water mixture is directed at the rock to release the gas inside. Water, sand and chemicals are injected into the rock at high pressure which allows the gas to flow out to the head of the well. The term fracking refers to how the rock is fractured apart by the high pressure mixture.
- 2) *"Natural gas extraction activities"* shall mean 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.
- 3) *"Oil extraction activities"* shall mean 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.
- 4) *"Natural gas waste"* shall mean: 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.
- 5) *"Oil waste"* shall mean: 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.
- 6) *"Application"* shall mean the physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the City of Bridgeport.

8.09.030 - Prohibitions

- 1) The application of natural gas waste or oil waste, whether or not such waste has received Beneficial Use Determination or other approval for use by the Department of Energy & Environmental Protection ("DEEP") or any other regulatory body, on any road or real property located within the City of Bridgeport for any purpose is prohibited.



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- 2) The introduction of natural gas waste or oil waste into any wastewater treatment facility within or operated by the City of Bridgeport is prohibited.
- 3) The introduction of natural gas waste or oil waste into any solid waste management facility within or operated by the City of Bridgeport is prohibited.
- 4) The storage, disposal, sale, acquisition, transfer, handling, treatment and/or processing of natural gas waste or oil waste is prohibited within the City of Bridgeport.

8.09.040 - Provision to be included in bids and contracts related to the construction or maintenance of publicly owned and/or maintained roads or real property within the City of Bridgeport

- 1) 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 City of Bridgeport shall include a provision stating that no materials containing natural gas or oil waste shall be utilized in providing such a service.
- 2) 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 City of Bridgeport shall include a provision stating that no materials containing natural gas or oil waste shall be provided to the City of Bridgeport.
- 3) 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 City of Bridgeport 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 City of Bridgeport: *"We _____ hereby submit a bid for materials, equipment and/or labor for the City of Bridgeport.. 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, sub-contractor, agent or vendor agent in connection with the bid; nor will the undersigned bidder or any sub-contractor, agent or vendor agent thereof apply any natural gas waste or oil waste to any road or real property within the City of Bridgeport as a result of the submittal of this bid if selected."*

8.09.050 - Penalties

This ordinance shall apply to any and all actions occurring on or after the effective date of this ordinance. In response to a violation of this ordinance, the City of Bridgeport is empowered to a) issue "Cease and Desist" orders demanding abatement of the violation, b) seek any appropriate legal relief, including immediate injunctive relief, as a result of any violation of this ordinance; c) file a complaint with any other proper authority; and d) 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 City of Bridgeport.



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The City of Bridgeport may recoup from the offending person(s), jointly and severally, all costs, including experts, consultants and reasonable attorney's fees, that it incurs as a result of having to prosecute or remediate any infraction of this ordinance. For any violation of this Ordinance, the City of Bridgeport may also impose fines in the amount of \$250 per violation per day, or such other amount as is allowed by law, and seek any other remedies allowable under the law.

8.09.060 - Enforcement

The City of Bridgeport's Department of Public Works is hereby empowered and authorized to, if appropriate, issue orders and other directives under this Ordinance and refer matters in connection therewith to the City of Bridgeport's Office of the Corporation Counsel. City of Bridgeport employees, officers and officials are not required to personally carry out testing of waste products to determine chemical contents, as this work may be done via contacting the State of Connecticut Department of Energy and Environmental Protection or the appropriate analytical laboratory or laboratories. If appropriate, the City of Bridgeport's Department of Public Works may request that the State of Connecticut Department of Energy and Environmental Protection pursue civil penalties allowable under the law.

8.09.070 - Severability

If any clause, sentence, paragraph, subdivision, section or part of this Ordinance or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this Ordinance or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered. To further this end, the provisions of this Ordinance are hereby declared to be severable.

8.09.080 - Conflicts with other Ordinances or Codes

In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance or code of the City of Bridgeport, the provision that establishes the higher standard for the protection of the health, safety, welfare and property of the residents of the City of Bridgeport shall prevail. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance or code of the City of Bridgeport, which other ordinance or code establishes a lower standard for the protection of the health, safety, welfare and property of the residents of the City of Bridgeport, the provisions of this Ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.



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8.09.090 - 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 City of Bridgeport.

RESPECTFULLY SUBMITTED,
THE JOINT COMMITTEE ON ORDINANCES
AND ECD & ENVIRONMENT

Eneida L. Martinez,
Co-Chair

Marcus A. Brown,
Co-Chair

Mary A. Bride-Lee,
Co-Chair

Maria I Valle,
Co-Chair

Michell A. Lyons

Ernest E. Newton, II

Rosalina Roman-Christy

Pete Spain

Alfredo Castillo

Jeanette Herron

Nessah J. Smith

City Council Date: April 16, 2018 (As Amended from the Floor)