

# TOWN OF CHAPLIN

## ORDINANCE PROHIBITING THE STORAGE, DISPOSAL OR USE OF WASTE FROM OIL AND GAS EXPLORATION OR EXTRACTION ACTIVITIES, OR ANY DERIVATIVE THEREOF, IN THE TOWN OF CHAPLIN, CONNECTICUT.

### **Section 1. Purpose.**

The purpose of this Ordinance is to protect and preserve the water quality, agricultural lands, environmental quality and quality of life in the Town of Chaplin.

### **Section 2. Definitions.**

As used in this Ordinance, 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 Chaplin.

**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 r, 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 Chaplin, CT.

### **Section 3. Prohibitions.**

A. 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 Connecticut Department of Energy & Environmental Protection (DEEP) 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 solid waste management facility within or operated by the Town is prohibited.

C. The storage, disposal, sale, acquisition, handling, treatment and/or processing of waste from natural gas or oil extraction activities is prohibited within the Town.

### **Section 4. Provision to be included 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 the materials shall not contain natural gas waste or oil waste.

B. All bids and contracts related to the solicitation 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 waste or oil waste shall be utilized in providing such services to the Town.

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 solicitation 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 to the Town of Chaplin. The bid is for bid documents titled \_\_\_\_\_. We hereby certify under penalty of perjury that, if this bid is selected, no natural gas waste or oil waste will be used by the undersigned bidder in the performance of the contract. We further certify that no subcontractor, agent or vendor will be allowed or permitted to use materials containing natural gas waste or oil waste."

### **Section 5. Penalties.**

In addition to any other remedy the Town has in law or in equity, the First Selectman or his or her designee is hereby authorized to issue written orders directing any person in violation of this ordinance to cease activities that do or may violate this ordinance, where such activities cause injury or damage to property, whether such property be land, a road, a building an aquifer, a well, watercourse or other asset, public or private, within the Town. A violation of this ordinance may be punished by a fine not exceeding \$250 per day, with each day any violation of this ordinance shall continue constituting a separate offense. The First Selectman or his or her designee may also order such person to remedy any injury and damage and at the violator's sole cost and expense to restore the property to the condition it was in prior to such injury or damage. An order issued by the First Selectman or his or her designee under this Section shall be final upon issuance.

### **Section 6. Transportation.**

Nothing in this ordinance shall be interpreted to ban the transportation of any product or by-product described herein on any roadway through the Town of Chaplin.

