

- 7.5.4. ~~Donald Klischer~~
- 7.5.5. ~~Elizabeth Lally~~
- 7.5.6. ~~Michael McFarland~~
- 7.5.7. ~~Ronald Sill~~

8. Committee Reports

8.1. Blight Committee

8.1.1. Move to add 19 Derby Avenue to the Blight List

Motioned by Mr. Joe DiMartino, seconded by Mr. Sampson and the motion carried.

8.1.2. Move to add 21 Hawkins Street, aka 19-23 Hawkins Street, to the Blight List

Motioned by Mr. Joe DiMartino, seconded by Mr. Sampson and the motion carried.

8.1.3. Move to add 170 Park Avenue to the Blight List

Motioned by Mr. Joe DiMartino, seconded by Mr. Sampson and the motion carried.

8.2. Community Relations

8.2.1. Move to authorize transfer of 2005 Ford Explorer surplus police vehicle to the Board of Education.

Motioned by Mr. Sill, seconded by Mr. Sampson and the motion carried.

8.2.2. Move to establish a Tax Incentive Study Committee that will make recommendations to the Community Relations Committee for adoptions by the full BOA/A consisting of the following: President of the BOA/A, two other Aldermen/Alderwomen appointed by the President of the BOA/A, the Mayor and the Economic Development Liaison.

Motioned by Mr. Sill and seconded by Mr. Joe DiMartino and the motion carried.

8.2.3. Move to refund \$3,490.00 to DiGiorgi Roofing and Siding for roofing work done at Birmingham Condominiums, 273 Derby Avenue due to a difference of interpretation of the permitting fee structure.

Motioned by Mr. Sill, seconded by Mr. Sampson and the motion carried.

8.3. Operations and Procedures

8.3.1. Move to adopt proposed ordinance "Prohibiting Waste Associated with Natural Gas and Oil Extraction within the City of Derby" as authorized by State of CT Public Act 14-200. CITY OF DERBY, CT

WHEREAS, it is in the interests of the City of Derby (the "City"), acting by the members of the Board of Aldermen and Mayor's office, to protect and preserve public health and safety, property and the natural resources of the City, including but not limited to water and land, now and for generations of citizens in the future; and,

WHEREAS, natural gas and oil extraction activities involve the use of chemical and hazardous materials during a multi-phase process including drilling, hydraulic fracturing, production, well maintenance, workover operations, and storage; and,

WHEREAS, liquid and solid wastes associated with such activities are contaminated with chemicals and naturally-occurring toxins that come from the ground, including but not limited to radioactive materials; and,

WHEREAS, many of the chemicals used during extraction activities, and naturally-occurring toxins in the ground that mix with the wastes, have documented adverse health effects and/or adverse environmental impacts; and,

WHEREAS, these wastes can contain radioactive elements and other toxins, and may threaten the public health and safety, and economic well-being of communities, as businesses, consumers and residents depend on clean drinking water, surface water, property, and natural resources; and,

WHEREAS, toxins present in these wastes can contaminate waters, soils and natural resources of the City and impact public health and safety where use, leaching, spills, leaks, run-off and discharge into waterways after treatment effort occurs; and,

WHEREAS, the City is and should be a leader in protecting public health and safety, and our natural resources, including water supplies and water resources for generations to come; and,

WHEREAS, protection of public health and safety, ground and surface waters, property, and natural resources in the City is better accomplished by prevention of contamination and environmental degradation, instead of costly remediation of degraded environments after contamination; and,

WHEREAS, General Statutes §7-148(c)(4)(H), §7-148 (c)(7)(H)(xi), §7-148(c)(8), and §7-148(c)(7)(H)(ii), as amended, provide that the City may limit and regulate such wastes for the protection of the health, property, safety and welfare of the residents of the City; and,

WHEREAS, in order to protect public health and safety, and the quality of natural resources and property within the City, it is necessary to adopt an ordinance prohibiting storage, handling, treatment, disposal and use of all waste associated with natural gas and oil extraction, as defined in the ordinance, the text of which is set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DERBY, THAT an ordinance prohibiting waste associated with natural gas and oil extraction within the City of Derby, is hereby adopted, as set forth below:

**PROPOSED ORDINANCE PROHIBITING WASTE
ASSOCIATED WITH NATURAL GAS AND OIL EXTRACTION**

ORDINANCE NUMBER: _____

Purpose:

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

Definitions:

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:

- 1) "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 Derby.
- 2) "Hydraulic fracturing" 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.
- 3) "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.
- 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 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.
- 6) "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.

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 (CT DEEP) or any other regulatory body, on any road or real property located within the City of Derby for any purpose is prohibited.
- 2) The introduction of natural gas waste or oil waste into any wastewater treatment facility within or operated by the City of Derby 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 Derby is prohibited.

- 4) *The storage, disposal, sale, acquisition, transfer, handling, treatment and/or processing of waste from natural gas or oil extraction is prohibited within the City of Derby.*

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 Derby:

- 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 Derby 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 Derby shall include a provision stating that no materials containing natural gas or oil waste shall be provided to the City of Derby.*
- 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 Derby 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 Derby:*

We _____ hereby submit a bid for materials, equipment and/or labor for the City of Derby. 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 Derby as a result of the submittal of this bid if selected.

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 Derby 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 Derby.*

The City of Derby 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. Any person who violates this ordinance shall be liable for a fine of \$250 per Connecticut General Statute. The City of Derby may also pursue other penalties as applicable defined in Connecticut General Statutes.

Enforcement:

Any designee authorized by the Mayor of the City of Derby may pursue penalties against any person(s) who commits violations of this ordinance. The involvement of any City of Derby officials will not require testing of waste products to determine chemical contents; this work will be done via contacting CT DEEP or other 3rd party analytical laboratories as is current practice of the City of Derby for other exposures to potentially hazardous chemical situations. Any designee authorized by the Mayor of the City of Derby may request the Commissioner of CT DEEP pursue civil penalties defined by CT General Statutes, as applicable.

Severability:

If any clause, sentence, paragraph, subdivision, section or part of this local law 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 law 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 Chapter are hereby declared to be severable.

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 Derby.

Motioned by Ms. DeGennaro, seconded by Mr. Sampson and the motion carried.

8.3.2. Move to adopt proposed ordinance, City of Derby Code, Chapter §136 “Peddling and Soliciting”, Article III, “Location Licensing of Vendors”, New §136-8c.

New §136-8c. This article shall not apply to any property owner that has obtained approval from the Planning and Zoning Commission for the location of food trucks as an accessory use in accordance with §195-17(A) of the Derby Zoning Regulations.

Motioned by Ms. DeGennaro, seconded by Mr. Sampson and the motion carried.

8.3.3. Move to adopt proposed ordinance, City of Derby Code, “Illicit Discharge and Connection Stormwater”.

*Illicit Discharge and Connection Stormwater Ordinance
ORDINANCE NO. _____*

SECTION 1. PURPOSE/INTENT.

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Derby (the “City”) through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

The objectives of this ordinance are:

- 1. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.*
- 2. To prohibit and eliminate illicit connections and discharges to the municipal separate storm sewer system.*
- 3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance*

SECTION 2. APPLICABILITY.

This ordinance shall apply to all water entering the storm drainage system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

SECTION 3. DEFINITIONS.

For the purposes of this ordinance, the following shall mean:

- 1. Authorized Enforcement Agency: employees or designees of the director of the municipal agency designated to enforce this ordinance.*
- 2. Best Management Practices (BMPs): schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the state consistent with state, federal or other equivalent and technically supported guidance. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from material storage.*
- 3. Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.*
- 4. Construction Activity: Any activity associated with construction at a site including, but not limited to, clearing and grubbing, grading, excavation, and dewatering.*
- 5. Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity,*