

TOWN OF EASTFORD

August 7, 2017

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 EASTFORD, CONNECTICUT

SECTION 1. 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 DEEP (Department of Energy and Environmental Protection) or any other regulatory body, on any road or real property located within the Town of Eastford for any purpose is prohibited.
- B. The introduction of natural gas waste or oil waste into any waste water treatment facility within or operated by the Town of Eastford is prohibited.
- C. The introduction of natural gas waste or oil waste into any solid waste management facility within or operated by the Town of Eastford is prohibited.
- D. The storage, disposal, sale, acquisition, handling, treatment and/or processing of waste from natural gas or oil extraction activities is prohibited within the Town of Eastford.

SECTION 2. 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 of Eastford 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 of Eastford 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 of Eastford.
- 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 of Eastford, 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 of Eastford:

"We _____ hereby submit a bid for materials, equipment and/or labor to the Town of Eastford. 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 3. PENALTIES

This ordinance shall apply to any or all actions occurring after the effective date of this ordinance. The Town of Eastford is empowered to issue “Cease and Desist” orders in case of any violation of the Prohibitions and Provisions stated above in Sections 1 and 2. It is further empowered to require remediation of any damage done to any land, road, building, aquifer, well, water course, air quality or other asset, be it public or private, within the Town of Eastford. It may impose fines in any amounts deemed reasonable as determined by the Eastford Board of Selectmen for any and all infractions against this ordinance.

SECTION 4. DEFINITIONS

As used in the ordinance, the following terms shall have the meaning 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 Eastford.

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 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 by-products resulting from the treatment, processing, or modification of any of the above wastes.

SECTION 5. TRANSPORTATION

Nothing in this ordinance shall be interpreted to bar the transportation of any product or byproduct described herein on any road or real property within the Town of Eastford.

SECTION 6. SEVERABILITY

If any provision of this ordinance shall be determined by any court of competent jurisdiction to be invalid and unenforceable to any extent, the remainder of this ordinance shall not be affected thereby, and each provision hereof shall be valid and shall be enforced to the fullest permitted by law.

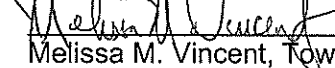
SECTION 7. EFFECTIVE DATE

This ordinance shall become effective 15 days after adoption at Town Meeting.

Approved by the Board of Selectmen: _____ July 17, 2017

Town Meeting Approval: _____ August 7, 2017

Effective Date: _____ August 22, 2017

Town Clerk Attest:  _____ August 7, 2017
Melissa M. Vincent, Town Clerk