

**CHAPTER 103: HAZARDOUS WASTE**

## Section

## 103.01 Storage, disposal or use of oil and gas drilling and extraction prohibited

**§ 103.01 STORAGE, DISPOSAL OR USE OF OIL AND GAS DRILLING AND EXTRACTION PROHIBITED.**

(A) Definitions. For purposes of this chapter the following terms, phrases and words shall have the meanings given here, unless clearly indicated by the context.

“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 Hamden.

“HYDRAULIC FRACTURING.” 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.

“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.”

(1) 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;

(2) Leachate from solid wastes associated with natural gas extraction activities;

(3) Any waste that is generated as a result of or in association with the underground storage of natural gas;

(4) Any waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and

(5) 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.”

(1) 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;

(2) Leachate from solid wastes associated with oil extraction activities; and

(3) Any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

(B) 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 DEEP (Department of Energy and Environmental Protection) or any other regulatory body, on any road or real property located within the Town of Hamden 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 Town of Hamden is prohibited.

(3) The introduction of natural gas waste or oil waste into any solid waste management facility within or operated by the Town of Hamden 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 Town of Hamden.

(C) 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 Town of Hamden.

(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 Town of Hamden 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 Town of Hamden shall include a provision stating that no materials containing natural gas

or oil waste shall be provided to the Town of Hamden.

(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 Town of Hamden 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 of Hamden: "We \_\_\_\_\_ hereby submit a bid for materials, equipment and/or labor for the Town of Hamden. 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 Town of Hamden as a result of the submittal of this bid if selected."

(D) Penalties. In response to a violation of this section, the Town of Hamden may 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 Hamden. The town may also impose fines in the amount of \$250 per violation per day for any violation of this section and any other remedies allowable under the law.

(E) Transportation. Nothing in this chapter shall be interpreted to ban the transportation of any product or byproduct described herein on any roadway or real property within the Town of Hamden.

(Ord. 698, passed 2-26-18)