

AN 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 LEBANON, 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 & Environmental Protection) 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 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 shall include a provision stating that the materials shall not contain natural gas 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 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 Lebanon. The bid is for bid documentation 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 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

In addition to any other remedy the Town has in law or equity, the First Selectman or his/her designee is authorized to issue written orders ordering any person in violation of this ordinance to cease activities which do or may violate this ordinance and to desist from the same. Where such activities cause damage or injury to property within the Town, whether such property be land, a road, a building, an aquifer, a well, water course or other asset, public or private, the First Selectman or his/her designee may order such person to remedy the damage or injury and to restore, at such person's sole cost and expense, the property to the condition in which it was prior to such damage or injury.

A violation of this ordinance may be punished by a fine not exceeding \$250 per violation, with each day any violation of this ordinance shall continue constituting a separate offense.

Any person receiving a cease and desist or remedial order or fine from the First Selectman or his/her designee may appeal in accordance with the Town's Code of Ordinances.

Section 4. Definitions

As used in this article, 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.

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 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 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 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 Lebanon

Section 5. 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.

This ordinance will become effective fifteen (15) days after publication as provided in Connecticut General Statutes Section 7-157.

Dated at Lebanon Connecticut this 1st day of May 2017

Susan C. Coutu CCTC
Lebanon Town Clerk

Effective the 18th day of May 2017