

ORDINANCE

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:

That the below portions of Chapter 171 of the Middletown Code of Ordinances be added as follows:

Chapter 171

§ 171-10.

Ordinance Prohibiting the Storage, Disposal or Use of Oil and Gas Drilling and Extraction Waste.

A. Purpose

The prohibition of oil and gas drilling and extraction wastes are hereby declared necessary for the protection of the health, property, safety and welfare of the residents of the City of Middletown pursuant to C.G.S. § 7-148(c)(7)(H), C.G.S. § 7-148(c)(4)(H); C.G.S. § 7-148(c)(7)(H)(xi), C.G.S. § 7-148(c)(8), and § 7-148(c)(7)(H)(ii) as amended.

B. 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. *“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.
2. *“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.
3. *“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.
4. *“Natural gas waste”* shall mean: 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.

5. “*Oil waste*” shall mean: 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.
6. “*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 Middletown.

C. 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 DEEP (Department of Energy & Environmental Protection) or any other regulatory body, on any road or real property located within the City 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 is prohibited.
3. The introduction of natural gas waste or oil waste into any solid waste management facility within or operated by the City 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.

D. 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

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 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 shall include a provision stating that no materials containing natural gas or oil waste shall be provided to the City.
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 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: *“We _____ hereby submit a bid for materials, equipment and/or labor for the City of Middletown. 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 Middletown as a result of the submittal of this bid if selected.”*

E. Penalties

In response to a violation of this Ordinance, the City 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 City of Middletown. The City may also impose fines in the amount of two hundred and fifty dollars (\$250.00) per violation per day for any violation of this Ordinance and any other remedies allowable under the law.

Submitted by: Councilwoman Mary Bartolotta

Approved by: General Counsel Commission at its Regular Meeting on December 8, 2016

**Status: APPROVED
By Common Council, City of Middletown
at its meeting held on: JANUARY 3, 2017**