

# Town of Pomfret, Connecticut

## **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 Pomfret, 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 wastewater treatment facility or solid waste facility within or operated by the Town of Pomfret is prohibited.
- C. The storage, disposal, sale, acquisition, handling, treatment and/or processing 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 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 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.
- 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 Pomfret . 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 Pomfret is empowered to: (a) acting by and through the Zoning Enforcement Officer, issue a Cease and Desist Order demanding abatement of a violation; (b) seek appropriate legal relief including immediate injunctive relief as a result of a violation; and (c) file a civil claim in Superior Court for damages and/or costs incurred by the Town in connection with any violations, including reasonable attorney’s fees and expert or other consultant expenses incurred court costs and any remediation performed by the Town. Violations of this Ordinance shall also be subject to imposition of a fine of \$250.00 per violation, with each day any violation continues constituting a separate violation.

Parties subject to enforcement actions taken by the Town of Pomfret under this Ordinance shall have such appeal rights as may be provided under Connecticut General Statutes.

### **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 of Pomfret.

**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 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 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.

**Town** – The Town of Pomfret

**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 of Pomfret.

**Section 6. Severability.**

If any provision of this ordinance shall be determined by a 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.

**Approved: Annual Town Meeting, June 7, 2017. Published: June 22, 2017. Effective Date: July 7, 2017.**