

Chapter 240. Waste Associated With Natural Gas and Oil Extraction

[HISTORY: Adopted by the Town Council of the Town of Rocky Hill 12-4-2017 by Ord. No. 281-17.^[1] Amendments noted where applicable.]

[1] *Editor's Note: This chapter was adopted as Ch. 154, but was renumbered to fit the organization of the Code.*

§ 240-1. Purpose.

The purpose of this chapter is to protect the health, safety, welfare, and property of the residents of the Town of Rocky Hill pursuant to the provisions of Section 7-148 of the Connecticut General Statutes by prohibiting the waste associated with drilling and extraction of natural gas and oil from being used for any purpose on any road or real property in the Town of Rocky Hill.

§ 240-2. Definitions.

For the purposes of this chapter, the following words, terms and phrases shall have the meanings respectively ascribed to them by this section, except where the context clearly indicates a different meaning:

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 Rocky Hill.

HYDRAULIC FRACTURING

The fracturing of underground rock formations, including shale and nonshale 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

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; leachate from solid wastes associated with natural gas extraction activities; any waste that is generated as a result of or in association with the underground storage of natural gas; any waste that is generated as a result of or in association with liquefied petroleum gas well storage operations; and 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

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; leachate from solid wastes associated with oil extraction activities; and any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

§ 240-3. 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 for any purpose is prohibited.
- B. The introduction of natural gas waste or oil waste into any wastewater treatment facility within or operated by the Town is prohibited.
- C. The introduction of natural gas waste or oil waste into any solid waste management facility within or operated by the Town is prohibited.
- D. The storage, disposal, sale, acquisition, handling, transfer, treatment and/or processing of natural gas waste or oil waste from natural gas extraction activities or oil extraction activities is prohibited within the Town.

§ 240-4. Provisions 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.

- A. 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 shall include a provision stating that no materials containing natural gas or oil waste shall be utilized in providing such a service.
- B. 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 no materials containing natural gas or oil waste shall be provided 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 retention 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 for the Town. 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 as a result of the submittal of this bid if selected."

§ 240-5. Penalties.

This chapter shall apply to any and all actions occurring on or after the effective date of this chapter. In response to a violation of this chapter, the Town is empowered to:

- A. Issue "cease and desist" orders demanding abatement of the violation;

- B. Seek any appropriate legal relief, including immediate injunctive relief, as a result of any violation of this chapter;
- C. File a complaint with any other proper authority;
- D. 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. The Town may recoup from the offending person(s), jointly and severally, all costs, including experts, consultants and reasonable attorneys' fees, that it incurs as a result of having to prosecute or remediate any infraction of this chapter.
- E. Issue citations in the amount of \$250 per violation per day, or such other amount as is allowed by law, and seek any other remedies allowable under the law.

§ 240-6. Enforcement.

- A. The Town Manager, or a designee, is hereby empowered and authorized to, if appropriate, issue orders and other directives under this chapter and refer matters in connection therewith to the Town's counsel.
- B. Town employees, officers and officials are not required to personally carry out testing of waste products to determine chemical contents, as this work may be done via contacting the State of Connecticut Department of Energy and Environmental Protection or the appropriate analytical laboratory or laboratories. If appropriate, the Town's Manager, or a designee, may request that the State of Connecticut Department of Energy and Environmental Protection pursue civil penalties allowable under the law.
- C. A citation hearing procedure is hereby established pursuant to C.G.S. § 7-152c(a). The provisions of C.G.S. § 7-152c, Subsections (b) through (g), inclusive, are hereby adopted by reference as if fully set forth herein.

§ 240-7. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this chapter or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered. To further this end, the provisions of this chapter are hereby declared to be severable.

§ 240-8. Conflicts with other ordinances or codes.

In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of the Town, the provision that establishes the higher standard for the protection of the health, safety, welfare and property of the residents of the Town shall prevail. In any case where a provision of this chapter is found to be in conflict with a provision of any other ordinance or code of the Town, which other ordinance or code establishes a lower standard for the protection of the health, safety, welfare and property of the residents of the Town, the provisions of this chapter shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this chapter.

§ 240-9. Transportation.

Nothing in this chapter shall be interpreted to ban the transportation of any product or by-product described herein on any roadway or real property within the Town of Rocky Hill.