

PUBLIC HEARING MINUTES

**February 5, 2018
8:15 p.m.**

South Windsor Town Council

PURPOSE: To receive citizen input on the establishment of an Ordinance Prohibiting Natural Gas Waste and Oil Waste from Natural Gas Extraction Activities or Oil Extraction Activities within the Town

Mayor Anwar called the Public Hearing to order at 8:15 p.m.; and requested that the Clerk of the Council read the call of the meeting (a copy of which is attached hereto, **Exhibit A**). There were approximately twenty-six (26) people present in the audience. The ordinance is shown in **Exhibit B**.

Mayor Anwar asked if there was anyone from the public that would like to speak.

Mrs. Ellen Castaldini, 16 Fairview Drive came before the Town Council stating that she strongly supports a ban on fracking waste in South Windsor. Fracking companies use toxic chemicals to extract gas and oils from the earth and she requested that South Windsor ban the use of these chemicals. This will protect the health of the Town of South Windsor.

Mr. Robert Dickinson, 19 Birch Road stated he is in favor of banning fracking waste from South Windsor both being brought in or processed. Most of the companies disposing of the waste are small and cannot cover the cost of cleanup. Mr. Dickinson stated that he is in favor of the ordinance as written, however would like to see the title revised. Presently, in the title, it reads "within South Windsor". Mr. Dickinson requested that be eliminated and replaced with, "from being disposed of or brought into South Windsor".

Mrs. Mindy Lewis, 681 Chapel Road, stated that she is in support of this ordinance and thanked the Town Council and Town Manager for bringing this forward.

Mrs. Nagles, a Tolland resident stated that she has a petition (**Attachment C**) which has been signed by South Windsor residents who are in favor of the establishment of this ordinance. Mrs. Nagles explained that she admires South Windsor for leading in environmental issues and hopes other Towns will follow to do the same ban.

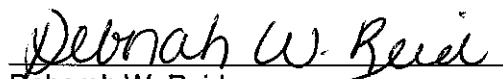
Mayor Anwar asked for a Straw Vote, the results of which were as follows:

Those supporting the establishments of an Ordinance Prohibiting Natural Gas Waste and Oil Waste from Natural Gas Extraction Activities or Oil Extraction Activities within the Town: 11

Those opposed to the establishment of an Ordinance Prohibiting Natural Gas Waste and Oil Waste from Natural Gas Extraction Activities or Oil Extraction Activities with the Town: 0

The public hearing was closed at 8:21 p.m.

Respectfully submitted,


Deborah W. Reid
Clerk of the Council

**Public Hearing Notice – Exhibit A
Ordinance – Exhibit B
Petition – Exhibit C**



Town of South Windsor

1540 SULLIVAN AVENUE • SOUTH WINDSOR, CT 06074-2786

AREA CODE 860/644-2511

FAX 860/644-3781

OFFICE
OF THE
TOWN COUNCIL

TO BE PUBLISHED IN THE JOURNAL INQUIRER

January 29, 2018

LEGAL AD

TOWN OF SOUTH WINDSOR

Notice is hereby given that the South Windsor Town Council has set Monday, February 5, 2018, at 8:15 p.m., in the Council Chambers of the South Windsor Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut as the time and place for a Public Hearing to receive citizen input on the Establishment of an Ordinance Prohibiting Natural Gas Waste and Oil Waste from Natural Gas Extraction Activities or Oil Extraction Activities within the Town, a copy of which is on file in the Office of the Town Clerk.

Dated at South Windsor, Connecticut this 26th day of January 2018.

Attested to by:

Deborah W. Reid
Deborah W. Reid
Clerk of the Council

PUBLIC NOTICE

TOWN OF SOUTH WINDSOR

Notice is hereby given that the South Windsor Town Council has set Monday, February 5, 2018, at 8:15 p.m., in the Council Chambers of the South Windsor Town Hall, 1540 Sullivan Avenue, South Windsor, Connecticut as the time and place for a Public Hearing to receive citizen input on the Establishment of an Ordinance Prohibiting Natural Gas Waste and Oil Waste from Natural Gas Extraction Activities or Oil Extraction Activities within the Town, a copy of which is on file in the Office of the Town Clerk.

Dated at South Windsor, Connecticut this 28th day of January 2018.

Attested to by:
Deborah W. Reid
Clerk of the Council

Journal Inquirer
January 29, 2018

**TOWN OF SOUTH WINDSOR
ORDINANCE PROHIBITING NATURAL GAS WASTE AND OIL WASTE
FROM NATURAL GAS EXTRACTION ACTIVITIES OR OIL
EXTRACTION ACTIVITIES WITHIN THE TOWN**

Sec. 1. Purpose.

The purpose of this Ordinance is to protect, the health, safety, welfare and property of the residents of the town of South Windsor 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 South Windsor.

Sec. 2. Definitions.

For the purposes of this Ordinance, 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:

- a) “*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 Town of South Windsor.
- b) “*Hydraulic fracturing*” shall mean 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.
- c) “*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.
- d) “*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.
- e) “*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.
- f) “*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.

Sec. 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 & 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.

Sec. 4. 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.

- 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 or 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.”

Sec. 5. Penalties.

This ordinance shall apply to any and all actions occurring on or after the effective date of this ordinance. In response to a violation of this ordinance, 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 ordinance;
- c) file a complaint with any other property 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 attorney’s fees, that it incurs as a result of having to prosecute or remediate any infraction of this ordinance.
- 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.

Sec. 6 Enforcement.

- a) The Town Manager, or a designee, is hereby empowered and authorized to, if appropriate, issue orders and other directives under this Ordinance and refer matters in connection therewith to the Town’s Counsel. The South Windsor Police Department and/or any other designee(s) of the Manager are also authorized to enforce this Chapter. In addition to any equitable relief available, this Chapter shall be enforced by citations issued by said designated officers or employees.
- 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. § 7-152(a). The Town Manager shall appoint one or more citation hearing officers, other than police officers or employees or persons who issue citations, to conduct the hearings authorized by this section. The citation hearing procedure provisions of C.G.S. § 7-152c, Subsections (c) through (g), inclusive, are hereby adopted by reference as if fully set forth herein.

Sec. 7. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this Ordinance 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 Ordinance 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 Ordinance are hereby declared to be severable.

Sec. 8. Conflicts with other Ordinances or Codes.

In any case where a provision of this Ordinance 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 Ordinance 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 Ordinance 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 Ordinance.

Sec. 9 Transportation.

Nothing in this ordinance shall be interpreted to ban the transportation of any product or by-product described herein on any roadway or real property with the Town of South Windsor.

**THIS ORDINANCE WILL TAKE EFFECT IN ACCORDNACE
WITH THE TOWN CHARTER**

The waste generated by fracking (hydraulic fracturing for natural gas and/or oil) in nearby states is highly toxic and radioactive, posing a grave risk to human health and safety. I would like a ban on the importation and treatment or disposal of any such waste within the **Town of South Windsor**.

Name (print)	Signature	Address	E-mail (or phone)
Ellen Castaldini	<i>Ellen Castaldini</i>	16 Fairview Dr South Windsor	ellen.castaldini@gmail.com
Greg Dupuis	<i>Greg Dupuis</i>	18 Heritage Drive	860-565-2697
Stacey Musulin	<i>Stacey Musulin</i>	106 Birch Rd	simuz@outlook.com
Donna Johnson	<i>Donna Johnson</i>	282 Oak St	johnsonjohn@gmail.com
Tom Sessions	<i>Tom Sessions</i>	217 Tumblebrook Dr	OTSESSIONS@gmail.com
