

Storage, Disposal and Use of Hydraulic Fracturing Waste Ordinance

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Storage, Disposal and Use of Hydraulic Fracturing Waste Ordinance

Section 1 - Prohibitions

(a) The application of natural gas waste or oil waste on any road or real property located within the Town for any purpose is prohibited unless the DEEP or other regulatory body determines that such waste is not harmful to the health, safety and general welfare of the public and the environment. The Bolton Board of Selectmen may deny the use of any such waste when the use of such waste is not in the best interest of the Town or its citizens regardless of any approval by the DEEP or any other regulatory body.

(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, treatment and/or processing of waste from natural gas or oil extraction is prohibited within the Town.

Section 2 - Bids and Contracts

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 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 unless the DEEP or other regulatory body determines that such waste is not harmful to the health, safety and general welfare of the public and the environment.

(b) 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 unless the DEEP or other regulatory body determines that such waste is not harmful to the health, safety and general welfare of the public and the environment.

(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 of Bolton. 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 sub-contractor, agent or vendor agent thereof apply any natural gas waste or oil waste to any road or real property within the Town of Bolton as a result of the submittal of this bid if selected unless the DEEP or other regulatory body determines that such waste is not harmful to the health, safety and general welfare of the public and the environment."

Section 3 – 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 proper authority; and d) to 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 of Bolton. **Any person who violates this ordinance shall be liable for a civil penalty of not less than one thousand dollars, not more than ten thousand dollars for each day of the violation (pursuant to CGS 22a—250(h) Littering or dumping prohibited. Orders. Procedures. Penalties.)**

Section 4 – Definitions

- (a) As used in this article, the term "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.
- (b) As used in this article, the term "natural gas extraction activities" shall mean all geologic or geophysical activities related to the exploration for or extraction of natural gas by hydraulic fracturing.
- (c) As used in this article, the term "oil extraction activities" shall mean all geologic or geophysical activities related to hydraulic fracturing.
- (d) As used in this article, the term "natural gas waste" shall mean:
1. Any liquid or solid waste or its constituents that is generated as a result of natural gas hydraulic fracturing 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 hydraulic fracturing 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) As used in this article, the term "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.
- (f) As used in this article, the term "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.
- (g) As used in this article, the term "town" shall mean the Town of Bolton.

Section 5 – Transportation

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