

Introduced by:

Councilwoman Cynthia Jennings

HEADING
AND
PURPOSE

AN ORDINANCE AMENDING CHAPTER 25, SECTION 19 OF THE HARTFORD
MUNICIPAL CODE

COURT OF COMMON COUNCIL,
CITY OF HARTFORD

August 14, 2017

Be It Ordained by the Court of Common Council of the City of Hartford that Chapter 25, Section 19, of the Municipal Code of the City of Hartford is hereby amended to include the following ordinance:

Sec. 25-19. Ordinance Prohibiting Waste Associated with Natural Gas and Oil Extraction

(a) **Purpose. The prohibition of waste associated with the drilling and extraction of natural gas and oil is hereby declared necessary for the protection of the health, safety, welfare and property of the residents of the City of Hartford pursuant to the provisions of Section 7-148 of the Connecticut General Statutes that pertain in any way to the protection of health, safety, welfare and property, as the same may be amended from time to time.**

(b) **Definitions for the Purposes of this Ordinance:**

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: 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.
- 5) “Oil waste” shall mean: 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.
- 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 Hartford.

(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 the Department of Energy & Environmental Protection (“DEEP”) or any other regulatory body, on any road or real property located within the City of Hartford 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 of Hartford is prohibited.
- 3) The introduction of natural gas waste or oil waste into any solid waste management facility within or operated by the City of Hartford is prohibited.
- 4) The storage, disposal, sale, acquisition, transfer, handling, treatment and/or processing of natural gas waste or oil waste is prohibited within the City of Hartford.

(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 of Hartford:

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

(e) 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 City of Hartford 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) 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 Hartford. The City of Hartford 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. For any violation of this Ordinance, the City of Hartford may also impose fines 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.

(f) Enforcement:

The City of Hartford's Department of Public Works is hereby empowered and authorized to, if appropriate, issue orders and other directives under this Ordinance and refer matters in connection therewith to the City of Hartford's Office of the Corporation Counsel. City of Hartford 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 City of Hartford's Department of Public Works may request that the State of Connecticut Department of Energy and Environmental Protection pursue civil penalties allowable under the law.

(g) 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.

(h) 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 City of Hartford, the provision that establishes the higher standard for the protection of the health, safety, welfare and property of the residents of the City of Hartford 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 City of Hartford, which other ordinance or code establishes a lower standard for the protection of the health, safety, welfare and property of the residents of the City of Hartford, 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.

(i) 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 within the City of Hartford.

This Ordinance shall take effect upon adoption.