TOWN OF NEW MILFORD
CHAPTER 7, ARTICLE X

ORDINANCE PROHIBITING THE STORAGE, DISPOSAL OR USE OF WASTE FROM OIL AND GAS EXPLORATION OR EXTRACTION ACTIVITIES, OR ANY DERIVATIVE THEREOF

§7-80 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 solid waste management facility within or operated by the Town is prohibited.
(c). The introduction of natural gas waste or oil waste into any waste water treatment facility within or operated by the Town is prohibited.
(d). The storage, disposal, sale, acquisition, handling, treatment and processing of waste from natural gas or oil extraction activities is prohibited within the Town.

§7-81 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 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 or oil waste shall be utilized in providing such services to the Town.

(c) The following representation, 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 New Milford. The bid is for bid documents titled ________. The below named bidder and individual or signatory signing this on behalf of the bidder 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 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."

§7-82 Penalties
In addition to any other remedy the Town has in law or equity, the Mayor or his/her designee is authorized to issue written orders ordering any person in violation of this ordinance to cease activities which do or may violate this ordinance and to desist from the same; where such activities cause damage or injury to property within the Town, whether such property be land, a road, a building, an aquifer, a well, water course or other asset, public or private, the Mayor or his/her designee may order such person to remedy the damage or injury and to restore, at such person’s sole cost and expense, the property to the condition in which it was prior to such damage or injury. A violation of this ordinance may be punished by a fine of $250 per violation, with each day any violation of this ordinance shall continue constituting a separate offense. The Town may pursue other penalties, fines and remedies allowable by law. Any person receiving a cease and desist or remedial order or fine from the Mayor or his/her designee may, within 15 days of the receipt of a cease and desist, remedial order or fine, appeal to a three-person appeal board comprised of the Director of Health, the Director of Public Works and an elector designated by the Mayor. Any appeal shall be filed and shall proceed and be conducted and adjudicated in accordance with the procedure set forth in §5-22 of the New Milford Code of
Ordinances. Any cease and desist, remedial order or notice of fine shall be sent by certified mail return receipt requested to any address of the violator on file in the Town of New Milford or State of Connecticut, the street address of the subject property if a property owner is involved, or the business address on the violator’s forms or correspondence, together with a duplicate regular mailing of same. Receipt shall be conclusively presumed to have occurred the third day following the date of mailing irrespective of whether the certified mailing is refused or neglected, provided the regular mailing was timely sent.

§7-83 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.
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 New Milford

§7-84. 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 law 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 Article are hereby declared to be severable.

Technical revisions 8/25/17.