

TOWN OF North Stonington, CT

ITEM NO: *Entered by Town Clerk*
DEPARTMENT: Department name yymmdenn
CONTACT: Name Contact's phone Contact's email address:
REFERRED TO: *Entered by Town Clerk*
VOTES: Board or commission name vote (y/n/a)

**RESOLVED,
WHEREAS,**

It is in the interests of the Town of North Stonington, acting by the Board of Selectmen, to protect and preserve public health and safety, property and the natural resources of the Town of North Stonington, including but not limited to water and land, now and for generations of citizens in the future;

Natural gas and oil extraction activities involve the use of chemical and hazardous materials during a multi-phase process including drilling, hydraulic fracturing, production, well maintenance, workover operations, and storage; and

Liquid and solid wastes associated with such activities are contaminated with chemicals and naturally-occurring toxins that come from the ground, including but not limited to radioactive materials; and

Many of the chemicals used during extraction activities, and naturally-occurring toxins in the ground that mix with the wastes, have documented adverse health effects and/or adverse environmental impacts; and

These wastes can contain radioactive elements and other toxins, and may threaten the public health and safety, and economic well-being of communities, as businesses, consumers and residents depend on clean drinking water, surface water, property, and natural resources; and

Toxins present in these wastes can contaminate waters, soils and natural resources of the Town of North Stonington, and impact public health and safety where use, leaching, spills, leaks, run-off and discharge into waterways after treatment effort occurs; and

Thirty-two municipalities in the State of Connecticut --- including Andover, Ashford, Bloomfield, Bolton, Branford, Bristol, Chaplin, Columbia, Coventry, Eastford, Hampton, Glastonbury, Griswold, Hartford, Hebron, Lebanon, Litchfield, Mansfield, Meriden, Middletown, Milford, New London, New Milford, Pomfret, Portland, Stratford, Thompson, Washington*, Willington, Windham/Willimantic, Windsor, Woodstock have already passed municipal ordinances prohibiting wastes and by-products from natural gas and oil extraction activities for the purpose of protecting public health, safety, property and natural resources; and

The Town of North Stonington is and should be a leader in protecting public health and safety, and our natural resources, including water supplies and water resources for generations to come; and

Protection of public health and safety, ground and surface waters, property, and natural resources in the Town of North Stonington is better accomplished by prevention of contamination and environmental degradation, instead of costly remediation of degraded environments after contamination; and

In order to protect public health and safety, and the quality of natural resources and property within the Town of North Stonington, it is necessary to adopt an ordinance prohibiting storage, handling, treatment, disposal and use of all waste associated with natural gas and oil extraction, as defined in the ordinance, the text of which is set forth below.

Now, Therefore, the Board of Selectmen hereby adopts An Ordinance Prohibiting Waste Associated with Natural Gas and Oil Extraction within the Town of North Stonington as set forth below:

Town of North Stonington, Connecticut
ORDINANCE NO. _____
Ordinance Prohibiting Waste Associated with Natural Gas and Oil Extraction

xxx-01 Definitions for the Purposes of this Ordinance:

- 1) 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:
- 2) “*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.
- 3) “*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.
- 4) “*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.
- 5) “*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.
- 6) “*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.
- 7) “*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 North Stonington.

xxx-02 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 (CT DEEP) or any other regulatory body, on any road or real property located within the Town of North Stonington 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 Town of North Stonington is prohibited.
- 3) The introduction of natural gas waste or oil waste into any solid waste management facility within or operated by the Town of North Stonington is prohibited.
- 4) The storage, disposal, sale, acquisition, transfer, handling, treatment and/or processing of waste from natural gas or oil extraction is prohibited within the Town of North Stonington.

xxx-03 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 of North Stonington.

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

xxx-04 Violations and 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 of North Stonington First Selectmen or his/her designee is authorized 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 Town of North Stonington. 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. Any person who violates this ordinance shall be liable for a fine of \$250 per violation, per day. Each day any violation of this ordinance shall constitute a separate offense. The Town of North Stonington may also pursue other penalties as applicable, and as defined in CT General Statutes.

xxx-05 Enforcement:

Any designee authorized by the First Selectman of the Town of North Stonington may pursue penalties against any person(s) who commits violations of this ordinance. The involvement of any Town of North Stonington officials will not require testing of waste products to determine chemical contents, this work will be done via contacting CT DEEP or other 3rd party analytical laboratories as is current practice of the Town of North Stonington for other exposures to potentially hazardous chemical situations. Any person receiving a cease and desist order or remedial order may appeal in accordance with the citation having process set forth in §17-20 to §17-28 of the Town's Code of Ordinances.

Any designee authorized by the First Selectman of the Town of North Stonington may request the Commissioner of CT DEEP pursue civil penalties defined by CT General Statutes, as applicable.

xxx-06 Severability

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

xxx-07 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 Town of North Stonington.