

Easton Connecticut Ordinance Prohibiting Waste Associated with Natural Gas and Oil Extraction

Purpose:

The purpose of this ordinance is to protect and preserve the water quality, agricultural lands, public health, safety and welfare within the town of Easton.

Definitions:

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) *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 Easton.
- 2) *Hydraulic Fracturing*: shall mean the fracturing or 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.
- 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) *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 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.
- 6) *Oil waste*: shall mean: a) any liquid or solid waste or its constituents that is generated as a result of natural 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 natural oil extraction activities; c) any products or byproducts resulting from the treatment, processing, or modification of any of the above wastes.

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 Easton for any purpose is prohibited.

- 2) The introduction of natural gas waste or oil waste into any wastewater treatment facility or solid waste management facility within or operated by the town of Easton is prohibited.
- 3) The storage, disposal, sale, acquisition, transfer, handling, treatment and/or processing or waste from natural gas or oil extraction is prohibited within the town of Easton.

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 Easton:

- 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 Easton 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 Easton shall include a provision stating that no materials containing natural gas or oil waste shall be prided to the town of Easton.
- 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 Easton 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 Easton:

We _____ hereby submit a bid for materials, equipment and/or labor for the town of Easton. 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 Easton as a result of the submittal of this bid if selected.

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 Easton 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 town of Easton. The town of Easton 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 in the amount of \$250.00 per violation, per day, or such other amount as permitted by law. The town of Easton may also pursue other penalties as applicable defined in the Connecticut General Statutes.

Any and all remedies shall be cumulative and two or more remedies may be exercised at the same time.

Enforcement:

Any designee authorized by the Board of Selectman of the town of Easton may pursue penalties against any person(s) who commits violations of this ordinance. The involvement of any town of Easton officials will not require testing of waste products to determine chemical contents; this work will be done by contacting the Connecticut DEEP or other third party analytical laboratories to assist in determining the chemical contents of any products suspected of violating the terms of this ordinance.

Any designee authorized by the Board of Selectman of the town of Easton may request the Commissioner of Connecticut DEEP to pursue civil penalties defined by the Connecticut General Statutes, as applicable.

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 Easton.

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. In addition, any section of this ordinance that is pre-empted by future state of Connecticut regulations will be declared null and void. To further, this end, the provision of this ordinance are hereby declared to be severable.

Conflicts of Laws:

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 of Easton, the provision that establishes the higher standard for the protection of the health, safety, welfare and property of the residents of the town of Easton shall prevail.

Effective Date:

This ordinance, or a summary thereof, shall become effective fifteen days after publication in a newspaper having substantial, continuous publication within the town of Easton.

Approved by the Board of Selectmen: _____

Approved by the Town Meeting/Referendum: _____

Published in the _____ on _____