

TOWN OF ANDOVER, CONNECTICUT

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**ORDINANCE PROHIBITING THE STORAGE, DISPOSAL OR USE OF WASTE FROM OIL AND GAS
EXPLORATION ACTIVITIES OR ANY DERIVATIVE THEREOF, IN THE TOWN OF ANDOVER, CT**

Section 1. 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 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.
2. The introduction of natural gas waste or oil waste into any wastewater treatment facility within or operated by the Town is prohibited.
3. The introduction of natural gas waste or oil waste into any solid waste management facility within or operated by the Town is prohibited.
4. 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. 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.

1. 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.
2. 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 included a provision stating that no materials containing natural gas or oil waste shall be utilized in providing such a service.
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 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 Andover. 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 with the Town of Andover as a result of the submittal of this bid if selected."

Section 3. Penalties

This ordinance shall apply to any and all action occurring on or after the effective date of this ordinance. The Town is empowered to issue "Cease and Desist" orders in case of any violation of the Prohibitions and Provisions stated above in Sections 1 and 2. It is further empowered to require remediation of any damage done to any land, road, building, aquifer, well, water course, air quality or other asset, be it public or private, within the Town of Andover. *Pursuant to Connecticut General Statutes section 7-148(c)(10), no later than forty-five days following the effective date of this ordinance, the Board of Selectmen is required to enact a schedule of penalties and system of enforcement of same for any violation of this ordinance.*

Section 4. Effective Date

Within ten (10) days after the final passage, the ordinance shall be published in its entirety in a newspaper having circulation within the town. It shall become effective on the twenty-first (21st) day after such publication following its final passage.

Section 5. Definitions

1. As used in this Ordinance 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.
2. As used in this Ordinance the term "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. As used in this Ordinance the term "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. As used in this Ordinance the term "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. As used in this Ordinance the term "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. As used in this Ordinance 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 of Andover.
7. As used in this Ordinance, the term "Town" shall mean the Town of Andover