TOWN OF HEBRON

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

WHEREAS, the Town of Hebron (hereinafter "Town") wishes to protect the public health, safety and welfare of all of its citizens and guests; and

WHEREAS, oil and gas drilling and extraction wastes have been recognized as harmful and dangerous to the environment; and

WHEREAS, General Statutes §7-148(c)(4)(H), §7-148 (c)(7)(H)(xi), §7-148(c)(8), and §7-148(c)(7)(H)(ii), as amended, provide that the Town may limit and regulate such wastes for the protection of the health, property, safety and welfare of the residents of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF SELECTMEN OF THE TOWN OF HEBRON:

Section 1. That the Code of Ordinances of the Town of Hebron be amended by adding a new section to read as follows:

A. 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. *"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 Town of Hebron.

B. 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, transfer, handling, treatment, and/or processing of waste from natural gas or oil extraction is prohibited within the Town.

5. 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 Hebron.

C. 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 retention 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 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 shall include a provision stating that no materials containing natural gas or oil waste shall be provided to the Town.

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 Hebron. 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 Hebron as a result of the submittal of this bid if selected."

D. Penalties.

In response to a violation of this Ordinance, the Town may require remediation of any damage done to any land, road, building, aquifer, well, watercourse, air quality or other asset, within the Town of Hebron. The Town may also impose fines in the amount of two hundred and fifty dollars ($250.00) per violation per day for any violation of this Ordinance and any other remedies allowable under the law.

Section 2.

A. Each day on which a violation occurs or continues after the time for correction of violation given in any order has elapsed shall be considered a separate violation of this Ordinance.

B. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

C. If any provision of this Ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of any other part of this Ordinance that can be given affect without the invalid provisions or applications; and to this end, the provisions of this Ordinance and the various applications thereof are declared to be severable.