

8. **Proposed Ordinance, City of Derby Code, Chapter and Section numbers to be determined, entitled "Prohibiting Waste Associated with Natural Gas and Oil Extraction within the City of Derby". Discussion/Possible Action and Recommendation to the full Board of Aldermen/Alderwomen.**

WHEREAS, protection of public health and safety, ground and surface waters, property, and natural resources in the City is better accomplished by prevention of contamination and environmental degradation, instead of costly remediation of degraded environments after contamination; 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 City may limit and regulate such wastes for the protection of the health, property, safety and welfare of the residents of the City; and,

WHEREAS, in order to protect public health and safety, and the quality of natural resources and property within the City, 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, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF DERBY, THAT an ordinance prohibiting waste associated with natural gas and oil extraction within the City of Derby, is hereby adopted, as set forth below:

PROPOSED ORDINANCE PROHIBITING WASTE ASSOCIATED WITH NATURAL GAS AND OIL EXTRACTION

ORDINANCE NUMBER: _____

Purpose:

The purpose of this Ordinance is to protect and preserve the water quality, agricultural lands, and environmental quality of life in the City of Derby.

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 City of Derby.
- 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) "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 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.

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 City of Derby 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 City of Derby is prohibited.
- 3) The introduction of natural gas waste or oil waste into any solid waste management facility within or operated by the City of Derby is prohibited.

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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 City of Derby.

Motioned by Ms. DeGennaro, seconded by Mr. Sampson and the motion carried.