



**NOTICE OF PUBLIC HEARING
Proposed Ordinance**

Town of Bethel, Connecticut

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Notice is hereby given that the Board of Selectmen of the Town of Bethel, Connecticut will hold a Public Hearing on Tuesday, October 16, 2018 at 6:30 p.m. in Meeting Room "A" at the CJH Municipal Center, 1 School Street, Bethel, Connecticut, to review and receive public comments on the proposed ordinance attached hereto as Exhibit A entitled;

**"Prohibition of the Use of Waste Associated With Hydraulic Natural Gas and Oil
Extraction"**

A copy of the proposed ordinance is also available for review in the office of the Bethel Town Clerk, CJH Municipal Center, 1 School Street, Bethel, CT and on the Town of Bethel, Connecticut website at www.bethel-ct.gov. Written comments may be left at the Office of the First Selectman, CJH Municipal Center, 1 School Street, Bethel, CT.

Dated at Bethel, CT this 25th day of September, 2018.

BETHEL BOARD OF SELECTMEN
Matthew S. Knickerbocker, First Selectman
Richard C. Straiton, Selectman
Paul R. Szatkowski, Selectman

**Exhibit A
Town of Bethel, Connecticut**

**Prohibition Of The Use Of Waste Associated With Hydraulic Natural Gas And Oil
Extraction**

Purpose: To protect and preserve public health and safety, property and the natural resources of the Town of Bethel by prohibiting the use of any and all chemical and hazardous waste materials created during the multi-phase oil and gas extraction process including drilling, hydraulic fracturing, production, well maintenance, work over operations, and storage within the Town of Bethel.

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 Bethel.
- 7) “*Workover operations*” shall mean the work conducted on wells after the initial well-completion operation for the purpose of maintaining or restoring the productivity of a well. Well completion/well workover means those operations following the drilling of a well that are intended to establish or restore production.

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 real property located within the Town of Bethel 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 Bethel 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 Bethel 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 Bethel.

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 Bethel:

- 1) All vendors and contractors performing work within or for the Town of Bethel shall make their best efforts to ascertain the source of all materials to be used in their work project and avoid the use of waste materials related to hydraulic fracturing extraction as defined above. 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 Bethel 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 Bethel shall include a provision stating that no materials containing natural gas or oil waste shall be provided to the Town of Bethel.
- 3) The following statement 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 Bethel 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 Bethel:
"We _____ hereby submit a bid for materials, equipment and/or labor for the Town of Bethel pursuant to bid documents titled _____. We hereby attest to the best of our knowledge 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 Bethel as a result of the submittal of this bid if selected."
- 4) In the event the bidder is unable to ascertain the origin of all materials within the bid or project supply chain and is therefore unable to certify the statement in Sec. 3, the bidder shall identify and cause contractors and/or subcontractors to identify those materials for which specific source information is unavailable.

Penalties:

Any person, contractor or subcontractor who is found to be in willful violation of this ordinance shall be liable for a fine of \$250 per CT General Statute. The Town of Bethel may also pursue other penalties as applicable defined in CT General Statutes, including, but not limited to the cost of remediation of contaminated materials and environmental cleanup.

Enforcement:

The First Selectman of the Town of Bethel or his or her designee may request the Commissioner of CT DEEP pursue civil penalties defined by CT General Statutes, as applicable.

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.

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 Bethel.