

TOWN OF WASHINGTON

ORDINANCE REGARDING THE STORAGE, DISPOSAL OR USE OF FRACKING WASTE OR ANY DERIVATIVE THEREOF IN THE TOWN OF WASHINGTON, CONNECTICUT.

FOR ENACTEMENT AT THE TOWN MEETING CONVENED FOR MARCH 5, 2015.

I. DEFINITIONS FOR THE PURPOSES OF THIS ORDINANCE:

(1) "Dispose" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any waste into or on any land or water so that such waste, or any constituent of such waste, may enter the environment, be emitted into the air or discharged into any waters within the town;

(2) "Fluid" means any material or substance that flows or moves whether in semisolid, liquid, sludge, slurry, gas or any other form or state;

(3) "Gas" means all natural gas, whether hydrocarbon or non-hydrocarbon, including, but not limited to, hydrogen sulfide, helium, carbon dioxide, nitrogen, hydrogen and casinghead gas;

(4) "Oil" means all petroleum or crude oil that is a naturally-occurring flammable mixture of hydrocarbons found in geological formations.

(5) "Hydraulic fracturing" means the highly pressurized pumping of water and sand, containing the prescribed level of chemicals (many of which are toxic), through well bores into or under the surface of the ground in order to create fractures in geological formations (including shale deposits) for exploration, development, production or recovery of gas or oil. **"Hydraulic fracturing" does not for the purposes of this Ordinance include the drilling or repair of a geothermal water well or any other well drilled or repaired for drinking water purposes;**

(6) "Person" means any individual, firm, partnership, association, syndicate, company, trust, corporation, limited liability company, municipality, agency or political or administrative subdivision of the state;

(7) "Radioactive materials" means any material, solid, liquid or gas, including, but not limited to, waste that emits ionizing radiation spontaneously;

(8) "Store" means holding waste for any period of time, be it temporary, intermediate, long term or indefinite.

(9) "Transfer" means to move from one vehicle to another or to move from one mode of transportation to another.

(10) "Treat" means any method, technique or process designed to change the physical, chemical or biological character or composition of any waste, including, but not limited to, the reclaiming or rendering of waste from hydraulic fracturing as suitable for use or reuse; and

(11) "Waste from hydraulic fracturing (fracking waste)" means any wastewater, wastewater solids, fluid, slurry, brine, sludge, drill cuttings or any other substance used for or generated secondarily to the purpose of hydraulic fracturing, including, but not limited to, naturally occurring radioactive materials released by fracturing and the toxic chemicals used that are recovered as part of the flowback process necessary to extract the gas or oil.

II. ORDINANCE

- a) No person may accept, receive, collect, store, treat, transfer or dispose of any waste or fluid from hydraulic fracturing.
- b) No person may sell, offer for sale, offer, barter, manufacture, distribute or use any product for anti-icing, de-icing, pre-wetting or dust suppression that is derived from or that contains waste from hydraulic fracturing.
- c) The Selectmen's Office is empowered to issue "Cease and Desist" orders in case of any infraction. 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 Washington. It may impose fines in any amounts it deems necessary to deal with any and all infractions against this ordinance.