

# TOWN OF EAST HAMPTON

## 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 EAST HAMPTON, CONNECTICUT.

### Section 1. Prohibitions.

- A. 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.
- B. The introduction of natural gas waste or oil waste into any solid waste facility within or operated by the Town is prohibited.
- C. The introduction of natural gas waste or oil waste into any waste water treatment facility within or operated by the Town is prohibited.
- D. The storage, disposal, sale, acquisition, handling, treatment and/or processing of waste from natural gas or oil extraction activities is prohibited within the Town.

### Section 2. Provision to be included in bids and contracts for construction or maintenance of Town roads and real property.

- A. 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 the materials shall not contain natural gas waste or oil waste.
- B. All bids and contracts related to the solicitation 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 waste or oil waste shall be utilized in providing such services to the Town.
- C. 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 solicitation 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 to the Town of EAST HAMPTON. The bid is for bid documents titled \_\_\_\_\_. We hereby certify under penalty of perjury that, if this bid is selected, no natural gas waste or oil waste will be used by the undersigned bidder in the performance of the contract. We further certify that no subcontractor, agent or vendor will be allowed or permitted to use materials containing natural gas waste or oil waste."

### Section 3. Penalties.

In addition to any other remedy the Town has in law or equity, the Town Council or their designee is authorized to issue written orders ordering any person in violation of this ordinance to cease activities which do or may violate this ordinance and to desist from the same. Where such activities cause damage or injury to property within the Town, whether such property be land, a road, a building, an aquifer, a well, water course or other asset, public or private, the Town Council or their designee may order such person to remedy the damage or injury and to restore, at such person's sole cost and expense, the property to the condition in which it was prior to such damage or injury.

A violation of this ordinance may be punished by a fine of \$250 per violation, with each day any violation of this ordinance shall continue constituting a separate offense. Any person receiving a cease and desist or remedial order or fine from the Town Council or their designee may appeal in accordance with the Town's Code of Ordinances.

## Section 4. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**APPLICATION** - The physical act of placing or spreading natural gas waste or oil waste on any road or real property located within the Town of EAST HAMPTON.

**HYDRAULIC FRACTURING** - The fracturing of underground rock formations, including shale and non-shale formations, by man-made fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production.

**NATURAL GAS EXTRACTION ACTIVITIES** - 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.

**NATURAL GAS WASTE** -

- 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.

**OIL EXTRACTION ACTIVITIES** - 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.

**OIL WASTE** -

- 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.

**TOWN** - The Town of EAST HAMPTON.

## Section 5. Transportation.

Nothing in this ordinance shall be interpreted to ban the transportation of any product or by-product described herein on any roadway through the Town.

## Examples of Penalties Language in Waste Ban Ordinances Passed in CT

See Savings Clause at end for Windsor

### **Middletown:**

#### Penalties

In response to a violation of this Ordinance, the City may require remediation of any damage done to any land, road, building, aquifer, well, watercourse, air quality or other asset, be it public or private, within the City of Middletown. The City 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.

### **Branford:**

#### Penalties.

This ordinance shall apply to any and all actions 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 Provision 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 Branford.

Any person who violates this ordinance shall be liable for a civil penalty of not less than one thousand dollars, nor more than ten thousand dollars for each day of the violation (per CGS 22a-250(h)) *Littering or dumping prohibited. Orders. Procedures. Penalties.*

### **Portland:**

#### Penalties

This ordinance shall apply to any and all actions occurring on or after the effective date of this ordinance. In response to a violation of this ordinance, the Town is empowered to a) issue "Cease and Desist" orders demanding abatement of the violation, b) seek any appropriate legal relief, including immediate injunctive relief, as a result of any violation of this ordinance; c) file a complaint with any other proper authority; and d) to require remediation of any damage done to any land, road, building, aquifer, well, watercourse, air quality or other asset, be it public or private, within the Town of Portland. The Town may impose fines in any amounts it deems necessary and to recoup from the offending person(s), jointly and severally, all costs, including experts, consultants and reasonable attorney's fees, that it incurs as a result of having to prosecute or remediate any infraction of this ordinance.

### **Windsor:**

#### Sec. 4. Penalties for offenses.

This article shall apply to any and all actions occurring on or after the effective date of this article. The Town is empowered to issue "cease and desist" orders in case of any violation of the prohibitions and provisions stated above in Section 2 and Section 3. It is further empowered to require remediation of any damage done to any land, road, building, aquifer, well, watercourse, air quality or other asset, be it public or private, within the Town of Windsor. It may impose fines in any amounts it deems necessary with any and all infractions against this article.

#### See. 5. Savings Clause

The enactment of this Ordinance shall not operate as an abatement of any action or proceeding previously taken, now pending, or taken prior to the effective date of this Ordinance. All said actions and proceedings are hereby ratified to be continued.

**TOWN OF EAST HAMPTON  
AGENDA REPORT**

Town Manager Approval: \_\_\_\_\_

Item to be presented by: TLS

DATE: May 9, 2017

SUBJECT: 2017/18 Public Water System Operating Budget & Water Rate Recommendation  
First Reading

DEPARTMENT: WPCA

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RECOMMENDED ACTION –to approve the 2017/18 Operating Budget for the two Community Water Systems owned by the Town and operated by the WPCA.

BACKGROUND – Management has reviewed the operations of the two (2) public water systems as well as the projected operations costs of the new Hampton Woods system and has developed the following 2017/18 Public Water System Operating Budget. Based upon current operating conditions and known operational changes necessary to operate the systems as efficiently as possible the recommended budget for all systems totals \$197,148.00 and represents an increase of 3.69% or \$7,020.00 over last year. Increases in repairs and maintenance and capital equals \$12,000.00 for both systems.

**Village Center Water System**

The VCWS continues to perform within parameters. The treatment plant, built in 2009, has begun to experience an increase in call-outs because of mechanical failures. To date these issues have been minor, within budget and has not affected water quality. The media in the greensand filters is approaching the end of its useful life and we will continue to monitor water quality to determine the optimum time to schedule a change-out. This is an expensive process (estimate \$10K per filter) and will need to be paid for when required, it has not been budgeted for in FY 17-18.

During the year, the VCWS did not experience any water quality violations, but during the first quarter of 2016, a volatile organics sample was missed creating a monitoring and reporting violation. All other samples were taken for the year and were within parameters. VCWS revenues are tracking as projected (budgeted \$77,755.00, as of 4/24/17 \$52,027.00).

**Royal Oaks Water System**

The ROWS continues to suffer from deteriorating raw water quality. In July, well pump #3 & #4 failed due to iron plugging the pump and discharge piping. Slip lining of both wells and installing new pumps totaled \$10,500.

We continue to increase the iron and manganese filter capacity at the plant with every change-out of the media. Currently our treatment capacity is 9.0 cubic feet. This will be the last increase until we expand the building, which is in the capital budget plan for FY 18/19. The pursuit of new automatic dialer needs to be the focus for FY 17-18 the costs for this project will be \$6,000. We will need to replace both pumps for well #3 & #4 again this year, which are failing due to high iron content.

We experienced no violations for water quality, but did receive a monitoring and reporting violation for the period of October 1, 2016 to December 31, 2016 for total coliform and physical parameters due to the contract laboratory failing to submit the sample results within the allotted period.

ROWS revenues are tracking as projected (budgeted \$85,382.000, as of 4/24/17 \$64,625.00) at the present time management expects revenues to support the operation of the system for this fiscal year.

**Hampton Woods Water System**

The HWWS is new to the East Hampton WPCA for FY 2017-18; Phase I A of the development has 34 individual homes of which 6 are built and connected to the water system that is still being constructed. This facility will be expandable to serve 255 homes. The Town will not be responsible for a financial deficit associated with the operation prior to the full build out of the development, as per Developers agreement.

WATER RATE RECOMMENDATION: WATER RATE RECOMMENDATION:

The 2016/17 budget of \$197,148.00 will require an increase in water commodity rates. The new rates cover the costs of future Capital projects and repairs for FY 17-18.

Avg. Monthly Cost	VCWS Residential	ROWS Residential	Center School	Memorial School
Current Rates	\$60.25	\$75.59	\$838.36	\$1254.05
WPCA Board recommendation	\$54.25	\$81.79	\$809.51	\$1271.75

ALTERNATIVE ACTIONS – at the discretion of the Town Council

FISCAL IMPACT – variable depending upon the ultimate action of the Town Council.

EH: Clerks Office

AGENDA ITEM: \_\_\_\_\_

**East Hampton Water Pollution Control Authority  
Community Water Systems Fiscal Year Budget - 2017-18**

Board Recommendation

**REVENUES**

Residential Consumption Estimated

	VCWS	ROWS	HWWS	
daily consumption (gals.)	8,000	12,500	4,080	
Est. daily cons./unit (gals.)	85	151	120	
Monthly commodity cost (\$/1000gals.)	\$9.25	\$9.25	\$9.25	\$3.67/ 1k gals incr
Monthly commodity charge (\$)	\$14.25	\$41.79	\$33.30	
Monthly meter cost (1EMU = X.XX)	\$40.00	\$40.00	\$40.00	\$6.00 / reduction
Per unit monthly cost (\$)	<u>\$54.25</u>	<u>\$81.79</u>	<u>\$73.30</u>	
EMU's	94	83	34	
Estimated monthly revenue	\$5,099	\$6,789	\$2,492	
 Est. Residential yearly revenue	 <u>\$61,190.40</u>	 <u>\$81,465.00</u>	 <u>\$29,906.40</u>	 <u>\$172,562</u>

	Ctr. Sch.	Mem. Sch.
Monthly meter cost (15 EMU = \$X.XX)	\$600.00	
daily consumption (gals/day)	755	
Monthly commodity charge (\$)	\$209.51	
Monthly meter cost (20 EMU = \$X.XX)		\$800.00
daily consumption (gals/day)		1,700
Monthly commodity charge (\$)		\$471.75
Estimated monthly revenue	<u>\$809.51</u>	<u>\$1,271.75</u>

Est. Institutional yearly revenue	<u>\$9,714.15</u>	<u>\$15,261.00</u>	<u>\$24,975</u>
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Estimated total revenue 17/18	\$70,904.55	\$96,726.00	\$29,906.40	<u>\$197,537</u>
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Transfer from Capital /operating fund				<u>\$389</u>
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Proposed fiscal year Operating Budget				\$197,148
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Annual Cost based upon 72,000 gals.	\$1,148.00			
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Sinking Fund balance 6/30/16	\$ 56,651.00			
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Office of the COLLECTOR OF REVENUE  
KRISTY MERRIFIELD, CCMC  
kmerrifield@easthamptonct.gov

AGENDA  
ITEM # 12

May 4, 2017

To: The East Hampton Town Council,

The documentation for the tax refunds listed below is available in the Office of the Collector of Revenue for your review. There are 6 refunds totaling \$4,474.49.

Respectfully Submitted,

A handwritten signature in black ink that reads "Kristy L. Merrifield, CCMC". The signature is written in a cursive style.

Kristy L. Merrifield, CCMC  
Collector of Revenue

17.57 +  
1,197.03 +  
2,850.53 +  
215.50 +  
76.54 +  
117.32 +  
4,474.49 \*