

Public Hearing
Proposed Fracking Ordinance
April 30, 2018
Town Hall Auditorium

Present: First Selectman Christine Goupil: Selectmen Jack Scherban, Phillip Sengle, Carol Walter and Tim Guerra

Goupil called the public hearing to order at 7:00 PM in the Auditorium of the Town Hall. The public hearing was opened to comments on the proposed Fracking Ordinance. The following remarks were made.

Paul Neri – 146 Ironworks Road

- A prepared statement was read out loud and a copy will be attached to the minutes.

Thomas Schultz – 43A Killingworth Tpke

- A prepared statement was read out loud and a copy will be attached to the minutes

Jim Fellows – 44 Andrews St. Middletown

- Spoke about how the ordinance got started in the Town of Middletown

Eileen O'Donnell – 141 Ironworks Road

- A prepared statement was read out loud and a copy will be attached to the minutes.

Madeleine Leveille – 11 Iroquois Drive

- Spoke in favor of the ordinance

Jen Siskind – South Glastonbury

- Reviewed the language of the ordinance and distributed information regarding the enforcement of the ordinance. Copies will be attached to the minutes.

Marilyn Truglio – 31 Grove Street

- Asked for clarification on the type of chemicals that are used in fracking waste.

Hugh Birdsoll – 15 South Parkway

- Asked for clarification on the town meeting date.

Susan Schaedler – 4 Captains Walk

- Spoke in favor of the ordinance

The town meeting has been scheduled for Tuesday, May 8th at 5:30 pm in the Auditorium of the Town Hall. Goupil closed the public hearing at 7:35 PM.

Respectfully submitted,

Mary Schettino
Recording Secretary

Ordinance Prohibiting the Storage, Disposal or Use of Waste from Oil and Gas Explorations or Extraction Activities or Any Derivative Thereof in the Town of Clinton, Connecticut

xxx-01 Definitions for the Purposes of this Ordinance:

- 1) 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:
- 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) *“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.
- 5) *“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.
- 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.
- 7) *“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 Clinton.

xxx-02 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 (“DEEP”) or any other regulatory body, on any road or real property located within the Town of Clinton 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 Clinton 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 Clinton 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 Clinton.

xxx-03 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 Clinton:

- 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 of Clinton 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 Clinton shall include a provision stating that no materials containing natural gas or oil waste shall be provided to the Town of Clinton.
- 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 of Clinton 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 Clinton: *"We _____ hereby submit a bid for materials, equipment and/or labor for the Town of Clinton.. 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 Clinton as a result of the submittal of this bid if selected."*

xxx-04 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 of Clinton 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) 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 Clinton. The Town of Clinton may 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. Any person who violates this ordinance shall be liable for a fine of \$250 per CT Statute. The Town of Clinton may also pursue other penalties as applicable defined in CT General Statutes.

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xxx-05 Enforcement:

Any designee authorized by the First Selectwoman/Selectman of the Town of Clinton may pursue penalties against any person(s) who commits violations of this ordinance. The involvement of any Clinton officials will not require testing of waste products to determine chemical contents, this work will be done via contacting CT DEEP or other 3rd party analytical laboratories as is current practice of the Town of Clinton for other exposures to potentially hazardous chemical situations. Any designee authorized by the First Selectwoman/Selectman of the Town of Clinton may request the Commissioner of CT DEEP pursue civil penalties defined by CT General Statutes, as applicable.

xxx-06 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.

Fracking waste can take many forms. As an example I bring up the proposed SRR facility which includes in their construction waste, the inclusion of "sludge." This sludge may contain any liquids mixed with solids. In other words, if such a facility is to be built, toxic waste could already be headed to our door step.

Even more insidious is that tainted fracking sand can be used as landfill and concrete products like Jersey barriers, parking lots, road treatment products and pavers. Many other places that require sand, water, stone, gravel, salt or dirt in processes are all possibilities for use.

Fracking chemicals are proprietary so this great unknown can have grave repercussions should a tanker truck carrying these contaminants overturn, spilling its contents. Emergency responders would be left with cleaning up unknown chemicals. Fracking waste is dangerous in so many ways: both chemically and potentially radioactively as it is plumbed from the depths of rock containing radon. Other contaminants found in the Marcellus shale operation-where most of the Pennsylvania fracking is currently taking place- are arsenic, lead and benzene.

We need to be proactive as a town because the state seems to be headed to enforcing an incomplete ban, leaving loopholes where certain waste would still be allowed.

I hope you will act to protect the citizens of Clinton by enacting this ordinance.

Paul Neri
146 Ironworks Rd
Clinton CT

April 19, 2018

Dear Editor,

I am writing regarding the proposal for a fracking waste ban for the town of Clinton. The ban is specifically for the toxic byproducts in the fracking waste and the chemicals used in the fracking process. There will be a crucial vote at a town meeting on May 7th following a public hearing on April 30th so it is important for concerned residents to attend and express their support for this important measure. 42 other towns have been successful passing this sort of legislation throughout the state. The state legislature has delayed creating a comprehensive ban for Connecticut and the current bill has loopholes that the fracking waste companies can utilize to their advantage so we must act to safeguard our community.

Pennsylvania is inundated with fracking activity and is looking for any place to dump the waste which is a toxic mix of "proprietary" chemicals so it is unclear the extent of the hazardous ingredients. These chemicals -- should they spill from a tanker truck in a highway accident -- could pose a daunting task for any first responders who would not know how to handle the unidentified waste.

Among other ways the industry uses to dispose or recycle waste, is by incorporating the sand into concrete and liquids into road salt! The waste contains radioactive materials culled from shale that can contain radon, so it is hazardous in yet another way.

This ban may seem like an overreach to some but this type of waste is coming to other parts of New England and so we must be vigilant. I encourage other concerned citizens to attend the public hearing and vote on May 7th to ban fracking waste.

Sincerely,
Tom Shultz
Clinton, CT

Submitted to the Harbor News by
Thomas E. Shultz
43-A Killingworth Turnpike
Clinton, CT 06413

I want to express my support for the proposed fracking waste ban ordinance for Clinton. I have lived in Clinton for the past 20 years and have always appreciated the beautiful shoreline community where we chose to raise our family.

I have seen development come into the town, the latest of which are the new CVS and the proposed SRR industrial recycling plant, where our town planning and zoning and inland wetland regulations have not been comprehensive enough to stop unwanted and possibly hazardous development from happening in our town.

I believe that a town planner is needed for Clinton so that there can be communication among all the town boards and comprehensive plans and regulations can be formed to create the kind of environment and economic development our town wants and deserves.

I feel that this ordinance is the start of our town acting ahead to protect our environment, health and property values before another hazardous development is proposed here in Clinton.

There are millions of gallons of toxic, radioactive fracking waste being produced daily. The disposal of this waste is a gigantic, unsolvable problem that is facing our nation. There is no place where this waste can safely go and there is no way this waste can be made safe.

This ordinance is being proposed to protect our community from ever having to directly face this health and environmental disaster. I understand that we cannot stop the waste from being transported on our interstate highways and railways, but if this ordinance is in place we at least have some recourse should an accident in Clinton happen.

I hope that Clinton will join the 43 other towns and municipalities in the state of Connecticut and vote in favor of proactively protecting our town from this potential environmental nightmare. Thank you.

Eileen O'Donnell
146 Ironworks Rd
Clinton CT

When considering enforcement, it's important to keep a comprehensive viewpoint of the ordinance.

1. The ordinance bans certain types of facilities from operating:
 - Storage facilities
 - Transfer facilities
 - Treatment facilitiesLicensing, permitting and special variances are proactively prevented.
2. Also, the ordinance prohibits materials and establishes authority for legal recourse regarding materials that are not currently illegal to bring into CT, primarily processed solid waste that may have been inadequately tested and treated for radioactive and chemical contamination.
3. There is no mandate in the ordinance that banned materials be tracked.
4. There is no mandate in the ordinance for monitoring of materials.
5. To the best of my knowledge, of the 5 NY counties that have passed same legislation banning the same wastes (and a total of 15 NY county legislation banning hydraulic fracturing wastes), possibly only Nassau County has a compliance officer that may include in duties the monitoring of the sale of processed wastes. (Ellen Weininger may have more information about this.)
6. Enforcement is understandably challenging and should not be a sticking point for rejecting passing the ordinance. Enforcement is likely to be addressed only if there is a known occurrence or violation:
 - A tanker spill and run-off are observed or illegal dumping is observed and reported. Source of material in accident investigation is revealed.
 - Following release of material, a subsequent fish kill or vegetation die off occurs.
 - Premature cracking or crumbling of concrete aggregate occurs.
 - Premature slippage occurs at a construction site.
 - Construction activity unearths suspicious material, similar to Greenwich HS.
7. Branford was the first town to pass an enforcement clause:

“Enforcement Officials.
Any designee authorized by the Board of Selectman of Branford may pursue penalties against any person who commits violations of this ordinance. The involvement of any Branford officials will not require testing of waste products to determine chemical contents, as this work will be done via contacting CT DEEP or other 3rd party analytical laboratories as is current practice of the Town of Branford for other exposures to potentially hazardous chemical situations.”
8. Hartford, New Haven, Bridgeport have passed duplicate enforcement clauses, based in part on Branford language, and designating the Department of Public Works to enforce, if appropriate, and refer matters to Corporate Counsel.

“(f) Enforcement:
The City of Hartford’s Department of Public Works is hereby empowered and authorized to, if appropriate, issue orders and other directives under this Ordinance and refer matters in connection therewith to the City of Hartford’s Office of the Corporation Counsel. City of Hartford employees, officers and officials are not required to personally carry out testing of waste products to determine chemical contents, as this work may be done via contacting the State of Connecticut Department of Energy and Environmental Protection or the appropriate analytical laboratory or laboratories. If appropriate, the City of Hartford’s Department of Public Works may request that the State of Connecticut Department of Energy and Environmental Protection pursue civil penalties allowable under the law.”

Yale SCHOOL OF PUBLIC HEALTH

- 119 Carcinogens, known & suspected, can travel through air & water
- Toxins linked to developmental & reproductive health problems
- 1,157 known chemical additives



PennState



COLORADO STATE UNIVERSITY

DARTMOUTH

High levels of radioactivity, chlorides, carcinogens & endocrine disrupters
12 miles from treatment facilities.

Duke | NICHOLAS SCHOOL OF THE ENVIRONMENT

- Radioactive sediment in waterways in PA & ND
- Spills and post-treatment discharge causing contamination
- Iodide, Bromide + Chlorine = Carcinogenic Trihalomethane
- 6,648 spills in 4 states over 10 years - 50% storing & moving waste

Yale

SCHOOL OF ENGINEERING
& APPLIED SCIENCE

Elevated Levels of Diesel-like Chemicals Found in 65 Home Wells
Tied to surface spills Trace amounts found 3-5 years later



JOHNS HOPKINS
UNIVERSITY

Study: Fracking associated with migraines, fatigue, chronic nasal and sinus symptoms

Johns Hopkins study links fracking to premature births, high-risk pregnancies



COLUMBIA UNIVERSITY



Penn Medicine

Increased Hospitalizations in
Heavily-drilled PA Counties:

Cardiology
Neurology
Dermatology
Neonatology
Urology
Oncology

colorado school of
public health

Age 5-24 Leukemia
4.3 x likely live near
dense drilling activity

For more info, see 1,200+ studies in Compendium 2018, 5th Ed
Concerned Health Professionals of NY www.concernedhealthny.org/compendium/



***363 Chemicals Used For Fracking & Scientific Research How These Chemicals Can Impact the Body & Health**

FOR THE 58% OF FRACKING CHEMICALS WE CAN IDENTIFY



SOLUBLE IN WATER



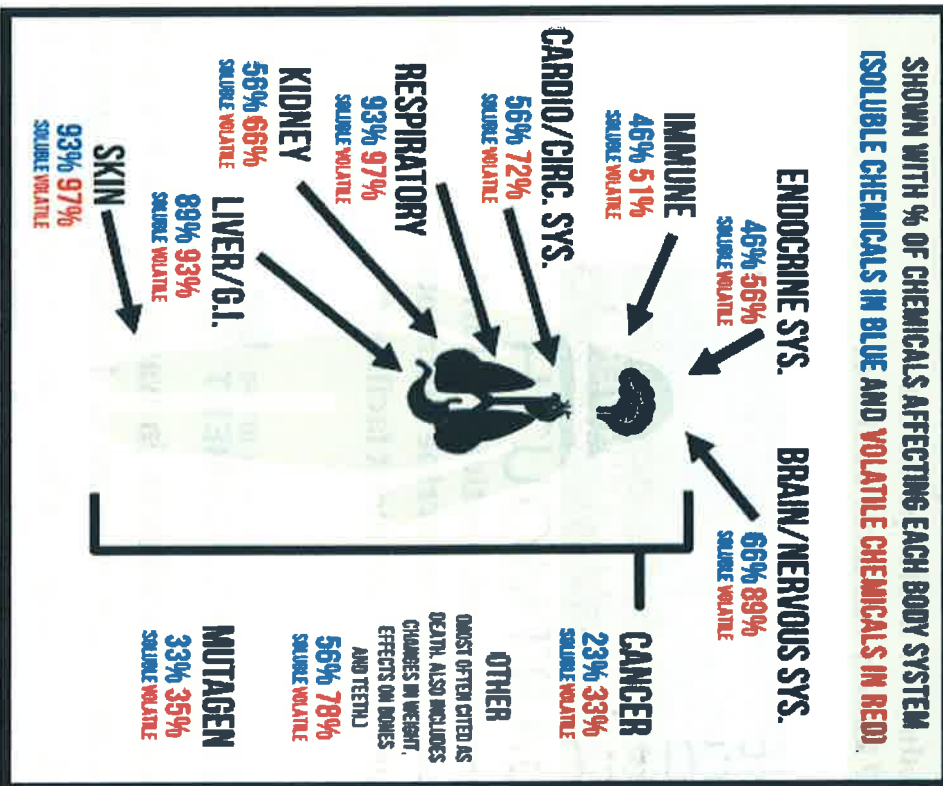
VOLATILE

SMALLER PERCENTAGE, BUT BIGGER IMPACT. THESE CHEMICALS CAN BE INHALED, SWALLOWED, AND/OR ABSORBED THROUGH THE SKIN

ALL VALUES FROM THE LAMAR PROJECT — FRACKING TOWN ADAPTATION, STORAGE SEED BEARING, QUAIL, HEART, CATHERINE, PLEASE, LUMBER, JAMES HORNBY, BOONIN, WATER WINDY, CENS, BONGERS, CLUMP, JAMES FISH, THE QUESTION CLUMP, ARMS MANAGED, WINDLE LINS FROM

BODY SYSTEMS AFFECTED BY FRACKING CHEMICALS*

SHOWN WITH % OF CHEMICALS AFFECTING EACH BODY SYSTEM (SOLUBLE CHEMICALS IN BLUE AND VOLATILE CHEMICALS IN RED)



Volatile = Vaporize Travels through Air

Colborn, et al 2011
Complete graphic at
Physicians for Social Responsibility-LA
www.PSA-LA.org