

CONNECTICUT HEARING ON HYDRAULIC FRACTURING WASTE LEGISLATION
TESTIMONY BY ELISABETH N. RADOW; ENRADOW@RADOWLAW.COM; 3/22/13

MY NAME IS ELISABETH RADOW. I OFFER WRITTEN TESTIMONY ON PROPOSED LEGISLATION WHICH WOULD BAN POSSESSION OR STORAGE OF TOXIC, RADIOACTIVE WASTE PRODUCED FROM GAS DRILLING OPERATIONS. I AM A LIFE-LONG NEW YORKER. I CURRENTLY LIVE AND PRACTICE LAW IN WESTCHESTER COUNTY, NEW YORK. FROM OCTOBER, 1987 UNTIL JULY, 2005 I OWNED A LOVELY SECOND HOME LOCATED ADJACENT TO THE SALT MARSHES IN OLD SAYBROOK, CONNECTICUT AND ACROSS THE ROAD FROM THE LONG ISLAND SOUND. I SOURCED MY WATER FROM A WELL LOCATED IN THE BACK OF MY HOME AND RELIED UPON THAT WATER TO SUSTAIN MY FAMILY AND ME. ALTHOUGH I NO LONGER LIVE IN CONNECTICUT, I HOLD A DEEP AFFECTION FOR THE STATE AND PROFOUND CONCERN FOR THE PRESERVATION OF ITS PRECIOUS WATER SUPPLY.

I CHAIR THE COMMITTEE ON ENERGY, AGRICULTURE AND THE ENVIRONMENT OF THE NEW YORK STATE LEAGUE OF WOMEN VOTERS. I AM ALSO THE PRESIDENT OF THE LEAGUE OF WOMEN VOTERS OF LARCHMONT/MAMARONECK. MY PUBLISHED RESEARCH ON THE IMPACTS OF GAS DRILLING ON PROPERTY RIGHTS AND RISK ALLOCATION HAS BEEN SOURCED AND CITED BY THE NEW YORK TIMES AND OTHER NATIONALLY RECOGNIZED PUBLICATIONS. I SPEAK REGULARLY WITH PEOPLE LIVING IN OTHER STATES WHERE GAS DRILLING IS POLLUTING AND POISONING PUBLIC AND PRIVATE WATERWAYS. THE FRACKING WASTE IS OFTEN RESPONSIBLE. IN MAY, 2012 NATURAL RESOURCES DEFENSE COUNCIL RELEASED A REPORT THAT CONCLUDED NONE OF THE MOST COMMON WAYS OF HANDLING FRACK WASTE ARE SAFE.

IN 1978, TORRENTIAL RAINS TRIGGERED THE SLOW LEACHING OF 20,000 TONS OF LIFE ALTERING TOXIC CHEMICALS BURIED IN CORRODED DRUMS AT LOVE CANAL, TRANSFORMING THIS NIAGARA, NEW YORK REGION INTO WHAT WAS CHARACTERIZED AS THE WORST ECOLOGICAL DISASTER OF ITS KIND. IT RESULTED IN CANCER, RECORD NUMBERS OF MISCARRIAGES AND DEFORMED NEWBORNS. HUNDREDS OF FAMILIES WERE EVACUTATED, LEAVING A GHOST TOWN BEHIND. THE CHEMICALS WHICH CAUSED CANCER, BIRTH DEFECTS AND THREATENED LIVES OF PEOPLE LIVING NEAR LOVE CANAL ARE ALSO USED IN HYDRUALIC FRACTURING AND FLOW BACK IN THE WASTE.

A LOOPHOLE IN FEDERAL AND STATE LAW EXEMPTS THE TOXIC, RADIOACTIVE FRACKING WASTE FROM BEING TREATED AS "HAZARDOUS WASTE." NEW YORK STATE IS CURRENTLY ACCEPTING HAZARDOUS FRACKING WASTE FROM PENNSYLVANIA. BECAUSE OF THE LOOPHOLE, FRACKING WASTE CAN GET RELEASED INTO RIVERS AND DRINKING WATER SOURCES WITHOUT REMOVING THE HARMFUL CONTAMINANTS. OR, THE SALTY, TOXIC, RADIOACTIVE WASTE CAN BE SOLD OR GIVEN TO MUNICIPALITIES THAT APPLY IT TO MELT ROAD ICE AND CONTROL DUST, AFTER WHICH IT RUNS OFF INTO NEARBY WATERWAYS OR SEEPS INTO GROUNDWATER. TREATMENT FACILITIES ARE ILL-EQUIPPED TO HANDLE THIS TYPE OF HAZARDOUS, RADIOACTIVE CHEMICAL WASTE. TRANSPORTING FRACKING WASTE INTO CONNECTICUT COULD INTRODUCE THE KINDS OF RISKS NEW YORK SAW IN LOVE CANAL WITH NO METHOD TO EFFECTIVELY TREAT IT.

IN RECOGNITION OF THE RISKS TO OUR DRINKING WATER SUPPLY IN NEW YORK, GOVERNOR CUOMO AND THE D.E.C. HAVE AGREED IN PRINCIPLE TO EXEMPT THE NEW YORK WATERSHED FROM FRACKING. HOW IRONIC IT WOULD BE TO PROHIBIT THE ACTUAL FRACKING IN THE NEW YORK CITY WATERSHED BUT THEN ALLOW THE POISONOUS, RADIOACTIVE WASTE THAT RESULTS FROM THE FRACKING TO ENTER OUR MUNICIPALITIES FOR INCOMPLETE WASTE TREATMENT OR DEICING AND DUST CONTROL PURPOSES ONLY TO HAVE IT RELEASED INTO WATERWAYS OR RUN OFF FROM THE TREATED ROADS INTO THE VERY RESERVOIR SYSTEM THE GOVERNOR, D.E.C. AND ALL OF US WHO DRINK THAT WATER WANT TO PROTECT. IN NEW YORK STATE, FORWARD THINKING LEGISLATORS, SUCH AS THOSE IN WESTCHESTER COUNTY, UNANIMOUSLY PASSED LEGISLATION, SIMILAR TO CONNECTICUT'S PROPOSED BILL OUT OF RECOGNITION FOR THE PROTECTION OF THE HEALTH, ENVIRONMENT, PROPERTY VALUE OF, AND TAX BURDEN ON, AREA RESIDENTS.

HOW IRONIC IT WOULD BE FOR THE STATE OF CONNECTICUT WITH SHALE CONFINED ONLY TO HARTFORD, TO ALLOW FRACKING WASTE INTO ITS BORDERS WITH ALL OF THE RISKS IT WOULD INTRODUCE TO THE ENVIRONMENT, HEALTH AND PROPERTY VALUE OF ITS RESIDENTS. IT IS THEREFORE UP TO THE CONNECTICUT GOVERNMENT TO ADDRESS THE MATTER. THERE IS ONE CERTAINTY ABOUT THIS TOXIC, RADIOACTIVE DRILLING WASTE; IT'S ENVIRONMENTAL AND HEALTH IMPACTS ARE EXPENSIVE TO HANDLE AND DIFFICULT, IF NOT IMPOSSIBLE, TO MITIGATE.

WHO PAYS? THESE GAS INDUSTRY EXEMPTIONS HAVE THE EFFECT OF SHIFTING LIABILITY ONTO PROPERTY OWNERS AND TAXPAYERS WHOSE WATER BECOMES CONTAMINATED FROM FRACKING WASTE. GAS INDUSTRY S.E.C. FILINGS REVEAL THAT ITS OPERATIONS CAN INVOLVE POLLUTION, AND, THAT THE INDUSTRY IS NOT FULLY INSURED FOR ITS OPERATIONS OR THE IMPACTS. ACCORDING TO A 2010 RANGE RESOURCES REPORT, SUBSTANTIAL INCREASES IN PREMIUMS EXIST IN REGIONS AFFECTED BY HURRICANES AND TROPICAL STORMS. INSURERS HAVE ALSO LIMITED HOW MUCH THEY WILL PAY ON ACTUAL STORM CLAIMS. IN CASES WHERE THE INDUSTRY LACKS ENOUGH INSURANCE TO COVER A LOSS, IT WOULD HAVE TO PAY OUT OF ITS OWN POCKET. WITH COMPANIES SUCH AS NORSE ENERGY FILING FOR BANKRUPTCY PROTECTION AND CHESAPEAKE ENERGY CASH STRAPPED BECAUSE IT IS SO HIGHLY LEVERAGED, IF POLLUTION WERE TO OCCUR TO WATERWAYS AS A RESULT OF FRACK WASTE BROUGHT IN FOR TREATMENT OR ROAD SPREADING, IT WOULD EXPOSE THE RESIDENTS LIVING IN THE REGION TO THE CLEAN-UP AS A TAXPAYER EXPENSE.

THE STATE OF CONNECTICUT ENJOYS ENVIABLE RIVERS AND STREAMS WHICH SUSTAIN THE LIFE OF ITS RESIDENTS AND WILDLIFE. THESE WATERS CONVERGE TO FLOW INTO THE MAGNIFICENT LONG ISLAND SOUND, WHERE IT FLOWS FURTHER TO THE SHORES OF THE COMMUNITY WHERE I CURRENTLY RESIDE. THE INTEGRITY OF THIS WATER MUST BE PRESERVED. I COMMEND THE LEGISLATORS OF CONNECTICUT FOR DRAFTING THIS RESPONSIBLE LEGISLATION AND I URGE ITS UNANIMOUS PASSAGE. THANK YOU.

