



House of Representatives

General Assembly

File No. 429

January Session, 2013

Substitute House Bill No. 6533

House of Representatives, April 9, 2013

The Committee on Energy and Technology reported through REP. REED of the 102nd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING HYDRAULIC FRACTURING WASTE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2013*) (a) As used in this section:
- 2 (1) "Discharge" means any emission, other than natural seepage,
3 intentional or unintentional, and includes, but is not limited to,
4 spilling, leaking, pumping, pouring, emitting, emptying or dumping;
- 5 (2) "Disposal" means the discharge, deposit, injection, dumping or
6 placing of hydraulic fracturing waste into or on land or water so that
7 such hydraulic fracturing waste, or any hazardous constituent of such
8 hydraulic fracturing waste, enters the environment, is emitted into the
9 air, or is discharged into any waters, including groundwaters;
- 10 (3) "Hydraulic fracturing" means the process of pumping any fluid
11 into or under the surface of the ground in order to create fractures in
12 rock for the purpose of the production or recovery of oil or gas;

13 (4) "Hydraulic fracturing waste" means any wastewater, wastewater
14 solids, sludge, drill cuttings or other byproducts resulting from
15 hydraulic fracturing;

16 (5) "Person" means person, as defined in section 16-1 of the general
17 statutes;

18 (6) "Storage" means the holding of hydraulic fracturing waste for
19 treatment or disposal; and

20 (7) "Treatment" means any method, technique or process designed
21 to change the physical, chemical, or biological character or composition
22 of any hydraulic fracturing waste so as to (A) neutralize such
23 hydraulic fracturing waste, (B) recover material resources from such
24 hydraulic fracturing waste, (C) render such hydraulic fracturing waste
25 safer for transport or disposal, amenable for recovery or storage,
26 convertible to another usable material or reduced in volume, or (D) for
27 any hazardous constituent of such hydraulic fracturing waste, render
28 nonhazardous.

29 (b) No person shall (1) engage in the treatment, discharge, disposal
30 or storage of any hydraulic fracturing waste in the state, or (2) use
31 hydraulic fracturing waste in the manufacture of any item, product or
32 material or sell or offer for sale any item, product or material to which
33 such hydraulic fracturing waste has been added, until July 1, 2014.

34 (c) On or before February 1, 2014, the Department of Energy and
35 Environmental Protection shall report, in accordance with section 11-
36 4a of the general statutes, to the joint standing committee of the
37 General Assembly having cognizance of matters relating to energy
38 regarding a comprehensive assessment of hydraulic fracturing waste,
39 including, but not limited to (1) the environmental and socio-economic
40 effects of hydraulic fracturing waste on water quality, public health,
41 private property, public lands, livestock, wildlife, public roadways and
42 seismic vulnerability, (2) the economic effects of hydraulic fracturing
43 waste on job loss or creation in the state, and (3) recommendations for
44 any legislative changes deemed necessary as a result of such

45 assessment, including, but not limited to, whether the moratorium
46 established under subsection (b) of this section should be extended.

47 (d) The Commissioner of Energy and Environmental Protection may
48 adopt regulations, in accordance with chapter 54 of the general
49 statutes, to enforce the provisions of subsection (b) of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2013</i>	New section

ET *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill establishes a one-year moratorium on any person performing certain actions with hydraulic fracturing (fracking) waste. As there is currently no such waste being imported into the state, there is no fiscal impact.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sHB 6533*****AN ACT CONCERNING HYDRAULIC FRACTURING WASTE.*****SUMMARY:**

This bill places a one-year moratorium on any person (individuals or business entities) (1) treating, discharging, or disposing of any hydraulic fracturing (fracking) waste, (2) holding any fracking waste for treatment or disposal, (3) using fracking waste to manufacture any item, product, or material, or (4) selling any item, product, or material to which fracking waste has been added. The bill allows the Department of Energy and Environmental Protection (DEEP) commissioner to adopt regulations to enforce the moratorium, which ends on July 1, 2014.

The bill requires DEEP to prepare a comprehensive assessment on fracking waste, including: (1) its environmental and socio-economic effects on water quality, public health, private property, public lands, livestock, wildlife, public roadways, and seismic vulnerability; (2) its economic effects on job loss or creation; and (3) recommendations for necessary legislation, including whether the bill's moratorium should be extended. DEEP must report to the Energy Committee by February 1, 2014.

EFFECTIVE DATE: July 1, 2013

DEFINITIONS

Under the bill, hydraulic fracturing is the process of pumping any fluid into or under the ground's surface to (1) create fractures in rock and (2) produce or recover oil or gas. Hydraulic fracturing waste is wastewater, wastewater solids, sludge, drill cuttings, or other byproducts from hydraulic fracturing.

Fracking waste treatment includes any method, technique, or process to change the waste’s physical, chemical, or biological character or composition to:

1. neutralize it;
2. recover material resources from it;
3. make it (a) safer for transport or disposal, (b) amenable for recovery or storage, (c) convertible to another usable material, or (d) reducible in volume; or
4. render its hazardous elements nonhazardous.

Fracking waste discharge is any emission other than natural seepage, including intentionally or unintentionally spilling, leaking, pumping, pouring, emitting, emptying, or dumping the waste. Fracking waste disposal is discharging, depositing, injecting, dumping, or placing the waste on land or water so that it enters the environment, is emitted into the air, or discharges into any water, including groundwater.

BACKGROUND

Related Bill

HB 5335, favorably reported by the Environment Committee, bans possessing or storing fracking waste by-products.

COMMITTEE ACTION

Energy and Technology Committee

Joint Favorable Substitute

Yea 21 Nay 3 (03/21/2013)