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CGA Environment Committee

February 28, 2014 Public Hearing

Testimony submitted by Carolyn Bayne, Water Resources Specialist

LWVCT supports state policies and programs which promote comprehensive long-range planning for conservation and development of land and water resources, including enforcement of regulations to improve water quality.

Support for:

House Bill 5308: AN ACT CONCERNING THE REGULATION OF FRACKING WASTE
Senate Bill 237: AN ACT PROHIBITING THE STORAGE OR DISPOSAL OF FRACKING WASTE IN CONNECTICUT

Senator Meyer, Representative Gentile and Members of the Environment Committee:

The League of Women Voters of Connecticut appreciates the opportunity to comment today on **House Bill 5308** and **Senate Bill 237**.

Both bills have important implications for Connecticut's ability to protect the health and safety of its groundwater, rivers, streams, lakes, aquifers and Long Island Sound from highly toxic chemicals and other hazardous materials. Safe drinking water is vital to the health of Connecticut's residents, but clean and safe water is also important for our economy; in fact, as recently as November 2013 a synthesis report released by the U.S. Environmental Protection Agency (EPA) highlighted the importance of water to a productive and growing economy.

HB 5308 An Act Concerning the Regulation of Fracking Waste

The League supports **HB 5308**, which authorizes the Commissioner of Energy and Environmental Protection to regulate, as hazardous waste, certain materials that are produced as a result of hydraulic fracturing ("fracking") activities. The League believes that it is critical for state legislators to take action to compensate for a loophole in the federal 2005 Energy Policy Act that exempted gas drilling and extraction from regulatory oversight by the Environmental Protection Agency. We do, however, have concerns that the bill proposes the regulation specifically and only of "any solid waste." While the drill cuttings, sediments, sludge and other solid waste from hydraulic fracturing are highly toxic and should be subject to Connecticut's hazardous waste management regulations, we believe that regulation should extend to drilling fluids, as well as produced and flowback waters associated with this process. In fact, there should first be consensus on what constitutes "fracking waste," including whether or not such material that has been subject to any degree of pretreatment prior to arrival at a treatment facility still meets the criteria for regulation as a hazardous waste. Members of the oil and gas industry who believe that wastewater from natural gas fracturing in Pennsylvania and other states is unlikely to be transported into Connecticut should be reminded that such wastewater is routinely

trucked to underground injection wells in Ohio and to treatment facilities in New York State. Furthermore, if the moratorium on hydraulic fracturing in New York is lifted, Connecticut most certainly will present as an attractive market for disposing of associated wastes, including the wastewater.

In sum, the League supports HB 5308 with the strong recommendation that it include a comprehensive definition of hydraulic fracturing waste and that the language be changed to include oversight of all associated waste and not just solid waste. Although regulation alone of hydraulic fracturing waste is not sufficient to protect our water resources, it is a positive first step.

SB 237 An Act Prohibiting the Storage or Disposal of Fracking Waste in Connecticut

The League supports **Senate Bill 237**, which prohibits any person from storing or disposing of materials produced as a by-product of hydraulic fracturing. However, we would again like to recommend that the language of the bill be strengthened to include the “treatment,” and “discharge” of such waste, actions which were included in last year’s failed House Bill 6533.

The issue of hydraulic fracturing waste is critical for Connecticut. Several of our neighboring states sit atop the Marcellus Shale Deposit, considered one of the largest fields of natural gas in the world. Pennsylvania alone has more than 6,000 active wells and permits have been issued for nearly 3,000 more. Estimates vary on how many millions of gallons of water are used to fracture each well and what percentage of it flows back, but there is no question that the volume of drilling is overwhelming existing waste-handling infrastructure.

The composition of waste from hydraulic fracturing varies depending on the chemicals used, geographic region where the operation takes place, and how long wastewater has been underground. Several hundred different types of chemicals can be used in hydraulic fracturing, including corrosion inhibitors, surfactants, scale inhibitors, biocides and friction reducers. Under current Pennsylvania law, drillers are not required to disclose the chemicals they use, and most consider it proprietary information and do not. In addition to toxic chemicals, most wastewater from drilling in the Marcellus Shale contains high concentrations of salt, metals, and radioactive materials. These contaminants make disposal of wastewater difficult and expensive. Options include:

- 1) Reuse in future operations, which is limited by the levels of pollutants in wastewater and proximity of other fracturing sites that might reuse it;
- 2) Transport to Class II underground injection wells; or
- 3) Transport to wastewater treatment facilities, where it is subsequently discharged into surface water.

In addition, without a comprehensive set of national standards for the disposal of wastewater, it has been reused in unconventional ways, such as to de-ice some public roads, which New York’s State Department of Environmental Conservation permits.

The geography of the northeast makes it difficult and costly to drill injection wells here, but there are processing plants in Connecticut potentially interested in handling the waste from hydraulic fracturing. **The question is whether conventional waste treatment facilities are equipped to properly treat this harmful waste. In fact, most treatment facilities are not designed to handle wastewater with high concentrations of salts or radioactivity that is many thousand times more radioactive than the federal limit for drinking water. As a**

result, radioactivity and chemicals that are known or possible human carcinogens would not be properly removed and could seep into and contaminate drinking water sources.

It should be noted that as Pennsylvania frantically seeks solutions to managing its waste from hydraulic fracturing, other nearby states (Vermont) have banned or are attempting to ban (New York, New Jersey) the importation and handling of this waste. These actions clearly have implications for Connecticut. Furthermore, results of the study ordered by New York State's Department of Environmental Conservation to evaluate the health risks of hydraulic fracturing could be released prior to the 2014 general election and if the moratorium on hydraulic fracturing is consequently lifted, the health and safety of Connecticut's residents and natural resources will be at even greater risk. **Therefore, the League supports legislation that prohibits in Connecticut the storage and disposal of waste from hydraulic fracturing but respectfully requests that the language be strengthened to also prohibit the treatment or discharge of such waste.**

Thank you again for the opportunity to comment upon these important bills.