



Testimony of:
Save the Sound
a program of Connecticut Fund for the Environment



In Support of

S.B. 237 AA PROHIBITING THE STORAGE OR DISPOSAL OF
FRACKING WASTE IN CONNECTICUT

H.B. 5308 AAC THE REGULATION OF FRACKING WASTE

In Opposition to

H.B. 5307 AAC THE USE OF BOOMS FOR THE RETENTION OF CERTAIN OILS OR
PRTOLEUM AND REVISING CERTAIN REQUIRMENTS FOR THE REGISTRATION OF
RADIOACTIVE MATERIALS

Before the Environment Committee

February 28, 2014

Submitted by Leah Lopez Schmalz, Dir. of Legislative and Legal Affairs

Connecticut Fund for the Environment is a non-profit organization that, along with its regional program Save the Sound, works to protect and improve the land, air and water of Connecticut and Long Island Sound on behalf of its 5,500 members. We develop partnerships and use legal and scientific expertise to achieve results that benefit our environment for current and future generations.

Dear Senator Meyer, Representative Gentile, and members of the Committee:

Thank you for the opportunity to comment on Senate Bill 237 and House Bills 5308 and 5307, each one of which has a potential impact on the health of Long Island Sound.

Fracking: S.B. 237 and H.B. 5308

The impacts of fracking and fracking waste disposal are well documented, even if the complete list of toxic chemicals that make up the slurry are not. In Pennsylvania, drinking water supplies have been contaminated so severely in some areas that water must be delivered by truck. Rivers have been decimated as high levels of total suspended solids and toxins choke fisheries, despite attempts to “treat” the waste before discharging it. The truth is that this method of energy production creates billions of gallons of toxic wastewater, but has no proven track record of successfully dealing with this waste product.

Right now fracking waste enjoys a loophole that allows it to escape heightened regulation as a hazardous waste, despite the long list of regulated toxic wastes that it contains. Currently the federal government gives drilling waste and wastewater created from natural gas production a pass. H.B. 5308 seeks to right that wrong here in Connecticut by bringing that by-product into the hazardous waste grouping. This is a necessary first step in protecting Connecticut from the potentially devastating effects of insufficiently regulated fracking waste. While this fix is an essential one, it is an incomplete solution. It is painfully clear that the Connecticut Department

of Energy and Environmental Protection is underfunded and understaffed. While DEEP has done a good job of creating efficiencies, it is already stretched too tightly; adding the massive responsibility of managing fracking waste is an unreasonable burden to add. Therefore, Save the Sound firmly believes that Long Island Sound and our groundwater are at risk from contamination until Connecticut takes the additional step of banning the storage and discharge of such waste products.

S.B. 237 does just that: protects Long Island Sound, our rivers, and our residents from the devastating effects of fracking waste discharges. Connecticut has made significant investments to ensure our sewage treatment plants have sufficient capacity to treat existing flow and to remove excess nitrogen, and soon, excess phosphorous. Other states have seen that adding fracking wastewater not only affects plants' capacity to treat local sewage by increasing volume, but can also destroy machinery and cause plant operation issues. Worst of all, sewage treatment plants do not currently have the capability to remove all of the toxic chemicals contained in the fracking wastewater—meaning fracking waste “treated” in a sewage treatment plant could still be highly toxic. Allowing wastewater from fracking activities to be stored, “treated,” and discharged here is tantamount to signing a blank check to pollute Connecticut's waters, and will undo much of the progress our state has made in returning our rivers, streams and Long Island Sound to healthy, thriving ecosystems.

Connecticut has a long and vibrant history of cutting edge environmental protection. It produced the first comprehensive clean water laws in the country and we owe it to current residents and future generations to continue that legacy. Please do not waste Connecticut. **Please support both S.B. 237 and H.B. 5308.**

Booming: H.B. 5307

Save the Sound **generally opposes HB 5307, the “Spill Bill,”** which would weaken the rules that protect our harbors and Long Island Sound from spills while ships are loading and unloading oil and other petroleum products.

For the last twenty years, Sec. 22a-457a of the Connecticut General Statutes has successfully protected our wildlife, water quality and habitats from the devastating results of oil and gas spills by requiring that vessels transferring such products deploy floating spill retention booms, weather permitting.

Language in H.B. 5307 would change that long standing history. While section 1(a) is a best management practice worth codifying, section 1(b) eliminates the protective booming requirement during the transfer of oil and petroleum liquids with a flash point less than 100 degrees Fahrenheit, a change that would leave Long Island Sound and Connecticut's nearshore areas vulnerable to the impacts from a spill of products like gasoline and kerosene.

We are opposed to any regulatory or statutory attempt to qualify or exclude certain petroleum products from booming requirements, especially absent a fully vetted environmental assessment that quantifies potential ecosystem impacts.

Every effort must be made to control accidental releases of toxic chemicals into the environment. It is well documented that uncontrolled releases of petroleum products, including gasoline, can result in extensive and severe environmental damage. Nearshore areas, where the majority of these petroleum transfers occur, are some of the most ecologically sensitive locations in Long Island Sound. Uncontained spills in and near Stamford Harbor, Bridgeport Harbor, New Haven Harbor or the Thames River could cause extensive damage to shoreline habitats and marine wildlife, particularly to shellfish beds. Booming these petroleum cargo vessels is a precautionary measure that allows officials adequate time to assess and protect environmentally sensitive areas with diversionary booms or to await a helpful change in tide and/or wind to move the accidental release out of the nearshore area and into open waters to evaporate.

Long Island Sound contributes nearly \$9 billion to the regional economy every year; protecting it is critical to local businesses and residents. We urge the Environment Committee to uphold the long standing tradition of protecting the Sound's ecologically sensitive areas by rejecting Sec. 1(b) of H.B. 5307.

Thank you for your consideration.

Sincerely,

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