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Testimony Before the Environment Committee on HB 5308 and SB237

I'm here to testify on the two fracking waste bills now before the Environment Committee. I believe these two bills are among the most important pieces of legislation which we will consider this session.

First of all, I wish to commend DEEP for taking the courageous and appropriate action to characterize hydraulic fracturing waste as "hazardous waste," which it so obviously is. Connecticut will be a national leader by closing the loophole created by the federal government, at the behest of the Petroleum Industry. The only word I can think of is "ludicrous" in describing the decision by federal authorities to characterize fracking waste as other than hazardous. This bill will reverse that illogic and subject fracking waste to Connecticut's hazardous waste regulations, among the most stringent in the country. We need to pass this bill to begin protecting the interests of CT's citizens.

However, I believe that this bill needs to be improved, specifically, to assure that liquid waste is also explicitly included in regulation, not just solid waste. I suggest that the committee adopt language similar to that found in HB5409, which is being considered in the Energy & Technology Committee, which would also cover all fracking byproducts. I'd be glad to elaborate further.

This bill is a great start. But I wish I could say that it is enough. Although DEEP has been dealing with hazardous waste for many years, it has not had to deal with the special, indeed extreme risks inherent with fracking waste, both the new compounds found in fracking waste and, importantly, the alarmingly high levels of radioactivity found in fracking waste samples from the Marcellus Shale deposits, found a short distance away in Pennsylvania and New York State.

There is reason to believe that the department's existing regulations and protocols are insufficient to address these new combinations of dangerous constituent elements. Wastewater treatment facilities, of which there are several in our state which might be interested in the potentially lucrative business of processing or disposing of fracking waste, have no history dealing with such waste and there are serious concerns about the prospect of

a health or environmental emergency. The bromides, or salts commonly found in great quantities in fracking waste, are known to corrode processing equipment, both reducing the effectiveness of processing and the potential of eventually rendering the equipment ineffective. The chlorides found in fracking waste are known to kill bacteria, endangering the aerobic cleansing component found in most wastewater treatment plant technology.

DEEP acknowledges that it only promulgates new regulations *in response* to a specific permit application by a prospective processor or disposal facility. It also admits that it delegates oversight of permittees to third-party consultants. How can we legislators, charged with protecting our citizens' health and safety, have any confidence that processors and DEEP can successfully handle the unknowns posed by fracking waste, particularly in such a manifestly reactive mode? What evidence do we have, from any source, that can give us genuine peace of mind that welcoming fracking waste into the state won't backfire disastrously?

The Petroleum Industry will tell you that it has all this under control. I submit that the industry needs to take greater responsibility for the hazardous waste which hydraulic fracturing creates. Literally billions of gallons of water are contaminated by this process and the industry's track record on truly cleaning the "produced water" coming back up from the fracking wells is spotty at best. Operators try to recycle as much of the water as they can, partially because they're finding it increasingly difficult to find any place that will accept the fracking wastewater they don't recycle.

The industry and others claim that Connecticut's prospective stand on banning fracking waste is "disingenuous." I emphatically disagree. We can accept natural gas as a viable energy alternative for homeowners and businesses but still reject attempts to bring dangerous pollution to our state.

Why would it be disingenuous to require those who create polluted waste to assure that it can be processed and disposed of safely? We all talk about "bad actors," those members of an industry that cut corners or don't take their responsibility to people and the environment seriously enough.

I wish I could say that the Petroleum Industry has policed its own members and that we can trust them to take care of those who leave us all in fear of environmental or health disaster. Instead, the industry invests its money and energy in fighting regulation and denying the ample evidentiary science that identifies the dangers in the fracking process. I'm sure they'll assert – when they testify -- that there's nothing to worry about with fracking waste either.

Until such time as the industry adequately demonstrates that it can control its wayward members and such time that it can show that wastewater treatment facilities have the technologies and protocols – particularly as it relates to the radioactive material found in the Marcellus Shale deposits -- sufficient to assure the public's health and safety, the State of Connecticut has little choice other than to impose a ban on the processing, storage, spreading and disposal of fracking waste. I emphasize "processing" as well, because that word is glaringly absent from SB237 and needs to be included.

Thank you.