



LEAGUE OF WOMEN VOTERS® OF CONNECTICUT, INC.
1890 Dixwell Avenue, Suite 203
Hamden, CT 06514-3183
203-288-7996 Fax 203-288-7998 www.lwvct.org

CGA Energy and Technology Committee

March 4, 2014 Public Hearing

Testimony submitted by Carolyn Bayne, Water Resources Specialist

H.B. 5409: AN ACT CONCERNING HYDRAULIC FRACTURING WASTE

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.

Senator Duff, Representative Reed and Members of the Energy and Technology Committee:

The League of Women Voters of Connecticut appreciates the opportunity to submit written comments on **House Bill 5409**.

The League supports the measures contained in HB 5409, which aims to (1) define hydraulic fracturing waste, (2) regard hydraulic fracturing waste traveling in the state as hazardous waste, and (3) require the Department of Energy and Environmental Protection (DEEP) to conduct a comprehensive assessment of hydraulic fracturing waste. However, we respectfully request that in order to fully protect the health and safety of Connecticut's water resources the bill be amended as suggested below.

Hydraulic fracturing waste – what is it?

Before meaningful legislation can be passed, it is critical to first define exactly what hydraulic fracturing waste ("waste") is. Typically, waste can be either solid (drill cuttings, sediments and sludge) or liquid (drilling fluids, flowback and produced waters). The composition and concentration of the waste can vary widely, depending on chemicals used, geographic region where drilling takes place, whether it was reused for fracturing additional wells, and how long the wastewater was underground. Consequently, wastes are often pretreated in some fashion to remove various constituents before they are sent to a treatment plant. For example, wastewater from the Marcellus region has extremely high concentrations of salts which, if not first removed, can disrupt the treatment process in most wastewater plants, which are not designed to remove such dissolved solids. This point is an important one because in defining waste, it must include all by-products and constituents of hydraulic fracturing, including those that have had some degree of pretreatment.

Closing the loophole

The second component of HB 5409, which classifies as hazardous any hydraulic fracturing waste travelling in the state, is also critical. Exemptions in the 2005 Energy Policy Act removed gas drilling and extraction from regulatory oversight by the Environmental Protection Agency,

allowing companies to transport and dispose of waste in ways that leave water resources vulnerable to contamination. Wastes from the Marcellus region, in particular, pose a significant threat to the health and safety of Connecticut's rivers, streams, lakes, groundwater, aquifers and Long Island Sound. In addition to several types of toxic chemical additives, heavy metals, and high concentrations of salts, they also contain naturally occurring radioactive materials (NORMs), including radon and Radium-226. Under federal law, such wastes are classified as "industrial waste" which allows gas companies to transport and dispose of them without handling or treating them as the hazardous wastes they are. There are numerous cases of accidents, leaks, and spills involving vehicles transporting waste. Runoff from such incidents is common and increases contamination of surface and groundwater. In order to protect Connecticut's water resources it is imperative that this loophole be closed so that such wastes are subject to the same strict regulations as other hazardous waste.

DEEP assessment – too little too late

The third component of HB 5409 requires the CT Department of Energy and Environmental Protection to conduct a comprehensive assessment of hydraulic fracturing waste. Although value could be gained from an assessment, there are already many well-documented cases proving the hazards of such wastes, and time is of the essence. Movements are underway in several nearby states, including New York, New Jersey and Massachusetts, to ban the importation of waste from hydraulic fracturing. Vermont already has a ban on such wastes. These actions clearly have grave implications for Connecticut if it remains one of the few states in close proximity to drilling activities in the Marcellus Shale to accept the wastes and by-products of hydraulic fracturing. Furthermore, it is uncertain whether drilling activities in New York State, which are currently on hold, will remain so. Portions of that state also sit atop the Marcellus Shale, and drilling has been halted only while the New York State Department of Environmental Conservation conducts a study to evaluate the health risks of hydraulic fracturing. Such a report could be released prior to the 2014 general election, and if the moratorium is lifted, the health and safety of Connecticut's residents and natural resources will be at even greater risk due to increased drilling activities.

Therefore, while the League strongly supports the first two components of HB 5409, which both defines hydraulic fracturing waste and classifies it as hazardous waste, **we respectfully request that in order to protect Connecticut's drinking water supplies and other water resources the bill be amended to prohibit the treatment, storage, disposal, and discharge of hydraulic fracturing waste in Connecticut.**

Thank you again for the opportunity to comment upon this important bill.