

**TESTIMONY OF ERIC BROWN
CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION
before the
ENERGY & TECHNOLOGY COMMITTEE**

March 4, 2014

Good afternoon. My name is Eric Brown and I serve as associate council and director of energy and environmental policy for the Connecticut Business & Industry Association (CBIA). CBIA represents roughly 10,000 companies throughout Connecticut and we are a strong supporter of Governor Malloy's Comprehensive Energy Strategy and its goal of making Connecticut a more competitive state by bring cheaper, cleaner and more reliable energy to our citizens. This is one reason **CBIA opposes**:

H.B. No. 5409 (RAISED) AN ACT CONCERNING HYDRAULIC FRACTURING WASTE, which seeks to make Connecticut the first state in the country to regulate wastewater from hydraulic fracturing as hazardous waste.

A robust portfolio of North American fossil fuels combined with expanding development of renewable energy sources has America on the doorstep of energy independence – a scenario only dreamed about a decade ago and a scenario that will transform everything from our economy to our geopolitical and national security priorities around the world. It will make Connecticut stronger, New England stronger and our nation stronger.

So it is indeed crucial to our citizens and our economy that we embrace this once-in-a-generation opportunity and thoughtfully address any challenges it presents. One of those challenges is managing wastewaters that are a byproduct of hydraulic fracturing.

There are three options for managing these wastewaters:

1. Reintroduce the wastewaters back into the ground via underground injection wells.

This technique is used in many states throughout the country. Connecticut however, has strict laws against such discharges and we would not support utilizing this management strategy in Connecticut.

2. Reduce, reuse, recycle

States where hydraulic fracturing is occurring are working to develop best management practices for reducing the amount of fluids used in the fracturing process. And the use of on-site recycling is also on the rise. A recent study from the University of California at Berkley, recommends that California consider incentivizing recycling of these wastewaters through tax exemptions.¹ They also recommend consideration of developing a general permit for recycling and beneficial reuse in appropriate cases. If California is progressively taking action to encourage beneficial reuse of these recycled wastewaters, why is Connecticut considering banning them or making recycling a prohibitively expensive option?

3. Treatment and discharge

This also represents a very viable option for Connecticut and other states to effectively manage wastewater from hydraulic fracturing. To be clear, no one is suggesting these wastewaters be directly discharged to surface water or groundwater. In fact, it may well be the case that discharging some untreated hydraulic fracturing wastewaters to municipal POTWs is ill-advised. However, if this proves to be the case, there is no reason pretreatment regulations could not be put in place with a special focus on limits for total dissolved solids, chlorides, barium, strontium or other materials associated with these wastewaters.



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¹ Regulation of Hydraulic Fracturing in California: A Wastewater and Water Quality Perspective, Center for Law, Energy & the Environment, University of California – Berkeley. April 2013; [http://www.law.berkeley.edu/files/ccelp/Wheeler_HydraulicFracturing_April2013\(1\).pdf](http://www.law.berkeley.edu/files/ccelp/Wheeler_HydraulicFracturing_April2013(1).pdf). Pg. 41.

EPA study

At the request of Congress, EPA is conducting a study to better understand any potential impacts of hydraulic fracturing on drinking water resources. The scope of the research includes the full lifespan of water in the hydraulic fracturing process, and will also explore processes used for treatment and reuse of hydraulic fracturing wastewater.

A progress report was released by EPA in December 2012 and a draft final report is expected to be released for public comment and peer review later this year.

The research is being guided by members of EPA's Hydraulic Fracturing Research Advisory Panel – a distinguished panel that includes over 30 national experts including nearly 20 of the nation's leading universities (see attached).

Among the members is Dr. James Saiers - Professor of Hydrology, Associate Dean of Academic Affairs and Professor of Chemical Engineering at Yale University's School of Forestry and Environmental Studies.

Regulating as Hazardous Waste

H.B. 5409 proposes to address this challenge by requiring that hydraulic fracturing wastewaters be regulated as “hazardous wastes.” CBIA believes this is ill-advised for two reasons. First what constitutes “hazardous waste” is defined in federal statute and Connecticut DEEP relies on that definition for administering the federal program in Connecticut. Having one state modify the definition would again set us apart from state's we compete with as being more heavy-handed with respect to our regulatory climate.

Equally as problematic, identifying these wastewaters as “hazardous waste”, would exponentially add to the cost of managing it. CBIA continues to caution the legislature to carefully consider the implications making Connecticut the “first in the nation” with respect to new regulatory burdens. The negative implications could be particularly severe in this case. For example, if New York and Pennsylvania and other nearby states should decide to follow Connecticut in this regard by classify



these wastewaters as hazardous wastes, the cost of producing natural gas in the northeast would rise exponentially – thus jeopardizing the opportunity discussed at the outset of this testimony, to reduce energy costs and achieve energy independence.

Conclusion

It would appear to us that a prudent course of action for the legislature would be to instruct the Department of Energy and Environmental Protection to, utilizing the peer-reviewed research compiled through the EPA study, to develop regulations and permit requirements concerning the treatment (including pretreatment), storage, recycling and reuse of hydraulic fracturing wastewaters, should any entity choose to bring it here in the future. Therefore, CBIA urges you to reject H.B. 5409.

Thank you for this opportunity to comment.



Members of EPA's Hydraulic Fracturing Research Advisory Panel

Dzombak, David A.	Chair Carnegie Mellon University	Pittsburgh	PA
Almond, Stephen W.	MeadWestvaco Corporation	North Charleston	SC
Bair, E. Scott	Ohio State University	Columbus	OH
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Faustman, Elaine M.	University of Washington	Seattle	WA
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Goode, Daniel J.	U.S. Geological Survey	Exton	PA
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