



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



**In Support of**

H.B. 5409 AAC HYDRAULIC FRACTURING WASTE

Before the Energy and Technology Committee

March 4, 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 Duff, Representative Reed, and members of the Committee:

Thank you for the opportunity to comment on House Bill 5409, which has a potential impact on the health of Long Island Sound.

**Fracking:** H.B. 5409

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. 5409 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. H.B. 5409 also adds a much needed report provision that will help the state better understand the magnitude and potential threat to its natural resources.

While these fixes are essential, additional protections are needed. 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, while not before your committee today, 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 H.B. 5409 and S.B. 237.**

Thank you for your consideration.

Sincerely,

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