



Testimony of Steven Guveyan, Connecticut Petroleum Council
Opposition to Hydraulic Fracturing Waste Ban Bill (HB-6329)
March 13, 2017

Conclusion:

By statute, DEEP has until July 1, 2018 to write Hydraulic Fracturing (HF) Waste regulations. This bill short-circuits that process and imposes an outright ban on HF wastes from entering Connecticut. *Don't short-circuit the process---let the agency finish its rule-writing project as tasked by the General Assembly.* It is extremely unlikely that oil & gas wastes would ever be treated here because of the long distance between Connecticut and the Marcellus Shale (PA, OH & WV), and because many HF wastes today are recycled and treated directly on site in those states. No state has ever banned HF wastes from entering the waste stream as this bill proposes to do. A ban is also environmentally unfriendly because recycling is an option!

Rationale:

The issue of hydraulic fracturing (HF) waste was debated extensively by the Connecticut General Assembly in 2014, culminating with passage of PA 14-200 which subjects HF wastes to strict rules and requires DEEP to submit new HF waste regulations to the legislature by 7/1/18. The General Assembly specifically opted for new regulations instead of an HF waste ban after considering both options.

As written, HB-6329 short-circuits that process and mandates an outright HF waste ban---HF wastes would be permanently barred from entering Connecticut---even though the regulations have not yet been finalized, and even though many HF wastes are ordinary items found in food sources or household wastes, and include things such as chlorine, citric acid, table salt, borate salts and isopropanol, all of which are found in small quantities and in diluted form. There has been no showing that the current law hasn't worked, or that any HF by-products have improperly entered the Connecticut waste stream. Let DEEP write its regulations.

As you know, there are no hydraulic fracturing operations in any of the 6 New England states, nor are there any Class II underground injection wells that could accept HF wastes generated by hydraulic fracturing, so the effort to pass HB-6329 is symbolic-only. The oil & gas producing region in the Marcellus Shale and Utica Shale (PA, OH and WV) is just too distant to send wastes here for treatment. Today, many hydraulic fracturing wastes are actually recycled on site in states such as Pennsylvania---and then re-used.

This bill is inconsistent with the governor's Comprehensive Energy Strategy which relies heavily on natural gas---a fuel largely produced by hydraulic fracturing. Passage would make the state

look disingenuous, in effect saying “We want the natural gas but we don’t want to treat or recycle wastes generated by that gas.” In states where there is hydraulic fracturing, the issue of HF wastes has been dealt with extensively by the State Oil & Gas Regulatory Exchange (SOGRE) under its States First Initiative and the State Review of Oil and Natural Gas Environmental Regulations (STRONGER) ---a multi-stakeholder model, so no further action is needed. Please let DEEP finish writing its regulations.

We strongly recommend against including any language that prohibits or limits transporting, treating, discharging, processing, recycling or storing of HF wastes. Incorporating such language is the equivalent of a “back-door ban”, since all cutting and fluids at some point will have to be transported, treated, discharged, processed, recycled, stored and disposed of. Including that language is inconsistent with the governor’s plan to bring more natural gas to Connecticut.

Thank you for considering our testimony. Please contact us if you have questions or comments.