



General Assembly

**Amendment**

January Session, 2017

LCO No. 6796



Offered by:

REP. SAMPSON, 80<sup>th</sup> Dist.

REP. FRANCE, 42<sup>nd</sup> Dist.

To: House Bill No. 6329

File No. 388

Cal. No. 283

**"AN ACT CONCERNING HYDRAULIC FRACTURING WASTE IN CONNECTICUT."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 22a-472 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) For the purposes of this section:

6 (1) "Dispose" means the discharge, deposit, injection, dumping,  
7 spilling, leaking or placing of any waste into or on any land or water so  
8 that such waste, or any constituent of such waste, may enter the  
9 environment, be emitted into the air or discharged into any waters of  
10 the state;

11 (2) "Fluid" means any material or substance that flows or moves  
12 whether in semisolid, liquid, sludge, gas or any other form or state;

13 (3) "Gas" means all natural gas, whether hydrocarbon or  
14 nonhydrocarbon, including, but not limited to, hydrogen sulfide,  
15 helium, carbon dioxide, nitrogen, hydrogen and casinghead gas;

16 (4) "Hydraulic fracturing" means the process of pumping a fluid into  
17 or under the surface of the ground in order to create fractures in rock  
18 for exploration, development, production or recovery of gas.  
19 "Hydraulic fracturing" does not include the drilling or repair of a  
20 geothermal water well or any other well drilled or repaired for  
21 drinking water purposes;

22 (5) "Person" means any individual, firm, partnership, association,  
23 syndicate, company, trust, corporation, limited liability company,  
24 municipality, agency or political or administrative subdivision of the  
25 state;

26 (6) "Radioactive materials" means any material, solid, liquid or gas,  
27 including, but not limited to, waste that emits ionizing radiation  
28 spontaneously;

29 (7) "Store" means holding waste for a temporary period, at the end  
30 of which the waste is treated, disposed of or stored elsewhere;

31 (8) "Transfer" means to move from one vehicle to another or to  
32 move from one mode of transportation to another;

33 (9) "Treat" means any method, technique or process designed to  
34 change the physical, chemical or biological character or composition of  
35 any waste, including, but not limited to, the reclaiming or rendering of  
36 waste from hydraulic fracturing as suitable for use or reuse; and

37 (10) "Waste from hydraulic fracturing" means any wastewater,  
38 wastewater solids, brine, sludge, drill cuttings or any other substance  
39 used for or generated secondarily to the purpose of hydraulic  
40 fracturing.

41 (b) No person may accept, receive, collect, store, treat, transfer or  
42 dispose of waste from hydraulic fracturing, including, but not limited

43 to, the discharge of wastewaters into or from a pollution abatement  
44 facility, until the Commissioner of Energy and Environmental  
45 Protection adopts regulations, in accordance with the provisions of  
46 chapter 54, including approval of such regulations by the standing  
47 legislative regulation review committee, to: (1) Eliminate the  
48 exemption in the state's hazardous waste management regulations,  
49 adopted pursuant to subsection (c) of section 22a-449 for the wastes  
50 identified in 40 CFR 261.4(b)(5) and to provide that such wastes shall  
51 be subject to the state's hazardous waste management regulations, as  
52 applicable, as set forth in sections 22a-449(c)-100 to 22a-449(c)-119,  
53 inclusive, and section 22a-449(c)-11 of the regulations of Connecticut  
54 state agencies, (2) ensure that any radioactive materials that may be  
55 present in wastes from hydraulic fracturing do not create or will not  
56 reasonably be expected to create a source of pollution to the air, land  
57 or waters of the state and do not otherwise pose a threat to the human  
58 health or the environment of this state, and (3) require disclosure of the  
59 composition of the waste from hydraulic fracturing. The commissioner  
60 shall not submit regulations authorized by this subsection to the  
61 standing legislative regulation review committee earlier than July 1,  
62 2017, provided the commissioner shall submit such regulations to said  
63 committee not later than July 1, [2018] 2019.

64 (c) After the adoption of the regulations, including the approval of  
65 such regulations by the legislative regulation review committee,  
66 required by subsection (b) of this section, no person shall collect or  
67 transport waste from hydraulic fracturing for receipt, acceptance or  
68 transfer in this state unless such person obtains a permit, prior to any  
69 such collection or transport, issued in accordance with the provisions  
70 of section 22a-454. Such permit shall be required even if such collection  
71 or transportation is undertaken by a person whose principal business  
72 is not the management of such wastes. In any such permit the  
73 commissioner shall require, in addition to any other conditions, that  
74 records be maintained concerning the origins and all intermediate and  
75 final delivery points of such wastes from hydraulic fracturing.

76 (d) No person may sell, offer for sale, offer, barter, manufacture,

77 distribute or use any product for anti-icing, de-icing, pre-wetting or  
78 dust suppression that is derived from or that contains waste from  
79 hydraulic fracturing until the commissioner adopts regulations in  
80 accordance with the provisions of chapter 54, including approval of  
81 such regulations by the legislative regulation review committee,  
82 authorizing such sale, offer, barter, manufacture, distribution or use.  
83 Such regulations shall either prohibit any such products or shall  
84 contain any conditions that the commissioner deems necessary to  
85 protect human health and the environment and to ensure that the sale,  
86 offer, barter, manufacture, distribution or use of any such product does  
87 not create or will not reasonably be expected to create a source of  
88 pollution to the air, land or waters of the state. Such conditions may  
89 include, but are not limited to, a written statement to accompany such  
90 product indicating that such product contains or is derived from  
91 wastes from hydraulic fracturing.

92 (e) In implementing the provisions of this section, the commissioner  
93 shall request of any person information, including, but not limited to,  
94 whether and to what extent an anti-icing, de-icing, pre-wetting or dust  
95 suppression product is or may be derived from or contain wastes from  
96 hydraulic fracturing, where the materials used to manufacture any  
97 such product were obtained, and the chemical composition of such  
98 product or waste from hydraulic fracturing. If any person fails to  
99 provide the information requested by the commissioner pursuant to  
100 this subsection, such failure shall provide a basis for the commissioner  
101 to prohibit the sale, offering for sale, bartering, manufacturing,  
102 distribution or use of such anti-icing, de-icing, pre-wetting or dust  
103 suppression product or to not adopt regulations required pursuant to  
104 subsection (b) or (d) of this section, as applicable.

105 (f) Any information acquired by the commissioner under this  
106 section shall be subject to disclosure in accordance with the provisions  
107 of chapter 14.

108 (g) Until the adoption of regulations in accordance with subsection  
109 (b) of this section, the commissioner may approve, in writing, not more

110 than three requests to allow a person, who the commissioner  
111 determines to be professionally qualified, to treat waste from hydraulic  
112 fracturing, provided such treatment is solely for the purpose of  
113 conducting research to determine whether such waste can be treated to  
114 make such waste suitable for use or reuse. The commissioner shall  
115 prescribe the form to be used for submitting any such request,  
116 including any information that the commissioner deems necessary for  
117 evaluating any such request. In approving any such request, the  
118 commissioner shall prescribe any conditions or requirements the  
119 commissioner deems necessary to prevent pollution to the air, land or  
120 waters of the state or to protect human health or the environment and  
121 shall include requirements regarding the disposal of any waste from  
122 any such research. From July 1, 2014, until the adoption of regulations  
123 in accordance with subsection (b) of this section, no person whose  
124 request is approved pursuant to this section shall: (1) Apply for or  
125 obtain more than three such approvals pursuant to this subsection, and  
126 (2) treat more than three hundred thirty gallons of waste from  
127 hydraulic fracturing in accordance with this subsection, regardless of  
128 the number of approvals issued to such person. The commissioner  
129 may authorize a single treatment in excess of such gallon limitation by  
130 one person provided such authorization allows for the treatment of not  
131 more than five hundred gallons of waste from hydraulic fracturing.  
132 For the purposes of this subsection, all wastes from hydraulic  
133 fracturing shall be considered to be hazardous waste, as defined in  
134 section 22a-448, regardless of the state's incorporation by reference of  
135 40 CFR 261.4(b)(5).

136 (h) Any person exploring for oil or gas on or after the effective date  
137 of regulations required by this subsection shall register with the  
138 Commissioner of Energy and Environmental Protection on a form  
139 prescribed by him. The commissioner shall adopt regulations in  
140 accordance with the provisions of chapter 54 setting forth (1) standards  
141 for oil and gas exploration and production wells, including, but not  
142 limited to, standards for the abandonment of exploration and  
143 production activities, and (2) the amount of a fee to be paid by

144 registrants which shall be sufficient to pay the cost of administering  
145 the registration program."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-472