

Environment Committee JOINT FAVORABLE REPORT

Bill No.: SB-753

Title: AN ACT CONCERNING THE STATE-WIDE BAN ON FRACKING WASTE.

Vote Date: 2/25/2019

Vote Action: Joint Favorable Substitute

PH Date: 2/4/2019

File No.: 56

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

SPONSORS OF BILL:

Sen. Mary Daugherty Abrams, 13th Dist.
Sen. Steve Cassano, 4th Dist.
Sen. Will Haskell, 26th Dist.
Sen. Heather B. Somers, 18th Dist.

Sen. Alexandra Bergstein, 36th Dist.
Sen. Mae Flexer, 29th Dist.
Sen. Marilyn V. Moore, 22nd Dist.
Sen. Gary A. Winfield, 10th Dist.

Rep. Jill Barry, 31st Dist.
Rep. Patrick S. Boyd, 50th Dist.
Rep. Juan R. Candelaria, 95th Dist.
Rep. Robin E. Comey, 102nd Dist.
Rep. Patricia A. Dillon, 92nd Dist.
Rep. Josh Elliott, 88th Dist.
Rep. John K. Hampton, 16th Dist.
Rep. Roland J. Lemar, 96th Dist.
Rep. David Michel, 146th Dist.
Rep. Pat Wilson Pheanious, 53rd Dist.
Rep. Geraldo C. Reyes, 75th Dist.
Rep. Travis Simms, 140th Dist.
Rep. Kerry Szeps Wood, 29th Dist.

Rep. Mitch Bolinsky, 106th Dist.
Rep. Raghiv Allie-Brennan, 2nd Dist.
Rep. Fred Camillo, 151st Dist.
Rep. Christine Conley, 40th Dist.
Rep. Jason Doucette, 13th Dist.
Rep. Joseph P. Gresko, 121st Dist.
Rep. Anne Hughes, 135th Dist.
Rep. Stephen R Meskers, 150th Dist.
Rep. Anthony L. Nolan, 39th Dist.
Rep. Quentin W. Phipps, 100th Dist.
Rep. Kim Rose, 118th Dist.
Rep. Michael Winkler, 56th Dist.
Rep. Tami Zawistowski, 61st Dist.

REASONS FOR BILL:

Concerns have been shared about the potential health and environmental hazards associated with fracking waste. State residents by their public testimony and several municipalities by their ordinances do not want fracking waste in their communities. Among other restrictions, this bill permanently bans collecting, storing, handling, applying, disposing and using hydraulic fracturing waste (such wastes includes those from natural gas, oil, and other subsurface hydrocarbons) in Connecticut. Currently, the aforementioned named

activities in regards to hydraulic fracturing waste are currently banned until the Department of Energy and Environmental Protection adopts regulations. The current moratorium is narrower in scope than the banning provisions listed in the bill.

Additionally, this bill includes limited exception for research, but requires the Connecticut Department of Energy and Environmental Protection (DEEP) to adopt regulations before approving any exceptions.

Substitute Language – LCO No. 4739

Substitute language includes “apply” to the list of restricted activities in regards to natural gas waste, oil waste, and hydraulic fracturing waste, and provides a definition of “apply”.

RESPONSE FROM ADMINISTRATION/AGENCY:

None Submitted.

NATURE AND SOURCES OF SUPPORT:

Nancy Alderman, President, Environment and Human Health, Inc.: Contaminated ground waters have been discovered in states that have fracturing wells. The U.S. House of Representatives Committee on Energy and Commerce reports that more than 650 commonly used fracking products contain chemicals that are considered carcinogens under the Safe Drinking Water Act.

Amy Morrin Bello, Mayor, Town of Wethersfield: The town of Wethersfield passed a fracking ban ordinance in early 2018. Such ordinance has not hindered projects or limited bidders.

Lori Brown, Executive Director, Connecticut League of Conservation Voters: Fracking waste contains dozens of chemicals that are strongly linked to developmental or reproductive health problems, such as mercury, arsenic, and lead. Additionally, fracking waste contains radioactive materials, such as Radium-226 and Radium-228. Furthermore, although Connecticut does not conduct fracking activities, the state is located near states that do conduct hydraulic fracturing.

Louis Burch, Connecticut Program Director, Citizens Campaign for the Environment: Research shows that state regulators have underestimated the radioactivity of liquid and solid fracking waste products. Radioactivity of production brines from wells drilled in New York’s Marcellus Shale was found to exceed Safe Drinking Water Act standards by 320,500%. Fifty-seven towns in Connecticut have adopted local ordinances banning hydraulic fracturing waste.

Betsy Gara, Executive Director, Connecticut Council of Small Towns: A growing number of towns are expected to adopt local ordinance prohibiting storage of hydraulic fracturing, fifty-six towns have already adopted such ordinance. Local ordinances result in inconsistency, and enforcement issues and creates compliance issues for contractors and

vendors. Furthermore, adopting local ordinances is a costly process. A uniform, statewide ban on fracking waste is the best way to address the issue.

Donna Hamzy, Advocacy Manager, Connecticut Conference of Municipalities (CCM):

Although supportive of a statewide ban on fracking waste, CCM recommends the bill be amended to (1) require the Department of Energy and Environmental Protection to regulate, evaluate and enforce fracturing waste in Connecticut, and (2) include language that would preempt any municipal ordinance that have been enacted. Local communities incur substantial costs in adoption local ordinances and do not have the expertise or resources to evaluate the science associated with fracking waste.

Beth Heller, First Selectman, Town of Woodbridge: Although supportive of the bill, the town of Woodbridge asks that the legislature not weaken the effects of the ordinance the town of Woodbridge has enacted.

Anne Hulick, Connecticut Director, Clean Water Action: Dozens of studies have documented harms associated from exposure to fracking waste. Due to science on health and environmental impacts associated with the hydraulic fracturing processes, over fifty-seven towns have passed local ordinances prohibiting the import of fracking waste. Transporting such substances into the state poses serious risk of spills, leaks, and contamination.

Matthew S. Knickerbocker, First Selectman, Town of Bethel: Fifty-four Connecticut communities have banned fracking waste; however, these communities do not have the proper resources to test and enforce the ban. Additionally, such prohibitions, created by way of municipal ordinances, create operational challenges for commercial operators who have to be knowledgeable of these communities' regulation. However, the greatest concern is the deliberate use of hydraulic fracturing waste byproduct materials used in commercial and industrial products.

Bill Lucey, Long Island Soundkeeper, Save the Sound: Several communities in Pennsylvania, which has an active fracking industry, have had their drinking wells polluted with fracking contaminants and require water delivered by truck. Fracking contaminants leach into various waterways and eventually into the aquifer. Additionally, the state of Connecticut has invested significant funds to ensure sewage treatment plants have sufficient capacity to treat the existing flow of nitrogen and phosphorous, adding fracking wastewater to treatment plants has caused plant operation issues and has destroyed machinery in other states.

The Environment Committee received approximately 100 similar testimonies supporting the bill explaining there are (1) significant environmental and health hazards associated with the production, transport and disposal of fracking waste, and (2) there are over 50 towns have enacted similar ordinances banning fracking waste.

NATURE AND SOURCES OF OPPOSITION:

Steven Guevan, Executive Director, Connecticut Petroleum Council: This bill is unnecessary and is "symbolic-only." Connecticut does not have the geology for fracking oil or natural gas; therefore, there is no reason to transport or dispose of fracking waste in the

state. Furthermore, a 1984 regulation from the Department of Energy and Environmental Protection bans Class II underground injections wells, and the state passed a moratorium on hydraulic fracturing waste activities in 2014.

Reported by: Steve Smith / Ussawin R. Bumpen Date: 3/21/19