

February 15, 2018

Dear Editor,

We are writing in response to the article, *Weston selectmen vote to send fracking waste ban to counsel*, of Feb 5, 2018 by Gregory Menti, to help clarify a few important points raised by Selectman Stephen Grozinger.

The selectman is correct that currently Connecticut has a temporary moratorium on some types of fracking waste, however, as part of that same law, the Dept. of Energy and Environmental Protection (DEEP) must submit draft regulations for importing this waste by July 1, 2018. Future regulations=future permits. The local ordinances protect towns permanently from a comprehensive list of wastes from drilling and extraction processes. The State has failed three times in the last five years to pass a state-wide ban.

Grozinger questions the necessity of proceeding with the process, saying there isn't anywhere in Weston to store fracking waste even if the town wanted to do that. The problem is that towns don't have to have a landfill or treatment plant to be impacted. Future regulations could allow fracking waste to be mixed into construction fill or spread on roads as a de-icer or for dust control. Any town can be impacted by these uses, as could our waterways, aquifers and eventually Long Island Sound. There is no downside to protecting the town from potential future remediation and/or restitution costs. This is a pro-active action to protect Weston from future contamination.

Less than 25 miles from Weston, Westchester County passed a permanent fracking waste ban in 2012, signed into law by the Republican County Executive. Republican-dominated Putnam County followed the next year. Across the Sound, both Long Island counties, Nassau & Suffolk Counties, passed waste bans years ago, and have gone back to amend and strengthen them since. All five boroughs of New York City banned fracking waste in 2016. The State of Vermont and many parts of New Jersey also have bans in place. CT is just waking up to the problem. This week Redding was the 36th town to pass a ban.

Grozinger suggested there "may be harm" in putting prohibitions in place because it would cost money to have Weston's town counsel review and consider the ordinance. However, this small investment would begin the process of protecting town taxpayers permanently from any future costs associated with remediation and/or restitution. All we have to do is look at our neighbor Greenwich, which had to close its high school athletic fields for 4 years and spend millions of dollars excavating contaminated fill. The total cost to complete may exceed \$15 million dollars. With hundreds of thousands of tons of fracking waste being produced, there is immense pressure to ship it into other states. Liquid waste could come from Pennsylvania across I84, I95 and Route 7 to Bridgeport, which has a privately-owned hazardous waste treatment facility. From there, depending on future regulations, partially-treated waste may go to other waste-water treatment plants and be returned to the Sound.

Grozinger also expressed concern with a requirement to put ordinance language in all of Weston's bids and contracts: "Every time we need to put language in a contract, it means that for every contract you're negotiating with a pair of lawyers." However, other CT towns and cities now have special provisions clauses for contractors to sign, stating they won't source materials from fracking wastes. This is a layer of protection that Weston could use, too, to avoid the contract complications the selectman suggests.

We would also like to add that First Selectman Spaulding, who supports the ban, is right to be concerned about potential future regulation changes at the state level that could affect the town. In fact, added to the CT budget bill, at the "midnight hour," was Section 561, which requires certain permits to the Department of Energy and Environmental Protection to pass in 90 days, whether or not DEEP has completed their review process. A current state law to mandate future regulations for fracking waste, coupled with this new law, could have negative impacts on towns if future regulations allow re-use of fracking wastes, such as for road de-icing.

We commend the town's Selectmen who support this ordinance. They recognize that future regulations mean future permits, but that an ordinance for Weston means no storage tanks, transfer sites, no use of any kind, ever. Joining the other CT towns with bans also sends a message to Hartford that we support a state-wide ban. Strong leadership includes keeping ahead of potential problems and protecting the town budget, public health, the environment, streams, rivers, aquifers, and Long Island Sound from 21st century pollution.

Sincerely,

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