

September 10, 2018

Dear First Selectman Marconi and fellow Ridgefield Selectmen,

I am writing on behalf of the Norwalk River Watershed Association in an effort to correct some of the misunderstandings voiced at the last Board of Selectmen meeting regarding the ordinance to ban fracking waste that has been proposed by RACE.

**1. The ordinance proposed by RACE does not ban transport.**

That is a misunderstanding by one of the selectmen.  Interstate transport is protected by federal commerce laws, and there is no language in the ordinance that bans transport.

The ***transfer*** of toxic waste is banned (for example by hose from one tanker truck to another, or by hose in or out of storage tanks to tanker trucks). The reason to ban *transfer* is because spills and leaks of toxic fluids commonly occur during this activity.

**2. Asphalt would not be banned by the original ordinance language.**

Fourty-nine CT towns and cities have already passed the ordinance that RACE proposed. Five NY County Legislatures passed this into law years ago, and it has been followed by 156 cities, towns and incorporated villages in those counties since.

**ALL** of these communities have continued to pave their roads with asphalt.

Asphalt uses binder material that is primarily produced from tar, which is a waste product that comes from waste *refining* oil.  The ordinance very clearly does not restrict any oil product or waste from **refining** oil; it prohibits waste from **extracting** oil, in other words, what comes out of the ground and is produced at the well pad when crude oil is first brought to the surface.

**3. The issue brought up by a selectman that the town may be held liable for the presence of toxic fracking waste by asking a contractor to sign a statement** that they won’t source materials from fracking & other drilling and extraction waste doesn’t make sense. This Provisions section provides further assurance to the town that Ridgefield will be doing business with contractors who won’t source contaminated materials. Norwalk, Bridgeport, Stamford, New Haven & Hartford all have this comprehensive language, as do other CT towns and cities, and every town in numerous NY counties also have this. The goal of the ordinance language is to shift liability away from the town and to require contractors to take responsibility for sourcing materials free of radioactive and other toxic waste.

**4.** It is important to consider that the more comprehensive definitions and prohibitions of oil & gas extraction wastes was also passed by the CT General Assembly Environment Committee by a margin of 29-1 (2018 Senate Bill 103). Unfortunately, this bill did not get called to the floor in time for a vote before the session ended. If passed, it would have strengthened a current weak state moratorium that only bans some wastes from one process, hydraulic fracturing. The CCM recommended ordinance also only bans some wastes from hydraulic fracturing as well, but would allow exemptions if DEEP approved permits in the future. **Unfortunately, recent testing and research by scientists shows that processed and treated waste, permitted for use by other states, has been contaminating roads with radioactive radium, lead and high levels of chlorides.[[1]](#endnote-1)**

NRWA would like to see Ridgefield prohibit all drilling and extraction wastes, as it has been proven that radioactive radium and chlorides can run-off after being spread on roads. We don’t want this toxic material traveling through the watershed in run-off, contaminating waterways and exposing citizens to carcinogenic radium. Once spread on roads or used in fill, products contaminated with radium will take 4,000 years for the radioactivity to decay.

It is clear that there is significant confusion within the board regarding the proposed RACE ordinance.  We believe a working session, which was suggested, would be helpful to clear up some of the confusion.  There are local experts--Kristen Quell-Garguilo and perhaps someone from the Ridgefield Conservation Commission--who are qualified to speak about this issue and perhaps from DEEP, as suggested. Also, Jen Siskind of Food and Water Watch, who helped to craft the language of SB 103, the state ban, which passed out of the General Assembly Environment Committee, and has worked on the issue for five years, could perhaps attend. It might be interesting to hear from Selectmen from towns that have passed the ordinance. We could help with finding some possible selectmen if you would like.

Thank you for considering these points and for working on this issue, which is vital to protecting our shared watershed.

Sincerely,

Louise Washer

Norwalk River Watershed Association

1. <https://stateimpact.npr.org/pennsylvania/2018/05/31/study-finds-health-threats-from-oil-and-gas-wastewater-spread-on-roads/>

 <http://www.post-gazette.com/news/environment/2018/07/02/Radium-radiation-commercial-brine-ohio-pennsylvania-aqua-salina-naturesown/stories/201806260107> [↑](#endnote-ref-1)