

Why Connecticut Communities Are Voting Yes on Strong Extraction Waste Ordinances

Over the past several years, over 50 cities and towns in Connecticut have passed strong ordinances banning the storage, treatment and use of oil and gas drilling waste. Why are they taking action on this waste, and why isn't the state moratorium & future regulations enough? Here's a quick explanation.

Why are towns voting to ban oil & gas extraction wastes?

Loopholes in a state moratorium on drilling waste and future regulations can expose towns and cities to contaminated materials. The state moratorium only bans certain wastes from one process called hydraulic fracturing or "fracking." The stronger extraction waste ordinances include, but are not limited to, fracking.

Passing a local law is the only way to fully protect municipalities, with the deterrent of making it illegal to bring extraction wastes into town.

Huge amounts of oil and gas extraction wastes and byproducts are being inadequately tested, treated, disposed of and used. Waste has been added to construction fill that is unstable to build on, and contaminated deicing and dust suppressant products have been sold and used in other states.

Passing a local law is the only way to restrict these processed wastes.

Are extraction wastes harmful?

Yes. Chemicals used & naturally-occurring toxins that mix into these wastes are known to cause multiple cancers, multiple organ damage, neurological & developmental problems, birth defects, embryo toxicity & other serious health problems.

Beyond public health issues, bringing contaminated materials into a given municipality risks future remediation expenses. Fill that is unstable can also create slippage in road and building projects, requiring repairs of unsafe conditions.

Lead, arsenic, radioactive radium, strontium, barium, chlorides, hexavalent chromium, benzene, and toluene are a just a few of the natural toxins that contaminate this waste. Wastes from wells that are not fracked are also radioactive and contain lead, and have contaminated waterways and products sold in other states.

How can extraction wastes come into towns now?

Wastes are being only partially treated, processed and sold off as construction fill, brownfield capping material, de-icer & dust suppressant. Private or public contractors could procure these materials and use them in town. The state moratorium only bans certain wastes, not all.

In other states, serious problems have arisen from the re-use of extraction wastes. Radioactive radium, lead, high levels of chlorides, benzene & toluene have been found in materials permitted for use as deicer & for dust control. These de-icer and dust control products are from wastes not currently banned in Connecticut. Permits to use these wastes in construction and for dust control have been rescinded in Pennsylvania.

A waste byproduct sold in several states, and found in hardware stores for consumer purchase in Ohio, was tested by state regulators after being permitted, and found to be highly radioactive with Radium 226.

Why doesn't the state moratorium protect us?

It has a very narrow definition of waste. It prohibits only certain types of hydraulic fracturing wastes, from gas wells only. Drilling, storage & leachate wastes from fracked gas wells are not included in the definition. Also, wastes from oil wells, and conventional gas wells, are not covered.

There is also circular language that refers right back to the purpose of hydraulic fracturing when prohibiting wastes "derived secondarily," so what is actually considered "secondary" is unclear.

What about DEEP regulations?

DEEP is now overdue in submitting regulations for review, as required in the moratorium. It is unclear if regulations will be submitted by the Malloy Administration or the next governor's administration.

Future DEEP regulations will bring only certain hydraulic fracturing wastes under state hazardous waste guidelines, and will likely lead to future permits. Private HazMat treatment plants in Connecticut have repeatedly been out of compliance with the Clean Water Act, discharging contaminants into state waterways in exceedance of regulations. Processed brines or fill permitted for use by DEEP in the future can be radioactive or unstable.

Are these ordinances too broad?

No, the ordinance is very specific: It bans wastes from oil and gas *extraction activity*, and byproducts of this waste. A byproduct is simply waste that has been processed and turned into another product.

Examples of banned waste include drilling muds, drill cuttings, sludge, flowback, "produced water" brine, and leachate. Examples of byproducts that are banned: drill cuttings mixed into construction fill and brownfield remediation material, brine used for de-icing and dust suppressant, and used frac sand.

Opponents push misinformation about protective ordinances

Providing local political leaders with half-truths and misinformation is intended to create doubt in order to prevent protective laws from passing.

These ordinances have been passed widely. Westchester County passed the same ban on gas extraction wastes and byproducts about six years ago, as has Suffolk County. Five additional New York counties (Albany, Cayuga, Clinton, Nassau, Tompkins) banned both oil and gas extraction wastes and byproducts. Hundreds of communities in these 7 NY counties follow these laws. As of October 2018, Fifty-one Connecticut towns and cities-- including Greenwich, Stamford, Norwalk, New Haven, New London, Hartford, and dozens of small towns -- passed laws banning oil and gas extraction wastes and byproducts.

In total, 273 New York and Connecticut municipalities are protected by the same definitions and prohibitions for gas extraction wastes, & 207 are protected from oil extraction wastes as well. All of these communities continue with economic development projects, pave and de-ice roads, construct buildings and homes, and complete infrastructure projects. There has been no detrimental economic impact, despite specious claims by opponents.

What is not banned?

Opponents suggest many other items will be banned. This is simply not true. They do not fit the definition of waste in the ordinance.

Oil and gas products are not banned, and neither is tar or asphalt. Propane tanks are not banned.

Waste oil, such as used motor oil or recovered dirty oil, or byproducts made from this oil, are not banned.

Byproducts from waste oils that may be removed from drilling wastes are not banned.

Coffee cups, sandwich wrappers or water bottles discarded or recycled by workers on a drill site are not banned. These are packaging and container products, not extraction wastes.

Recycled steel, such as metal pulled off of drilling rigs or pipes turned into a steel byproduct are not banned. The ordinance includes terms "geophysical and geologic activity" referring to waste coming out of the ground, not already manufactured steel products that are later recycled. Similarly, manufactured products that use grey water during production are not banned, regardless of the source. Oil and gas "produced water," which is also called brine, is what this ordinance bans, since there are obvious problems with discharging radioactive water into local sewage systems or waterways.

The CCM 'alternative' ordinance is not enough

Like, the existing state moratorium, an ordinance proposed by the Connecticut Conference of Municipalities (CCM) also bans wastes from the one process of hydraulic fracturing. It also has numerous exemptions that put towns at risk of contamination. CCM lobbied *against* a bill that would have strengthened state statute and banned the same extraction wastes. Ironically, numerous CCM Board members and officials in their towns have championed and passed the comprehensive extraction waste ordinance in their own communities. It is unclear what experience CCM has with toxic, radioactive fracking waste, or if they simply believe the fossil fuel industry or the Connecticut Petroleum Council that this waste is safe. The law firm hired by CCM has a division dedicated to construction industry clients.