



General Assembly

Amendment

February Session, 2014

LCO No. 4911

SB0023704911SD0

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
SEN. MEYER, 12th Dist.
SEN. DUFF, 25th Dist.
SEN. DOYLE, 9th Dist.
SEN. BARTOLOMEO, 13th Dist.
SEN. MAYNARD, 18th Dist.
SEN. HOLDER-WINFIELD, 10th
Dist.
SEN. KISSEL, 7th Dist.
REP. GENTILE, 104th Dist.
REP. ALBIS, 99th Dist.
REP. SHABAN, 135th Dist.

REP. REED, 102nd Dist.
REP. BOLINSKY, 106th Dist.
REP. WRIGHT E., 41st Dist.
REP. HAMPTON, 16th Dist.
REP. MILLER, 36th Dist.
REP. ABERCROMBIE, 83rd Dist.
REP. BOWLES, 42nd Dist.
REP. LESSER, 100th Dist.
REP. STEINBERG, 136th Dist.
REP. HWANG, 134th Dist.
REP. ZIOBRON, 34th Dist.
REP. BUCK-TAYLOR, 67th Dist.

To: Senate Bill No. 237

File No. 125

Cal. No. 120

**"AN ACT PROHIBITING THE STORAGE OR DISPOSAL OF
FRACKING 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 Section 22a-472 of the general statutes is repealed and the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 July 1, 2014*):

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 Regulations
47 Review Committee of the General Assembly, 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 set forth in sections 22a-449(c)-100 to 22a-449(c)-119, inclusive, and
53 section 22a-449(c)-11 of the regulations of Connecticut state agencies,
54 (2) ensure that any radioactive materials that may be present in wastes
55 from hydraulic fracturing do not create or will not reasonably be
56 expected to create a source of pollution to the air, land or waters of the
57 state and do not otherwise pose a threat to the human health or the
58 environment of this state, and (3) require disclosure of the composition
59 of the waste from hydraulic fracturing. The commissioner shall not
60 submit regulations authorized by this subsection to the legislative
61 regulation review committee earlier than July 1, 2017, provided the
62 commissioner shall submit such regulations to said committee not later
63 than July 1, 2018.

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 the effective date of this section until the
123 adoption of regulations in accordance with subsection (b) of this
124 section, no person whose request is approved pursuant to this section
125 shall: (1) Apply for or obtain more than three such approvals pursuant
126 this subsection, and (2) treat more than three hundred and thirty
127 gallons of waste from hydraulic fracturing in accordance with this
128 subsection, regardless of the number of approvals issued to such
129 person. The commissioner may authorize a single treatment in excess
130 of such gallon limitation by one person provided such authorization
131 allows for the treatment of not more than five hundred gallons of
132 waste from hydraulic fracturing. For the purposes of this subsection,
133 all wastes from hydraulic fracturing shall be considered to be
134 hazardous waste, as defined in section 22a-448, regardless of the state's
135 incorporation by reference of 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 [section] subsection shall register with
138 the 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>July 1, 2014</i>	22a-472
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