



**Testimony before New Jersey Senate Environment and Energy Committee
S246, the Frack Ban Bill
Tracy Carluccio, Deputy Director
Delaware Riverkeeper Network
February 9, 2012**

Delaware Riverkeeper Network supports S246, which would ban the practice of hydraulic fracturing gas in New Jersey, and requests the Committee support the Bill and move it forward to the full Senate immediately.

The reasons New Jersey needs the protection of a full ban include:

- **Hydraulic fracturing pollutes**

Hydraulic fracturing (“fracking”) employs hundreds of chemicals, many of them carcinogenic and toxic. A sample list of fracking fluids compiled by New York State is attached. Air pollution from fracking operations is just beginning to be studied. In areas drilling has been concentrated over time, such as Wyoming and Texas, EPA air quality standards are being violated due to lack of adequate air pollution controls on gas operations. Wastewater from fracking contains the hydraulic fracturing fluids and also the pollutants that reside in the deep shale formations where gas is being mined. Many of these are naturally occurring contaminants that are stirred up by fracking and brought up to the surface with the gas and “flowback” or wastewater. Naturally occurring radioactive materials (NORMs) are found in this wastewater as well as arsenic, heavy metals, benzene, and other toxic hydrocarbons. The wastewater is highly toxic yet there are no treatment facilities designed to remove all of the pollutants contained in the waste. A list of wastewater constituents in Pennsylvania and West Virginia wastewater compiled by New York State is attached.

- **Hydraulic fracturing loopholes allow fracking to pollute**

The gas and oil industry is exempt from portions of all major federal environmental laws, including the Safe Drinking Water Act, the Clean Water Act, and the Clean Air Act. Gas waste is exempt from RCRA, the federal Resource Conservation and Recovery Act, which allows the wastes from gas drilling to be classified as non-hazardous even though they are highly toxic. This means they can be discharged after minimal processing and solids and cuttings can be landfilled without adequate pollution controls. The industry is also exempt from CERCLA, the Superfund Law, which means they have less accountability than other industries for the pollution they leave behind. These loopholes in the nation’s most important environmental laws are resulting in pollution and degradation of environmental conditions across the Nation and there is nothing states can do about it until the federal loopholes are plugged.

- **Drillers and gas operators are getting away with egregious violations**
 In Pennsylvania, 12 environmental permit violations per day were recorded by PA Department of Environmental Protection (PADEP) in 2011 and the rate of permit issuance has increased there so far this year to almost 22 drilling permits per day. This has resulted in thousands of pollution incidents in the State. In 2010, 6 violations per day were reported; as gas drilling and fracking speeds up – as it is in PA – the problems multiply and pollution increases. The rapid fire pace of gas development and lack of government oversight and effective regulations have made a bad situation worse; the result is polluted and depleted streams, degraded communities, ruined farms, and rivers choked with runoff from huge well pads and non-stop industrial activity that is converting the drilling regions into industrial landscapes.
- **People are getting sick**
 Public health problems are surfacing in gas drilling areas. Health and science professionals are calling for human health studies and surveys to be done to track and investigate health and safety issues related to gas well drilling and fracking. An example of concerns being raised are contained in a letter from the Centers for Disease Control about recently health and safety issues in homes near gas wells in Ohio. A copy of the letter is attached.
- **Scientific studies are ongoing but not nearly complete; many completed reports reveal pollution**
 The U.S. Environmental Protection Agency is conducting a study of hydraulic fracturing, including Safe Drinking Water Act issues and how to safely treat fracking wastewater. But the study won't be completed until the end of 2014, with probable publication in 2015. The Department of Energy has done some study but has called for more in-depth analysis. Academic studies out of Cornell and Duke University are exposing air and water pollution caused by fracking and gas drilling. Earthquakes being caused by injection of frack waste have halted the practice near Youngstown Ohio while the seismic issues are investigated. Hydrogeologists point out that the practice of hydraulic fracturing is causing inevitable aquifer pollution due to substandard technology that needs improvement to be safe. A copy of a Fact Sheet on aquifer pollution is attached.
- **New Jersey communities and resources will suffer. Why?**
 - a proliferation of new gas pipelines with compressor stations cutting across the New Jersey to carry shale gas to market;
 - renewed interest in Liquefied Natural Gas facilities to export gas to foreign buyers;
 - the threat of the import to the State's discharge facilities of highly contaminated wastewater they are not equipped to treat, resulting in pollution to our rivers and water supplies and the threat of the import of toxic residue from gas waste processing and toxic-laden drill cuttings to landfills that are not designed to contain hazardous waste (due to an exemption that classifies hazardous substances produced by natural gas drilling as non-hazardous);
 - the threat of a raid on New Jersey's water to feed the need for water-intense fracking
 - If gas development starts in the Delaware River Watershed, water quality for at least 1/3 of the State's population – as “downstreamers” -- will plunge.

If we ban fracking in New Jersey, we can at least prevent these problems here. ***Preventing pollution by banning the dangerous practice of hydraulic fracturing is the best investment that can be made in New Jersey's drinking water.*** This is the most reasonable and conservative approach the Senate can take—to prevent pollution and degradation by not allowing the practice within New Jersey.