

# NJ Frack Waste Ban Bill S1041/A2108

- **The Frack Waste Ban Bill, S1041/A2108, prohibits in New Jersey the discharge, disposal, processing, storage, application to a roadway or release to the environment of waste from the process of hydraulic fracturing, or “fracking”, for natural gas. The bill was passed by a landslide bi-partisan vote of the NJ Legislature (half of NJ's Republican legislators and all Democrats voted for the bill).** This is a greater margin of success than last session; support for banning this toxic waste is growing. Unfortunately, the bill was vetoed by Governor Christie.
- **The Bill addresses the health and environmental impacts of this highly toxic and radioactive waste** by preventing the pollution it would cause to the drinking water and communities of New Jersey. The purpose is NOT to keep waste from other states out of New Jersey; this bill prevents toxic waste from hydraulic fracturing from being dumped in New Jersey, no matter where it originates.
- Fracking in Pennsylvania is producing millions of gallons of frack waste and the volume can be expected to increase since the approval of an export facility for shale gas from the Marcellus (Cove Point MD) and because the fracking moratorium could be lifted in the Delaware River Watershed. Several injection wells used for disposal in Ohio are shut down due to earthquakes and the waste needs more places to go. **New Jersey has already become a target for frack waste as evidenced by the more than 1.5 million gallons of frack wastewater and the 478+ tons of drill waste** that was already sent to facilities in New Jersey. And New Jersey could produce this toxic waste in-state if drilling starts in the Utica Shale or Newark Basin formations in the northern part of the state. To see one source of this data (from PA): <http://bit.ly/1uLBXqr>
- **A hazardous waste facility (ELCON) that could accept frack waste is currently proposed on the Delaware River** across from Mercer County in PA. If fracking companies want to send frack waste to the PA side of the river, we can expect them to try to send it less than a mile more to New Jersey.
- **Frack waste accepted in New Jersey violated radioactivity limits.** “Clean Earth” facilities in Kearney and Carteret and “LORCO” in Elizabeth have received frack waste from Pennsylvania shale gas wells. The Kearney facility **took frack waste so high in radioactivity that it violated their permit and they were issued a Notice of Violation by NJDEP.** Records show the Carteret facility also was sent radioactive frack waste. The DuPont Chambers Works facility in Salem County has accepted and discharged frack wastewater to the Delaware River.
- **No New Jersey treatment plants are designed to safely process frack waste or to treat the levels of radioactivity.** The Coast Guard recently admitted that frack wastewater is so high in radioactivity and so variable in its make-up that shipping it on rivers requires special handling. A New York Times investigation found radioactivity in drilling wastewater was sometimes hundreds to thousands of times the USEPA drinking water standard.  
<http://www.nytimes.com/interactive/2011/02/27/us/natural-gas-documents-1.html#document/p388/a9933>

- **No federal regulations have been adopted for the safe treatment of frack waste**, leaving the states at a loss. Exemptions from federal environmental laws exempt gas operations from sections of every major federal environmental law including the U.S. Resource Conservation and Recovery Act, allowing this hazardous waste to be treated as if it were not hazardous and enabling pollution of our water and air by known carcinogens and other toxins that pose hazards to public health and the environment.
- In Pennsylvania, radiation in frack waste going to landfills is a growing problem. The number of **garbage trucks setting off radiation monitors had a fivefold increase between 2009 and 2012**; radiation alarms went off 1,325 times in 2012, with more than 1,000 of those alerts just from oil and gas waste, according to data from the Department of Environmental Protection.  
<http://triblive.com/business/headlines/3945499-74/gas-radiation-radioactivity#ixzz2TBWC9UVk>
- **NJDEP does not have a routine system in place to track this waste and waste tracking from other states is completely inadequate.** In the PA Auditor General's extensive performance audit of PADEP published July 2014, DEP was faulted for poor frack waste tracking, advised to adopt a manifest system, and to require timely mandatory reporting.  
<http://www.auditorgen.state.pa.us/reports/performance/special/speDEP072114.pdf> The Associated Press reported in 2011 that Pennsylvania could not account for the disposal method used for 1.28 million barrels of wastewater (one-fifth of the annual total) due to faulty reporting.
- **In Pennsylvania and New York gas drilling waste can be applied to roads** as a dust suppressant and/or deicer. If we have another winter like this last one, these toxic and salty (and relatively inexpensive) liquids could find their way to New Jersey's highways, spreading pollutants here.
- The **Utica Shale** in northwestern New Jersey has all the same pollution hazards as Marcellus Shale, perhaps even more, and could be targeted by drillers in the future. **Shale formations in the Newark Basin** in the northern part of the state are also gas bearing, according to the United States Geological Survey. These formations would produce frack waste here in New Jersey, yet we do not have the treatment systems to safely manage it – without a ban on frack waste disposal, our communities and drinking water will be left vulnerable to these pollution hazards and we'll be in the same position that gas producing states are already in – inadequate disposal methods and/or facilities to safely treat frack waste.
- New Jersey is the most densely populated state in the Nation. We're already facing the construction across the State of new pipelines, compressor stations and other gas infrastructure. Banning would eliminate the risks and costs that frack waste presents to New Jersey's public health, public infrastructure, businesses, and the environment; it would also reduce the risk of accidental spills and air pollution from moving this waste by truck, rail, barge, or pipeline around the state. It makes sense to prohibit the waste to prevent the known problems.

**For more info: Clean Water Action/NJ - ClimateMama - Delaware Riverkeeper Network - Environment NJ - NJ Sierra Club - League of Women Voters of NJ - The Mothers Project - 350.org**