

## **NJ Frack Waste Ban Bill S1041/A2108**

- **The Frack Waste Ban Bill** was passed by a wide bipartisan margin last session but was vetoed by Governor Christie, leaving us exposed to this heavily polluted waste. The bill, reintroduced this session, **would prohibit discharge, disposal, processing storage, or application to a roadway or otherwise released into the environment in the State of waste from the process of hydraulic fracturing, or “fracking”, for natural gas.**
- **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.
- More and more frack waste is being produced in Pennsylvania and fracking moratoriums could be lifted in New York and the Delaware River Watershed. **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.
- **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.

- Problems with drilling waste are causing pollution due to these regulatory loopholes. For instance, in New York, Pennsylvania and West Virginia, barium – a naturally occurring mineral found in frack waste - produced by drilling was found in 47 of 48 wells tested with a median level exceeding what would be considered hazardous under New York law. Water soluble **barium compounds are poisonous and a common barium compound is used as a rat poison**. <http://www.eany.org/our-work/reports/out-sight-out-mind-new-yorks-failure-track-or-treat-fracking-waste-may-2012>
- 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 inadequate**. 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 hazardous salty (and relatively inexpensive) liquids could find their way to New Jersey, spreading pollutants into our environment.
- 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, or pipeline around the state. It makes sense to prohibit the waste to prevent the known problems.

**For more info:**

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