Washington DC - Congressman Maurice Hinchey (D-NY) today sent a letter to the United States Environmental Protection Agency (EPA) calling for immediate action to protect the nation's drinking water supplies from radioactive hydrofracking wastewater. A recent report in *The New York Times* revealed that wastewater with radioactivity levels hundreds or thousands of times maximum allowable levels is finding its way into rivers and streams and into drinking water supplies.

"We can't afford to take the 'wait and see' approach when it comes to radioactive, carcinogenic materials contaminating drinking water," said Hinchey. "That's why I'm calling on the EPA to act immediately to ensure that drinking water supplies are not being contaminated by radioactive waste from hydraulic fracturing. That means speeding up their ongoing study, monitoring radioactivity levels near drilling activities and working to eliminate the egregious exemptions from basic environmental safeguards, which prevent basic oversight of the fracking process."

In a letter sent today to EPA Administrator Lisa Jackson, Hinchey called for an acceleration of an ongoing EPA study into the impact of hydraulic fracturing on drinking water. The study was initiated last year in response to legislative language authored by Hinchey. The congressman also called for immediate monitoring of radioactivity levels at sewage treatment plants handling hydraulic fracturing wastewater and drinking water intakes near drilling activities. Finally, Hinchey recommended that EPA reverse a 1988 rulemaking that exempted wastes associated with the exploration, development or production of natural gas from the Resource Conservation and Recovery Act (RCRA).

The New York Times found that upon completion of drilling, gas companies dispose of the used hydraulic fracturing water at municipal wastewater plants that are incapable of filtering the naturally existing radioactive substances that are dug up and mixed in with fracturing water in the drilling process. The end result is wastewater plants releasing treated water into rivers and other waterways that are public sources of drinking water as well as fish that are used for food.

Hinchey co-authored the Fracturing Responsibility and Awareness of Chemicals (FRAC) Act to eliminate the so-called 2005 Halliburton exemption, which prevents the Environmental Protection Agency from regulating fracking through the Safe Drinking Water Act. The legislation would also require the disclosure of chemicals used in the hydraulic fracturing process. His letter to Jackson follows. A PDF can be found here.

February 28, 2011

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

Yesterday, The New York Times published an alarming report about new risks that hydraulic fracturing poses to drinking water supplies. The report found that hydraulic fracturing wastewater, or produced water, contains radioactivity at levels higher than previously known and is being sent to wastewater treatment plants that cannot safely remove the radioactive materials. These wastewater treatment plants are then dumping this contaminated water into rivers and streams that supply drinking water, threatening the health of millions of people. Unfortunately, as you know, EPA is limited in its abilities to regulate hydraulic fracturing due to a number of egregious exemptions the industry enjoys from our nation's most important environmental safeguards. However, I believe there are several specific actions EPA can and must take to protect the public health in light of these alarming new findings.

1. Accelerate EPA's current investigation into the risks hydraulic fracturing poses to drinking water.

In 2009, I authored language in the FY 2010 Interior-Environment Appropriations bill to initiate a new, comprehensive EPA study into the risks that hydraulic fracturing poses to drinking water supplies. Under your leadership, EPA began work on this study last year and the agency is to be commended for its thoughtful and comprehensive approach. However, according to EPA's plan, preliminary results will not be available until sometime late next year and the study will not be completed until 2014. In light of this new and very troubling information from The New York Times, and the massive pace at which new natural gas wells are being drilled across the country, EPA must accelerate its study plan and work to release initial results as soon as possible, with an emphasis on investigating the presence of high levels of radium and other radioactive materials in produced water.

2. Require immediate and continuous monitoring of radioactivity levels at sewage treatments plants handling hydraulic fracturing wastewater, as well as at drinking water intakes in close proximity to natural gas drilling activities.

The New York Times found that no testing for radioactivity has occurred at 65 different drinking water intake plants in Pennsylvania that are located downstream from wastewater treatment facilities handling produced water from hydraulic fracturing operations. This inaction sadly came with the blessing of federal and state regulators, according to the Times. This is highly alarming in light of the fact that the drilling boom in Pennsylvania only began around the same time. Given this new information about natural gas drilling wastewater containing radioactive materials at levels ranging from hundreds and even thousands of times higher than what is considered acceptable, EPA should immediately require that all drinking water intakes within active natural gas drilling areas be tested for radioactivity. Further, EPA should require such testing to be done on a continuous and regular basis going forward.

3. Reverse 1988 EPA rulemaking that exempted wastes associated with the exploration, development or production of natural gas from the Resource Conservation and Recovery Act (RCRA).

As The New York Times and many other reports have found, hydraulic fracturing wastewater is full of toxic chemicals and radioactive materials that are hazardous and pose clear public health risks. In addition to this information, there are numerous cases where individuals were injured or killed after coming into contact with hydraulic fracturing waste and where wildlife and livestock have been lost. Unfortunately, in 1988 EPA ruled that waste associated with natural gas drilling would not be subject to the protections of RCRA, which was passed by Congress in 1976 to protect human health and the environment from hazardous waste. Much has changed in the last 23 years, and it is clear that waste from natural gas is hazardous and poses a significant threat to public health and the environment. I strongly urge EPA to reverse its 1988 ruling and provide the public with the "cradle-to-grave" protections from natural gas waste that RCRA affords.

Natural gas drilling in the U.S. is now happening at a pace never before seen in our country's history and it is clear that regulations and objective scientific analyses into the risks of drilling lag far behind. Yesterday's story in The New York Times should make it clear that this industry is incapable of regulating itself and that the states are overwhelmed by the volume of challenges they face. It is critical that EPA use all the authority it has at its disposal to protect the public from the growing list of risks natural gas drilling poses to our water, our air, and our

communities. I urge you to consider my recommendations and look forward to your timely response.

Sincerely,

Maurice D. Hinchey