THE COUNCIL OF CANADIANS LE CONSEIL DES CANADIENS

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Mr. Michael McNally
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Thursday, September 22, 2011

RE: Treatment of Hydraulic Fracturing Fluids at Niagara Falls Wastewater Treatment Plant

Dear Members of the Niagara Falls Water Board:

The Council of Canadians is Canada's largest member-based advocacy organization with tens of thousands of members and over 70 community-based chapters across the country. We are a social justice organization and address environmental issues through an environmental justice perspective.

We have 12 Council chapters around the Great Lakes and have been working to protect water nationally and internationally for the last 25 years. Maude Barlow, the National Chairperson of the Council of Canadians, also served as Senior Advisor on Water to the 63rd President of the United Nations General Assembly (2008-2009).

I am writing to express concern about the proposal to treat hydraulic fracturing fluids at the Niagara Falls' wastewater treatment plant. Niagara Falls, which is situated on the Niagara River, connects to both Lake Erie and Lake Ontario. The treatment of fracking fluids in Niagara Falls' wastewater treatment system would put the Niagara River as well as the Great Lakes at risk as it is one integrated watershed.

The Great Lakes, specifically, and water, in general, are part of the global commons (a shared entity) and are a public trust. Any harm to water is a harm to the whole including the Earth and humans. The Great Lakes hold nearly 20% of the world's freshwater and 95% of North America's freshwater. They provide drinking water to 40 million people in surrounding areas. Last year the UN passed two resolutions recognizing water as a human right (A/64/L292 and A/HRC/15/L.14) and this proposal to treat fracking fluids threatens people's human right to safe and clean drinking water.

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Hydraulic fracturing, or 'fracking,' is a process used to extract shale gas using vertical and horizontal drilling. Sand, water and chemicals are released at a high pressure to fracture shale where natural gas is trapped. In addition to using exorbitant amounts of water (2 to 9 million gallons per fracking job), the potential for fracking to contaminate water resources is well documented.

A four billion gallon fracking project requires approximately 80 tonnes (200,000 gallons) of chemicals. Currently, industry is not required to release what chemicals they use in fracking projects. US advocacy organizations are demanding that the US Environmental Protection Agency should require oil and gas companies to disclose the chemicals they use.

The investigative report *Fracking Hell: The Untold Story* by Earth Focus and UK's Ecologist Film Unit noted some chemicals found in fracking fluids in the US include ethylhexanol, formaldehyde, glutaraldehyde, boric acid, ethylene glycol, methanol, monoethanolamine, dazomet, acetic anhydride, isopropanol, propargyl alcohol and diesel. The New York State Department of Environmental Conservation's Division of Mineral Resources released a massive report which listed 257 additives that may be mixed in fracking fluids.

The fracking process also brings up radioactive elements from underground. There has been anecdotal evidence that fracking fluids have leeched uranium. There is also radon and radium-226 in shale deposits.

The wastewater from the fracking process or what is termed 'wastewater flowback' is commonly either injected underground or treated at municipal wastewater facilities which are not equipped to decontaminate chemicals found in fracking wastewater. In a recent conversation with Executive Director Paul Drof, he noted that the Niagara Falls Water Board (NFWB) was waiting on instruction from the Department of Environmental Conservation to indicate limits on toxic chemicals. Mr. Drof noted that if the limits were achievable, the NFWB would examine whether the proposal was economically viable. However, if discharged into waterways, the wastewater flowback puts the drinking water of communities in the region at risk. Further, while immediate effects may not always be detected, Professor of Engineering, Tony Ingraffea, from Cornell University notes that the effects of fracking are cumulative. So although communities may not see immediate impacts on their drinking water, communities will see the effects of fracking in 10 or more years.

Given the significant risk posed to the Great Lakes by this proposal, we ask that you scrap it in order to protect the Great Lakes Basin for current and future generations.

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At a minimum, given that water is a commons and that any decision that affects water affects us all, we urge you to begin a dialogue on this proposal with communities along the Great Lakes. We also remind you that the Great Lakes lie on the traditional lands of many First Nations and American Indian Tribes who have a right to participate in making decisions that would affect their water supply. Under the United Nations Declaration of the Rights of the Indigenous Peoples, governments are obligated to obtain free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

Thank you for your consideration.

Respectfully,

Emma Lui
Great Lakes Campaigner
Council of Canadians