



MEMORANDUM OF SUPPORT

Hazardous Waste Loophole Bill

S.884 (Avella, et al.); A.6859 (Englebright, et al.)

An ACT to amend the Environmental Conservation Law, in relation to the uniform treatment of waste

Summary of Legislation

This proposed amendment would end the special exemption that currently allows the oil and natural gas industry to circumvent New York State requirements governing hazardous waste. This bill would require hazardous waste resulting from oil and natural gas operations – including hydraulic fracturing (fracking) – to be subject to the same regulations for hazardous waste generation, transportation, treatment, storage, and disposal that already apply to every other industry in the state. This bill places no extra burden on the oil and gas industry, but simply ends its exceptional treatment.

Statement in Support

Fracking waste can contain a number of pollutants, such as chemicals, metals, and organic compounds that may be harmful to human health and the environment, and excess salts that can corrode infrastructure and harm aquatic life and vegetation. These pollutants include chemical additives in fracking fluid, as well as naturally-occurring contaminants that exist thousands of feet below the surface and are mobilized by the drilling and extraction process, such as naturally-occurring radioactive materials.

Reuse and disposal of fracking waste is currently a major concern in New York. Neighboring Pennsylvania continues to transport much of its oil and gas waste – from both high-volume and low-volume fracking – out of state, including into New York. More than 500,000 tons of fracking waste have been transported into New York from Pennsylvania, all of it exempt from hazardous waste regulations. Handling and disposal of waste currently generated in New York from low-volume fracking is also a concern.

Regardless of its source, hazardous waste needs to be dealt with properly in order to avoid harm to our water and communities. This bill presents an opportunity to end the era of putting short-term oil and natural gas profits ahead of the long-term health and safety of New Yorkers.

Riverkeeper strongly supports this legislation.