



Riverkeeper's 2019 Legislative Memorandum

Support - S.3392/A.2655 (May/Englebright) - Support

Relates to the uniform treatment of waste from the exploration, development, extraction, or production of crude oil or natural gas.

This proposed legislation 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.

Fracking waste from both New York and Pennsylvania can contain a number of pollutants that may be harmful to human health and the environment. These include heavy metals, organic compounds and chemical additives in fracking fluid, such as benzene and toluene. Fracking waste from the Marcellus Shale, the natural gas source for Pennsylvania's high-volume fracking, can also contain naturally-occurring radioactive materials such as radium-226 and radium-228, which have been linked to serious health effects, including cancer.

Disposal of fracking waste is currently a major concern in New York. Though New York State does not permit high-volume fracking within its borders, since 2010, more than 608,000 tons of solid waste and 23,000 barrels of liquid waste have been shipped from Pennsylvania to New York landfills and wastewater treatment facilities for disposal, all of it exempt from hazardous waste regulations. Waste currently generated in New York by low-volume fracking is also exempt from hazardous waste regulations.

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 the passage of S.3392/A.2655 (May/Englebright)

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