

April 16, 2020

Honorable Andrea Stewart-Cousins, Temporary President and Majority Leader  
New York State Senate  
Legislative Office Building, Room 907  
Albany, NY 12247

Honorable Carl Heastie, Speaker  
New York State Assembly  
Legislative Office Building, Room 932  
Albany, NY 12248

Dear Majority Leader Stewart-Cousins and Speaker Heastie:

We, the undersigned organizations, write to express our strong support for S.3392 (May)/A.2655 (Englebright), and to urge its swift passage by the Senate and Assembly. This bill would close a loophole in state regulations that exempts waste generated by the oil and gas industry from hazardous waste testing, transport, and disposal. A growing body of science shows that this loophole endangers public health and the environment.

Despite New York's important ban on high-volume hydraulic fracturing ("fracking"), New York still accepts dangerous oil and gas wastes in its landfills and allows some waste to be used for de-icing or dust suppression on roads. Fracking produces massive quantities of waste, which commonly contains carcinogenic chemicals such as benzene, toluene, and formaldehyde, along with heavy metals and radioactive materials. Additionally, waste from conventional drilling, which still takes place in New York State, often has the same dangerous constituents as fracking waste.<sup>1</sup>

Fracking and drilling waste from states like Pennsylvania is shipped to New York, where it is dumped into landfills. From there, leachate from the landfills can contaminate rivers and streams, some of which serve as sources of drinking water. In fact, **since 2010, over 650,000 tons and 23,000 barrels of oil and gas waste has been disposed of in New York landfills from Pennsylvania's drilling operations.**<sup>2</sup>

New York's Department of Environmental Conservation (DEC) recently revised the state's solid waste regulations; however, the changes do not, and cannot, ensure that this waste is safe for disposal in solid waste facilities. DEC sought to address concerns raised by banning certain types of oil and gas waste, like flowback fluid and brine from the Marcellus shale region, from landfill disposal. However, without required testing of the waste before disposal, there is no way to ensure this waste still isn't making its way to New York's landfills. In fact, according to reporting from Pennsylvania, prohibited waste types are still coming into the state.<sup>3</sup>

Dozens of organizations commented on the proposed regulations to urge the closure of the hazardous waste loophole, because this would institute required testing. Instead of doing this, the Department adopted

---

<sup>1</sup> Moran, Elizabeth, "License to Dump," Environmental Advocates of New York, February 2015, <http://eany.org/our-work/reports/license-dump-february-2015>

<sup>2</sup> Troutman, Melissa, "New York Frack Waste Report," Earthworks, July 2019, page 10, <https://earthworks.org/publications/new-york-waste-report/>

<sup>3</sup> Ibid.

requirements for additional tracking and reporting; however, as of January 2019, no reports have been submitted to the department.<sup>4</sup>

Most industries have to test their waste to determine if it is hazardous before disposal; the oil and gas industry should not be treated any differently. As a result, closing this loophole by passing S.3392/A.2655 is the only way to ensure toxic fracking waste isn't improperly disposed of in New York.

We commend the Assembly for having passed this legislation in previous sessions and thank the Senate for passing this legislation for the first time in May 2019. Now, we await the Legislature's passage of this bill to continue the trend of environmental leadership in New York State.

Thank you for your consideration of this important issue.

Sincerely,

**350Brooklyn**  
Mimi Bluestone

**Adirondack Mountain Club**  
Michael Barrett  
Executive Director

**All Our Energy**  
George Povall  
Executive Director

**Alliance for a Green Economy**  
Andra Leimanis  
Communications & Outreach Director

**Big Reuse**  
Justin Green  
Executive Director

**Bronx Climate Justice North**  
Jennifer Scarlott  
Coordinator

**Brooklyn Families Fighting for Our Future**  
Deborah Herdan

**Broome Tioga Green Party**  
Rick Sprout  
Chair

**Catskill Mountainkeeper**  
Wes Gillingham  
Associate Director

**Church Women United in New York State**  
Mary Smith  
Communications Director

**Circle Forming**  
Carol Maltby

**Citizens Campaign for the Environment**  
Adrienne Esposito  
Executive Director

**Clean and Healthy New York**  
Kathy Curtis  
Executive Director

**Coalition Against the Rockaway Pipeline**  
Judith K. Canepa  
Coordinator

**Community Advocates for a Sustainable Environment**  
Bob Connors, Founding Member

**Compost International**  
Elizabeth Whitehouse  
Founder

---

<sup>4</sup> Troutman, Melissa, "New York Frack Waste Report," Earthworks, July 2019, page 9,  
<https://earthworks.org/cms/assets/uploads/2019/07/NY-Waste-Report-8-2019-final-web-res.pdf>

**Concerned Families of Westchester**

Frank Brodhead  
Coordinator

**Daughters of Wisdom**

Ann Gray  
JPIC Coordinator

**Divine Compassion Social Justice Board**

M. Doretta Cornell  
Communications Coordinator

**Dominican Sisters in Committed Collaboration**

Sr. Didi Madden, OP  
Promoter of Justice

**Dominican Sisters of Hope**

Sister Catherine McDonnell, OP  
Prioress

**Dominican Sisters of Sparkill**

Sister Eileen Gannon  
Leadership Team Member

**Dryden Resource Awareness Coalition**

Marie McRae  
Spokesperson

**Earthkeeper Health Resources**

Amy Rosmarin  
Executive Director

**Earthworks**

Melissa Troutman  
Research & Policy Analyst

**Elmirans & Friends Against Fracking**

Doug Couchon  
Cofounder

**Empire State Indivisible**

Ricky Silver  
Co-lead Organizer

**Environmental Advocates of New York**

Maureen Cunningham  
Senior Director for Clean Water

**Environmental Justice Taskforce of the WNY  
Peace Center**

Charley Bowman  
Chair

**Erie County Green Party**

Carol Sandy Przybylak  
Co-Vice Chair

**First Presbyterian Church of Brooklyn**

Rev. Adriene Thorne  
Reverend

**First Unitarian Church of Rochester**

Rev Shari Halliday-Quan  
Senior Minister

**Food & Water Action**

Eric Weltman  
Senior Organizer

**FrackbustersNY**

Mary Finneran  
Co-founder

**Franciscan Sisters of the Atonement**

Sr. Margaret Sikora  
Director

**Friends of the Earth**

Jennifer Bock  
Senior Regional Organizer

**Gas Free Seneca**

Joseph Campbell  
President

**Grassroots Environmental Education**

Patti Wood  
Executive Director

**Great Neck Breast Cancer Coalition**

Laura Weinberg  
President

**Greater New York Labor Religion Coalition**

Rabbi Michael E Feinberg  
Executive Director

**Green Education and Legal Fund**

Mark Dunlea  
Chairperson

**Green Inside and Out**

Beth Fiteni  
Director

**Green Party of Nassau County**

Joseph Naham  
Chairperson

**Green Party of New York**

Peter A. LaVenja  
Co-Chair

**Greenpeace**

Charlie Cray  
Political and Business Strategist

**Greenspot Smart Mobility**

Rose Lenoff  
Business Development Manager

**Hudson River Sloop Clearwater, Inc.**

Manna Jo Greene  
Environmental Director

**Hudson Valley Green Party**

Barbara Kidney  
Chair

**iEat Green**

Bhavani Jaroff  
Owner

**Indivisible Harlem**

Josh Daniel  
Lead Organizer

**Keep it Greene**

Diana Abadie  
Clinical Monitor

**League of Women Voters of New York**

Laura Bierman  
Executive Director

**Long Island Activists**

Judi Gardner  
Steering Committee

**Long Island Progressive Coalition**

Lisa Tyson  
Director

**Metro New York Catholic Climate Movement**

Katherine Bini  
Steering Committee Member

**Mid-Hudson Valley Sunrise**

Melissa Hoffmann  
Hub Coordinator

**Moms for a Non-Toxic New York**

Alexandra Zissu  
Ulster County Chapter Head

**Morningside Gardens Green Committee for Environmental Sustainability**

David Vassar  
Member

**Nassau Hiking & Outdoor Club**

Guy Jacob  
Conservation Chair

**Natural Resources Defense Council**

Robert Friedman  
Policy Advocate

**New York Climate Action Group**

Judith K. Canepa  
Co-Founder

**New York Communities for Change (NYCC)**

Jonathan Westin  
Executive Director

**New York Heartwoods**

Megan Offner, Owner

**New York Interfaith Power & Light**

Glenn Jacob  
Executive Director

**New York Progressive Action Network - Enviro  
Committee**

Cari Gardner  
Chair

**North American Climate, conservation and  
Environment (NACCE)**

Jerry Rivers  
Environmental Scientist

**North Bronx Racial Justice**

Jennifer Scarlott  
Coordinator

**North Shore Audubon Society**

Peggy Maslow  
President

**NYC Friends of Clearwater**

Edie Kantrowitz  
Vice President

**NYC Grassroots Alliance**

Susan Spieler  
Coordinator

**NYC H2O**

Matt Malina  
Director

**NYCD16 Indivisible**

Iris Hiskey Arno  
Co-chair, Environment Committee

**NYPAN**

Sue Abbott-Jones, Director

**NYPAN-LIA**

Charlotte Forrester  
Steering Committee Member

**NYPIRG**

Liz Moran  
Environmental Policy Director

**NYS American Academy of Pediatrics, Chapters 1,  
2 & 3**

Elie Ward, MSW  
Director of Policy & Advocacy

**Office of Peace, Justice, and Ecological Integrity,  
Sisters of Charity of Saint Elizabeth**

Terrence Moran  
Reverend

**Otsego 2000, Inc.**

Nicole Dillingham  
Board President

**Pennsylvania Council of Churches**

Rev. Sandra L. Strauss  
Director of Advocacy & Ecumenical Outreach

**People for a Healthy Environment**

Gary McCaslin  
President

**Peoples Climate Movement - NY**

Leslie Cagan  
Member of Administration Team

**Progressive Women of Pelham**

Marisa Panzani  
Co-Chair

**Promoting Health and Sustainable Energy (PHASE)**

Michel Lee  
Senior Analyst

**Putnam Progressives**

B. R. Lemonik  
Facilitator

**Reach Out America**

Patty Katz  
Vice President/Green Committee Chair

**Riverdale Jewish Earth Alliance**

Elliott Rabin

**Riverkeeper**

Jeremy Cherson  
Legislative Advocacy Manager

**ROAR (Religious Organizations Along the River)**

M Doretta Cornell, RDC  
Communications Coordinator

**Rochester Area Pachamama Alliance**

Nancy Kasper  
Facilitator

**Rochester People's Climate Coalition**

Susan Hughes-Smith  
Co-founder

**Rockland United**

Ivanya Alpert  
Member of Steering Committee

**Safe Energy Rights Group**

Courtney Williams  
co-founder

**Saratoga Unites Environmental Action**

Kathryn Lale Davidson

**SASD**

Michael J. Chojnicki  
President

**Save the Pine Bush**

Lynne Jackson  
Secretary

**Seatuck Environmental Association**

Enrico Nardone  
Executive Director

**Seneca Lake Guardian, A Waterkeeper Affiliate**

Joseph Campbell  
President

**ShaleshockCNY**

John Ramsden

**Show Up Long Island**

Halle Brenner-Perles  
Co-founder

**Sierra Club Atlantic Chapter**

Roger Downs, Conservation Director

**Sisters of Charity Federation**

Teresa Kotturan  
Main NGO Representative at the UN

**Sisters of Charity of New York**

Carol DeAngelo  
Director of Office of Peace, Justice and Integrity of  
Creation

**Sisters of Charity of New York Office of Peace,  
Justice and Integrity of Creation**

Carol De Angelo, SC  
Director

**Sisters of Christian Charity**

Patrice Owens  
JPIC Coordinator

**Sisters of St. Dominic of Blauvelt**

Sister Joan Agro

**Sisters of St. Francis of Philadelphia**

Nora Nash  
Director Corporate Social Responsibility

**Sisters of St. Joseph of Rochester Global  
Environment Committee**

Phyllis Tierney  
Coordinator, SSJ Justice & Peace Office

**Sisters of the Divine Compassion**

M Doretta Cornell, RDC  
Chair Social Justice Board

**Slow Food North Shore**

Bhavani Jaroff, Chair

**South Asian Fund For Education, Scholarship and  
Training (SAFEST)**

Mazed A. Uddin  
Founder/CEO

**South Shore Audubon Society**

Michael Sperling  
President

**St. Stephen's United Methodist Church, Bronx, NY**

Hermon L. Darden Jr.  
Reverend

**Stop NY Fracked Gas Pipeline**

Bob Connors  
Co-Founder

**Stop the Algonquin Pipeline Expansion**

Susan Van Dolsen  
Co-founder

**Suffolk Progressives**

Shoshana Hershkowitz  
Founder

**Surfrider Foundation NYC**

Nikita Scott  
Chair

**Sustainable Warwick**

Michael Helme  
Steering Committee Member

**The Climate Reality Project: Capital Region, NY Chapter**

Laura Faulk  
Chapter Chair

**Tricounty NY Transition**

Lisa Adamson, Partner

**True Blue NY**

Susan Martin  
Co-Founder

**UNCAGED**

Dan Spilman  
Treasurer

**Unitarian Universalist Congregation of Central Nassau**

Peggy Lyons  
Social Justice Chairperson, Board of Directors'  
Trustee

**United for Action**

Edith Kantrowitz  
Board Member

**Uptown Progressive Action, a NYPAN chapter**

Ting Barrow  
Member of Steering Committee

**UU Congregation of Binghamton, Green Sanctuary**

Wes Ernsberger  
Chair, Green Sanctuary Committee

**WE-ACT for Environmental Justice**

Charles Callaway  
Senior Community Organizer and Outreach  
Coordinator

**Weather Medic Inc.**

Jack W. Kanack  
President

**WESPAC Foundation, Inc.**

Nada Khader  
Executive Director

**West Branch Conservation Association**

Terri Thal  
Treasurer

cc: Honorable John Flanagan, Minority Leader  
Honorable William Barclay, Minority Leader  
Honorable Todd Kaminsky, Chair, Senate Environmental Conservation Committee  
Honorable Steven Englebright, Chair, Assembly Environmental Conservation Committee