



EANY SUPPORTS

Closing the Hazardous Waste Loophole



[A.2655 \(Englebright, et al.\)](#)

[S.3392 \(May, et al.\)](#)

Explanation:

This bill closes New York's gaping hazardous waste loophole – a loophole that allows waste produced from the exploration, development, extraction or production of crude oil or natural gas to escape the regulatory framework applied to hazardous wastes.

The oil and gas industry is exempt from New York State laws governing hazardous waste transport and disposal, even though a great deal of the wastewater generated by dirty gas drilling (fracking) meets the state's definition of hazardous. In 2017, NYS Department of Environmental Conservation failed to close this egregious loophole when it codified its [revised regulations](#) on solid waste management in 6 NYCRR Part 360.

Although New York State has banned the practice of high-volume fracking, New York continues to receive waste from fracking operations in Pennsylvania. Between 2010 and 2017, New York landfills [accepted](#) at least 609,000 tons and 23,000 barrels of fracking waste. In 2018, three landfills (located in Allegany, Steuben, and Chemung Counties) [accepted](#) 18,522 tons of waste. This bill ensures that fracking waste brought into New York for processing is handled under the hazardous waste management regulations, ensuring stringent protections for public health.

Benzene, toluene, and formaldehyde – all known or suspected human cancer agents – are commonly found in fracking waste, along with naturally-occurring corrosive salts, heavy metals, and radioactive materials. Fracking waste enters local sewage treatment plants and landfills, at times with radiation levels hundreds of times above the safe limits for drinking water, and goes back into the rivers and streams that supply water to millions of people.

Closing the hazardous waste loophole for oil and gas waste protects against toxic fracking waste entering our landfills, our waterways, and our municipal water treatment plants.

Summary:

This bill classifies all wastes resulting from oil and gas exploration, development, extraction or production as hazardous waste, subject to the same hazardous waste management regulations that apply to other New York industries.