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NYPIRG STATEMENT ON FIRST IN THE NATION PASSAGE OF LEGISLATION TO ADDRESS DANGEROUS FRACKING WASTE LOOPHOLE

(Albany, N.Y.) Today, the New York State Senate passed S.3392 (May)/A.2655 (Englebright), which closes a longstanding loophole, commonly known as “the hazardous waste loophole,” that exempts oil and gas waste from being classified as hazardous waste, even if it met the definition. The legislation passed the New York State Assembly on Monday, July 20th.

Despite New York’s ban on high-volume hydraulic fracturing, “fracking,” New York landfills have accepted over 638,000 tons and approximately 23,000 barrels of fracking waste from Pennsylvania’s drilling operations since 2011.¹ Oil and gas waste is known to contain hundreds of chemicals, many of which are known or suspected carcinogens, heavy metals, salts, and high levels of naturally occurring radioactivity.

New York’s Department of Environmental Conservation modified the state’s solid waste regulations in 2017; however, the regulations did not close the loophole that exempts this waste from being tested to determine whether or not it is hazardous, leaving the potential for hazardous waste to go into landfills unequipped to properly handle it.

The following statement is attributable to Liz Moran, Environmental Policy Director for NYPIRG:

“York made the right decision to ban the dangerous process of fracking, and now the state is on its way to finally address the toxic waste that comes with it. Since 2011, New York landfills have received over 638,000 tons and 23,000 barrels of fracking waste from Pennsylvania drilling operations, threatening the air and waterways of numerous communities. Oil and gas waste contains hundreds of known and suspected carcinogenic chemicals, as well as often high levels of radioactivity. It has been wrong for the industry to receive special treatment by exempting its waste from being classified as hazardous. NYPIRG applauds the legislature and Assemblyman Englebright and Senator May for passing this crucial legislation to properly handle oil and gas waste in New York. Signing this legislation into law would make New York the first in the nation to close this loophole and ensure New Yorkers are protected from this waste – we urge the Governor to sign this legislation into law.”

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¹ Melissa Troutman, “New York Frack Waste Report,” Earthworks, July 2019, pg 7., <https://earthworks.org/cms/assets/uploads/2019/07/NY-Waste-Report-8-2019-final-web-res.pdf>