MEMORANDUM OF SUPPORT

Close the Hazardous Waste Loophole

A. 2655 – Englebright

An ACT to amend the environmental conservation law, in relation to the uniform treatment of waste.

JUSTIFICATION

Currently, Department of Environmental Conservation (DEC) regulations exempt drilling fluids, produced waters, and other wastes from oil and gas exploration, extraction, development, and production from being regulated as hazardous waste. Many of the materials used for oil and gas exploration are classified as hazardous during transportation to the drilling site; however, after they are used on site they are exempted from proper disposal.

The exemption, known as the hazardous waste loophole, allows dangerous oil and gas waste to be sent to municipal landfills and local sewage treatment plants that are not designed to handle hazardous waste. This puts our waters and communities at risk.

Improper disposal and handling of hazardous waste poses a real threat to public health and the environment; including threats to air, land, and water. Waste that meets the definition of hazardous waste in New York should comply with New York State laws of transportation, treatment, storage and disposal.

SUMMARY OF PROVISIONS

- If waste from oil and gas activities meets the definition of hazardous waste it would be classified and treated as such.
- Directs DEC to make all necessary changes to bring its rules and regulations into compliance.

CITIZENS CAMPAIGN FOR THE ENVIRONMENT SUPPORTS

A.2655/S.3392 – CLOSE THE HAZARDOUS WASTE LOOPHOLE

CCE is an 80,000 member non-profit, non-partisan advocacy organization that works to empower communities and advocate solutions that protect public health and the natural environment

June 3, 2019