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SENATOR RACHEL MAY
53RD SENATE DISTRICT

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CONTACT

Jessica Bumpus – (315) 810-2109

bumpus@nysenate.gov

Senator Rachel May Proud to Passage of Bill Closing Hazardous Waste Loophole

Albany, NY - Senator May (D-Onondaga, Madison, Oneida) is proud to announce the passage of S.3392, the uniform treatment of waste from the exploration, development, extraction, or production of crude oil or natural gas. This bill closes a hazardous waste loophole that has existed for oil and gas extraction for more than a decade.

New York State banned extraction of natural gas by fracking in 2015, yet waste from this process is currently shipped here from Pennsylvania and is treated as non-hazardous. Wastewater from fracking can contain carcinogenic compounds and naturally occurring radioactive materials. The regulatory loophole that allowed waste from fracking and crude oil processing to be treated as standard industrial waste means it enters local sewage treatment facilities, sometimes with radiation levels hundreds of times the safe limit, it then flows directly back into our waterways -- the source of drinking water for thousands of New Yorkers.

Regardless of its source, all waste that meets the definition of hazardous should be disposed of properly. New York State has an obligation to keep our waterways and drinking water supplies safe. The oil and gas industry should not be allowed to circumvent the waste disposal rules and standards that every other waste generator is held to.

“New York has demonstrated just precaution from the negative environmental impacts associated with fracking and has banned the practice from our borders, yet New York regulators have allowed some of the worst byproducts of that process to enter the state’s waste treatment facilities with little scrutiny,” **said Roger Downs, conservation director of the Sierra Club Atlantic Chapter.** “We applaud Senator May and the Senate Majority Conference for breaking years of gridlock and passing common sense legislation that will no longer allow gas drillers exemptions from the laws governing the safe treatment and disposal of hazardous waste.”

“Despite New York’s ban on fracking, New York continues to accept dangerous fracking waste from Pennsylvania to this day. Hazardous waste should be handled as hazardous waste – no exceptions,” **said Liz Moran, Environmental Policy Director for NYPIRG.** “We thank Senator May for her leadership on this issue and urge swift passage in the Assembly.”

“For too long we have allowed the hazardous waste loophole to jeopardize our environment and health,” **said Hanna Ring, CNY Program Coordinator for Citizens Campaign for the Environment (CCE).** “While fracking was banned in NYS back in 2015, we remain at risk to fracking waste that is being sent to municipal landfills and local sewage treatment plants. The only way to ensure the public and environment are protected is by closing the hazardous waste loophole once and for all. CCE applauds Senator May for her leadership and dedication to protecting New Yorkers and to the Senate for passing this critical legislation. Now we need the Assembly to do the same.”

“The passage of legislation that closes New York’s gaping hazardous waste loophole for fracking waste is welcome news and has been many years in the making,” **said Maureen Cunningham, Senior Director for Clean Water at Environmental Advocates of New York.** “It is vital to ensure that the dangerous waste produced by fracking is classified and managed as hazardous waste in the State of New York, minimizing the devastating effect it has on our environment and our waterways. The Senate majority should be lauded for recognizing that fact and acting to protect the health of all New Yorkers, and we hope the Assembly follows suit.”

“Closing the hazardous waste loophole for fracking waste is a huge victory for protecting clean water and protecting communities,” **said Jeremy Cherson, legislative advocacy manager for Riverkeeper.** “Riverkeeper thanks Senator May and the Senate majority for making the passage of this bill a priority. We encourage the Assembly to pass this legislation as soon as possible.”

“It gives me great pride to sponsor this legislation and to see it pass in the Senate for the first time,” **said Senator May.** “I want to thank leadership in the Senate for bringing this bill to the floor and the advocates who have worked tirelessly all these years to ensure we close such a dangerous loophole.”

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