



Memorandum in Support

Bill: A6859 by Assembly member Englebright
S884 by Senator Avella

Title: AN ACT to amend the environmental conservation law, in relation to the uniform treatment of waste

The Adirondack Mountain Club (ADK) Strongly Supports this Legislation

This bill closes a dangerous hazardous waste loophole in state law and regulations that exempts waste produced in the oil and gas industry from laws and regulations that govern the transport and disposal of waste which meets the definition of hazardous waste, such as the drilling waste produced during High Volume Hydraulic Fracturing (HVHF) or “fracking.”

Unfortunately New York’s moratorium and ban on HVHF have not stopped hazardous waste from HVHF being imported into New York from Pennsylvania for disposal at landfill sites across the state. Since 2010 over 510,000 tons and 23,000 barrels of fracking waste with known carcinogens such as benzene, toluene, and formaldehyde have been disposed of in New York State landfills. The volume of hazardous waste entering New York will only increase if the hazardous waste loophole is not closed. The loophole puts the citizens of New York at risk by exempting industries like the oil and gas industry from current law. This bill will make all hazardous waste produced from oil and gas drilling subject to the same regulations for hazardous waste generation, transportation, treatment, storage, and disposal that apply to other industries operating in New York. This bill will protect our waterways and drinking water supplies.

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