

# OIL & GAS WASTE LOOPHOLE (S.884/A.6859)

## MEMORANDUM OF SUPPORT

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

### Summary of Legislation

This proposed amendment would end the special exemptions that currently allow the oil and natural gas industry to circumvent New York State requirements for the generation, transportation, treatment, storage, and disposal of hazardous waste. If passed, this legislation would require the New York State Department of Environmental Conservation to amend its existing regulations to provide that if waste generated by the oil and natural gas industry is hazardous it be managed as such, better protecting New York's environment and public health from the dangers posed by hazardous drilling wastes.

### Statement in Support

New York State currently provides a cushion for the oil and gas industry from the costly obligations of appropriate handling practices. There is no scientific basis for exempting waste that is plainly hazardous because of the source; if waste generated by the oil and gas industry is hazardous it should be managed as such. The NYS Sustainable Business Council is not asking to place an extra burden on the oil and gas industry, but that it simply play by the same rules that govern every other industry in the state. Eliminating this unjustified exemption for the oil & gas industry would also improve transparency by lifting the veil that presently surrounds its waste and disposal.

Immediate action is crucial as this is a current threat endangering New York. The NYS Department of Environmental Conservation has approved road spreading of gas production brine and brine from natural gas storage in portions of at least 33 municipalities in 9 counties. In addition, 2 regions of the NYS Department of Transportation have received approval to spread this brine on certain state roads. Since 2010, more than 500,000 tons of waste has been transported to New York landfills from Pennsylvania. Fifteen New York counties have passed various measures banning the improper disposal of fracking waste.

**The NYS Sustainable Business Council strongly supports this legislation.**

### **THE NEW YORK STATE SUSTAINABLE BUSINESS COUNCIL (NYSSBC)**

is an emerging alliance of business organizations and businesses committed to advancing a vibrant, just, and sustainable economy in New York State. We promote practical strategies and policies that build strong local economies, incentivize investment and innovation in clean technologies and alternative energy sources, and advance the development of sustainable communities in New York State.