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SENATOR

BRAD HOYLMAN

27TH SENATORIAL DISTRICT
STATE OF NEW YORK

DISTRICT OFFICE:

322 EIGHTH AVENUE, SUITE 1700

NEW YORK, NEW YORK 10001

PHONE: (212) 633-8052

FAX: (212) 633-8096

ALBANY OFFICE:

ROOM 413

LEGISLATIVE OFFICE BLDG

ALBANY, NY 12247

PHONE: (518) 455-2451

FAX: (518) 426-6846

e-mail:

hoylman@nysenate.gov

website :

hoylman.nysenate.gov

**TESTIMONY OF STATE SENATOR BRAD HOYLMAN TO THE NEW YORK CITY COUNCIL
COMMITTEE ON ENVIRONMENTAL PROTECTION REGARDING INTRO 446**

FEBRUARY 22, 2016

Thank you for the opportunity to submit testimony to the City Council Committee on Environmental Protection regarding Intro 446 to ban the discharge, disposal, sale or use within the city of New York of any wastewater or natural gas waste produced from the process of hydraulic fracturing. As Ranking Member of the New York State Senate's Environmental Conservation Committee, I fully support this legislation and encourage the Council to vote in its favor.

Following a two-year review by the New York State Department of Health, in December 2014 Governor Andrew Cuomo announced a ban on high-volume hydraulic fracturing, or fracking, in New York State. Fracking involves the high-pressure injection of millions of gallons of water and chemicals into rock to stimulate the production of oil and gas. The hydraulic fluid used in the fracking process contains up to 300 chemicals, in categories that can include proppants, acids, breakers, bactericides/biocides, clay stabilizers, corrosion inhibitors, crosslinkers, friction reducers, gelling agents, iron controls, scale inhibitors, and surfactants. The chemical solution includes many known or suspected carcinogens like benzene and formaldehyde, as well as significant amounts of naturally occurring radioactive materials (NORMs). The resulting wastewater and solid waste products contain all of the aforementioned residual chemicals.

Despite New York's fracking ban, fracking waste from other states continues to be dumped and used in New York. Much of this waste comes from fracking operations in Pennsylvania, where concerns about water contamination and the ability of treatment plants to properly handle fracking waste led the state to prohibit its treatment facilities from accepting such waste. A report by Environmental Advocates of New York (EANY) found that since 2010, the Pennsylvania Department of Environmental Protection has sent over 26,000 barrels of liquid fracking waste and 460,000 tons of solid fracking waste to be treated in New York, where there is no such ban. Alarming, we know that those

figures likely underreport the reality. Further, at least five landfills in New York State have accepted harmful fracking waste at some point since 2010.

If fracking waste is not treated properly, dangerous chemicals could enter our water supply and cause significant public health and environmental risks. However, most of our state's treatment facilities are not currently equipped to handle these chemicals and radioactive materials, while loopholes in federal and state laws continue to permit their unregulated transport and disposal in New York's wastewater treatment facilities and landfills.

Fracking waste has also found its way onto many of New York's roadways. The practice of spreading fracking brine on roads to de-ice surfaces is currently permitted by state law, and this fluid is sometimes used by local transportation departments in place of the simple salt and water brines. State documents obtained by the advocacy organization Riverkeeper make clear that since 2011, "road spreading of oil and natural gas production brine and natural gas storage brine has been approved for use in portions of at least 41 municipalities in nine New York counties, and for use on state roads in portions of at least 10 counties." Spreading radioactive fracking waste on roads exposes drivers, passengers, and pedestrians to dangerous pollutants, while passing vehicles can cause the waste to become airborne and contaminate nearby surface waters, residential areas, and other populated areas.

I sponsor several bills at the state level that would ban fracking waste in New York, including S.45A to prohibit wastewater treatment facilities from accepting fracking waste unless the facilities meet strict performance requirements, S.47 to prohibit the transportation of fracking waste throughout the state, S.48 to prohibit the use of fracking waste on highways for activities such as melting ice, and S.340 to ban fracking waste from wastewater treatment facilities and landfills.

Banning fracking waste has widespread local support in New York. According to Riverkeeper, to date 15 counties in New York have banned fracking waste from wastewater treatment plants, landfills, and roads, including neighboring Nassau and Westchester Counties. In December 2015, Manhattan Community Board 6 passed a resolution in support of a fracking waste ban at the state and city levels.

While we wait for New York State to act, the New York City Council can move forward by implementing a local ban on fracking waste to protect the city's environment and public health.

Thank you for your consideration of my comments.