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Legislature Closes Decade Long Loophole on Treatment of Hazardous Fracking Waste

Senator May's bill ensures hydrofracking waste will be disposed of safely

Albany, NY - Senator May (D-Onondaga, Madison, Oneida) is proud to announce the passage in both houses of [S.3392/A.2655](#), 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. The legislation now awaits the Governor's signature.

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.

"I am extremely proud that the years of waiting to protect our waterways from fracking waste is finally over. Central New York and Upstate are home to some of the world's most important fresh water resources, and our advocates have long been leading the fight against dangerous fracking," **said Senator May**. "I want to thank Assemblyman Englebright for sponsoring the bill, leadership in the Senate and the Assembly 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. I look forward to the Governor signing these protections into law.”

“New York led the nation to ban fracking, and now the State Legislature has ensured that fracking waste will no longer pollute our clean waters,” **said Rob Hayes, Clean Water Associate at Environmental Advocates NY.** “This legislation puts an end to the egregious loophole that allows radioactive fracking waste to be shipped into our state and dangerously dumped in municipal landfills. Fracking waste is hazardous, and this legislation rightly classifies it as such. We thank Senator May for her tireless efforts to keep our drinking water safe from fracking waste.”

“New Yorkers have known, from the very first days of our fight to ban fracking in the state, that fracking wastes are hazardous wastes, often containing a mix of cancer-causing chemicals, heavy metals, and radioactive materials. With the closing of the hazardous waste loophole, our communities, our waters, and our lands will be much safer and healthier,” said **Andra Leimanis, Communications and Outreach Director at Alliance for a Green Economy (AGREE).**

“The grassroots anti-fracking movement in New York has proven once again that we’re more powerful than the oil and gas industry’s money. Today’s victory was a long time coming, as New Yorkers have fought to keep fracking waste out of the state for the better part of a decade,” **said Alex Beauchamp, Northeast Region Director at Food & Water Watch.** “We all owe a huge debt of gratitude to Senator May and Assembly Member Englebright for their tireless work and to all the activists who refused to give up. Now, Governor Cuomo must sign this crucial legislation into law. When we organize together, we win, even against one of the most powerful industries on the planet.”

“New York shouldn't be in the business of exempting environmental hazards,” **said Kathleen Curtis, Executive Director of Clean and Healthy New York and Co-Leader of the JustGreen Partnership.** “I commend Senator May and Assemblyman Englebright for their leadership in protecting New York's water and soil from the toxic impacts of the under-regulated oil and gas industry. It's long overdue, and CHNY is thankful New York finally has the leadership to make it happen.”

“New York has been accepting waste from fracking operations in Pennsylvania for years,” **said Melissa Troutman, Policy Analyst at Earthworks.** “As an advocate and frontline resident, I am so grateful to the New York State Legislature for removing an oil and gas loophole that threatened residents of New York with potentially toxic and radioactive waste. This sets a powerful precedent that should be repeated in Pennsylvania and everywhere across the United States.”

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