



League of Women Voters of the City of the New York
Testimony Feb. 22, 2016, New York City Council Hearing on
Int 0446-2014

I'm Mary Anne Sullivan speaking on behalf of the League of Women Voters of the City of New York. We support Int 0446-2014 with a few needed changes. The League of Women Voters is a multi-issue, non-partisan political organization. We encourage informed and active participation in government, work to increase understanding of major policy issues, and influence public policy through advocacy and education.

Thank you, Steve Levin and City Council sponsors, for introducing this important bill to ban gas fracking waste from use within New York City. This bill aims to protect those who live, work and visit the city now and into the future from possible exposure to the unhealthy chemicals, metals and radioactive waste produced by the hydraulic fracturing process.

The Governor's ban on high-volume hydraulic fracturing does not protect the State from exposure to fracking waste. In fact, the State DEC has permitted solid and liquid treatment facilities and landfills to accept Pennsylvania's waste. It is also permitting conventional fracking waste from New York State vertical drilling to be used in road spreading to suppress dust, to stabilize and to de-ice roads. Pennsylvania seeks to get rid of the hundreds of millions of gallons of liquid fracking wastewater and hundreds of tons of fracking solid waste it has generated. 12 New York Counties have banned this waste and New York City should as well. The League of Women Voters of New York City informed Council members of the need for this bill several years ago and thanks Costa Constantinides for bringing this bill to a hearing.

While the City owns no landfills at this time, old or new ones could be approved in the future. Further, while wastewater treatment facilities may not currently be trucking in fracking wastewater, they could in the future. These centers are not capable of processing the hazardous chemicals and radioactive materials produced by drilling activities.

The League believes the greatest exposure to frack waste at this time is from the purchase of road salt from Chile, a country that permits fracking. Road salt from other sources also could contain brine and/or byproducts from fracking. The Mayor said 300,000 tons of road salt was ready for our last blizzard. We must monitor purchase of our road salt to ensure that it does not contain fracking waste to pollute our air and

groundwater because once inhaled and ingested by people and animals there is an increased risk of exposure to carcinogenic and endocrine disrupting chemicals.

The League strongly believes our City's people need to be protected from unhealthy exposure to frack waste into the future and this bill should be passed with these amendments: include oil as well as gas waste, stored waste, and include a strong deterrent of \$25,000 penalty or jail time for each infraction of this law. A \$100 penalty per infraction in the present bill does not suffice. At least 11 counties in New York State have included a penalty in their frack waste bans with a fine up to \$25,000 per violation.

We ask the members of the City Council to pass the amended version of the bill in order to protect the health of the people of this great city.

Thank you for this opportunity to testify. We request future collaboration with Good Government Groups and the Council in the matter of public safety.



The New York City Council

City Hall
New York, NY 10007

Legislation Text

File #: Int 0446-2014, **Version:** *

Int. No. 446

By Council Members Levin, Johnson, Arroyo, Barron, Chin, Mendez and Richards

A Local Law to amend the administrative code of the city of New York, in relation to banning 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.

Be it enacted by the Council as follows:

Section 1. Legislative findings and intent. The Council finds that hydraulic fracturing produces millions of gallons of wastewater that is often laced with highly corrosive salts, carcinogens like benzene and radioactive elements like radium, all of which can occur naturally thousands of feet underground, and that other carcinogenic materials are often added to the wastewater including the chemicals used in the hydraulic fracturing process.

The Council further finds that there are 14 wastewater treatment plants, owned and operated by New York City Department of Environmental Protection, and a number of privately owned wastewater treatment plans, operating within the City of New York. Because these facilities release effluent back into the surface water of the City of New York, it is important that such effluent be free from any harmful contaminants.

The Council also finds that the wastewater and other waste products produced from the hydraulic fracturing method of oil and natural gas extraction are dangerous and should be prevented from being used in New York City in any capacity including deicing and snow removal.

Therefore the Council finds that the wastewater and other oil and natural gas waste products produced by the hydraulic fracturing method of oil and natural gas extraction are dangerous and should be prevented from entering into the surface waters of the City of New York, and further finds that it is in the best interests of the City of New York to ban the discharge, disposal, sale, and use of hydraulic fracturing wastes within City of

New York.

§2. Subchapter 1 of chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-303.1 to read as follows:

§24-303.1 Protection of water supply; treatment of hydraulic fracturing wastewater prohibited. a.

Definitions. 1. As used in this section, “oil or natural gas waste” means any waste that is generated as a result of oil or natural gas extraction activities, which may consist of water, chemical additives, or naturally occurring radioactive materials (“NORMs”) and heavy metals. Oil or natural gas waste includes, but is not limited to, leachate from solid wastes associated with oil or natural gas extraction activities, any waste that is generated as a result of or in association with the underground storage of natural gas or liquefied petroleum gas, or any oil or natural gas waste byproduct.

2. As used in this section, “oil or natural gas extraction activities” means all geologic or geophysical activities related to the exploration for or extraction of oil or natural gas, including, but not limited to, core and rotary drilling and hydraulic fracturing.

3. As used in this section, “hydraulic fracturing” means the fracturing of underground rock formations, including shale and non-shale formations, by manmade fluid-driven techniques for the purpose of stimulating oil, natural gas, or other subsurface hydrocarbon production.

b. Prohibitions. 1. No person shall discharge or cause to be discharged any oil or natural gas waste to any surface water bodies located within the city of New York or to any wastewater treatment plant located within the city of New York.

2. No person shall dispose or cause to be disposed any oil or natural gas waste into any landfill within the city of New York. The department of environmental protection and the department of sanitation shall enforce this paragraph.

3. No person shall sell or offer for sale any oil or natural gas waste or oil or natural gas waste byproduct within the city of New York. The department of environmental protection and the department of consumer affairs shall enforce this paragraph.

4. No person shall apply or cause to be applied any oil or natural gas waste or oil or natural gas waste byproduct on any road or real property located within the city of New York. The department of environmental

protection and the department of transportation shall enforce this paragraph.

c. Contracting. All bids or contracts related to the purchase or acquisition of materials to construct or maintain a city road shall include a provision stating that no materials containing or manufactured from oil or natural gas waste shall be utilized in providing such a service.

d. Penalties. Any violation of section 24-303.1.b shall be an unclassified misdemeanor punishable by a fine not to exceed \$25,000 per violation and/or up to thirty days imprisonment. Each sale, application, and/or discharge of oil or natural gas waste shall constitute a separate and distinct violation.

§ 3. This local law shall take effect ninety days after its enactment.

LS # 853 and 855 SS

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