

**Danby Town Board  
Resolution for Consideration  
May 14, 2012**

**RESOLUTION SUPPORTING PASSAGE AND ENACTMENT OF NY STATE SENATE BILL S4616 (AVELLA)/NY STATE ASSEMBLY BILL A7013 (SWEENEY), TO AMEND THE NY ENVIRONMENTAL CONSERVATION LAW IN RELATION TO THE UNIFORM TREATMENT OF WASTE.**

**Whereas** NY State Senator Avella has introduced bill S4616 and NY State Assemblyperson Sweeney has introduced bill A7013, which is the same bill, and is entitled "An act to amend the environmental conservation law, in relation to the uniform treatment of waste"; and

**Whereas** this bill would amend Section 27-0903 of the New York State Environmental Conservation Law with the intent to require hazardous wastes as defined by ECL 27-0901(3) produced from oil and natural gas activities to be subject to the requirements for treatment of hazardous wastes; and

**Whereas** the oil and gas industry currently enjoys exemptions from New York State laws governing hazardous waste transport and disposal. Though a great deal of the wastewater generated by hydraulic fracturing meets the state definition of hazardous, it is not currently required to be treated as such; and

**Whereas** the oil and gas industry is not required to disclose the chemicals used in the hydraulic fracturing process but the following chemicals are often found in waste water resulting from the hydraulic fracturing process: benzene, toluene, formaldehyde, salts, heavy metals, and radioactive particles; and

**Whereas** closing this exemption loophole will require hydraulic fracturing flowback and produced water to be monitored through a manifest system and that extra safeguards will be in place to avoid accidents and ensure proper waste treatment; and

**Whereas** such a designation will keep fracking wastes out of municipal treatment plants and the waterways leading to sources of drinking water;

**Therefore, Be It**

**Resolved** that the Town of Danby supports the immediate passage of the New York State Senate bill S4616 and New York State Assembly bill A7013 and the immediate signing of the legislation by the Governor of the State of New York; and

**Further Resolved** that this resolution be sent by the Town Clerk of the Town of Danby to Governor Andrew Cuomo, NY Senate Majority Leader Dean Skelos; NY Senate Minority Leader John Sampson, NY Assembly Speaker Sheldon Silver; NY Senators O'Mara, Seward, Nozzolio, Avella, Squadron, Kreuger, Perkins, Serrano, and Perrault, NY Assemblyperson Barbara Lifton, US Representatives Maurice Hinchey and Richard Hanna, US Senators Kirsten Gillibrand and Charles Schumer, and to the NY DEC Commissioner Joseph Martens and US EPA Region 2 Director, Judith Enck.