

# CLOSING THE HAZARDOUS WASTE LOOPHOLE WHY THE LEGISLATURE NEEDS TO PASS HB 1353/ SB 645, HB 1354/ SB 644, AND HB 1355/ SB 646

## OIL AND GAS WASTE IS RADIOACTIVE

Despite the scientific reality that oil and gas waste contains hazardous materials, Pennsylvania still excludes oil and gas industry waste from state hazardous waste regulations.

**Oil and gas waste products can contain carcinogens, dozens of chemicals, heavy metals, and radioactive materials, like radium-226. (2)**

Pennsylvania is a leading producer of oil and gas waste. In 2018, three billion gallons of liquid waste and 1.6 million tons of solid waste were produced. These numbers are increasing yearly, and this trend shows no signs of stopping. Adjacent states have closed or plan to close their hazardous waste loopholes and PA will be the easy choice for that oil and gas waste if we do not close ours.

An increasing body of science and documentation, dating back to 1987, demonstrates that oil and gas wastes contain hazardous and radioactive substances. These waste streams are a threat to the

long-term health of Pennsylvania's drinking water supplies, natural ecosystems, and families who live, work, and play near disposal sites.

To properly treat and dispose of oil and natural gas waste, you have to know what's in it. But currently, the oil and gas industry isn't required to disclose the contents of its waste. As a result, most oil and gas waste isn't defined or tested before being buried in landfills, poured into rivers, and spread on roads.

The problem is only growing worse. Between 2003 (a few years before the shale boom began) and 2018, the volume of liquid oil and gas waste produced in Pennsylvania increased by over 1,500%. (3)

With 80% of this waste remaining in Pennsylvania, its accumulation in the environment shows little signs of abating. (4)

**Conventional oil extraction produces roughly 10 barrels of waste for every barrel of oil according to the US EPA. (1)**

## PENNSYLVANIA FAMILIES SHOULD NOT BE EXPOSED TO HAZARDOUS WASTE

Thirty years ago, the US Environmental Protection Agency (EPA) made a political bargain and exempted oil and gas exploration and production wastes from the federal Resource Conservation and Recovery Act (RCRA). At the time and since, EPA has admitted that certain oil and gas wastes would meet the definition of hazardous were it not for the exemption. With the introduction and development of fracking technology, the amount of waste that would meet hazardous criteria has increased exponentially.

Pennsylvania continues to maintain the antiquated RCRA loophole in its own oil and gas regulations--but legislators have the authority to change this by strengthening currently lax regulations to ensure the health and safety of Pennsylvania's families and workforce.

1. Conventional oil extraction produces roughly 10 gallons of waste for every barrel of oil according to the US EPA. US EPA, "TENORM: Oil and Gas Production Wastes"

2. "Oil and gas waste products can contain carcinogens, dozens of chemicals, heavy metals, and radioactive materials, like radium-226." USEPA, Regulatory Determination for Oil and Gas and Geothermal Exploration, Development, and Production Wastes, 53 Federal Register 25447, 25455 (Jul. 6, 1988).

3. Between 2003 (a few years before the shale boom began) and 2018, the volume of liquid oil and gas waste produced in Pennsylvania increased over 1,500%

Earthworks, Pennsylvania Oil and Gas Report, 2019. Data from PADEP Oil & Gas Reporting Website, "State data downloads, waste." <https://www.paoilandgasreporting.state.pa.us/publicreports/Modules/DataExports/DataExports.aspx>

4. With 80% of this waste remaining in Pennsylvania, its accumulation in the environment shows little signs of abating.

DiGiulio, D., et al. (2019) Temporal and Spatial Trends of Conventional and Unconventional Oil and Gas Waste Management in Pennsylvania, 1991 – 2017. Science of the Total Environment, 674, pages 623-636

# THE OIL AND GAS INDUSTRY SHOULD PLAY BY THE SAME RULES

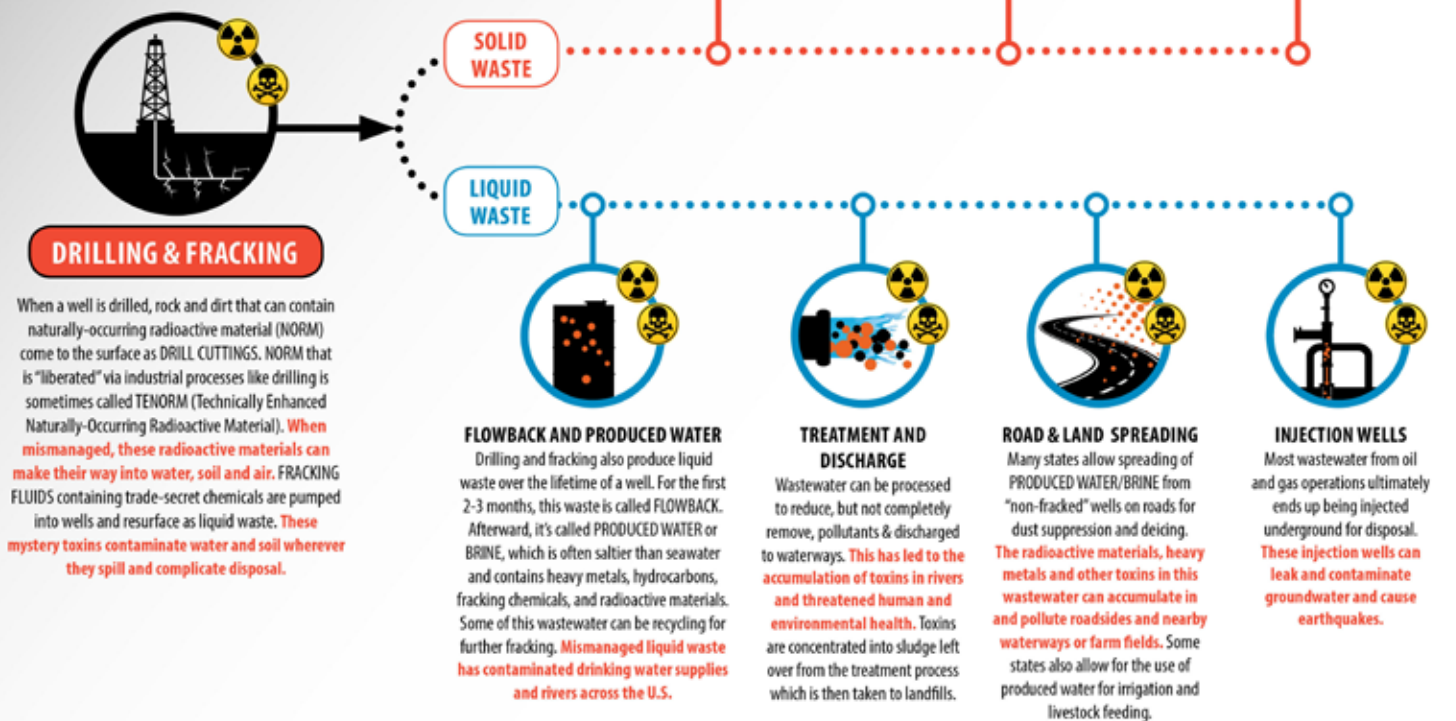
The proposed bills would ensure that any waste that meets the characteristics of hazardous waste would be subject to all relevant state regulations related to its generation, transportation, testing, treatment, storage, and disposal.

HB 1353/SB 645 and HB 1354/SB 644 will amend definitions of “hazardous” to include oil and gas waste and establish requirements for the proper testing and treatment of the waste to ensure that it’s disposed of only at facilities equipped to safely handle it.

HB 1355/ SB 646 will address the disposal practices used by the oil and gas industry under this exemption. Because the waste is exempt, they take it to municipal and sanitary landfills. It sets forth logical, practicable testing criteria and methodologies that ensure waste being accepted by these facilities and the leachate drillers send out is neither hazardous nor radioactive, preventing those harmful components from entering PA waterways, aka our drinking water supply.

This would level the playing field. Most other industries— such as the healthcare and the coal industries—have to follow the state’s hazardous waste laws; it is reasonable to ask the oil and gas industry to do so as well. Closing the loophole would also make Pennsylvania a national leader in protecting the health and natural resources of all Pennsylvanians.

## WHERE DOES ALL THIS WASTE GO?



### HEALTH ALERT

At all stages of the oil and gas waste management process, toxins can enter the environment accidentally (spills, leaks, waste truck rollovers, and illegal dumping) or legally under current state and federal law (road spreading, discharge to rivers, landfill leaching). Oil and gas waste contains varying amounts of heavy metals, radioactive materials, salts, hydrocarbons, and other pollutants, some of which are carcinogenic and threaten human and environmental health. A list of oil and gas waste contamination cases can be found in our full report *Still Wasting Away* at Earthworks.org.

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