

# The New York State Solid Waste

# EXAMINER

News From Assemblyman Alan Maisel  
Chair, Legislative Commission on Solid Waste Management

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Dear Colleagues and Readers:

In 2011, the Commission has continued work on bills that would:

- create take-back requirements and recycling of smoke detectors containing americium-241;
- establish procedures for declining unwanted telephone directories and promoting directory recycling; and
- establish manufacturer responsibility for take-back of drugs from hospitals and health care facilities.



Another new issue is the development of a state program to encourage residential carpet recovery and recycling. The Commission plans to hold a roundtable discussion with stakeholders this fall.

We have continued to advocate for prohibiting the disposal in New York State of out-of-state hydraulic fracturing drilling fluids, drill cuttings and soil. We are reviewing the revised Draft Supplemental Generic Impact Statement recently released by the State evaluating the impacts of hydraulic fracturing and horizontal drilling in New York.

The Commission monitors and reports on the implementation of both the State and New York City Solid Waste Management Plans. This newsletter also highlights a New York City cooperative effort to collect unwanted clothing for resale to benefit low-income and homeless people living with or affected by HIV/AIDS. Another Commission proposal would permit authorities to donate confiscated counterfeit articles to the needy.

I have enjoyed the opportunity to serve as the Commission Chair and look forward to continuing our work in 2012. You may contact the Commission office at any time to bring solid waste issues to our attention. Thank you for your interest in the work of our Commission.

*Alan Maisel*

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# THE USE OF BISPHENOL A IN BUSINESS TRANSACTION PAPER

## ASSEMBLYMAN MAISEL INTRODUCES LEGISLATION TO BAN THIS USE

In 2011, Assemblyman Maisel and Assemblyman Steven Englebright re-introduced their legislation (A 212-A) that would expand the provisions of current NYS law to prohibit the distribution and use of paper containing bisphenol A for the recording of any business transaction and to regulate chemical compounds that are used to replace BPA. The Senate bill is sponsored by Senator James Alesi (S 4532) and both bills are assigned to the respective Environmental Conservation Committees.

### Summary of Bill

The legislation prohibits the distribution or use of paper containing BPA for the recording of any business or banking transaction. The bill also prevents receipt paper manufacturers from replacing BPA with another chemical compound that has been scientifically established to be a known human carcinogen, a developmental toxin, an endocrine disruptor or a reproductive toxin. Paper manufacturers would be required to use the least toxic alternative chemical compound to replace BPA.

DEC would be required to certify that any chemical compound used to replace BPA in receipt paper is the least toxic alternative available, and is not a known human carcinogen, a developmental toxin, an endocrine disruptor or a reproductive toxin.

The Department would also be required to investigate and determine acceptable methods of disposal and recycling for paper receipts in order to eliminate or minimize exposure to and contamination from BPA. DEC would be responsible for advising the public regarding safe practices in handling and disposing of such paper receipts.

Finally, the bill would create a DEC Advisory Committee on Least-Toxic Alternatives to BPA, composed of independent scientists with substantial experience in evaluating toxicological and epidemiological data on toxic chemicals, including their potential carcinogenic, endocrine disruptive, reproductive, developmental or neurological effects.

Maisel and Englebright believe it is prudent to reduce public exposure to this chemical by banning its use on receipt paper. This bill would prohibit the production and use of receipt paper containing or made with BPA within 6 months of it becoming law. Furthermore, they believe that vigilance is necessary to ensure that we are not replacing one dangerous chemical with another.

### Background on Use of BPA in Thermal Imaging Paper

For many years, BPA has been used in carbonless copy paper (e.g. credit card receipts) and thermal imaging paper.

A powdery layer of BPA is applied onto paper, along with invisible ink, which merge and provide “color” when subject to heat or pressure. Free BPA is not bound into a polymer, but just individual molecules loose and available for uptake.

The nation’s largest manufacturer of thermal paper, Appleton Papers in Wisconsin, stopped using BPA in 2006 because of a growing concern about the safety of the chemical. However, the company has replaced BPA with bisphenol S (BPS), a similar chemical about which little is known. BPS has also been used by Japanese paper manufacturers for several years. Recent literature reports vary on the endocrine-disrupting potential of BPS, although it appears to have weaker estrogenic activity than BPA. However, BPS may be more resistant to breakdown in the environment than BPA.

The Warner Babcock Institute for Green Chemistry, co-founded by organic chemist John C. Warner, has been testing cash register receipts and has found an alarming amount of BPA on this paper. The average receipt using the BPA technology was found to contain 60 – 100 milligrams of free BPA, which is a thousand times above levels leaching from polycarbonate bottles. The paper was published on July 28, 2010 in the peer-reviewed journal “Green Chemistry Letters and Reviews.”

The EWG had a testing program conducted by the Missouri Division of Biological Sciences laboratory on receipts from major retailers, including Wal-Mart, Safeway, McDonalds, the U.S. Postal Service, and Bank of America ATMs. The laboratory found that the total mass of BPA on a receipt is from 250 to 1,000 times the amount of BPA typically found in a can of food or baby formula. Forty percent of printed receipts collected from fast food restaurants, big retailers, grocery stores, gas stations and post offices in seven states and the District of Columbia contained BPA.

### BPA in Money

A report released in late 2010 by the Washington Toxics Coalition titled “On the Money: BPA on Dollar Bills and Receipts” described lab tests confirming that BPA rubs off not only on one’s skin, but also on the money it contacts. Levels found on dollar bills were lower than on receipts, but the group contends that U.S. currency is to some degree contaminated with BPA.

A recent study published in Environmental Health News, conducted by researchers C. Liao and K Kannan in 2010 and reported in Environmental Science and Technology in 2011 identifies paper money as another source of human exposure to BPA. The researchers found that BPA can transfer to the bills from thermal cash receipts stored next to them in wallets, purses, etc. Paper currency was collected from numer-

ous countries, including the U.S., Canada, Czech Republic, Russia, Turkey, Australia, Brazil, Egypt, South Africa, China, India, Japan, Korea, Kuwait, Malaysia, the Philippines, Singapore, Thailand, Vietnam and the United Arab Emirates. The study results suggest the need for additional research regarding the transfer of BPA to and from money and potential exposure and health effects that may accompany frequent contact with paper money.

### Recycling and Disposal of Paper Containing BPA

A related issue is the recycling and disposal of paper receipts containing BPA, thereby transferring BPA to other forms of recycled paper. A European Union Risk Assessment Report 4, finalized in February 2008, evaluated the risks associated with BPA and found that thermal paper production is one of the smallest industrial uses of BPA. However, recycling of thermal paper generates the largest industrial source of BPA entering waste water treatment plants, due to the high water usage and the readily available nature of BPA. Modern treatment plants are relatively effective at removing BPA, but given the large volumes entering these facilities, recycling is still a significant source of BPA surface water emissions. BPA is toxic to aquatic life and endocrine-disruptive compounds in surface water have been linked to reproductive development problems in fish, reptiles and birds.

### BPA Exposure Concerns

New York State has already taken action in 2010 that prohibits the use of BPA in child care products, including sippy cups, baby bottles and straws intended for use by a child under the age of three. BPA has been established as an estrogen-mimicking endocrine disrupting chemical that has been found to be toxic at low doses and is linked to breast cancer, early onset of puberty, obesity and prostate cancer. Very small amounts of hormones can produce immense biological behavioral changes.

Bio-monitoring surveys by the federal Centers for Disease Control and Prevention (CDC) have found BPA in the bodies of 93% of Americans over the age of 6. The Environmental Working Group (EWG) in Washington, D.C. analyzed the CDC data and found that people who reported working in retail industries had 34 percent more BPA in their bodies than other workers. As of May 2009, 1 in 17 working Americans – 7 million people – were employed as retail salespersons and cashiers, according to the Bureau of Labor Statistics.

Industry representatives claim the “low levels” on receipts do not present a threat. However, there is little evidence regarding the long-term chronic effects of continuous exposure to BPA. There are a number of other studies regarding transfer of BPA to skin, concentration of BPA in thermal paper as well as studies evaluating the occurrence of BPA in dust, in the food supply and the general exposure of the U.S. population that the Commission is reviewing.

### Maisel and Englebright Ask the Department of Health for Guidance on BPA and Alternatives

On May 5, 2011, Assemblymen Maisel and Steven Englebright wrote to NYS Department of Health Commissioner Nirav Shah regarding their concerns for potential public exposure to bisphenol A (BPA) from business transaction paper, and the need to better inform the public about reducing their exposure to BPA through a public education campaign. Their letter cited many of the exposure and contamination issues and concerns discussed in this article. They also asked DOH for any further information on BPS or other potential replacements for BPA in transaction receipt paper.

### The DOH Response

Dr. Howard Freed, Director of the Center for Environmental Health in DOH responded to the letter on June 20, 2011. The letter references DOH’s website which stresses dietary exposure, particularly for infants, as the primary source of BPA. His letter states that DOH will review the potential exposures to BPA via business transaction paper, particularly for employees who handle receipts at work and will add this source of exposure to their fact sheet as appropriate. The letter also notes that DOH has not evaluated the potential effects of BPS or other alternatives to BPA. The letter recommends review of the U.S. Environmental Protection Agency (EPA) action plan for BPA that will formally evaluate the ecological and human health hazards and environmental fate of BPA and alternatives, when this report is released. The DOH website address for BPA is [www.health.ny.gov/environmental/chemicals/bisphenol\\_a/](http://www.health.ny.gov/environmental/chemicals/bisphenol_a/).

### Conclusions

Assemblyman Maisel and the Commission staff will continue to pursue this matter legislatively during the 2012 session, based on the information currently available and the potential for human health exposures and environmental contamination from BPA from receipt paper. Assemblyman Maisel is also planning to sponsor a roundtable discussion on this topic in the fall.



*Assemblyman Maisel with Commission staff (l to r) Debra Jenkins, Marilyn DuBois, Heidi Kromphardt and Patrick Golden.*

# THE THREE R'S OF SOLID WASTE MANAGEMENT REDUCTION ♻️ REUSE

## THE FIRST R – REDUCTION!

### ASSEMBLYMAN MAISEL INTRODUCES BILL TO ALLOW DONATION OF COUNTERFEIT ARTICLES

In 2010, Assemblyman Maisel introduced legislation to prevent the disposal of confiscated counterfeit articles, and reintroduced the bill again in 2011 (A 6248). The current law allows the court to authorize destruction of confiscated counterfeit products. The bill would allow the court to authorize the donation of counterfeit products and require notification of the lawful mark owner of this decision, in order to allow the owner an opportunity to object to the donation.

Donations could only be made to a not-for-profit corporation with an established history of providing goods and services to indigents. Counterfeit products could not be sold by such organization or anyone receiving the products. This bill would allow the use of counterfeit products, particularly clothing, by those less fortunate.

Counterfeit products range from designer labeled clothing, watches, perfumes and cosmetics; alcohol and tobacco; CDs, DVDs, video and audio tapes; computer software, including games; vehicle parts; consumer electronics; toys and pharmaceuticals. Sales in these products are estimated to be in the billions of dollars annually worldwide.

The ACG (the Anti-Counterfeiting Group), a not-for-profit trade association considered a leading authority in the world trade in fakes, describes the counterfeit market as twofold - the primary market where consumers purchase counterfeit and pirated products in the belief they are genuine; and the secondary market where consumers knowingly purchase cheaper products probably knowing they are fakes .

In 2009, New Jersey and New York U.S. Customs and Border Protection officials established a program to donate counterfeit articles seized from local airports and seaports through international and local charities to the needy. Similar programs have been established in Los Angeles, Detroit and San Francisco.

Assemblyman Maisel's legislation would remove any legal barriers to conducting this donation effort, with the needy and indigent being the major beneficiaries. By eliminating the requirement to destroy or dispose of these items, the program also meets the highest goal in solid waste management – waste reduction.

## THE SECOND R – REUSE!

### NEW YORK CITY LAUNCHES NEW TEXTILE RECYCLING AND REUSE PROGRAM

The Mayor's Office and the NYC Department of Sanitation announced a new clothing and apparel "reuse" program in May. The City will partner with Housing Works, a NYC-based charitable organization and operator of health centers, housing facilities and thrift shops in the City. The purpose of this cooperative venture is to recover unwanted clothing and other wearing apparel that can be reused. The program will start at Community Counseling and Mediation – Georgia's Place, a 48-unit residential building in Crown Heights, Brooklyn.

A collection bin will be placed in participating buildings for unwanted clothing and other apparel – the bin will be serviced by Housing Works. Housing Works will sell the clothing to

raise money for low-income and homeless New Yorkers living with or affected by HIV/AIDS. The services include medical and dental care, substance use and mental health treatment, job training, and housing.

The partnership is simple because participating apartment buildings provide collection sites at no cost to the building or taxpayers. The responsibility of the building manager is to notify Housing Works when the bin is full. The program is open to residential buildings in all five boroughs. Locations of thrifty shops or drop-off locations are available at [www.nyc.gov/stuffexchange](http://www.nyc.gov/stuffexchange).

# D WASTE MANAGEMENT: USE ♻️ RECYCLING

## THE THIRD R – RECYCLING!

### RECYCLING UNWANTED CARPETING WORKSHOP PLANNED FOR THE FALL BY ASSEMBLYMAN MAISEL

#### Carpet Collection and Recycling

There are few products that conserve more energy than carpeting when recycled back into similar products. In a 2007 Waste Characterization report, the U.S. Environmental Protection Agency (EPA) estimated that carpet discards nationally exceeded 2.8 million tons annually. Carpeting is gaining greater attention as a material to recover because of its high energy value, rather than disposing of this bulky high-volume material as waste.

Most carpet is made from nylon and other polymers derived from virgin oil. Numerous products can be manufactured from recycled carpets, including carpet backing and backing components, carpet fiber, carpet underlayment, plastics and engineered materials, and erosion control products.

For the past decade, industry and government have been collaborating to advance a national carpet recovery strategy. A Memorandum of Understanding (MOU) for Carpet Stewardship was agreed upon by carpet industry members; federal, state, and local government representatives; and non-governmental organizations in 2002. The MOU led to the creation of CARE (Carpet America Recovery Effort), an organization developed to facilitate industry initiatives for diverting carpet from disposal. Stakeholders, including CARE and many of the original MOU signatories are working on a new MOU to improve shortcomings encountered in meeting the goals of the original agreement.

In 2010, California became the first state to pass a law requiring carpet stewardship. The California law is not intended to fund the entire burden of end-of-life carpet management. The intent

of this law is characterized as a program to incentivize the growth of carpet reclamation and recycling. Manufacturers can participate in the plan being developed by CARE or submit their own plans. Several carpet recycling facilities now operate in California, offering jobs and producing products and feedstock for products made from recycled carpet.

#### New New York State Legislation

Assemblyman Maisel plans to introduce legislation that fosters greater recovery of residential carpeting. Concepts under consideration include separate collection of residential carpeting from mixed waste, thereby maximizing its recyclable value. Bulk discarded carpeting could be left for curbside or roadside collection if a municipality or its contractor has a program to recycle the carpeting. Flooring contractors would be required to remove old carpet without charge and manage the carpeting through reuse or recycling. A program goal for reuse or recycling of carpeting would be 50% by weight of the discarded carpeting. A bill will be introduced for the 2012 legislative session.

#### Carpet Recovery and Recycling Roundtable

In May, Assemblyman Maisel convened a meeting of regional carpet recyclers to gain a greater understanding of carpet reuse and recycling in NYS. Among the topics discussed were:

- contracting with state and local government, carpet installers and retailers, construction and demolitions companies for used carpet collection;
- recycling issues relating to variability of carpeting components;
- carpet recovery mechanisms, including curbside pickup; and
- experience with LEED certification for structures containing recycled carpeting.

Based on this input and further research by Commission staff, a carpet recycling roundtable is under consideration with various stakeholders, including carpet recyclers, manufacturers, retailer sellers, installation and removal contractors, municipalities, sanitation workers, non-municipal haulers and the NYS Department of Environmental Conservation (DEC). Participants will discuss the draft legislation and make recommendations to improve the recovery of carpeting.

More information on the roundtable and the proposed legislation will be available in the near future and interested parties should contact the Commission office at 518-455-3711.



*Dan Schooler of County Waste describes “single-stream” waste collection system with Assemblyman Maisel.*

# DISPOSAL OF DRILLING FLUIDS, DRILL CUTTINGS AND SOIL FROM HYDRAULIC FRACTURING OPERATIONS

## Maisel Bill Would Ban Importation and Disposal of Hydraulic Fracturing Wastes from Out-Of-State

### The Maisel Bill

In 2010, Assemblyman Maisel introduced legislation (A 10710) to ban the disposal and the importation of hydraulic fracturing drill cuttings, drilling fluids and soil from out-of-state hydraulic fracturing and horizontal drilling operations. Many other legislators, particularly members whose districts contain Marcellus Shale formations, have introduced bills to ban or limit this type of natural gas extraction. This article will focus on issues relating to the Maisel bill described below.

The Maisel bill, cosponsored by Assemblymember Englebright and others and re-introduced in 2011 (A 300-A) would establish a moratorium on the in-state disposal and/or processing of any fluids used in hydraulic fracturing occurring outside of the State until 120 days after completion of a U.S. Environmental Protection Agency (EPA) comprehensive study and report evaluating the potential adverse impacts of these wastes on water quality and public health. Additionally, the bill would require DEC to demonstrate that it:

- has the capacity to administer a program to regulate the disposal of hydraulic fracturing drilling fluids, drill cuttings and soil;
- is able to identify and test for all chemical components of these drilling fluids;
- is able to conduct inspections of any facilities that contract to receive drilling fluids, drill cuttings and soil;
- can establish appropriate monitoring requirements for the presence of low-level radioactive materials from hydraulic fracturing drilling operation waste; and
- can enforce all provisions of the bill.

Assemblyman Maisel believes that until the impacts of use and disposal of all fluids and other wastes associated with hydraulic fracturing and horizontal drilling are properly evaluated, it is inappropriate to dispose of these wastes in New York.

### Potential Problems Associated with Reuse and Disposal of Drilling Wastes

Assemblymember Maisel recognizes that some local governments may welcome the fees accrued from disposal of hydraulic fracturing fluids; however he remains concerned that there do not appear to be consistent waste testing requirements to prevent potential adverse environmental and public health impacts. Maisel notes that drilling operations in other states are reported to be sending drilling waste into New York for disposal with inadequate testing and analysis of these fluids and materials.

According to DEC's 2009 dSGEIS, drilling and fracturing fluids, mud-drilled cuttings, pit liners, flowback water and brine are classified as non-hazardous industrial waste which must only be hauled under a NYS Part 364 waste transporter permit issued by DEC. Transporters must identify the general category of waste transported and provide a signed authorization from each destination facility. However, manifesting is generally not required for non-hazardous industrial waste, which prevents tracking verification of disposal destination on an individual load basis. Assemblymembers Sweeney, Maisel, et al introduced a bill (A 7013/S 4616 Avella) that would classify hydraulic fracturing fluids as hazardous waste; this bill passed the Assembly in 2011.

Furthermore, the dSGEIS discussed DEC's State Pollution Discharge Elimination System (SPDES) as the mechanism to regulate discharges. Historically, thousands of SPDES permit

records have not been reviewed, inspected nor enforced by DEC due to staff limitations.

As reported in our 2010 newsletter, there has been controversy regarding the landfill disposal of radioactive drill cuttings from Pennsylvania in Chemung County and disposal of hydraulic fracturing fluid and brine from natural gas well drilling into the City of Watertown sewage treatment system. DEC recently acknowledged that municipalities, including communities in Chemung, Broome and Tompkins counties are using contaminated wastewater from natural gas drilling operations for road and highway dust control and de-icing. DEC allows these uses of wastewater through a "beneficial use determination" with restrictions.

According to Toxics Targeting, an Ithaca-based environmental organization, waste water generated from hundreds of natural gas production wells has been approved to be spread on roadways in Chemung, Broome, Tompkins, Tioga, Chenango, Steuben, Cayuga, Cortland, Madison, Genesee, Chautauqua, Cattaraugus, Allegany, Wyoming and Otsego counties. DEC claims this waste water comes from non-shale vertical wells drilled in New York and not from out-of-state high-volume hydraulic fracturing wells. It does not appear that the waste water is subject to testing for heavy metals and other contaminants before being re-used.

# NYS DEC Environmental Evaluation of Hydraulic Fracturing and Horizontal Drilling

## DEC's Principal Concerns Identified in the 2009 dSGEIS

The Draft Supplemental Generic Environmental Impact Statement (dSGEIS) for hydraulic fracturing and horizontal drilling in New York State was issued in 2009. According to DEC, the agency received more than 13,000 public comments on its first Draft SGEIS that was issued in September 2009. Among the previously identified impacts needing to be addressed, DEC specified:

- known and unknown toxic effects of chemicals added to hydraulic fracturing fluids and their impact through exposure at the drilling site or possible contamination of surface water and groundwater and other resources. Certain of these chemicals are classified by the U.S. Environmental Protection Agency (EPA) as known and possible human carcinogens;
- content and migration of flow-back fluids and emissions associated with these fluids, as well as storage and transportation impacts; and
- local infrastructure and quality of life impacts.

DEC subsequently announced that an environmental impact statement would be required for every horizontal well drilling application within the New York City and Syracuse water supply systems. DEC has announced that the revised DSGEIS will be released by the end of summer with anticipated completion of the Final SGEIS by the end of 2011.

## DEC's 2011 Preliminary Revised dSGEIS and New Recommendations for Permitting High-Volume Hydraulic Fracturing in NYS

On July 1, 2011, DEC released its Preliminary Revised dSGEIS and revised recommendations for permitting high-volume hydrofracturing and for mitigating the environmental impacts of high-volume hydraulic fracturing. These recommendations are intended to describe DEC's permitting process, reflecting the Department's highest priority to protect drinking water for all New Yorkers. The document claims that DEC will only issue permits consistent with DEC's ability to review and oversee high-volume hydraulic fracturing activities and ensure compliance with permit conditions, although the document does not specify how DEC will achieve this goal.

To protect drinking water resources, DEC will prohibit surface drilling:

- within 2,000 feet of public drinking water supplies;
- on the state's 18 primary aquifers and within 500 feet of their boundaries;
- within 500 feet of private wells, unless waived by landowner;

- in floodplains; and
- within 4,000 feet of the boundaries of the Syracuse and New York City watersheds, and within 1,000 feet of the NYC subsurface water supply infrastructure unless approval is granted after site-specific review.

Other recommendations relating to management and disposal of hydrofracturing wastes and other elements of the Maisel bill include:

- required spill control and stormwater control measures;
- plans for flowback water and production brine disposal and tracking;
- full analysis and approval of flowback water before disposal in a water treatment facility; and,
- full disclosure of all chemicals, chemical combinations and additives used in hydraulic fracturing;

The documents are available at DEC's website [www.dec.ny.gov](http://www.dec.ny.gov).

## DEC High-Volume Hydraulic Fracturing Advisory Panel

At the same time the Preliminary Revised dSGEIS and Revised Guidelines were released, the DEC Commissioner announced appointments to a 13-member advisory committee charged with developing recommendations to:

- ensure proper oversight, monitoring and enforcement of hydraulic fracturing activities;
- avoid and mitigate impacts to local governments and communities; and
- evaluate the current fee structure to adequately fund government oversight and infrastructure to regulate hydraulic fracturing.

Assemblywoman Donna Lupardo from Binghamton is one of the Panel members.

## Responses to DEC's 2011 Preliminary Revised dSGEIS and Revised Guidelines

**Opponents of high-volume hydraulic fracturing and horizontal drilling** have quickly responded to newly-released DEC documents by identifying what they consider to be major flaws. Some of the deficiencies relating to issues raised by Assemblymember Maisel's bill include:

- failure to ban any chemicals, including known carcinogens and toxins;
- failure to classify drilling wastes as hazardous;
- allowing sewage treatment plants to treat drilling waste, although their capacity and ability is questionable;
- lack of analysis of public health impacts;

(continued on page 8)

- allowing issuance of permits before regulations are completed;
- failure to provide for coordinated review by agencies; and,
- inadequate staff and resources to properly administer and enforce drilling requirements.

**Supporters of high-volume hydraulic fracturing and horizontal drilling** have generally supported the recently-released DEC documents. The American Chemical Council, which rep-

resents makers of hydrofracturing chemicals, has met with the Governor to express their support for the DEC documents that they believe would open much of the state's Southern Tier to such drilling.

The natural gas industry supports this drilling, because natural gas burns more cleanly than other fuel sources and could reduce dependence on imported energy resources. The industry also believes that drilling would bring new jobs to areas of the state that are economically depressed. More relate to disposal.

## Current Federal Evaluations of Hydraulic Fracturing Impacts

On March 18, 2010, the U.S. Environmental Protection Agency (EPA) announced initiation of a comprehensive research study to investigate the potential adverse impacts that hydraulic fracturing and fracturing fluids may have on water quality and public health. EPA noted there are concerns that hydraulic fracturing may impact groundwater and surface water quality in ways that threaten human health and the environment. EPA was allocated \$1.9 million for the comprehensive, peer-reviewed study for FY10, which is expected to be completed in two years.

In May, 2011, U.S. Energy Secretary Steven Chu charged the Secretary of Energy Advisory Board (SEAB) Natural Gas Subcommittee to make recommendations to improve the safety and environmental performance of natural gas hydraulic fracturing from shale formations. Chu extended the Subcommittee membership beyond the SEAB to in-

clude the natural gas industry, states, and environmental experts. The President had directed Secretary Chu to form the Natural Gas Subcommittee as part of the President's "Blueprint for a Secure Energy Future", the comprehensive plan to reduce America's oil dependence, save consumers money and enhance clean energy industries.

The Natural Gas Subcommittee will review and identify immediate steps that can be taken to improve safety and environmental performance, as well seeking advice for agencies on shale extraction practices that ensure protection for public health and the environment. The first meeting of the Subcommittee was held on July 13th. Presentations included representatives from the Ground Water Protection Council, the Interstate Oil and Gas Compact Commission, State agencies, the American Petroleum Institute and Princeton University.

## Conclusions

The Commission will continue to support other Assembly Committees and staff to research and evaluate the review process and future proposals for high-volume hydraulic fracturing and horizontal drilling in both the Marcellus

Shale and Utica Shale formations in New York State, focusing on the impact of the disposal of associated wastes fluids on water quality and public health. Updates will be included in future newsletters.

## The Current Status of Oil and Gas Drilling in NYS

According to the NYS Department of Environmental Conservation (DEC), there were 13,684 vertical oil and gas wells in New York for the calendar year 2008, of which more than 6,000 were natural gas wells with total annual gas production of 50.320 billion cubic feet. According to DEC, almost half of these vertical wells currently use hydraulic fracturing techniques to release natural gas.

The Marcellus formation extends from the Southern Tier of New York into Ohio, Pennsylvania and West Virginia and is estimated to contain \$1 trillion worth of natural gas. Shale gas reservoirs have become the focus of interest as potential new domestic natural gas sources.

The gas in the Marcellus Shale is found thousands of feet below the surface. Horizontal drilling can extend for up to a mile

from a vertical drill site. This technique utilizes high-pressure sand, water and other chemicals that are forced into concrete-enclosed casings in the shale formation, fracturing the rock and releasing gas that might otherwise not be available. Some of the drilling fluids return with the extracted gas; these waste fluids must be properly managed. DEC estimates that a multi-stage fracturing operation for a 4,000 lateral well-bore might use between 2.4 million and 7.8 million gallons of water.

According to DEC, interest in these shale formations is driven by enhanced well development technology, proximity of high natural gas demand markets in northeast states; and construction of the Millennium Pipeline through the Southern Tier of NY. It would appear that higher oil prices and increased national interest in reducing the use of imported fuel have shifted the economics as well.

# PRODUCT STEWARDSHIP FOR DRUG MANUFACTURERS

## Assemblyman Maisel Re-Introduces Legislation Requiring Drug Take-back Programs for Hospitals and Residential Health Care Facilities

In 2011, Assemblyman Maisel re-introduced legislation (A 211) that would require all drug manufacturers selling pharmaceuticals in New York to be responsible for creating and financing prescription and over-the-counter drug take-back programs for hospitals and residential health care facilities. The bill was introduced in the Senate (S 830) by Senator Toby Stavisky. Both bills have been assigned to the respective Health Committees.

Hospitals and residential health care facilities would be required to dispose of all unused and expired drugs through drug collection programs and would be prohibited from disposing of drugs as mixed solid waste in a landfill. The bill would allow manufacturers to contract with third parties to run the programs, although the manufacturers would have to ensure the security of the collection programs. No fees could be charged to hospitals and residential health care facilities for drug collection.

Manufacturers would be required to dispose of all collected drugs in an environmentally sound manner, pursuant to rules and regulations promulgated by the NYS Department of Health (DOH). All manufacturers would be required to report biannually to the DOH on their drug collection programs. The bill is supported by the NYS Health Facilities Association as well as a broad range of environmental and public health

advocates. The bill was assigned to the Assembly Health Committee.

### Current Hospital and Residential Health Care Facility Drug Disposal

NYS hospitals and health care facilities, including nursing homes and long-term care facilities, find themselves with thousands of unwanted, unused or expired pharmaceuticals. The NYS Department of Health (DOH) has required hospitals and health care facilities to flush unwanted or unused drugs. This guidance has contributed to contamination of waters of the State with common medications as municipal treatment plants are not capable of removing these chemicals. The Commission has been unable to confirm that this guidance has changed.

In January 2010, the NYS Attorney General announced settlements with five health care facilities after his investigation showed that they released pharmaceutical waste into the New York City watershed in violation of the federal Safe Drinking Water Act. The settlements require the facilities to stop flushing unused drugs, which is a violation of state and federal waste management laws. The drugs included painkillers, antibiotics, antidepressants and hormones. The five facilities (two hospitals and three nursing homes) are located in the Mid-Hudson region.

### The Problem

An Associated Press (AP) national investigative report in March 2008 found that a wide variety of pharmaceuticals, including endocrine disruptors, antibiotics, anti-convulsants and mood stabilizers, are found in the drinking water of at least 41 million Americans in 24 cities, at levels in the parts per billion or parts per trillion ranges.

The AP report cited testing in Philadelphia that discovered 56 pharmaceuticals or byproducts in drinking water, including medications for pain, infection, high cholesterol, asthma, epilepsy, mental illness and heart problems. The AP report also noted that medications were found in drinking water for 18.5 million people in southern California and 850,000 people in Northern New Jersey, as well as drinking water supplies in San Francisco, Tucson and Washington D.C.

The New York City Department of Environmental Protection (NYCDEP) responsible for the delivery of drinking

water to 9 million people, at that time reported to the AP that their drinking water is not tested for pharmaceuticals. The New York State Department of Health (DOH) and the USGS tested the source of the City's upstate water supply and found trace concentrations of heart medicine, infection fighters, estrogen, anticonvulsants, a mood stabilizer and a tranquilizer.

The NYC DEP conducted a one-year study in 2009 for pharmaceuticals and personal care products in NYC in three upstate watersheds (Croton, Delaware and Catskill), finding what they described as trace amounts of these compounds. A follow-up study conducted from March to December of 2010, in the above source waters and chlorine treated water (Catskill/Delaware system), again claims that pharmaceuticals and personal care products did not present a risk to the water supply. However, as DEP noted in its report, there are no state or federal man-

(continued on page 10)

andatory testing or reporting requirements for these chemicals and that New York State has only generic standards for principal organic contaminants. Pharmaceuticals are not regulated as a class of contaminants under the Safe Drinking Water Act, the authorizing legislation for Federal drinking water standards. For more information on the DEP testing, go to their website [www.nyc.gov/html/dep](http://www.nyc.gov/html/dep).

In a study conducted from 2004 – 2009, the U.S. Geological Survey surveyed wastewater –treatment plant effluents (including two that received substantial discharges from pharmaceutical formulation facilities), stream water and reservoirs. The study found widespread contamination from drugs and personal care products in U.S. waters at levels similar to those in the AP report. Among the pharmaceuticals qualitatively identified were oxycodone, butalbital, metaxalone and carisoprodol.

The Ohio River Valley Water Sanitation Commission reported on July 12, 2010, the preliminary results of a study it conducted looking for 158 contaminants, including 118 pharmaceuticals, hormones and personal care products. Researchers detected low concentrations of dozens of chemicals in the Ohio River upstream and downstream from Louisville, including medications used to fight depression, anxiety, high blood pressure, diabetes, heart disease and infection. The final report is expected early next year.

### The Impacts

The presence of medications in drinking water, even at low concentrations, creates a serious public health problem for the general populace, and most importantly infants and young children, through chronic exposure to a wide range of drugs. Additionally, surface waters are contaminated with animal drugs, including anabolic steroids and drugs to treat arthritics, cancer, heart disease, diabetes, allergies, dementia and even obesity, similar to drugs to treat humans. Pharmaceuticals in waterways are damaging wildlife across the nation, including feminization and low testosterone levels in male fish.

Concerns about chronic low-level exposure focus on certain drug classes; chemotherapy that can act as a powerful poison; hormones that can hamper reproduction or development; medicines for depression and epilepsy that can damage the brain or change behavior; antibiotics that can allow human germs to mutate into more dangerous forms; pain relievers and blood-pressure diuretics.

While drugs are tested to be safe for human use, the time frame is usually over a matter of months, not a lifetime.

Pharmaceuticals also can produce side effects and interact with other drugs at normal medical doses. Pharmaceuticals

are prescribed to people who need them, and are not meant to be delivered to everyone in their drinking water.

### New York State's Response to the Problem

New York State took limited action in 2006 with the passage of legislation requiring the NYS Department of Environmental Conservation (DEC) to conduct a public education campaign to educate the public not to flush unwanted drugs. DEC was authorized to provide advice regarding the disposal of drugs as solid waste. The Department was also authorized to conduct a demonstration project to determine the most effective ways of managing unwanted drugs to date; the Department has worked with various counties and local governments that have conducted small-scale drug take-back programs. In 2010, the Legislature authorized a two-year extension of this program.

The Federal Resource Conservation and Recovery Act (RCRA) exempts household waste (including prescription and OTC drugs) from hazardous waste regulation. Furthermore, EPA has made clear that distributors may not accept already dispensed medication back as part of that waste stream. However, individual states may determine that drugs are hazardous wastes and must be managed as such. New York has not done so.

### The Solution

None of these actions have effectively eliminated dangerous drugs from our drinking water and our environment. As important as these events are, they are not a replacement of on-going, comprehensive collection programs to remove unwanted and expired drugs from households, healthcare facilities and other sources.

The concept of product stewardship has gained considerable attention and support, in recognition of the responsibility that manufacturers bear for products that can potentially create environmental or public health harm. The manufacturers would be held responsible for the recovery and environmental-sound disposal or recycling of these products. For example, in 2010 New York enacted a product stewardship program for the take-back and recycling of electronic equipment that took effect on April 1, 2011.

Most of the arguments against these bills come directly from PhRMA, the lobbying arm of the pharmaceutical industry, including the specter of higher drug prices, while suggesting, contrary to recent scientific evidence, that the amounts of drugs in our drinking water is minute. Drug companies make millions of dollars on the sale of drugs and currently contribute nothing for the disposal or contamination caused by millions of unwanted or unusable drugs.

# MAISEL INTRODUCES LEGISLATION REQUIRING DISCLOSURE OF RESIDENTIAL UNDERGROUND PETROLEUM STORAGE TANKS

## CURRENT REGULATION OF PETROLEUM STORAGE TANKS

The Department of Environmental Conservation (DEC) Part 613 regulations regulate all above ground and underground non-residential petroleum storage facilities with a combined storage capacity of more than eleven-hundred gallons. Operators of underground storage tanks must keep daily inventory records for the purpose of detecting leaks. The tanks and piping must be periodically tested for tightness. The Part 612 regulations require registration of these storage facilities and Part 611 regulations establish procedures for petroleum spill cleanup and removal.

Five NYS counties have been delegated authority from DEC to administer the State's Petroleum Bulk Storage Program. In 1986, delegation was conferred to four counties - Nassau, Suffolk, Rockland and Cortland - which contain sole source aquifers that serve as drinking water sources. These counties were delegated authority because they have some programs or regulations already in place to regulate in-ground oil tanks. Westchester was delegated authority about 10 years later. The counties are allowed to retain any fines and penalties resulting from enforcement actions. Some of these counties created their own regulations; Cortland County simply references 6 NYCRR Parts 612, 613 and 614 in their Sanitary Code.

Cortland County has reported the following observations regarding petroleum storage tanks:

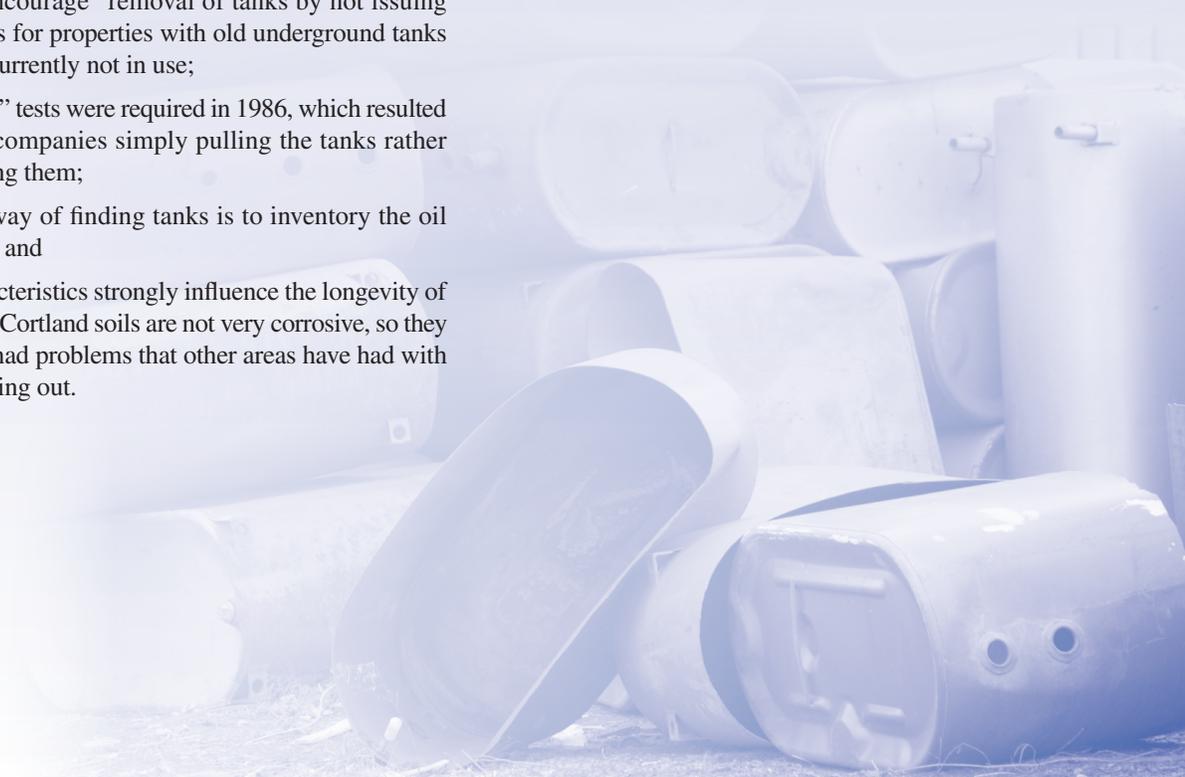
- banks “encourage” removal of tanks by not issuing mortgages for properties with old underground tanks or tanks currently not in use;
- “tightness” tests were required in 1986, which resulted in many companies simply pulling the tanks rather than testing them;
- the best way of finding tanks is to inventory the oil suppliers; and
- soil characteristics strongly influence the longevity of the tanks. Cortland soils are not very corrosive, so they have not had problems that other areas have had with tanks rusting out.

### The Maisel Bill

The provision of certain information about environmental conditions on residential property, including the presence of in-ground or above ground residential fuel storage tanks is currently required to be provided by the seller to the buyer of property.

The Maisel bill (A 6352) would require residential property condition disclosure statements recorded upon conveyance of property to also be recorded with the relevant local government and DEC. Within 10 days of receipt of a residential property condition disclosure statement, the county clerk would be required to record the same information, and to send copies of the statement to DEC and to the clerk of the local government where the residential real property is situated. DEC would also be required to establish an electronic data base of this information that is available to the public and published on DEC's website.

The bill would ensure that not only property owners, but the affected local government, DEC and the general public, are aware of the location of residential fuel storage tanks. There are millions of residential fuel tanks buried in New York that may pose significant environmental and public health hazards due to their age and condition.



# UPDATE ON THE NYS SOLID WASTE MANAGEMENT PLAN Assemblyman Maisel comments

## Highlights of the Revised Solid Waste Management Plan (SWMP)

It has been twenty-three years since the first New York State SWMP was released by the NYS Department of Environmental Conservation (DEC). The updated version, titled *“Beyond Waste: A Sustainable Materials Management Strategy for New York,”* was adopted by DEC in December, 2010.

### Waste Management Goals

The revised SWMP promotes a new approach for New York State, shifting the focus from “end-of-pipe” waste management practices to managing materials over their entire life-cycle by the most resource-efficient, or sustainable, means possible. The SWMP plans to accomplish this change through greater attention to product and packaging design that minimizes waste and maximizes the use of recyclable materials.

The quantitative goal of the Plan is to “reduce the amount of waste New Yorkers dispose of by preventing waste generation and increasing reuse, recycling, composting and other organic materials recycling methods.” The SWMP seeks to reduce municipal solid waste (MSW) from the current 4.1 pounds of MSW per person per day to 0.6 pounds per person per day by 2030. MSW covers residential and commercial wastes, but does not include industrial or construction and demolition wastes.

Much of the SWMP focuses on conservation of resources, especially energy, and the underlying greenhouse gas reduction that would be realized through the implementation of the SWMP initiatives. DEC estimates that the SWMP implementation would reduce CO<sub>2</sub> equivalent greenhouse gas emissions by nearly 21 million metric tons annually, save more than 280 trillion BTUs of energy each year (as much energy as is consumed by more than 2.6 million homes) and create 67,000 jobs by 2030 with associated economic opportunities.

### Fiscal Concerns

The SWMP acknowledges that increased funding for staff and capital expenditures will be necessary to support the proposed strategies. Potential funding sources to address these needs at both state and local levels are also recommended in the SWMP, including:

- increasing state funds dedicated to reduction, reuse and recycling through strategies such as a new Bond Act for this purpose or use of unclaimed bottle deposits;
- assessing solid waste disposal fees, as a disincentive to disposal and a source of revenue;
- assessing fees on plastic carryout bags; and,
- assessing solid waste management facility permit fees.

The SWMP also proposes a new grant program, using revenue sources identified above to provide consistent annual funding to local planning units to implement waste prevention, reuse, recycling and organics recovery programs.

While the State is responsible for solid waste management regulatory framework, local governments are directly responsible for providing or overseeing services to recover and manage the waste stream. Municipalities and organizations representing local solid waste management programs expressed significant concern for bearing the principal responsibility for implementation of the SWMP and the commensurate investments required. Of overriding concern was the need for DEC to provide much greater analysis of the SWMP’s fiscal requirements, which the NYS Association for Solid Waste Management conservatively estimates will cost billions of dollars to effectively implement.

The Revised SWMP does not provide substantially more detailed fiscal analysis than previous drafts, but it does include clarifying language that the “(p)lan itself does not establish mandates for municipalities and does not dictate a specific or rigid approach to local planning and programs.” The Revised SWMP claims that local solid waste management plans should evaluate and then propose methods to reduce waste and increase reuse, recycling and composting within the planning unit, thereby affording flexibility in determining the best strategies to implement the programs. The Revised SWMP states that municipalities will not be ordered to establish specific facilities or programs or be held to firm or mandatory goals.



*Assemblyman Maisel discusses regional waste collection issues with Dan Schooler of County Waste.*

# WASTE MANAGEMENT PLAN

## Comments on Revised SWMP

### Legislative Needs

In order for New York State to meet the SWMP's elements, the statutory structure of the State's solid waste management policy would need to be updated to accommodate the planned shift to a comprehensive materials management strategy. Much of this update could be accomplished through amendments to the Solid Waste Management Act of 1988, including clarification of the following objectives:

- prevent waste generation;
- use materials in the waste stream for their highest and best use;

- maximize reuse and recycling;
- engage state agencies, authorities, businesses, institutions, and residents in sustainable materials management programs;
- maximize the energy value of materials management; and
- engage manufacturers in end-of-life management of the products and packages they produce.

This is an abbreviated discussion of a lengthy document and readers are encouraged to read the Revised SWMP. To obtain a copy of Beyond Waste, go to [www.dec.gov](http://www.dec.gov).

## MAISEL COMMENTS ON THE 2010 SWMP

Chairman Maisel focused his comments on three areas –minimizing waste disposal, product and packaging stewardship and toxics reduction in products.

### Minimizing Waste Disposal

While noting that the SWMP acknowledges the need to minimize waste disposal through reduced generation and increased reuse and recycling, Maisel emphasized several Assembly initiatives that would improve waste reduction, including:

- mandated recycling of construction and demolition debris by public and private entities;
- reduced use of plastic bags and requirements for use of reusable and compostable bags; and,
- increased recycling in State parks, campgrounds, historic sites and recreational facilities.

### Packaging and Product Stewardship

Significant advances can be made toward waste prevention by reducing volume and use of toxic components, as well as improved recyclability and reusability of packaging and products. Maisel highlighted several bills that he has introduced that would:

- establish mandatory pharmaceutical collection programs by hospitals and other health care facilities,

as well as household drug collection programs, to be set up and paid for by drug manufacturers; and

- regulate the distribution and recovery of telephone directories.

### Toxics Reduction

Maisel urged inclusion of 2010 laws in New York that would ban the use of bisphenol A (BPA) in child care products and a ban on the aesthetic use of toxic pesticides in school and day care center outdoor settings as examples of toxics reductions. He suggested numerous other legislative proposals that would continue toxics reduction, including:

- reduction of pesticide use in schools, hospitals, food selling establishments and other settings;
- expanded green procurement by schools and hospitals;
- pesticide use reduction in State and municipal parks;
- regulation of toxic chemicals in products manufactured for children, including the use of toxic metals such as cadmium and lead in jewelry;
- recycling of smoke detectors containing americium-241; and,
- banning the use of BPA in transaction paper receipts.

# ASSEMBLYMAN MAISEL RE-INTRODUCES BILL TO REDUCE PROLIFERATION OF UNWANTED TELEPHONE DIRECTORIES

**Telephone directories are useful publications; however, their over-abundance has created a significant amount of waste in the U.S., estimated to be 660,000 tons annually. A recent DEC study on Municipal Solid Waste Composition and Characterization using 2008 data estimates that New York State produces more than 50,000 tons of phone book waste annually. Many households and businesses receive unsolicited multiple directories as publishers and distributors compete for attention. It is noteworthy that the information contained in paper directories is also available on-line.**

## The Maisel Bill

During this year's legislative session, Assemblymember Maisel re-introduced legislation (A 4747-A) that would reduce and eliminate unwanted and unsolicited telephone directories by requiring distributors of these directories to notify recipients of their option and means to decline delivery (often referred to as an "opt-out" program). This legislation would also require, to the maximum extent possible, that directories be:

- printed on paper that is recyclable and which contains no less than 30% post-consumer recycled fiber;
- printed with inks that do not contain heavy metals or other toxic material; and
- bound with materials that pose no unreasonable barriers to their recycling.

The bill also contains a provision requiring distributors of residential white pages directories to ensure that all customers are aware of their option to receive delivery of directories. The bill was assigned to the Assembly Environmental Conservation Committee and reported to the Assembly Codes Committee in 2011.

## Justification for Reducing Phone Directories

The highest priority in the solid waste hierarchy is prevention or avoidance of waste generation. This bill would significantly reduce the number of telephone directories entering the waste stream by limiting delivery to only those who want them. Furthermore, by limiting toxic inks and promoting recycled paper content and recyclability, the legislation would foster phone book recovery, the second highest solid waste priority, and reduce their overall environmental footprint.

A 2006 U.S. Environmental Protection Agency (EPA) study, "Solid Waste Management and Greenhouse Gases (GHG)", found that every ton of phone book waste eliminated reduces GHG emissions by 1.72 metric tons of carbon equivalent (MTCE). Additionally, for every ton of recovered material used in place of virgin material in new phone book manufacture, GHG emissions are reduced by 0.72 MTCE.

## Phone Book Regulation by the City of Seattle

The City of Seattle enacted an ordinance in October 2010 that created an opt-out registry for yellow pages phone books. During the first 11 days of the program, more than 23,000 homes and businesses elected not to receive more than 150,000 yellow-pages phone books. This declination was estimated to prevent more than 225 tons of waste paper needing to be recycled.

On July 1, 2011, the U.S. District Court ruled in favor of the City of Seattle, upholding the constitutionality of its yellow-pages opt-out program. This precedent-setting decision represents a major victory towards restricting the unsolicited delivery of phone books and validates the notion of promoting consumer choice while preserving free-speech protections offered by the U.S. Constitution. The ruling is expected to be appealed by the directory publishers.

The Commission will continue to pursue this issue in 2012.

# MAISEL INTRODUCES LEGISLATION TO REGULATE THE DISPOSAL OF IONIZATION SMOKE DETECTORS CONTAINING THE RADIOISOTOPE AMERICIUM-241

## IONIZATION SMOKE DETECTORS AND AMERICIUM-241

There are two types of smoke detectors, ionization detectors and photoelectric detectors. Ionization detectors contain a source of ionizing radiation which is a minute quantity (approximately 1/5000th of a gram) of americium-241, an alpha particle and gamma emitter with a half-life of 432.7 years. Americium is a man-made metal produced when plutonium atoms absorb neutrons in nuclear reactors. The largest and widespread use of americium-241 is as a component in household and industrial smoke detectors.

If americium-241 enters the human body, it tends to concentrate in the bone, liver and muscle and can remain for decades, continuing to expose the surrounding tissues to radiation. Americium-241 poses a significant risk if ingested, exposing tissue to both alpha and gamma radiation, thereby increasing the risk of developing cancer.

The Nuclear Regulatory Commission regulates the radioactive materials in smoke detectors. Because the amount of americium in these devices is so small,

current NRC regulations exempt individuals purchasing smoke detectors from regulations related to disposal of radioactive materials. The public can dispose of single household smoke detectors as ordinary trash.

The anticipated lifetime of an ionizing smoke detector is 5-6 years. Millions of these detectors will be disposed of into landfills unless manufacturers are required to bear the responsibility and cost of ensuring proper disposal.

### THE LEGISLATION

In 2010, Assemblyman Maisel introduced legislation that would have required the Departments of Environmental Conservation and Health to study the risks associated with the disposal of ionizing smoke detectors. The bill was re-introduced in 2011 (A 4330-A) and amended to require manufacturers that produce and sell ionizing smoke detectors in New York to:

- establish take-back programs for proper disposal of these devices;
- register with the Department of Environmental Conservation (DEC) and submit a program for the collection, handling and recycling or reuse of such detectors, starting on July 1, 2012; and,
- pay a registration fee of one thousand dollars to be deposited into the Environmental Protection Fund.

The recovery program for ionization smoke detectors would at a minimum include:

- a mail or ship back return program;
- a public education program to inform consumers

about the collection program, that includes an Internet website, a toll-free telephone number and written information about the environmental benefits of recycling radioactive material, batteries and other components of the detector;

- information on the return or other recycling arrangements for return of the detector, including instructions on safe handling and preparation of the detector for recycling; and,
- authorization for cooperative detector collection programs by more than one manufacturer.

The bill was reported from the Assembly Environmental Conservation Committee to the Ways and Means Committee.

By requiring recovery and environmentally-sound recycling and disposal, this bill will serve to reduce environmental exposures to landfill and sanitation workers, firefighters, and workers who manufacture smoke detectors, as well as the general public, to americium-241. This bill affords the opportunity to prevent unnecessary exposures through responsible product stewardship.



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Marilyn M. DuBois, Editor

## 2011-12 ENVIRONMENTAL BUDGET ISSUES

### DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) BUDGET HIGHLIGHTS

The Governor proposed a 4.9% reduction in funding for DEC, although there were no proposed staff reductions from 2010-11 to 2011-12 (budgeted personnel level – 3003). The Governor proposed to permanently extend the pesticide product registration fees; the Legislature extended this authority for three more years.

### ENVIRONMENTAL PROTECTION FUND (EPF)

For Fiscal Year 2011-12, the Governor proposed to retain funding for the EPF at the 2010-11 level of \$ 134 million, which the Legislature accepted, although there were changes within the funding categories. The chart provides information about funding for categories of interest over the past 10 years.

#### EPF Solid & Hazardous Waste Appropriations from FY 01/02 to FY 11/12 (in thousands of \$)

Fiscal Yr →	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09* (DRP)	09-10* (DRP)	10-11	11-12
<b>EPF Category ↓</b>											
Landfill Closure/Gas	0	0	0	0	3,000	3,000	3,000	0	0	600	600
Municipal Recycling	5,225	5,000	6,500	6,500	7,000	8,750	9,825	9,825	10,825	6,639	6,435
Secondary Materials	5,225	4,995	6,500	6,500	7,000	8,750	8,750	2,500	1,381	1,000	1,000
Pesticides Program	2,625	2,625	2,625	2,475	2,475	2,475	2,025	0	500	575	575
Pollution Prevention Institute	0	0	0	0	9	9	2,000	1,000	2,253	2,000	2,000
Non-point Source Pollution Control (Ag)	5,500	6,000	10,100	10,850	11,700	11,003	12,833	9,500	11,468	13,297	13,297
Non-point Source Pollution Control (Muni)	0	0	0	0	0	5,502	6,417	4,750	5,600	3,703	3,703
Water Quality Improvement	0	0	0	0	0	7,000	10,000	9,000	8,900	2,932	2,932

\* FY08-09 and FY09-10 figures represent appropriations after those years' Deficit Reduction Plans (DRPs) were implemented.



To further our efforts to reduce waste, please inform us if you have a change in address by calling us at (518) 455-3711, fax at (518) 455-3837 or write us at: The LCSWM, 4 Empire State Plaza, 5th Floor, Albany, NY 12248