



Hazardous Waste Threats

Agency in Crisis: New York's Department of Environmental Conservation

Lowlights

- Federal funds for New York's hazardous waste program declined by nearly 21% from State Fiscal Year 2005-06 to 2009-10.
- Of New York's approximately 702 large quantity generators of hazardous waste, the DEC inspected 25% in 2008-09.
- Of New York's approximately 3,600 small quantity generators of hazardous waste, the DEC inspected 10% in 2008-09.
- Of the total inspections, 525 resulted in violations. Half of all inspections revealed non-compliance.
- At the end of 2009-10, the DEC will have only 19 staff to inspect hazardous waste facilities.

Trying to Clean Up New York's Hazardous Waste Mess

Due to limited resources, the New York State Department of Environmental Conservation (DEC) is struggling to protect the public from the dangers of exposure to hazardous wastes.

Because of improper handling and the disposal of certain hazardous wastes by generators and other facilities, toxic substances such as mercury, arsenic, ammonia and inorganic metals, as well as many other toxic chemicals, continue to threaten public health and safety.

The DEC needs more staff now to protect New Yorkers from the threats posed by toxic chemicals.

Hazardous Waste Generation & Disposal

Guided by the Federal Resource Conservation and Recovery Act, the DEC regulates the generation, disposal and storage of hazardous wastes. The agency's hazardous waste management program prevents the generation of industrial hazardous wastes, and when that is unavoidable, the DEC ensures the proper treatment and disposal of such toxic materials.

Under authority granted by the U.S. Environmental Protection Agency (EPA), the DEC issues permits, conducts site inspections, engages in enforcement activities, and reviews required reports and data from generators and transporters. However, federal government support for this program has dwindled.

Federal funds declined by almost 21 percent from State Fiscal Year 2005-06 to 2009-10. Because federal funds have not kept up with inflation, rising staff costs have limited the number of positions the DEC can dedicate to this work. For example, staff have not been able to complete required annual hazardous waste reports. The last report was completed in 2002 and reviewed data from 2000.



Hazardous Waste Compliance & Enforcement

There are several types of facilities that handle hazardous waste: treatment, storage and disposal facilities (TSDs); large quantity generators (LQGs) that generate more than 1,000 kg of waste per month; and small quantity generators (SQGs) that generate between 100 kg and 1,000 kg of waste per month. These generators include manufacturers, hospitals, universities, and laboratories. In addition, conditionally exempt small quantity generators (CESQGs) include almost all commercial, industrial and government facilities, as well as office buildings, and other facilities which may handle hazardous waste, such as fluorescent bulbs. The number of facilities changes annually.

- Of approximately 702 LQGs, the DEC conducted 175 inspections in 2008-09, one-quarter of New York's facilities.
- Of the approximately 3,600 SQGs in New York, the DEC inspected 350 in 2008-09, or 10 percent.
- Of the approximately 50,000 CESQGs, the agency inspected 300 in 2008-09, less than one percent of the total universe of these facilities. Due to the number of facilities CESQGs are difficult to track.

Facility inspections at generators, as well as transporters and other facilities that may handle hazardous waste, are vital in preventing the release of hazardous waste. Of the total number of inspections, 525 resulted in violations. Half of all inspections revealed non-compliance.

The EPA records the enforcement and compliance history of all hazardous waste sites. According to the EPA, in the past five years DEC inspections have found 37 hazardous waste generators with significant violations. These violators are located everywhere from Long Island and the Hudson Valley to communities in central and western New York. Some facilities have multiple formal enforcement actions and have been in non-compliance for up to three consecutive years.

It can take up to 300 days for a facility with a major violation to come back into compliance. With five percent of all inspections resulting in a major violation, that means more than 40 facilities each year are home to serious deficiencies that may be putting the public at risk.

Such deficiencies mean that hazardous waste is being improperly handled and could end up in New York's regular solid waste stream, and eventually groundwater, and threaten public health.

Currently, the DEC has only 19 staff to inspect these facilities; two positions fewer than last year.

The DEC Needs More Staff to Conduct Inspections & Protect New Yorkers

Without adequate staff to inspect hazardous waste facilities, the health of New York's environment, as well as that of New Yorkers is at risk. The State needs to dedicate additional resources to environmental protection and community welfare.

Without the employees to do the work, hazardous waste cannot be tracked and new contamination cannot be prevented. New York dedicates hundreds of millions of dollars every year to cleaning up the State's long legacy of toxic contamination. By dedicating more money to enforcing existing law today, we may be able to avoid creating expensive and dangerous toxic situations in the future.

Agency in Crisis Series

The health and safety of all New Yorkers depends on the DEC to successfully implement existing state and federal environmental laws. This brief is the second in a series that takes a detailed look at DEC resources, operations and staff levels. Based on agency budget documents and information requests, Environmental Advocates of New York is investigating the extent to which state and federal mandates to protect our environmental resources are being honored and which are getting short shrift. For more information visit www.eany.org or contact Alison Jenkins at 518-462-5526.

