

The Leachate Loophole in New York State

➔ What is the Leachate Loophole?

Regulatory gaps allow rivers and lakes in New York State to be routinely polluted by raw landfill leachate.

As rainfall percolates through a landfill, it picks up substances from the waste material and becomes a toxic liquid called leachate. Once this leachate is collected, it is sent to municipal sewage treatment plants (STPs), facilities that are not designed or equipped to remove the hazardous substances found in leachate.

Municipal STPs are designed to treat human waste, not the complex mixture of industrial chemicals found in landfill leachate.

The current practice dilutes the toxic contaminants that are present in leachate and disperses into the environment. A portion is captured in sewage sludge, which may be spread on land.

Many contaminants that pass through treatment processes enter rivers and lakes that communities rely on for drinking water.

As a result, downstream communities must assume the cost of removing harmful chemicals to make the water safe for consumption. In some cases, operators of drinking water plants are unaware that sewage treatment plants are accepting and discharging leachate nearby.



➔ Impacts Across New York State

- Landfills sent more than **half a billion gallons of leachate** to New York State municipal sewage treatment plants each year from 2019-2023.
- Municipal sewage treatment plants that accepted leachate discharged into **24 New York State water bodies** and one in New Jersey.
- Approximately **one-third of the leachate ended up in rivers and lakes that supply drinking water to nearly 2 million New Yorkers.**
- The four rivers and lakes that received the largest leachate volumes—Lake Ontario, Hudson River, Niagara River, and Mohawk River—are drinking water sources.
- Leachate is being discharged into rivers which supply drinking water to New York City, Baltimore, Philadelphia, and other Pennsylvania municipalities.
- **Chemicals that have been banned or phased out of commerce** due to ecological and human health risks—including metals, pesticides, and per- and polyfluoroalkyl substances (PFAS)—continue to appear in landfill leachate because they persist in waste deposited decades ago.
- There were **serious discrepancies in leachate disposal reporting**, including over 100 million gallons of leachate that were not accounted for by any municipal sewage treatment plant.
- **Private companies, earning \$2-\$25 billion in 2025 revenues, managed 56% of the leachate** generated by active New York landfills.



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➔ Closing the Leachate Loophole: From Garbage Water to Potable Water

New York State is positioned to be a national—and global—leader by developing new leachate treatment regulations.

These regulatory gaps and disposal practices exist across the United States and globally. New York Department of Environmental Conservation (DEC) has proposed revisions to solid waste management rules that would require landfill leachate to be treated. DEC should ensure these regulations protect public health and the environment, advance environmental justice, prevent the creation of unchecked corporate markets, and require treatment standards that truly eliminate toxic pollution.

Proposed Rule

- ➔ Applies to only 32 actively operating landfills
- ➔ Allows leachate to be transported out of state for treatment
- ➔ Requires treatment of chemicals listed in existing solid waste regulations
- ➔ Is vague about how pollution removed during treatment will be handled
- ➔ Requires 99.9% contaminant removal
- ➔ Includes six individual PFAS chemicals

A Better Way

- ✓ Cover all landfills that collect leachate, including inactive landfills
- ✓ Ban transport of raw leachate or treatment waste across state lines
- ✓ Reference drinking water standards and automatically update in the future
- ✓ Specify criteria for landfills to receive waste, and ban use as operating cover
- ✓ Remove contaminants to below limit of detection
- ✓ Treat PFAS as a class and require a mass balance approach for measuring removal

Take Action

Join us in urging DEC to go back to the drawing board.

New York should prevent toxic pollution, not create a system that normalizes contamination and manages it indefinitely.



Scan the
code to
take
action!

