



Department of
Environmental
Conservation

Revised Part 360 Series Solid Waste Management Facility Regulations

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Background

- First major revision in nearly 25 years
- The Part 360 series rulemaking process formally began in February 2016
- Conducted extensive public outreach that included two public comment periods, five public hearings, and more than 25 workshops and technical meetings with stakeholders
- Reviewed and provided responses to thousands of comments.
- The Regulations were published in the State Register and ENB and posted on DEC website on 9/20/17
- **Regulations become effective on 11/4/17**



Part 360 Revised Series Structure

- Part 360 General Requirements
- Part 361 Material Recovery Facilities
- Part 362 Combustion, Thermal Treatment, Transfer, and Collection Facilities
- Part 363 Landfills
- Part 364 Waste Transporters
- Part 365 Regulated Medical Waste and Other Infectious Wastes
- Part 366 Local Solid Waste Management Planning
- Part 369 State Assistance Projects



Part 360

Solid Waste Management Facilities

Part 360 General Requirements

- Section 360.1 Purpose and Applicability
- Section 360.2 Definitions
- Section 360.3 References
- Section 360.4 Transition
- Section 360.5 Severability
- Section 360.6 Submission Requirements and Use of Professional Engineers and Certified Laboratories
- Section 360.7 Inspection of Facilities
- Section 360.8 Prohibited Siting
- Section 360.9 Prohibited Activities
- Section 360.10 Variances
- Section 360.11 Comprehensive Recycling Analyses



Part 360 General Requirements

- Section 360.12 Beneficial Use
- Section 360.13 Special Requirements for Beneficial Use of Fill Material
- Section 360.14 Exempt Facilities
- Section 360.15 Registered Facilities, Transporters, and Collection Events
- Section 360.16 Permit Application Requirements and Permit Provisions
- Section 360.17 Non-specific Facilities
- Section 360.18 Research, Development, and Demonstration Registrations and Permits
- Section 360.19 Operating Requirements
- Section 360.20 Environmental Monitoring Services
- Section 360.21 Closure Requirements
- Section 360.22 Financial Assurance



Section 360.4

Transition

360.4 – Transition Requirements

- New Design and Operating Conditions Imposed

Exempt  Exempt

- 180 days to comply with new exemption

Registered  Registered

- 180 days to apply for a new registration, except for CDDHRFs which are allowed 545 days

Permit  Permit

- Permit in effect continues until expiration, unless a modification is approved, or a department initiated modification is made

360.4 – Transition Requirements - Exempt Facility, Transporter or Collection Event

Exempt  Registration

- Must comply with registration notification within 180 days
- Must remain in compliance with the requirements of the exemption until the new registration is validated by the Department

Exempt  Permit

- Must have a complete application on file with the Department within 365 days



360.4 – Transition Requirements – Registered Facilities

Registered  Exempt

- Not required to continue registration; any registration issued prior to November 4, 2017 is no longer in effect

Registered  Permit

- Must have a complete application on file within 365 days, except for CDDHRFs, which are allowed 545 days

360.4 – Transition Requirements - Permitted Facilities

Permitted  Registered

- Must remain in compliance with the terms and conditions of the permit until a registration is obtained and permit is surrendered

Permitted  Exempt

- Must remain in compliance with the permit until the permit expires or is surrendered

Facilities or transporters subject to an order:

- Orders in effect prior to November 4, 2017 pertaining to a facility or transporter continue until the order expires

360.4 – Transition Requirements – Permit Applications

For complete applications pending on November 4, 2017:

- reviewed for conformance with the Part 360 regulations in effect at time of application
- If permit is issued after November 4, 2017, the permittee must comply with the new operational, closure, and post-closure requirements

For applications that are not complete on November 4, 2017:

- Subject to the requirements of the new regulations



360.4 – Transition Requirements - Retrofitting

- Retrofitting of existing facilities that were exempt, registered, or permitted is **not required**
- **New** structural components built after November 4, 2017 must comply with new requirements



Section 360.6

Submission Requirements and Use of Professional Engineers and Certified Laboratories



360.6 – Submission Requirements and Use of Professional Engineers and Certified Laboratories

- **Engineering-related documents** for permitted facilities must be submitted under stamp/signature of PE
 - Exceptions – Quarterly/Annual Reports
- Submissions in print and **electronic format** acceptable to Department
- Laboratory analyses required under 360 Series must be performed by ELAP- or CLEP-certified laboratory unless otherwise specified



Section 360.9

Prohibited Activities

360.9 – Prohibited Activities

- Construct or operate without an authorization
- Modify or expand an authorized facility without approval
- Allow management of waste in violation of ECL/360/Order
- Construct or operate a facility in violation of ECL/360/Order
- Dispose of or discard waste except at authorized facility
- Accept waste except at authorized facility
- **Broker or arrange for disposal of waste except at authorized facility**

Section 360.10

Variances



360.10 – Variances

- No variances for:
 - Less than 40 CFR 258 MSW Landfill requirements
 - Definitions
 - Pre-determined BUDs
 - Registered facilities
 - Legal requirements
- Demonstration that compliance would impose unreasonable financial, technological, or safety burden and **that the alternative will provide equivalent environmental protection and have no adverse impact on public health, environment, etc.**

Section 360.11

Comprehensive Recycling Analyses



360-11 – Comprehensive Recycling Analyses

- Identification of recyclables in the waste stream
- Evaluation of existing efforts to recover recyclables
- Identification of available or potential markets for recyclables
- Description of existing administrative and financial structure
- Identification of alternative recovery programs considered
- Evaluation of the alternatives determined to be applicable
- Identification of the selected alternatives
- Implementation schedule – **10 years**
- Waste stream projections

360.11 – Comprehensive Recycling Analyses

- CRA Approval Process
 - Department review time frames added
 - 120 days -1st submittal
 - 60 days – 2nd and subsequent submittals
- CRA Revocation
 - Department can revoke
 - 30 days to appeal
 - Right to a hearing
- CRA Reporting
 - Annual report due May 1 each year

Section 360.12

Beneficial Use

Part 360 Transition Requirements - BUDs

- Pre-determined BUDs that are no longer included in section 360.12 are no longer in effect 180 days after November 4 2017, but may be eligible for a case-specific BUD
- All BUDs in effect prior to November 4, 2017 are subject to the reporting requirements of Part 360
- All BUDs in effect prior to November 4, 2017 that do not contain a specific expiration date will expire in 180 days unless a renewal is submitted within 180 days



360.12 – Beneficial Use

Subdivisions:

- (a) Applicability
- (b) Unacceptable Uses**
- (c) Pre-determined Beneficial Uses
- (d) Case-specific beneficial use determinations – general
- (e) Case-specific BUDs – navigational dredged material**
- (f) Case-specific BUDs – gas storage brine or production brine**

360.12(a) – Applicability

- Beneficial use = wastes as effective substitutes for commercial products or raw materials, as determined by the Department
- 360.12 does not apply to materials being sent to Part 361 facilities
- 360.12 does not apply to waste used in a manner that constitutes disposal
- The Department reserves the right to require a permit for land placement to protect public health or the environment
- **Default storage time limit of 365 days for beneficially-used materials without specific approval**

360.12 – Pre-Determined Beneficial Uses

- Annual reporting for quantities greater than 10,000 tons
- Street sweepings, car wash grit and catch-basin cleanout material as aggregate or fill
- Waste tires:
 - 0.25 passenger-tire equivalents per square foot to secure tarps
 - 150 tires or fewer at single site for decorative or practical use
- Bread and grain products, including spent brewery grains, as animal feed
- Tire and glass aggregates (with specifications)

360.12 – Pre-Determined Beneficial Uses (continued)

- Sandy navigational dredged material as commercial aggregate
- Concrete, brick and rock as aggregate*
- Asphalt pavement and millings in pavement and road construction*

** These pre-BUDs are stand-alone, based on meeting appropriate aggregate specifications; not linked to Part 361-5 facility*

360.12(d) – Case-Specific Beneficial Use Determinations - General

- Case-by-case review for any byproduct or waste material
- Review criteria (“essential nature is use not disposal,” “managed as a commodity,” “will not adversely affect health and the environment,” etc.)
- Lower of 6 NYCRR 375-6.8(b) Protection of Public Health and Protection of Groundwater Soil Cleanup Objectives for soil-like materials placed on the land
- All case-specific BUDs expire no more than 5 years from effective date
- Annual reporting for all case-specific BUDs
- Right to hearing for revocation

360.12(e) – Case-Specific Beneficial Use Determinations – Navigational Dredged Material (NDM)

- Modified petition contents for NDM
- Minimum sampling requirements for NDM – sampling performed with approval of the Department’s Division of Water or the US Army Corps of Engineers can be substituted
- See also 361-9: Navigational Dredged Material Handling and Recovery Facilities

360.12(f) – Case-Specific Beneficial Use Determinations – Gas Storage Brine or Production Brine

- Applies to use of brine for road treatment (dust control and stabilization of unpaved roads; de-icing of paved roads)
- Specialized petition contents relevant to brine
- *Minimum* concentrations of beneficial salts
- *Maximum* concentrations of pollutants (e.g., benzene)
- Specifies practices to ensure minimum runoff into surface water bodies
- Annual reporting and brine analysis required
- Road spreading of brine from the Marcellus formation prohibited
- Road spreading of drilling fluids and flowback water prohibited

Section 360.13

Special Requirements for Pre-Determined Beneficial Use of Fill Material



360.13 – Special Requirements for Pre-Determined Beneficial Use of Fill Material

Subdivisions:

- Applicability
- Waste cessation
- Exemption for on-site reuse of fill material
- Testing requirements for fill material
- Sampling and analysis requirements for fill material
- Acceptable fill material uses
- Other fill material use criteria

360.13(a) – Applicability

Section 360.13 allows for the self-assessment of fill materials for appropriate use within 360.13 criteria

Section 360.13 DOES NOT apply to:

- Fill material sent to CDDHRFs
- Fill material generated outside of NYC with no evidence of historical impacts such as reported spill events, or visual or other indication of chemical or physical contamination

360.13(a) – Applicability (cont)

Section 360.13 DOES NOT:

- Require all excavated soil or fill to be sampled
- Require sampling of material sent to CDDHRFs
- Apply to fill material generated outside of NYC with no evidence of chemical or physical contamination
- Prevent anyone from petitioning for a case-specific BUD pursuant to 360.12(d) for fill material

360.13(b) – Waste Cessation

Fill Material ceases to be solid waste:

- General fill generated outside of NYC:
 - Once determined to be general fill by knowledge or (if necessary) sampling and analysis

- General fill generated within NYC:
 - Once delivered to the site of reuse

- Restricted-use and Limited-use fill anywhere in NYS:
 - Once delivered to the site of reuse

360.13(c) – Exemption of On-Site Reuse of Fill Material

- Materials excavated at a site can be used anywhere on the site in areas of similar **physical** characteristics
- If contaminated material will be used on a site with public access, minimum of 1 foot of clean soil cover must be placed
- Not applicable to Part 375 program sites

360.13(d) – Testing requirements for Fill Material

- All fill material generated in NYC unless:
 - The quantity is less than 10 cubic yards from one site,
and
 - Does not contain historical evidence of impacts from contamination
- Any fill material outside of NYC that:
 - Exhibits visual or historical evidence of contamination
 - Originates from a site subject to industrial land use
 - If signs of contamination are discovered during excavation

360.13(e) – Sampling and Analysis Requirements for Fill Material

- Sampling by qualified environmental professional
- Minimum soil sampling frequency
- Analysis parameters: SVOCs, pesticides, PCBs, metals
- VOCs and asbestos contingent on likelihood of presence
- Percentage of non-soil constituents (“physical contaminants”) should be estimated based on visual observation

360.13(f) - Acceptable Fill Material Uses

Three categories of fill material:

General Fill, Restricted-Use Fill, and Limited-Use Fill

- General Fill can be used in the same manner as Limited-Use Fill and Restricted-Use Fill
- Restricted-Use Fill can be used in the same manner as Limited Use Fill
- Due to the Long Island Landfill Law, **in Nassau and Suffolk Counties Restricted-Use Fill criteria must meet stricter criteria and Limited-Use Fill is prohibited**



360.13(f) – Acceptable Fill Material Uses

| Fill Material Type | Fill Material End Use | Physical Criteria | Maximum Concentration Levels |
|--------------------|---|--|--|
| General Fill | Any setting where the fill material meets the engineering criteria, for use, except: <ol style="list-style-type: none"> 1. Undeveloped land; and 2. Agricultural crop land. | Only soil, sand, gravel or rock; no non-soil constituents. | Lower of Protection of Public Health-Residential Land Use and Protection of Groundwater in Table 375-6.8(b) of this Title. |

360.13(f) – Acceptable Fill Material Uses

| Fill Material Type | Fill Material End Use | Physical Criteria | Maximum Concentration Levels |
|---------------------|---|---|---|
| Restricted-Use Fill | <p>For embankments or subgrade in transportation corridors, or on sites where in-situ materials exceed Restricted-Use Fill or Limited-Use Fill criteria.</p> <p>Must be placed above the seasonal high water table.</p> | <p>Up to 40 percent by volume inert, non-putrescible non-soil constituents.</p> | <p>General Fill criteria except that up to 3 mg/kg total benzo (a)pyrene (BAP) equivalent.</p> <p>No detectable asbestos.</p> |

360.13(f) – Acceptable Fill Material Uses

| Fill Material Type | Fill Material End Use | Physical Criteria | Maximum Concentration Levels |
|--------------------|---|---|---|
| Limited-Use Fill | Under foundations and pavements above the seasonal high water table | No volume limit for inert, non-putrescible non-soil constituents. | General Fill criteria, except up to Protection of Public Health-Commercial SCOs for metals; up to 3 mg/kg benzo(a)pyrene equivalent is allowed. No detectable asbestos. |

360.13(f) – Acceptable Fill Material Uses

- Use of Restricted-use or Limited-use fill material can only occur at a project in accordance with an **approved local building permit or other municipal authorization** that includes the need for the fill material
- Inert, non-putrescible **excludes** plastic, gypsum wallboard, wood, paper, or other material that may readily degrade or produce odors
- Use of Restricted-use or Limited-use fill material must take place **within 30 days of delivery to site**. Foundation or pavement must be installed **within 365 days of material placement**.

360.13(g) – Other Fill Material Use Criteria

- No payment for receiving Restricted-use or Limited-use fill material
- Notification to DEC at least 5 days in advance of movement for fill material generated in, transferred in, or imported to NYC in quantities greater than 10 CY
- Notification to DEC at least 5 days in advance, statewide, of placement of Restricted-use and Limited-use fill material
- Transport must be in accordance with Part 364 requirements



Section 360.14

Exempt Facilities



360.14 – Exempt Facilities – 9 in total

- Management of waste (other than disposal) at site of generation or other location in the state under the same ownership or control as the site of waste generation
 - Applicable across municipal agencies
 - Not available for 7 specific facilities (slaughterhouse waste composting, deconstructing manufactured homes, surface impoundments for coal ash, others)
- Non-putrescible waste storage on vehicle \leq 10 days (with conditions)
- Rendering facility
- Facility storing less than 1000 waste tires
- Pharmaceutical waste collection (with conditions)

Section 360.15

Registered Facilities,
Transporters and Collection
Events



360.15 - Registered Facilities, Transporters and Collection Events

- Certain Facilities are eligible for registration instead of permitting
- Registrations are ministerial actions
- Required to submit a registration form **and declare the intended storage volumes and maximum throughput limits**
- **Registrations valid for 5 years** (except for waste transporters and HHW collection events)
- **Two or more registrations at the same site may require a permit if potential to cause significant adverse impacts exist**
- **Registered activity at a permitted facility may be required to be included facility's permit**
- Department may require financial assurance



Section 360.16

Permit Application Requirements & Permit Provisions



360.16 – Permit Application Requirements & Permit Provisions

- Noise assessment to demonstrate compliance with limits in operating requirements
- Emergency Response Plan – Fires, natural disaster, etc. including response to natural disasters not directly impacting facility itself
- New applications submitted by or on behalf of a municipality not complete until LSWMP is in effect for municipality
- Demonstration that facility is consistent with goals and objectives of state solid waste hierarchy, SSWMP, and department-approved LSWMP in effect, if one exists, for municipalities in the facility's service area

Section 360.18

Research, development and demonstration registrations and permits

360.18 – Research, Development and Demonstration Registrations and Permits

- Registrations for projects involving 1000 lb/day or less of waste – specified term not to exceed 2 years (nonrenewable)
- Permit terms not to exceed 1 year. No more than 3 renewals
- Prohibited projects – disposal which would require a permit, or processing of commercial quantities of waste
- Application contents in lieu of 360.16 permit requirements
- Project summary must be submitted at completion



Section 360.19

Operating Requirements



360.19 – Operating Requirements

- Waste control plan
 - Landfills, combustors, thermal treatment facilities, MSW processors, transfer facilities must educate users on proper management of electronic wastes through postings, written information
- Facilities must not accept waste from NYS municipalities not included in a department-approved CRA or LSWMP
- Segregate unauthorized waste and send for appropriate disposal
- Ensure that storage volumes and throughput limits established by regulation or declared on registration form are not exceeded



Section 360.20

Environmental Monitoring Services

360.20 – Environmental Monitoring Services

- Incorporates DEC policy into regulations
- Environmental Monitor can be required where:
 - Required by law
 - Compliance history reveals inability or unwillingness to comply
 - Current or past practices result in significant threat to public health or the environment
 - Exceptional circumstances exist (size, throughput, materials handled, or proximity to sensitive receptors)



Section 360.21

Closure Requirements

360.21 – Closure Requirements

- Notify DEC:
 - 30 days prior to anticipated final receipt of waste
 - Within 7 days of completion of closure activities
- Submit final annual report within 30 days after final receipt of waste
- Remove all waste within 60 days after final receipt of waste
- Complete all closure activities within 90 days after final receipt of waste

Section 360.22

Financial Assurance

Part 360 Transition Requirements – Financial Assurance

- If required under the new regulations, and the **permitted or registered** facility does not have a valid mechanism in place on the day before the effective date, facility must comply with section 360.22 within **3** years
- For **registered** facilities with valid mechanisms in place prior to the effective date but are required to obtain additional financial assurance on the effective date, they must comply with section 360.22 with **5** years
- For **permitted** facilities with valid mechanisms in place prior to the effective but are required to obtain to obtain additional financial assurance on the effective date, the must comply with section 360.22 at the time of **permit renewal**

360.22 – Financial Assurance

- Acceptable mechanism: Trust Fund, Surety Bond Guaranteeing Payment, Letter of Credit, Local Gov't Financial Test, Local Gov't Guarantee
- **Standby Trust Fund only required for Bonds or LOCs \geq \$50,000**
- Specific facilities required to provide financial assurance, and DEC has authority to require it of any registered or permitted facility
- Post-closure care and Custodial case cost estimates must be based on a rolling 30-year periods
- **Initial custodial care cost estimate must be submitted as part of the custodial case demonstration**

360.22 – Financial Assurance

- Transfer of fully funded post-closure mechanism from private landfill operator to municipal landfill owner upon closure or end of operator responsibility
- Allowance for reducing financial assurance required by DEC by the amount of financial assurance required for the same facility by another municipality
- Specific wording for trust funds, surety bonds, LOCs now included in regulation
- Contingency factor – staggered as cost estimate increased
 - 15% for < \$1 million, 10% for \$100,000 - \$1 million, 5% for > \$1 million

Part 361

Material Recovery Facilities



Part 361 Material Recovery Facilities

Subpart 361-1 Recyclables Handling and Recovery Facilities

Subpart 361-2 Land Application and Associated Storage Facilities

Subpart 361-3 Composting and Other Organics Processing Facilities

Subpart 361-4 Mulch Processing Facilities

Subpart 361-5 Construction and Demolition Debris Handling and Recovery Facilities

Subpart 361-6 Waste Tire Handling and Recovery Facilities

Subpart 361-7 Metal Processing and Vehicle Dismantling Facilities

Subpart 361-8 Used Cooking Oil and Yellow Grease Processing Facilities

Subpart 361-9 Navigational Dredge Material Handling and Recovery Facilities



Subpart 361-1

Recyclables Handling and Recovery Facilities



361-1 – Recyclables Handling and Recovery Facilities – Exempt & Registered Facilities

Exempt Facilities

- Take-back sites operated by retailers or wholesalers for their products or similar of recycled
- Sites operated by government or not for profit organizations that take-back consumer goods for reuse or secondary marketing

Registered Facilities

- Facilities that accept 250 tons or less per day (weekly basis) of source-separated nonputrescible recyclables based on a weekly average and have a residue rate below 15%



361-1 – Recyclables Handling and Recovery Facilities

Operating Requirements:

- Only receive source-separated, nonputrescible recyclables
- Recyclables must be stored in a manner which maintains recyclability
- **BUD material can be stored without time restriction so long as storage volumes are not exceeded**
- **Storage of unprocessed/processed recyclables can be longer than 180 days with DEC approval**

Subpart 361-3

Composting and Other Organics Recycling Facilities



Subpart 361-3 – Composting and Other Organics Recycling Facilities

361-3.1 Applicability

361-3.2 Composting facilities

361-3.3 Anaerobic digestion facilities

361-3.4 Fermentation facilities for source-separated organics

361-3.5 Animal feed production facilities

361-3.6 Other organics recycling facilities

361-3.7 Pathogen and vector attraction reduction facilities

361-3.8 Biosolids and other similar products generated outside New York State

361-3.9 Tables



361-3 – Composting and Other Organics Recycling Facilities – Exempt Facilities

- On-site (no sanitary)
- < 1000 lbs per week SSO
- < 3000 cubic yards/yr Yard Trimmings
- Animal mortalities on a farm. No more than 10 per year if not on a CAFO
- Animal mortalities on property controlled by State or municipality
- Animal manure and bedding
- On a CAFO (no sanitary)

361-3 – Composting and Other Organics Recycling Facilities – Registered Facilities

- 3000 – 10,000 cubic yards/yr Yard Trimmings
- 5000 cubic yards of SSO per year
- Animal mortalities
- Digestate, if specified

Subpart 361-4

Mulch Processing Facilities

Subpart 361-4 – Mulch Processing Facilities

361-4.1 Applicability

361-4.2 Exempt facilities

361-4.3 Registered facilities

361-4.4 Permit application requirements

361-4.5 Design and operating requirements

361-4.6 Recordkeeping and reporting requirements



361-4 – Mulch Processing Facilities – Exempt Facilities

- On-site
- Disposal facility for tree debris (Part 363)
- < 10,000 cubic yards provided the pile size criteria are followed and 10 feet is maintained between piles
- Storm debris from a disaster
- Quarantine materials

361-4 – Mulch Processing Facilities – Registered Facilities

- More than 10,000 cubic yards but less than 25,000 cubic yards, provided:
 - A program is in place to keep contaminated wood out
 - The facility does not accept C&D debris
 - Material is processed within 12 months
 - Pile sizes: Unprocessed/Rough Grind: 25' high x 30' wide
Double Grind/ Long Island: 15' high x 30' wide
 - Temperature monitoring, buffers, restacking to avoid temperatures above 140°F, runoff controls

Subpart 361-5

Construction & Demolition Debris Handling and Recovery Facilities

361-5 – C&D Debris Handling and Recovery Facilities – Registered Facilities

Facilities receiving **less than 500 tons/day** (weekly basis) of:

- Concrete, Brick, & Rock
- Asphalt Pavement or Millings
- Asphalt Roofing Shingles (no asbestos)
- Gypsum Wallboard
- Unadulterated, Uncontaminated Wood
- Uncontaminated Soil
- Restricted-Use Soil/Limited-Use Soil (cannot be combined with Uncontaminated Soil)
- Case-Specific BUD material derived from C&D Debris
- Combination of materials above



361-1 – C&D Debris Handling and Recovery Facilities

Operating Requirements:

- Management of Gypsum Wallboard, mixed C&D Debris must be in an enclosed building
 - Existing facilities do not need to retrofit
- No Friable Asbestos accepted/No non-friable Asbestos Waste processed to cause pulverization
- BUD material can be stored without time restriction so long as storage volumes are not exceeded

361-5 – C&D Debris Handling and Recovery Facilities

Operating Requirements:

- Storage of unprocessed/processed recyclables can be longer than 30 days/365 days with DEC approval
- 10 foot separation between storage piles (except concrete, asphalt, brick, rock) unless separated by bins or other structures
- Storage piles must not extend over property boundaries

361-5 – C&D Debris Handling and Recovery Facilities (continued)

Operating Requirements:

- Throughput and Storage Volumes according to registration form
- Transportation from **Registered** and Permitted Facility requires Tracking Form - **Fill material & non-BUD material**
- **Sampling of all residue and fill material is required**

Subpart 361-6

Waste Tire Handling & Recovery Facilities



361-6 – Waste Tire Handling & Recovery Facility – Exempt & Registered Facilities

Exempt Facilities

- **Facilities that store less than 1,000 tires at any one time**
- Registered vehicle dismantling facilities that store less than 1,000 tires at any one time [tires mounted on vehicles or that are used to support vehicle (max 6) are not included in total]

Registered Facilities

- Facilities that store waste tires in enclosed trailers (max 6) (with conditions)
- Facilities selling waste tires (with conditions)
- Facilities with a valid USDOT retreader registration (with conditions)

361-6 – Waste Tire Handling & Recovery Facility

Operating Conditions:

- Storage: whole tires < 30-day production capacity and processed tires < 90-day production capacity
- Tire-related waste removed within 7 days
- Storage pile: < 20 feet in height, < 40 feet width, surface area < 5000 square feet
- 10-foot separation between storage piles unless separated by bins or other structures. Storage piles must not extend over property boundaries
- Fire Prevention Requirements
- Financial Assurance



Subpart 361-7

Metal Processing & Vehicle Dismantling Facilities



361-7 – Metal Processing & Vehicle

Dismantling Facilities

Exempt Facilities:

- Repair shops with < 25 end-of-life vehicles (ELV)
- Scrap metal processors with < 1000 cy metal (indoor storage not included)

Registered Facilities with reduced operating requirements:

- Repair shops or VDFs with 26 to 50 ELVs
- Scrap metal processors with >1000 cy metal

Registered Facilities:

- Repair shops with > 50 ELVs
- VDFs receiving >25 ELVs per year
- VDFs with more than 50 ELVs onsite at any one time
- Mobile Vehicle Crushers

361-7 – Metal Processing & Vehicle Dismantling Facilities

Operating Conditions:

- Fluid draining, storage conducted concrete or eq. surface
- Decommissioning of VDFs prior to crushing/shredding
- Lead acid batteries stored off the ground
- Notify Regional Office at least 5 business days before crushing by mobile vehicle crusher
- No stacking of vehicles in an unsafe manner

Subpart 361-8

Used Cooking Oil and Yellow Grease Processing Facilities



361-8 – Used Cooking Oil and Yellow Grease Processing Facilities

Exempt Facilities:

- Facilities receiving <1000 gallons per year and resultant fuel not offered for sale

Registered Facilities:

- Facility receiving < 500,000 gallons



361-8 – Used Cooking Oil and Yellow Grease Processing Facilities

Operating Conditions:

- Secondary Containment
- Overfill Prevention
- Fire/Building Code Compliance
- Storage time limits
- No unauthorized waste (including brown grease)

Subpart 361-9

Navigational Dredge Material Handling and Recovery Facilities

361-9 – Navigational Dredge Material Handling and Recovery Facility

Registered Facilities:

- Facility receiving NDM for dewatering or amending with Portland cement
- Storage not to exceed 365 days
- 10-foot separation between storage piles unless separated by bins or other structures
- Storage piles must not extend over property boundaries
- Financial Assurance

Part 362

Combustion, Thermal Treatment, Transfer, and Collection Facilities



Part 362 Combustion, Thermal Treatment, Transfer, and Collection Facilities

Subpart 362-1 Combustion Facilities and Thermal Treatment Facilities

Subpart 362-2 Municipal Solid Waste Processing Facilities

Subpart 362-3 Transfer Facilities

Subpart 362-4 Household Hazardous Waste Collection Facilities and Events



Subpart 362-1

Combustion Facilities and Thermal Treatment Facilities



362-1 – Combustion Facilities and Thermal Treatment Facilities

Exemptions:

- Combustion Facility regulated under 10 NYCRR Part 70 that treats RMW on-site.
- Animal Crematory regulated under 6 NYCRR 219
- Facility that combusts alternative fuel authorized under 6 NYCRR Part 212 or 227

362-1 – Combustion Facilities and Thermal Treatment Facilities

Registered Facilities:

- Facility that combusts/thermally treats waste tires
- Facility that combusts/thermally treats unadulterated, uncontaminated wood
- Facility that combusts or thermally treats used cooking oil/yellow grease
- Facility that stores, prior to combustion, alternative fuel in an enclosed building/trailer/container

Subpart 362-2

Municipal Solid Waste Processing Facilities



362-2 – Municipal Solid Waste Processing Facilities

- Require permits
- Require radiation detectors
- Friable asbestos-containing waste prohibited
- Storage of unprocessed waste ≤ 3 day
- Storage of processed recyclables can be longer than 60 days with DEC approval
- Financial assurance



Subpart 362-3

Transfer Facilities

362-2 – Transfer Facilities – Exempt Facilities

- Facility is owned or operated contracted by a municipality, or contracted by or on behalf of a municipality that accepts no more than 20 cubic yards of residential waste per day (with conditions)
- Waste is transferred vehicle to vehicle when waste does not placed on the ground and is in closed leak-proof containers

362-2 – Transfer Facilities – Exempt Facilities

- Facility accepts no more than 5 cubic yards of source-separated organic waste per day for shipment to an authorized treatment facility (with conditions):
 - The organic waste is not placed on the ground
 - All organic waste is removed on the day accepted or by the end of the next business day
 - The organic waste is stored in rigid, leak-proof containers and covered
- Take-back sites operated by retailers or wholesalers for their products or products similar in nature

362-2 – Transfer Facilities – Registered Facilities

- Facility is owned or operated by a municipality, or contracted by or on behalf of a municipality that receives **less than 50 tons** of waste per day provided:
 - A maximum of 250 tons or 1,000 cubic yards of waste, excluding source-separated recyclables, is located at the facility at any given time
 - **Putrescible waste is removed once the container is full or at least every 7 days**
 - Nonputrescible waste is removed within 30 days of receipt
 - **The municipality provides for the collection of source-separated recyclables at the facility**
 - Waste is only accepted when an attendant is on duty

Subpart 362-4

Household Hazardous Waste Collection Facilities and Events

362-4 – Household Hazardous Waste Collection Facilities and Events

- Registered Collection Events
 - No more than 24 days per calendar year
 - Notify regional DEC office at least 30 days before
 - Collection Event Plan
 - Remove materials within 3 days
 - Registration valid for one year

- Permitted Collection Facility
 - Satellite collection event criteria
 - Collection Event Plan

Part 363

Landfills



Part 360 Transition Requirements – Landfills

- Subsequent landfill development and vertical height or waste loading increases for areas included in permit but which do not have approved engineering reports, plans and drawings must comply with construction requirements of Part 360 and 363
- Retrofitting of existing landfill liners, pipes, tanks, etc. not required
- Landfills which ceased accepting waste between October 9, 1993 and November 4, 2017 must comply with the regulations in effect on the date of their closure, except that the registration requirement may be replaced by a one time notification



Part 363 – Landfills

Subpart 363-1 Applicability

Subpart 363-2 Exempt Facilities

Subpart 363-3 Inactive Disposal Facilities

Subpart 363-4 Permit Application Requirements

Subpart 363-5 Siting Requirements

Subpart 363-6 Design, Constructions and Certification Requirements

Subpart 363-7 Operating Requirements

Subpart 363-8 Reporting and Recordkeeping

Subpart 363-9 Closure, Post-closure and Custodial Care

Subpart 363-10 Corrective Measures

Subpart 363-11 Landfill Reclamation



363 – Landfills – Exempt Facilities

- The storage, processing and disposal of waste generated by an owner-occupied single-family residence provided all activities occur on the property where the waste was generated (**with exceptions of certain wastes**)
- The storage, processing and disposal of waste generated from farm-related activities provided all activities occurs on the farm (**excluding C&D debris and other certain wastes**)



363 – Landfills – Exempt Facilities

- An individual grave for the burial of one animal carcass
- Disposal of up to 10 road-killed animals in the right-of-way of a public highway provided it is at least 200 feet from drinking water wells and 50 feet from any residence, surface water or other road-killed disposal area and placed at least 2 feet above groundwater and covered with at least 3 feet of soil



363 – Landfills – Exempt Facilities

- A disposal facility for drill cuttings generated by air- or water-based drilling methods, overburden, tailings, and other similar mining and drilling waste when generation and disposal occur at the same mine or well location
- A disposal facility for the burial of no more than 10 cubic yards or religious items and covered by at least 2 feet of soil from the same excavation

363 – Landfills – Exempt Facilities

- A tree debris disposal facility (except in Nassau and Suffolk Counties) used for the disposal of tree debris provided the facility:
 - Does not accept a fee or other form of consideration
 - The tree debris is only accepted during daylight hours
 - Tree debris is placed above the seasonal high groundwater table and not in surface water
 - **No more than 1 acre of the facility is used for tree debris disposal over the lifetime of the facility**



363 – Landfills – Exempt Facilities

- A facility (except in Nassau or Suffolk Counties) where only recognizable, uncontaminated concrete or concrete products, asphalt pavement, brick, glass, rock and general fill from construction and demolition activities, is accepted for disposal provided:
 - Does not accept a fee or other form of consideration
 - The waste is only accepted during daylight hours
 - The waste is placed above the seasonal high groundwater table and not in surface water
 - **The waste does not include residues from C&D debris recovery and handling facilities**
 - **No more than a total of 5,000 cubic yards of waste is received during the lifetime of the facility**



363 – Landfills – Exempt Facilities

- A facility (except in Nassau or Suffolk Counties) where waste generated by state or municipal highway projects and managed on highway rights-of-way or municipally owned properties is accepted, consisting only of recognizable, uncontaminated concrete or concrete products, asphalt pavement, brick, glass, rock and general fill, and restricted-use fill from construction and demolition activities provided:
 - The waste is placed above the seasonal high groundwater table and not in surface water
 - The waste does not include residues from C&D debris recovery and handling facilities

363-3 – Landfills – Inactive Disposal Facilities

Notifications for inactive disposal facilities:

The owner or operator of a disposal facility at which waste acceptance ceased prior to October 9, 1993 must notify the department in writing, of:

- (a) Any plan to disturb...
- (b) The discovery of exposed waste, surface discharge of leachate...



363-4 – Landfills – Permit Application Requirements

Section 363-4.1 Landfill permit application requirements

Section 363-4.2 Engineering drawings

Section 363-4.3 Engineering report

Section 363-4.4 Hydrogeologic investigation report

Section 363-4.5 Construction quality assurance (CQA) and construction quality control (CQC) plan

Section 363-4.6 Facility manual

(f) Environmental monitoring plan.

(g) Site analytical plan.

(i) Data validation.

(h) Water quality analysis tables. (*emerging contaminants*)

363-5 – Landfills – Siting Requirements

- This subpart specifies the minimum siting requirements to be met for new and existing landfills
- Suitable site for new landfills defined as requiring a minimum of 10' **low permeability soils** for separation to bedrock.
 - **low permeability soils with silty and clayey characteristics and with the ability to attenuate and absorb contaminants**
- **No longer requires site selection report.**



SUBPART 363-6 DESIGN, CONSTRUCTION AND CERTIFICATION REQUIREMENTS

363-6.1 General requirements

363-6.2 Horizontal separation requirements

363-6.3 Groundwater separation

363-6.4 Bedrock separation

363-6.5 Landfill subgrade

363-6.6 Liner and final cover requirements

363-6.7 Components of double composite liner system

363-6.8 Geomembrane liners

363-6.9 Geocushion material

363-6.10 Soil drainage layers

363-6.11 Leachate collection pipes

363-6.12 **Geosynthetic drainage layers**

363-6.13 Filter layer criteria

363-6.14 **Intermediate cover**

363-6.15 **Gas venting**

363-6.16 **Final cover - composite barrier layer**

363-6.17 Final cover - barrier protection and drainage layer

363-6.18 Final cover - topsoil

363-6.19 **Construction certification**

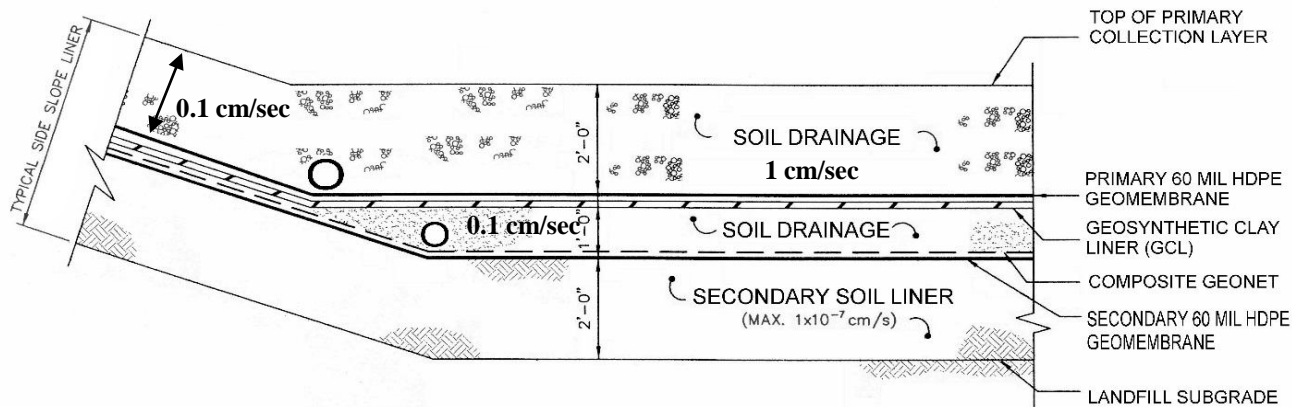
363-6.20 **Aboveground and on-ground leachate storage tank requirements**

363-6.21 Equivalent design standards and use of wastes as construction and operational material

363-6.22 Survey control and location coordinates



- ➔ Regulations require **Electrical Resistivity Testing** after placement of the soil drainage media **on both upper & lower liners** where slopes are 10% or less, and require written findings report as part of **Construction Certification Report**



- ➔ Require destructive seam testing frequency every **1000'**
- ➔ Required geomembrane **installer certification**, enhanced attention to **qualifications and the numbers of CQA inspection staff** needed on-site

363-7 – Landfills – Operating Requirements

- Final external slopes must not be greater than 33 percent, **but interim external slopes may exceed 33 percent if demonstrates slope is stable and the slope will settle to 33 percent or less prior to closure of the landfill cell**
- **Drilling and production waste may not be placed within six feet of the leachate collection and removal system or within ten feet of any final cover**
- **Radioactive waste detection procedures**
- **Alternative operating cover must be identified in the facility's permit as a separate annual tonnage and be reported to the department**
- **The PLCRS cleaned annually with video inspection of PLCRS and SLCRS biennially**

363-9 – Landfills – Closure, Post-Closure, and Custodial Care

363-9.1 Applicability

363-9.2 Closure site investigation

363-9.3 Closure

363-9.4 Closure construction certification

363-9.5 Gas control system

363-9.6 Post-closure care & custodial care

363-9.7 End use



Part 364

Waste Transporters



Part 364 Waste Transporters

Subpart 364-1 General

Subpart 364-2 Exemptions

Subpart 364-3 Registrations

Subpart 364-4 Permits

Subpart 364-5 Recordkeeping and Reporting



364 – Waste Transporters – General

Applicability:

- Raw sewage, Septage, and Sludges
- Industrial-commercial waste
- Waste tires
- Waste oil
- Regulated medical waste (RMW)
- Household hazardous waste (HHW)
- Infectious waste
- Hazardous waste

364 – Waste Transporters

Exemptions

Highlights include:

- Transportation by rail, water or air
- Residential & industrial waste (exclusions apply)
- **HHW (source-separated & self transported to authorized event/facility)**
- Non-hazardous bottom & fly ash
- Public utility, railroad and **transportation agency wastes (conditions apply)**
- RMW <50 lbs/shipment (criteria apply)
- Waste transported by farm vehicles
- **C&D debris <10 cubic yards/shipment**
- Regulated waste **≤2,000 lbs/shipment** (exclusions apply)
- Uncontaminated drill cuttings
- Approved BUD materials
- Ag waste

364 – Waste Transporters

Registration

- Required for transportation of:
 - RMW <50 lbs/month (must meet specific criteria)
 - HHW ≤50 lbs/shipment (source-separated)
 - Sharps from a household medical waste sharps collection facility
 - Commercial solid waste, other than C&D debris, >2,000 lbs/shipment
 - C&D debris (includes all fill categories) >10 cubic yards/shipment

Permits

- Required for everything else

364 – Waste Transporters

Reporting & Recordkeeping

- Waste tracking documents required for:
 - RMW; restricted-use, limited-use & contaminated fill; and non-exempt drilling & production waste (Statewide)
 - C&D debris including general fill generated in New York City
- Annual reports due annually by March 1

Part 365

Regulated Medical Waste Facilities and Other Infectious Waste



Part 365 – Regulated Medical Waste and Other Infectious Wastes

Subpart 365-1 RMW Generators

Subpart 365-2 RMW Treatment, Storage, and Transfer Facilities

Subpart 365-3 Other Infectious Wastes



365 – Regulated Medical Waste and Other Infectious Wastes – General

- Replaces and enhances previous RMW Subparts 360-10 and 360-17
- Replaces the generator standards in Part 364
- Adds new RMW management requirements to conform with NYSDOH and federal regulations
- Addresses incidental infectious waste that is not RMW



365-2 – RMW – Treatment, Storage, and Transfer Facilities

365-2.1 Applicability

- Applicable to all facilities that treat, store or transfer RMW except:
- Facilities defined and regulated by PHL, located at and operated by:
 - Hospitals
 - Residential healthcare facilities;
 - Diagnostic & treatment centers;
 - Clinical laboratories; and
 - provided the facility manages their own waste

365-2.5 – RMW – Design and Operating Requirements

- A RMW tracking document must accompany each waste load
- **Include a fixed radiation detection system**
- Bulk packages may not be accepted unless authorized
- Controlled handling and storage at all times
- **RMW recovery and recycling of used medical devices must employ robotic or mechanical equipment**

365-2.6 – RMW – General Treatment Requirements

Treated waste can be disposed as MSW if:

- Accompanied by NYSDOH Certificate of Treatment (CT)
- Sharps must be both treated and destroyed (rendered unusable) prior to landfill disposal
- Sharps that are not destroyed must be accompanied by a Medical Waste Tracking Form and a CT
- Disposed at a facility authorized to accept treated RMW
- Cultures and stocks containing select agents or non-exempt quantities of biological toxins must be handled in accordance with Federal Select Agent Program

365-3 – Other Infectious Waste

- Applicable to incidental waste that is not RMW (e.g., materials generated as a consequence of mitigating exposure to infectious agents)
- On-site storage, registration requirements and off-site transport provisions
- Registration required for storage exceeding 30 days and temporary treatment devices used for less than 90 days

Part 366

Local Solid Waste Management Planning



Part 360 Transition Requirements – LSWMP's

- LSWMPs approved prior to November 4, 2017 remain in effect for term of planning period in the approved LSWMP
- Reporting requirements replace any reporting requirements that existed prior to November 4, 2017
- Withdrawal of Local SWMP Approval requirements take effect on November 4, 2017
- Draft LSWMPs submitted to the Department for review but not approved by November 4, 2017, the Department will perform a completeness review within 365 days



Part 366 – Local Solid Waste Management Planning

Subpart 366-1 General

Subpart 366-2 Local Solid Waste Management Plan Contents

Subpart 366-3 LSWMP Public Participation

Subpart 366-4 LSWMP Approval

Subpart 366-5 LSWMP Biennial Updates



366 – Local Solid Waste Management Planning

- Description of the planning unit
- Waste generation and materials recovery data
- Description of the existing solid waste management system
- Description of existing administrative and financial structure
- Identification of alternatives for program enhancements considered
- Evaluation of the alternatives determined to be applicable
- Identification of the selected alternatives and programs
- Implementation plan and schedule – **10 years**
- Waste stream projections



366 – Local Solid Waste Management Planning

Public Participation Process

- Prior to submission - 45-day public comments period
- At least 1 public meeting during the public comment period
- Responsiveness summary must be prepared

LSWMP Approval Process

- Department review time frames added
 - 30 day completeness review
 - Upon completeness determination – 1 year to complete the process
 - 120 days – complete draft LSWMP review
 - 60 days – 2nd and subsequent submittals
 - Final LSWMP approved when all documents submitted



366 – Local Solid Waste Management Planning

Subsequent LSWMP

- 180 days prior to expiration, a new draft LSWMP must be submitted

Optional LSWMP Planning Period Extension

- Planning period can be extended two years as part of the biennial LSWMP update – maximum of 5 2-year extensions

Biennial LSWMP Update

- Department can Biennial update submitted no later than **May 1** every other year

LSWMP Withdrawal

- determine LSWMP is no longer in effect
- 30 days to appeal
- Right to a hearing



Part 369

State Assistance Projects



Part 369 – State Assistance Projects

Subpart 369-1 General Provisions

Subpart 369-2 Municipal Waste Reduction, Recycling, Household Hazardous Waste Collection and Beverage Container Assistance Capital Projects

Subpart 369-3 Municipal Waste Reduction and Recycling Education, Promotion, Planning and Coordination Projects

Subpart 369-4 Municipal Household Hazardous Waste Collection and Disposal Projects

Subpart 369-5 Targeted Priority Area Municipal Waste Reduction and Recycling Projects

Subpart 369-6 Nonhazardous Municipal Landfill Closure Projects

Subpart 369-7 Nonhazardous Municipal Landfill Gas Management Projects



Part 360 Transition Requirements – State Assistance Projects – Municipal Waste Reduction & Recycling and HHW Capital Projects

Transition

- Current waiting list expires on the November 4, 2017

For eligible projects on the current waiting list:

- Municipalities have 60 days from November 4, 2017 (i.e., 1/4/18) to submit new application, and if submitted and eligible, will retain their original pre-application date
- If new application is not submitted by January 4, 2018, the project will be eliminated from the waiting list.



369-2 – State Assistance Projects – Municipal Waste Reduction & Recycling and **HHW** Capital Projects

- Applications reviewed in the order received and placed on a waiting list if funding is not available
- Costs must be incurred no more than 1 year before the application date
- Projects must be expected to last 10 years for vehicles and equipment and 30 years for structures
- Projects do not include waste tires, waste oil or C&D debris
- Project must be intended to serve a substantial portion of the population or handle a significant portion of the waste stream
- Project must be consistent with department-approved CRA or LSWMP



Part 360 Transition Requirements – – State Assistance Projects – Municipal Waste Reduction & Recycling Education, Promotion, Planning and Coordination Projects

Transition

- Current waiting list expires on November 4, 2017

For projects on the current waiting list:

- If the project is seeking reimbursement for costs already incurred, municipalities have 60 days from November 4, 2017 (i.e., 1/4/18) to submit new application, and if submitted and eligible, will retain their original pre-application date
- If the project is seeking reimbursement for costs that will occur, they must submit a new application



369-3 – State Assistance Projects – Municipal Waste Reduction & Recycling Education, Promotion, Planning and Coordination Projects

- Only one application per calendar year for all eligible costs expected to be incurred during that year can be submitted
- Applications must be postmarked during August, September and October each calendar year for anticipated costs during the next calendar year
- Project must be consistent with department-approved CRA or LSWMP
- Project coordinators must be assigned to the project for no less than 50 percent of their full-time schedule for salary costs to be eligible



369-4 – State Assistance Projects – Municipal HHW Collection and Disposal Projects

- Only one application per calendar year for all eligible costs incurred during the previous calendar year can be submitted
- Applications must be postmarked during January and February of each calendar year for costs incurred during the previous calendar year
- Costs incurred for the collection and management of materials that have an established statewide take-back, product stewardship or return program are not eligible



369-5 – State Assistance Projects – Targeted Priority Area Municipal Waste Reduction & Recycling Projects

- The Department may from time to time, upon availability of funding, establish targeted state assistance programs for priority area municipal waste reduction and recycling projects and activities
- The department will issue a notice of availability with individual program requirements
- Applications will be reviewed for eligibility and be rated, ranked, or scored in accordance with the notice
- If the project is selected and is on a current waiting list, it will be removed from that waiting list



369-6 – State Assistance Projects – Municipal Landfill Closure Projects

- Applications reviewed in the order received and placed on a joint waiting list with municipal landfill gas management projects if funding is not available
- The landfill must be municipally-owned and the municipality is liable for all closure and post-closure costs
- **The landfill must have ceased receiving waste prior to 4/9/1997**
- The landfill closure complies with the **Part 363** closure requirements
- Costs incurred before 4/1/1993 are ineligible
- Eligible projects on the waiting list will remain on the waiting list

369-7 – State Assistance Projects – Municipal Landfill Gas Management Projects

- Applications reviewed in the order received and placed on a joint waiting list with municipal landfill closure projects if funding is not available
- The landfill must be municipally-owned and the municipality is responsible for the continued operation and maintenance of the landfill gas management system for its useful life
- The active landfill gas collection and treatment system is in compliance with the design requirements of **Part 208 and Part 363** as applicable
- Costs incurred before 4/1/1993 are ineligible
- Eligible projects on the waiting list will remain on the waiting list



Thank you