



**Department of
Environmental
Conservation**

Comprehensive Revisions to 6NYCRR Part 360 Solid Waste Management Facilities Regulations

Timeline

- Draft regulations posted on DEC website on February 26
- State Register and ENB publication on March 16
- Public hearings in June (Long Island 6/2, Albany 6/6, Rochester 6/7, New York City 6/9)
- Public information and targeted stakeholder workshops (April and May)
- Public comment period extended to September 13
- Final regulations in early 2017



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 Biohazard Waste Management Facilities
- Part 366 Local Solid Waste Management Planning
- Part 369 State Assistance Projects



Part 360 General Requirements

- Registration duration limited to 5 years
- New exemptions added
- New pre-determined BUDs added
- Case-specific BUD approvals limited to 5 years
- Specific provisions for case-specific BUDs for navigational dredge material (NDM) and oil/gas brine
- New section for management of historic fill



Part 360 General Requirements

- Permit applications submitted by private entities must also demonstrate consistency with the goals and objectives of the Local Solid Waste Management Plan for municipalities in facility's service area
- Acceptance rate increases not designated as minor under Part 621 will be treated as new applications
- If financial assurance mechanism is provided by the private operator of a municipally-owned facility, the fully funded mechanism must be transferred to the municipality upon return to municipal operation or control



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 Wood Debris and Yard Trimmings Processing Facilities

Subpart 361-5 Construction and Demolition Debris Processing 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



Part 361 Material Recovery Facilities

- New exemption for small scale composting facilities to facilitate composting at community gardens [< 1 cy SSO/wk]
- Registration provisions, instead of permits, for food scrap composting from 1000 to 5000 cubic yards per year
- New subpart established for production of mulch from grinding and storage of clean wood (wood debris & yard trimmings) [Exempt <2 acres; Registration <10 ac]



Part 361 Material Recovery Facilities

- Requires permit rather than registration for RHRFs and C&D debris processors that receive more than 250 tons/day
- Expand tracking of C&D debris to include material leaving registered C&D debris processing facilities
- Requires receiving, processing, and sorting of mixed C&D debris within an enclosed building



Part 361 Material Recovery Facilities

- Incorporates the requirements of Article 27, Title 23: Vehicle Dismantling Facilities by establishing operating and reporting requirements for these facilities
- Requires registration for large scrap metal processors that store more than 500 cubic yards of metal
- New subpart added to address the processing of used cooking oil and yellow grease [Exempt <1000 gal/yr; Registration <500,000 gal/yr]



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



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

- Clarifies that emerging thermal treatment technologies are regulated under 362-1
- Adds registration provisions for combustion of limited amounts of waste tires [<10 tons/day], unadulterated wood [<1400 tons/day], and used cooking oil or yellow grease [<1000 gal/day]
- Relocates refuse-derived fuel processing facility requirements and post collection recyclables recovery facilities to MSW Processing Facilities under 362-2



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

- Expands exemptions for three specific transfer facility types:
 - vehicle to vehicle transfer
 - small municipally owned transfer facilities [20 cy/day]
 - small source separated organic waste transfer facilities [5 cy/day]
- Prohibits source-separated recyclables, electronic waste, rechargeable batteries, mercury-containing products, and other product stewardship items from being transferred from transfer facility to a combustor, thermal treatment facility or landfill



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

- Repeals existing Subpart 373-4 for HHW collection and moves requirements into new subpart
- Requires fixed radiation detectors and establishes operating requirements including daily background radiation readings, acceptance thresholds, weekly field checks, annual detector calibration, staff training, records maintenance, and reporting
- (Similar requirements are included for other facilities that accept MSW including landfills, composting facilities, processing facilities, and transfer facilities which ship waste out of state)



Part 363 Landfills

- Exemptions related to disposal relocated to this Part and several new exemptions added
- Limits exempt disposal of tree debris to no more than 1 acre (Outside Long Island only)
- Replaces the current exemption which allows unlimited disposal of concrete, asphalt, rock, brick, soil and glass (CARBS) at a facility with a limitation of no more than 5,000 cubic yards (Outside Long Island only)
- Removes requirement for a site selection study while still maintaining minimum siting criteria



Part 363 Landfills

- Adds requirement for notification to the Department for inactive landfills which are encroached upon or which exhibit environmental impacts
- Requires liner integrity testing be conducted on both geomembrane liners of a double composite liner system
- Secondary leachate collection and removal system must be designed to a minimum capacity of 1000 gallons per acre per day for rapid detection of leaks



Part 363 Landfills

- Consolidates Long Island and C&D Debris landfill requirements
- Reduced separation to bedrock from 10' to 5' if material meets 1×10^{-6} cm/s permeability specification
- Requires new landfills or subsequent development at existing landfills to utilize aboveground leachate storage tanks



Part 363 Landfills

- Requires active landfill gas collection for new MSW landfills and subsequent development at existing MSW landfills
- Acceptance of alternate operating cover (AOC) above 20% of annual tonnage must be counted toward tonnage disposed
- Incorporates the concept of custodial care for long-term management of landfill after post-closure care period



Part 364 Waste Transporters

- Exemption for small loads increased from 500 to 2000 lbs
- Registration criteria added for:
 - self transport of RMW quantities < 50 lbs per month
 - transport of < 50 lbs per shipment of HHW
 - transport of commercial waste > 2000 lbs per shipment
 - transport of C&D debris or historic fill > 10 cubic yards per shipment
 - transport of sharps from a household medical waste sharps collection facility
- Adds tracking forms for C&D debris, drilling and production waste, and historic fill



Part 365 Biohazard Waste

- New Part that consolidates existing criteria for RMW and adds criteria for waste streams that are similar to RMW including:
 - trauma scene waste
 - biohazard/bioterrorism waste
- Registration replacing permitting for:
 - on-site treatment for small quantity generators of RMW or biohazard waste < 220 lbs. month
 - radiopharmacies
 - on-site treatment facilities employing single use containment treatment systems that treat <50 lbs/month



Part 366 Local Solid Waste Management Planning

- Streamlining and reorganization of the LSWMP content and approval process
- Clarified and enhanced the public participation process
- Current requirement for updates, modifications and biennial compliance reports replaced with an annual planning unit report, accompanied every other year with a biennial update
- The biennial update will be used as the mechanism for modifying (and receiving department approval for) LSWMPS

Part 369 State Assistance Projects

- Establishes separate funding categories for:
 - capital projects (waste reduction & recycling, HHW)
 - education & coordination projects
 - HHW collection and disposal projects
 - landfill closure
 - landfill gas management
 - targeted WR&R priority area projects



Part 369 State Assistance

- Establishes an annual application and funding process for Education & Coordination and HHW projects
- Allows Department to target high priority WR&R areas annually
- Requires that funded MWRR projects be included in the approved CRA or LSWMP for the municipality
- Restricts LF closure funding to landfills that stopped receiving waste prior to April 9, 1997



Comments Welcome

- Written public comments will be accepted until 5:00 pm on July 15, 2016 to:

SolidWasteRegulations@dec.ny.gov

or

Melissa Treers, P.E.
New York State Department of Environmental Conservation
Division of Materials Management
625 Broadway
Albany, NY 12233-7260

Appropriate revisions will be made based on public input



Department of
Environmental
Conservation

Questions or Comments?