

DSH-SW-03-15



**Extending the Term of a Local Solid Waste
Management Plan (LSWMP) Planning Period**

New York State Department of Environmental Conservation

DEC Policy

Issuing Authority: Carl Johnson, Deputy Commissioner

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I. Summary:

This policy provides guidance to Department staff and local solid waste management planning units on the options available to ensure the uninterrupted continuation of local solid waste management plans (LSWMPs) after the end of the planning period originally established in their Department-approved LSWMP.

II. Policy:

The Environmental Conservation Law (ECL) ties solid waste management facility permitting to an approved SWMP [ECL 27-0707.2(b) as reflected in the provisions of 6 NYCRR Subdivision 360-1.8(g); 6 NYCRR Subparatraph 360-1.9(e)(4)(iv-vi); 6 NYCRR Subparagraph 360-2.12(a)(2)(i); and 6 NYCRR Paragraph 360-2.12(b)(1)]. An application for a solid waste management facility (SWMF) permit made by or on behalf of a municipality cannot be complete unless the local planning unit has an approved LSWMP in effect, and the impact, if any, of the SWMF upon the local LSWMP has been assessed.

It is the policy of the Division of Solid & Hazardous Materials to ensure that all planning units in New York State maintain a viable and implementable LSWMP.

III. Purpose and Background:

The purpose of this Program Policy is to provide guidance to Department

staff, local solid waste management planning units, and other interested parties on the options available and procedures to follow to ensure the uninterrupted continuation of LSWMPs after the end of the planning period originally established in a planning unit's initial Department-approved LSWMP. Pursuant to 6 NYCRR 360-15, regulations set forth the process to file a new LSWMP, modify the LSWMP, or adopt an interim plan.

Local solid waste management planning has proven itself to be a necessary and essential element of the integrated solid waste management program in New York State. Assisted by a \$7.5 million grant program, a Statewide network of LSWMPs was developed that helped us to move from an out-of-sight, out-of-mind approach to a planned system of solid waste management that considers the potential for waste as a resource with value to be recovered.

Department approval of a LSWMP expires at the end of the planning period specified in those LSWMPs.

IV. Responsibility:

The responsibility and update of this Program Policy shall reside with the Division of Solid & Hazardous Materials.

New SWMPs, SWMP Modifications and Interim SWMPs will be reviewed by both the Regional and Central Offices. The Regional Office will notify the Central Office of receipt of any of these submittals and will send a copy of all submissions by the planning units to the Central Office for review and comment. Central Office will provide input and comments to the Regional Office for their consideration. The Regional Office will make the final determination for approval or denial of these submittals, considering any comments and input received from the Central Office. The Regional Office will provide a copy of all correspondence to and from the planning units related to these submittals including, but not limited to, any approval or denial notifications.

V. Procedure:

In order for a planning unit to have a LSWMP remain in effect, the planning unit must submit to the Department for review and approval either a new LSWMP or a LSWMP Modification.

A. New LSWMP

- 1. If significant changes have occurred in the method of managing all or a significant portion of the solid waste generated within the planning unit, the planning unit should submit a new LSWMP to the Department, allowing sufficient time for this plan to be reviewed and approved prior to the end of the current LSWMP planning period.**
 - a. The first draft of the new LSWMP should ideally be submitted to the Department at least one year prior to the end of the current planning period to allow for appropriate review, comment and revisions as necessary.
 - b. The new LSWMP contents should be consistent with the requirements set forth at 360-15.9. Much of the data and evaluation presented in the initial Department-approved LSWMP that remains the same and is consistent with the planning unit's current circumstances and solid waste management planning efforts can be incorporated into the new LSWMP by reference.

B. SWMP Modification

- 1. If no significant changes have occurred in the method of managing the solid waste generated within the planning unit, the planning unit may submit a LSWMP Modification to the Department for its consideration requesting the term of the initial planning period be extended.**
 - a. The first draft of the LSWMP Modification should ideally be submitted to the Department at least one year prior to the end of the current planning period to allow for appropriate review, comment and revisions as necessary.
 - b. In this instance, the proposed LSWMP Modification contents should:
 - i. Be consistent with the requirements set forth at 360-15.11(e);

- ii. Include a revised Executive Summary which identifies current activities and solid waste management practices within the planning unit, progress to date and any problems experienced by the planning unit during implementation of the initial Department-approved LSWMP;
- iii. Include a revised Implementation Schedule identifying any revised goals and milestones as well as incorporating all newly planned actions and activities; and
- iv. The requested term extension of the planning period of the current Department-approved LSWMP along with the reasons and supporting justification for the requested term extension must be provided. In most cases, the Department recommends that the planning period term extension should not exceed ten years.

2. If significant changes have occurred or are expected to occur in the method of managing all or a significant portion of the solid waste generated within the planning unit during the last year of the planning period of the current Department-approved LSWMP and the planning unit will be developing a new long-range LSWMP but, due to the time constraints related to the development and approval of the new LSWMP, will not be finalized before the end of the current LSWMP planning period, the planning unit may extend the term of the LSWMP planning period by submitting to the Department for its consideration, an Interim LSWMP to cover the interim period until a long-range LSWMP can be developed. This new long-range LSWMP should be developed by the planning unit in an expeditious manner.

- a. The submittal should include a discussion of current solid waste management practices and problems experienced by the planning unit during the LSWMPs approval period, the circumstances necessitating the term extension, the length of time to be covered by the requested term extension along with the reasons and supporting justification for the requested term extension, and the steps that will be taken during that time period to manage the planning unit's solid waste for this interim period and to develop the new long-range LSWMP

(including projected milestones for significant events), and other considerations as determined by the Department pursuant to Subpart 360-15.9.

- b. The Department will review the submittal and determine whether or not it will be approved. If approved, the Department, in its approval letter, will establish the approved term of the Interim LSWMP, and other requirements for approval of a LSWMP pursuant to Subpart 360-15.10.