

PERMIT PROFILE: HAZARDOUS WASTE MANAGEMENT FACILITIES

TECHNICAL PROGRAM: Division of Solid and Hazardous Materials

STATUTORY AUTHORITY: Article 27, Title 9 of the Environmental Conservation Law

APPLICABLE REGULATIONS: 6NYCRR Parts 370, 371, 372, 373-1, -2, -3, & -4, 374 & 376

LEGISLATIVE INTENT:

To regulate the management of hazardous waste from generation to treatment, storage or disposal (TSD) consistent with, and no less stringently than, the Federal Resource Conservation and Recovery Act (RCRA) of 1976.

REGULATED ACTIVITIES:

Storage, transfer, processing, recovery, reclamation, combustion or disposal of any hazardous substance as listed in Part 371 or which exhibits any of the following characteristics:

- Ignitability.
- Corrosivity.
- Reactivity.
- Leachability of toxic compounds (TCLP).

EXEMPT ACTIVITIES

See Subdivision 373-1.1(d) to permit exemptions.

MAJOR PROJECTS:

All projects major, there are no minor projects in this program.

PROGRAM SPECIFIC COMPLETENESS REQUIREMENTS:

Set forth in 6NYCRR Subpart 373-2.

PUBLIC NOTICE REQUIREMENTS:

Environmental Notice Bulletin publication, newspaper publication, and radio broadcast required for all projects. Minimum comment period is 45 days. Additional expanded public participation requirements are set forth in Section 373-1.10.

STANDARDS FOR ISSUANCE:

- Can meet the requirements of SEQR findings or negative declaration was issued.
- Can demonstrate compliance with the standards in the Part 370 series of 6NYCRR.
- Additional conditions necessary to protect human health and the environment (373-1.6(c)(2)).

REFERENCE MATERIALS/SOURCES OF INFORMATION:

See DS&HM staff.

SPECIAL PROCEDURES AND EXCEPTIONS:

- Permit renewals and modifications are processed as new applications.
- Copies of all correspondence needs to be sent to EPA Region II. EPA conducts concurrent review and makes recommendations for inclusion into DEC draft permit for major facilities.
- Program staff in central office takes lead on technical review of most projects, makes completeness determination, and prepares draft permit. Regional program staff involved but minor role. One exemption is the permitting of non-commercial tank and container storage facilities which are handled by regional offices with minimal central office involvement.
- Siting new industrial hazardous waste treatment facilities must be approved by a facility siting board appointed by the Governor. See 6NYCRR Part 361.
- Five-day letter demand provisions of Uniform Procedures Act do not apply.

REGULATORY FEES:

Environmental regulatory fees are billed annually, by the Department, based on the volume of hazardous materials received and the type of permitted activity. See 6NYCRR Part 483.