

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Materials Management

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2020 ANNUAL HAZARDOUS WASTE SITING PLAN REVIEW

Environmental Conservation Law § 27-1102(2)(i), as implemented by Chapter 8 of the 2010 Hazardous Waste Facility Siting Plan (the Plan), required DEC to initially complete a Plan which assesses the availability of sufficient hazardous waste disposal capacity nationally to address the State's needs, and then complete an annual review of the Plan to determine if it needs to be updated.

Specifically, Chapter 8 includes the following recommendations for the future updating of the Siting Plan:

- As part of the annual Siting Plan review, DEC will evaluate business changes in the State impacting hazardous waste management using all available information sources, including analysis of hazardous waste annual reports and manifest data. The Plan will be updated as necessary if:
 - a USEPA assessment identifies a current or projected shortfall in national hazardous waste management capacity, including the impact of the addition of newly regulated hazardous waste streams; or
 - changes in interstate or international transport law allow limitations on the transportation of hazardous waste. For example, Congress might choose to enact legislation giving states the authority to ban or limit the import of hazardous waste. Such legislation has been proposed for solid waste and was enacted many years ago for low level radioactive wastes;
 - in DEC's annual review, it concludes that there is a trend showing a significant increase in State hazardous waste generation over time or changes in required management methods that would increase the need for additional management capacity; or
 - in DEC's annual review, it identifies a significant decrease in commercial hazardous waste treatment or disposal capacity or required management methods without capacity available elsewhere in the nation.

Based on the annual review, DEC has determined that:

- USEPA has not identified a current or projected shortfall in national hazardous waste management capacity, and USEPA has not added any new hazardous waste streams. The USEPA analysis presented in the December 17, 2019 “Updated Statement of National Capacity Language for Superfund Contracts and Remedial Cooperative Agreements” memorandum states that there remains adequate national capacity in all management categories through December 31, 2044.
- Interstate and international transport law has not changed in such a way that the present Plan is impacted.
- New York State hazardous waste generation and management have not changed significantly from what was anticipated and presented in the Plan.
- No significant change in national commercial hazardous waste treatment or disposal capacity has been identified. Using 2019 National Biennial RCRA Hazardous Waste data, approximately 345,950.51 tons of hazardous waste was landfilled in hazardous waste landfills located in the northeast quarter of the United States. The Plan assumed 850,000 tons per year in determining that hazardous waste land disposal capacity for this region was available through at least 2028. Considering the 2019 National Biennial RCRA Hazardous Waste data, the conclusion that hazardous waste land disposal capacity exists through at least 2028 remains accurate.

As a result of this review, DEC has concluded that the existing 2010 Hazardous Waste Facility Siting Plan remains accurate and does not need to be updated.