

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of the General Counsel, Deputy Commissioner & General Counsel  
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SEP 23 2020

To Whom It May Concern:

In order to prevent spread of COVID-19, the New York State Department of Environmental Conservation (DEC) will continue to exercise its enforcement discretion with respect to certain provisions of 6 NYCRR Parts 364, 372, 374-2, and 381, as set forth in this letter. DEC will not pursue enforcement of requirements for signatures on waste shipping documents as specified herein. All other provisions of the Part 360, 370 and 380 Series remain in full force and effect and will be enforced.

This DEC action is taken in light of Governor Cuomo's state of disaster emergency declaration (Executive Order [EO] 202) issued on March 7, 2020<sup>1</sup> which is effective until September 7, 2020 (the state of emergency declaration). EO 202.6<sup>2</sup> recognizes that waste collection, processing and disposal are essential services. New York's guidance on EO 202.6<sup>3</sup> cites the US Center for Disease Control (CDC) website on the corona virus pandemic.<sup>4</sup> The CDC recommends that the best way to prevent illness is to avoid exposure, including limiting contact with persons who may carry the virus. To reduce the amount of person-to-person contact during the COVID-19 emergency, DEC is agreeing not to pursue enforcement of regulations mandating signatures for waste shipping documents during the period this directive is in force, as long as the alternative procedures outlined herein are followed.

During the period this enforcement discretion document is effective, the procedures delineated herein may be used as alternatives to receiving generator signatures on waste shipping documents, as required by 6 NYCRR 364-5.1; 6 NYCRR 372.2(b)(3)(i); 6 NYCRR 374-2.5(g)(1)(v); 6 NYCRR 381.13(b), (g) and (i); and 6 NYCRR 381.15(a). If a waste shipment is being sent to, or is being received from, a state other than New York, the regulated party should contact the other state's jurisdictional agency to ensure compliance with that state's requirements.

<sup>1</sup> <https://www.governor.ny.gov/news/no-202-declaring-disaster-emergency-state-new-york>

<sup>2</sup> <https://www.governor.ny.gov/news/no-2026-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>

<sup>3</sup> <https://esd.ny.gov/guidance-executive-order-2026>

<sup>4</sup> <https://www.cdc.gov/coronavirus/2019-ncov/>



Department of  
Environmental  
Conservation



**Procedure:**

Waste transporters will not face enforcement under signature requirements of 6 NYCRR 364-5.1; 6 NYCRR 372.2(b)(3)(i); 6 NYCRR 374-2.5(g)(1)(v); 6 NYCRR 381.13(b), (g) and (i); and 6 NYCRR 381.15(a), as specified below, and for the time period specified herein, provided that transporters adhere to the following procedure for generator signatures:

**A. Non-Hazardous Waste and Used Oil Shipments**

This procedure may be used for both paper and electronic-based waste shipping papers.

1. The driver picking up the waste must print the name of the generator in the Generator Name box.
2. The driver must write "on behalf of" in the Generator Signature box and then sign the driver's name in the appropriate space.
3. If there is only a Generator Signature box on the waste shipping document, the driver must write "on behalf of", print the generator's name, and then sign the driver's name in that box.

**B. Hazardous Waste Shipments**

1. Affected parties shall use hybrid and electronic hazardous waste manifests, whenever those options are available to all parties listed on the manifest.
2. If the options identified in paragraph 1, above, are not available to all parties listed on the manifest and a paper-based hazardous waste manifest must be used, affected parties shall follow the specified procedure from Appendix 30 of 6 NYCRR Part 372 for a transporter signing "on behalf of" a generator for a hazardous waste shipment.

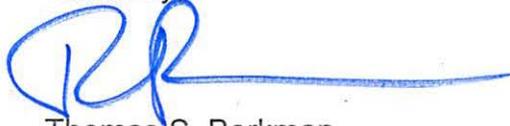
**C. Low-Level Radioactive Waste Shipments**

1. Affected parties shall follow the specified procedure in 6 NYCRR 381.12 for a transporter signing "on behalf of" a generator for a low-level radioactive waste shipment.

This enforcement discretion directive will be effective for all specified waste shipping papers used to track the shipment of waste within New York State for activities regulated by DEC. These procedures do not affect signature requirements mandated by other New York State agencies, agencies of other states, or the federal government.

This enforcement discretion will terminate on November 30, 2020 or the termination date of any executive order that extends the Executive Order 202 state of disaster emergency declaration, whichever is later.

Sincerely,

A handwritten signature in blue ink, consisting of stylized initials 'TB' followed by a long horizontal line extending to the right.

Thomas S. Berkman  
Deputy Commissioner, General Counsel