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 [< 1cy 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 <10ac]
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 $1 \times 10^{-6}$ 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
Questions or Comments?