

New York State Department of Environmental Conservation

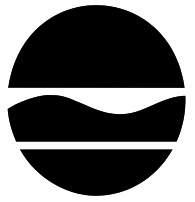
Division of Materials Management

Radiation Control Permit Section

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APPLICATION GUIDELINES FOR RADIATION CONTROL PERMITS FOR NON-COMMERCIAL INCINERATION OF RADIOACTIVE MATERIAL

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A. PURPOSE OF GUIDELINES

These guidelines describe the information needed by the New York State Department of Environmental Conservation (Department) staff in the Radiation Control Permit Section to commence review of an application for a permit to incinerate licensed radioactive material. These guidelines apply to non-commercial waste disposal; for example, incineration of a facility's own radioactive waste. This type of permit is provided for under Subpart 380-3 of 6 NYCRR Part 380, "Rules and Regulations for Prevention and Control of Environmental Pollution by Radioactive Materials."

You do not need specific approval from this Department to incinerate certain categories of radioactive waste if you comply with the Part 380 regulations. Section 380-4.3 authorizes the disposal of animal carcasses, animal bedding, and scintillation media containing low concentrations of hydrogen-3 and carbon-14, when specific conditions regarding radioactivity are met. You should review your facility's radioactive materials use and waste disposal procedures to determine if your facility generates waste that would require a Part 380 radiation control permit in order for the waste to be incinerated.

You should carefully study the Part 380 regulations and these guidelines before preparing the letter of application for a Part 380 Radiation Control Permit. The application must demonstrate that your facility has developed procedures that will ensure operations comply with Part 380 requirements. The Department will request additional information when necessary to provide reasonable assurance that you have established a permit compliance program adequate to minimize and track radioactive releases to the environment and to ensure that radiation doses to the public resulting from those releases will meet regulatory limits and be maintained as low as reasonably achievable (ALARA). The documents submitted in support of the application, once approved, will be made part of the permit. Therefore, once the permit is issued, you must keep copies of those documents on file with the permit, and implement the procedures described therein, to prevent operating in violation of the Part 380 regulations or the specific conditions of the radiation control permit.

B. APPLICABLE REGULATIONS

The regulations pertaining to this type of radiation control permit are found in Title 6, Chapter 4, Part 380 of the New York Code of Rules and Regulations (6 NYCRR Part 380). The statutory authority for the rules and regulations is found in the New York State Environmental Conservation Law (Articles 1, 3, 17, 19, 27, 29, and 37). Incinerators are also regulated under 6 NYCRR Part 201.

The administration of the permit, including modifications to any conditions therein, will be subject to Uniform Procedures (6 NYCRR Part 621). The information submitted in the application will be subject to Public Access to Records (6 NYCRR Part 616), which includes Section 616.7 regarding management of records containing trade secrets. The permit application will also be subject to State Environmental Quality Review (6 NYCRR Part 617).

For the purposes of maintaining compliance with the above-mentioned regulations, the definition of “annual” has been adopted from *Black's Law Dictionary* to mean: **annual** *adj.* (14c) **1.** Occurring once every year; yearly <**annual** meeting>. **2.** Of, relating to, or involving a period of one year* <**annual** income>. (* According to *Merriam-Webster's* dictionary, one year is defined as **365 days**.) Therefore, all commitments/requirements with the frequency of “annual” will be expected to be performed no later the 365 days from the previous performance date.

C. FILING AN APPLICATION

Your letter of application for a Part 380 Radiation Control Permit should provide all the information requested in these guidelines. A complete application for a permit must contain information which thoroughly describes the proposed radioactive materials use, handling, and incineration procedures. According to Subpart 380-3, the submitted information must describe the proposed operations in sufficient detail to:

- (1) enable the Department to assess the nature and extent of any potential environmental impact;
- (2) demonstrate that the proposed release of licensed material will comply with the requirements of Part 380; and
- (3) provide adequate justification for the proposed release of radioactive material to the environment.

The Department may approve the incineration of radioactive material proposed in the letter of application if the applicant demonstrates the following:

- (1) that radionuclide releases will be limited, as required by Subpart 380-5, so that radiation dose limits for individual members of the public will not be exceeded, and that doses will be maintained as low as reasonably achievable (ALARA); and
- (2) that the applicant has made every reasonable effort to minimize the release of radioactive material to the environment, as required by Subpart 380-7.

Mail an original and two copies of the letter of application to the Department's Regional Permit Administrator at the appropriate Regional Office (see last page). The Regional Permit Administrator in the Division of Environmental Permits will forward a copy of the application to each involved program within the Department for technical review (e.g., the Radiation Control Permit Section, Division of Air Resources, etc.).

You must retain one copy of the letter of application, with all attachments, since the permit will require as a condition that you follow the statements and representations set forth in the application and any supplements to it. When issued, the Part 380 permit will cross-reference the permittee's Title V Facility Permit issued pursuant to 6 NYCRR Part 201.

If you have any questions regarding the preparation of the Part 380 permit application, you may contact the Department's Radiation Control Permit Section for assistance at (518) 402-8652.

D. CONTENTS OF THE APPLICATION

A complete application for a permit must satisfy the requirements of Sections 380-3.2. Therefore, the application should contain the following information:

1. General Information and Identification of Applicant
 - a. Applicant name
 - b. Mailing address
 - c. Location/address of project/facility
 - d. County & village
 - e. Contact person for the permit (usually the radiation safety officer or regulatory compliance officer). Provide the contact's name, email, and telephone number, and who should be contacted in that person's absence

- f. A detailed area map showing roadways from a major state highway to the project/facility location
- g. A copy of those portions of the applicant's radioactive materials license that show the
 - license number and expiration date
 - list of radioactive materials authorized to possess
 - description of authorized use of radioactive material

If the radioactive materials license has not yet been obtained, confirm that the above information will be submitted to the Department when the license is received.

- h. Organizational chart

2. Physical Plant

- a. Submit a diagram showing the location of the incinerator and all ancillary facilities, such as holding areas for radioactive waste prior to incineration, staging and loading areas, ash storage areas, etc.
- b. Describe the thermal treatment technology (e.g., type of incinerator) to be used, and include a simple diagram of the system.

3. Source and Nature of Radionuclide Releases

For each radionuclide to be incinerated, provide a general description of

- a. The waste to be incinerated, including isotopic and chemical composition, and physical form. Describe how the waste is segregated, packaged, and labeled for transfer from the generation site to the incinerator. Provide the total radioactivity of each isotope per burn, and the total number of burns per year.
- b. The properties of the emissions, including isotopic and chemical composition, physical characteristics and nature of the gas or aerosol, and size of particles

4. Emission Points

- a. Provide a map or sketch of the rooftop and surrounding area that identifies:

- 1) the location of the exhaust stack (include stack height, and duct diameter),
- 2) the dimensions of the building upon which the exhaust stack is located (length, height, width),
- 3) all distances from the emission point to the: nearest air intake on building, nearest unrestricted area, site boundary, nearest adjacent building, and nearest residence.

- b. The radiological conditions around the incinerator (e.g., the radiological characteristics of surface soil on-site) should be evaluated prior to the initial incineration of radioactive material. Such an evaluation will establish the ubiquitous levels of radionuclides in the environment prior to the commencement of operations. Provide an isotopic analysis of on-site soil samples, appropriate for those radionuclides which you are seeking authorization to incinerate.

5. Effluent Flow Rates

- a. State the effluent flow rate through the stack.
- b. Submit a copy of the procedures to be used for determining the volumetric flow rate through the stack. These procedures should include a complete description of:
 - (i) How the average volumetric flow rate (cfm) will be determined
 - (ii) The measuring equipment used
 - (iii) The frequency of instrument calibration
 - (iv) The frequency of flow rate checks
 - (v) Calculations performed to determine total annual volume of airborne emissions (ml/yr)

Note: For the purposes of this calculation, assume the incinerator will run 365 days per year

- (vi) How records of flow rate checks and volumetric flow rate calculations will be reviewed and maintained

6. Effluent Treatment

- a. Describe the emission treatment systems, if any, that will be used to minimize the release of radionuclides to the environment, including:
 - (i) A diagram of the treatment system
 - (ii) The date of installation
 - (iii) The location of the system
 - (iv) The removal efficiency of the system and a description of how this efficiency was determined
 - (v) The treatment capacity of the system
 - (vi) How the system will be maintained
- b. Describe how the concentration of radionuclides in waste products from the components of the treatment system (e.g., scrubbers, condensers, etc.) will be determined. Indicate how these wastes will be disposed of.

7. Radionuclides to be Released

- a. Submit a list of all radionuclides to be incinerated. Specify the maximum activity of each radionuclide to be burned in any calendar year. Describe the procedure to be used for ensuring that these amounts will not be exceeded.
- b. Provide an estimate of the total activity and average concentration of each radionuclide that will be emitted to the air through the stack in one year. Include all calculations and assumptions used to support this estimate.

Note: The attached incinerator effluent calculation sheet may be used to provide these calculations.

If an emission treatment system will be used to minimize the release of radionuclides (as addressed in item 6 above), provide an estimate of radionuclide concentrations in the emissions both before and after treatment.

- c. You should establish an operating ALARA level for emissions at 20 percent of the radionuclide concentrations for effluents to air listed in Column 1, Table II of Subpart 380-11.

Note: when issued, the permit will contain a condition that restricts release concentrations to 20 percent of the Table II values.

8. Safety and Operating Procedures

Submit a copy of the procedures to be followed to control radioactive materials during all phases of the incineration process, including instructions given to personnel handling the combustibles and the ash. These instructions should include a description of how charges are loaded into the incinerator.

If there is more than one incinerator in use at the facility, describe the procedures to be followed to ensure that the radioactive waste destined for incineration is in fact incinerated in the authorized incinerator.

9. Evaluation of Releases

Subpart 380-6 requires that you make surveys that are necessary to demonstrate compliance and that are reasonable to evaluate radiation levels in the environment, and concentrations or quantities of radioactive materials in effluents. Subpart 380-6 also requires that instruments and equipment used for quantitative radiation measurements and effluent flow rates be calibrated annually.

"Survey" is defined in Subpart 380-2 as an evaluation of the radiological conditions incident to the presence of radioactive material, and, when appropriate, includes measurements, monitoring, or calculations of levels of radiation, concentrations, or quantities of radioactive material present. Thus, "survey" includes keeping track of emissions through inventory of radioactive material throughput, effluent monitoring, and sampling of emissions.

You are required to keep track of how much radioactive material is released to the environment, using one or more appropriate methods to evaluate radionuclide releases. Depending on the isotope, form, quantity of radioactive material released, and method of release, one or more of the methods listed below may be appropriate for your facility.

Specify the survey method(s) to be used to evaluate releases (i.e., mass balance, continuous monitoring, effluent sampling), and submit a copy of the survey procedures to be used. Your procedures should include the following:

- a. If the **mass balance method** is to be used, include a description of the radioactive material accounting procedures:

- (i) Describe how you will determine the mass balance (this will be your survey). Indicate how records of this determination (your survey results) will be maintained. Explain how these results will be used to estimate radionuclide activity and concentration in the effluent, including all calculations.
 - (ii) Indicate how frequently records of mass balance determinations and release calculations will be generated and reviewed. The procedures for maintaining records of surveys should ensure that a running total of the quantity and average concentration of each radionuclide released is maintained, and that this record undergoes appropriate and timely review to ensure that permit limits will not be exceeded.
- b. If the **real-time monitoring method** is to be used (e.g., a continuous monitoring method in which samples are analyzed as they are collected, with a continuous readout), include a description of the effluent monitoring system:
 - (i) Identify the in-line instrument to be used, detector type, range, frequency of instrument calibration, alarm set point, how the instrument readout is monitored and/or recorded, and the location of the monitor, with diagram. Specify how the instrument is calibrated.
 - (ii) Describe how records of effluent monitoring results will be maintained, and show how these results will be used to estimate radionuclide activity and concentration in the effluent, including all calculations.
 - (iii) Indicate how frequently records of effluent monitoring results and release calculations will be generated and reviewed. The procedures for maintaining records of surveys should ensure that a running total of the quantity and average concentration of each radionuclide released is maintained, and that this record undergoes timely review to ensure that permit limits will not be exceeded.
- c. If the **effluent sampling method** is to be used (e.g., collection of samples for later analysis), include a description of the effluent sampling system:
 - (i) Identify the location of the sampling probe and all other components of the sampling system, with diagram.
 - (ii) Indicate at what frequency samples will be collected (i.e., continuous,

intermittent, grab) and the effluent sample collection method to be used. If a pump is to be used to collect the effluent sample, identify the manufacturer and the name and model number of the pump, the pump flow rate, and the frequency of calibration. For sampling of particulates in the effluent, the velocity of the air entering the sampling probe should equal the velocity of the effluent stream at the point of sampling to ensure representative (isokinetic) sampling.

(iii) Describe the medium to be used to collect samples, its efficiency for the isotope and chemical form collected, and the frequency at which the collection medium will be changed.

(iv) Describe the method of sample analysis, the detector used, its efficiency and minimum detectable activity, and how the instrument is calibrated. Indicate whether the sample is analyzed in-house or is sent out to a contracted analytical laboratory.

(v) Describe how records of sample analysis results are maintained, and how these results are used to estimate radionuclide activity and concentration in the effluent, including all calculations.

(vi) Indicate how frequently records of effluent sampling results and release calculations will be generated and reviewed. The procedures for maintaining records of surveys should ensure that a running total of the quantity and average concentration of each radionuclide released is maintained, and that this record undergoes appropriate and timely review to ensure that permit limits will not be exceeded.

10. Ash Management

- a. Provide an analysis of the potential for retention of radionuclides in the incinerator ash, including
 - (i) An assessment of how much radioactive material could end up in the incinerator ash, based on the physical and radiological characteristics of the waste incinerated
 - (ii) Procedures to be used for determining the concentration of radioactive material remaining in the ash, specifying the methodology, its sensitivity, and the frequency

- b. Describe how ash will be ultimately disposed of. Indicate what criteria will be used to determine how the ash will be disposed of (e.g., radioactive vs. non-radioactive ash).
- c. Indicate how records of ash analysis and disposal will be maintained and how frequently these records will be reviewed.

11. Dose Limits to Members of the Public

Subpart 380-5 establishes radiation dose limits for individual members of the public and requires surveys be conducted of radiation levels in unrestricted areas in the environment and of radioactive materials in effluents released to unrestricted areas in the environment. The results of these surveys are used to demonstrate that operations meet public dose limits.

Subpart 380-5 also requires that compliance with the public dose limits be demonstrated by one of two methods. The two methods are described in section 380-5.2; one of the two methods must be used to demonstrate that your facility complies with the dose limits.

The simplest method is outlined in section 380-5.2(b)(2), and states that if the radionuclide concentration in the effluent from your facility is less than the effluent concentration value listed in Column 1, Table II of section 380-11.7, and if the external dose rate limit is met, you have demonstrated compliance. Since incinerator emissions are restricted, by a permit condition, to 20% of Table II concentrations, this method for demonstrating compliance can be used.

For those facilities (other than incinerators) whose emissions exceed the effluent concentration value in Column 1, Table II of section 380-11.7, the method outlined in section 380-5.2(b)(1) must be used to demonstrate compliance with the dose limits. Since incinerator emissions are restricted to 20% of Table II, utilizing this method to demonstrate compliance with the public dose limits is optional.

You must clearly indicate which of the following two methods will be utilized to demonstrate compliance:

a. Method 1

Demonstrating that--

- (i) the annual average concentrations of licensed material in effluents to

air at the point of release do not exceed the values specified in the Part 380 regulations in Column 1, Table II of Subpart 380-11; and

(ii) if an individual were continually present in an unrestricted area (in the environment), the dose from external sources would not exceed 2 millirems in an hour and 50 millirems in a year.

Included in (i) above is the requirement that, if more than one radionuclide is released from the same emission point, the sum of the ratios between the concentration of each radionuclide in the effluent and the concentration for that radionuclide listed in Column 1, Table II of Subpart 380-11 must not exceed unity, as determined by the "sum-of-ratios" method described in Subpart 380-11.

Note: For (i) above, because incinerator emissions are limited to 20% of Table II, and the sum-of-ratios is limited to 0.2.

b. Method 2

Demonstrating by measurement or calculation that the total effective dose equivalent (TEDE) to the individual likely to receive the highest dose does not exceed the annual 100 millirem dose limit.

Submit a demonstration that your releases will be in compliance with the public dose limits. Describe how surveys results will be used to confirm this demonstration.

12. Release Minimization Program

Section 380-5.1 requires that disposals and releases of licensed material to the environment be limited so that, in addition to meeting dose limits, doses to individual members of the public are as low as reasonably achievable (ALARA). Towards that end, Subpart 380-7 requires all permittees to develop, document, and implement a release minimization program for maintaining releases of licensed material to the environment ALARA.

The release minimization program should be commensurate with the scope and extent of licensed activities and sufficient to ensure compliance with Part 380. It is recognized that licensees are required to develop and implement a radiation protection program (ALARA program). Your release minimization program could be a part of your overall radiation protection program, or it may be maintained separately. In either case, the release minimization program should specifically address radioactive releases to the environment.

Your release minimization program should contain the following program elements:

- a. Management's formal policy commitment to maintaining public radiation doses due to environmental releases ALARA, including the establishment of investigational levels for radionuclide releases
- b. Analysis of trends in radionuclide usage and their effect on actual release levels, to evaluate the adequacy and operation of process equipment, emission control equipment, and operating procedures
- c. Establishment of personnel qualifications and worker training requirements adequate to ensure that staff are competent to perform duties necessary to maintain compliance with the Part 380 regulations and the conditions of the permit
- d. Establishment of survey and effluent monitoring programs appropriate for the facility's emissions
- e. Review of procedures, engineering controls, and process controls, including:
 - (i) An analysis of the processes that result in radioactive releases to identify the steps in the process during which radioactive materials enter the effluent stream
 - (ii) An evaluation of procedures used and equipment involved to identify what improvements could be made to reduce the release of radioactive material
 - (iii) An evaluation of the option of installing effluent treatment equipment to reduce radionuclides in releases to the environment
 - (iv) For each improvement and effluent treatment equipment identified under (ii) and (iii) above, an identification of the modifications to operating and maintenance procedures, equipment, and facilities that have been considered, a determination of what modifications have been made, and a justification of any modifications that have been recommended but not implemented
- f. Annual review of the release minimization program content and

implementation, and documentation of the results of those reviews

Note: a copy of the U.S. Nuclear Regulatory Commission's Regulatory Guide 8.37, "ALARA Levels for Effluents at Materials Facilities," is enclosed to provide additional information.

13. Records

Subpart 380-8 requires records to be maintained of (a) all disposals and releases, (b) the results of surveys, (c) all demonstrations of compliance with public dose limits, and (d) the release minimization program. Provide a copy of the record keeping procedures that will be used to comply with Subpart 380-8. Records must document all receipts, incineration, radioactive emissions, and any disposals of ash generated by the incineration process.

All records should be signed and dated by the person generating the record, and the secondary reviewer. All electronic records must be made available for review, and provided in hard copy form upon Department request per section 380-8.6(c).

14. Reporting Requirements

Subpart 380-9 contains reporting requirements. Confirm that you will submit an annual emission report to the Department by the end of each March of the year following the release, in accordance with Section 380-9.1. This report should include (a) all regulated radioactive materials incinerated, (b) the quantity and concentration of each radionuclide releases to air, and (c) the quantity and concentration of any radionuclides detected in the ash. Also, confirm that you will comply with the notification requirements in Section 380-9.2.

15. Notifications to Other Agencies

Identify any local permits which may be required in order to operate the incinerator, and indicate whether or not such permits have been obtained.

Local governmental agencies (e.g., local health departments) should be notified early of plans to incinerate radioactive waste, as they often receive inquiries from local citizens and organizations. Describe the efforts that have been undertaken to notify local governments of your plans to incinerate radioactive waste, and provide copies of the locality's response to this notification.

16. State Environmental Quality Review Act (SEQR) Requirements

If you are applying for a new permit, or for the modification or renewal of an existing permit where there will be a material change or increase in radionuclide emissions, complete and sign Part I of the enclosed Short Environmental Assessment Form (SEAF) and submit it with the application.

Applications for permit renewals with no change in the magnitude of radionuclide releases or release rates do not require the resubmission of a SEAF.

17. Signature

The letter of application should be dated and signed by the facility's designated contact person and the managerial agent. The managerial agent must be a representative of the corporation or legal entity who is authorized to make binding commitments on behalf of the applicant* and must certify that the application contains information that is true and correct to the best of the signer's knowledge and belief. Unsigned applications will not be reviewed and will be returned for proper signature.

*Note: The positions of the persons signing the application should be shown on the organizational chart submitted in response to item 1.

E. PERMIT MODIFICATIONS

Once you have been issued a permit, you must conduct your program in accordance with the statements, representations, and procedures contained in the permit application and supporting documents. Therefore, before you make any changes in facility operations (e.g., approved facilities, equipment, procedures, or radioactive materials to be releases to the environment), you must first obtain a permit modification.

Your letter of application for a permit modification should identify the permit by number and should clearly describe the exact nature of the changes, additions, or deletions. References to previously submitted information and documents should be clear and specific, and must identify the pertinent information by date, page, and paragraph.

The requirements of SEQR must be met as described in item 16 of Section D of this guide. Permit modification applications must be signed as described in item 17 of Section D and dated. You should retain one copy of the application, since the statements made in the application will be made part of the modified permit. File your application as directed in Section C of this guide.

F. PERMIT RENEWALS

Your permit will remain in effect after the expiration date only if the application for permit renewal has been submitted to the Department and determined to be sufficient at least 90 days prior to the expiration date. Therefore, the letter of application for permit renewal should be filed well before the expiration date. If the Department finds your application is incomplete, this will allow you sufficient time to prepare and submit the required information before the expiration date.

Renewal applications should contain up-to-date information about your current program, and must meet all regulatory requirements in effect at the time of renewal. If there have been any changes in your program since the last renewal of the permit, a detailed description of these changes must be submitted with the renewal application. Normally, permit holders will be required to submit an entirely new application for permit renewal, in accordance with Section D of this guide.

The permit renewal application must meet the requirements of SEQR as described in item 16 of Section D. Applications must be signed as described in item 17 and dated. You should retain one copy of the application, since the statements made in the application will be made part of the permit renewal. File your application as directed in Section C of this guide.

G. REQUESTS FOR PERMIT DISCONTINUANCE

When the incineration of radioactive material ceases, or if you believe you no longer require a permit because the only radioactive material you incinerate is authorized under Section 380-4.3, you should request that the permit be formally discontinued. Note that an expired permit, although no longer valid, is not formally discontinued until the Department takes formal action to do so. Permits will not formally be discontinued by the Department until the permittee has demonstrated that either (1) all potential sources of radionuclide releases to the environment have been eliminated or (2) that a permit is no longer needed for the materials you will incinerate.

Your letter of request for permit discontinuance must be signed as described in item 17 of Section D and dated. If you believe you no longer require a permit, your request should describe the (exempt) radioactive material you intend to incinerate, if any. If you have ceased incinerating, the request should include survey results indicating the residual contamination levels of all components of the radioactive material emission and/or effluent treatment systems. Identify the disposition of all potential sources of radioactive material releases. Also, you must submit a final report which provides all the information required by Section 380-9.1 and your permit, in lieu of a final annual report. Under Section 380-10.4, permittees must notify the Department of intent to vacate at least 30 days prior to relinquishing possession or control of premises that may have

become contaminated with radioactive materials.

Be aware that if any planned decontamination and demolition activities have the potential to release radioactive materials to the environment, the permit may need to be modified prior to the final permit discontinuance, in order to address potential environmental releases during these operations. In such instances, a letter of application for permit modification must be submitted, deemed complete, and the permit issued prior to your initiating decontamination and demolition. File your request as directed in Section C of this guide.

Enclosures (2):

- 1) NRC Regulatory Guide 8.37
- 2) Short Environmental Assessment Form

DEC Regions and Counties

Region 1

Nassau and Suffolk

Region 2

New York City

Region 3

Dutchess, Orange, Putnam, Rockland, Sullivan,
Ulster, Westchester

Region 4

Albany, Columbia, Delaware, Green, Montgomery,
Otsego, Rensselaer, Schenectady, Schoharie

Region 5

Clinton, Essex, Franklin, Fulton, Hamilton, Saratoga,
Warren, Washington

Region 6

Herkimer, Jefferson, Lewis, Oneida, St. Lawrence

Region 7

Broome, Cayuga, Chenango, Cortland, Madison,
Onondaga, Oswego, Tioga, Tompkins

Region 8

Chemung, Genesee, Livingston, Monroe, Ontario,
Orleans, Schuyler, Seneca, Steuben, Wayne, Yates

Region 9

Allegany, Cattaraugus, Chautauqua, Erie, Niagara,
Wyoming

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