

## SOLID & HAZARDOUS MATERIALS SCREENING QUESTIONS

- (SHM-1) Did your facility, project or operation transport any regulated wastes?  
*NOTE: See Regulation 28 for list of exemptions.*

Regulated waste is a solid waste that is: raw sewage; septage; sludge from a sewage treatment plant; sludge from a water supply treatment plant; waste oil; industrial-commercial waste including hazardous waste; low-level radioactive waste (the transport of LLRW requires a Part 381 Permit, see - Regulation 36); or waste tires.

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulations 28, 29 (Regulatory Fees), 30, and 36 may apply, proceed to Question (SHM-2).

If NO, proceed to Question (SHM-2).

- (SHM-2) Was any type of pesticide including bactericides, insecticides, biocides, fungicides, miticides, viricides or other similar products applied by your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulations 25, 25A, 25B, 25C, 26, 26A and 27 may apply to your facility, project or operation. Proceed to Question (SHM-3).

If NO, proceed to Question (SHM-3).

- (SHM-3) Was any hazardous waste generated, treated, stored or disposed at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulations 31, 31A, 31B, (Regulatory Fees) 32, 33, 34, 34A, 70 and 72 may apply to your facility, project or operation. Proceed to Question (SHM-4).

If NO, proceed to Question (SHM-4).

- (SHM-4) Was your facility, project or operation involved in any of these activities?

Building Cleaning and/or Maintenance; Preparation of, or using, Cleaning Agents and/or Cosmetics, lead-based paint removal/lead abatement, replacement of fluorescent light bulbs; Construction; Education and/or Vocational Shops Activities; Equipment Repair; Chemical and/or Other Compound Formulating; Funeral Services; Furniture/Wood Manufacturing and/or Refinishing; Laboratory Activities, including disposal of unused laboratory chemicals/reagents; Laundries and/or Dry Cleaning Operations; Metal Manufacturing and/or Fabricating; Motor Freight Terminal Activities; Bus and/or Railroad Transportation Activities; Textile Manufacturing; Plastics Manufacturing; Leather Manufacturing; Pesticide Use and/or Application Services; Photographic and/or X-Ray Processing; Printing and/or Allied Industrial Activities; Vehicle Maintenance; or Wood Preserving.

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulation 28, 29 (Regulatory Fees), 30, 31, 31A, 31B, 32, 33, 70, 71 and 72 may apply to your facility, project or operation. Proceed to Question (SHM-5).

If NO, proceed to Question (SHM-5).

(SHM-5) Are any radioactive materials used, stored, mixed, and/or transported at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulations 28, 29 (Regulatory Fees), 30, 35 and 36 may apply to your facility, project or operation. Proceed to Question (SHM-6).

If NO, proceed to Question (SHM-6).

(SHM-6) Are any regulated medical wastes generated, stored, treated, transported and/or disposed at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulations 28, 29 (Regulatory Fees), 30, 36A, 50N, 70 and 71 may apply to your facility, project or operation. Proceed to Question (SHM-7).

If NO, Proceed to Question (SHM-7).

(SHM-7) Are there any active or inactive landfills at your facility, project or operation or on any part of your property?

*Landfill means a disposal facility or part of one at which solid waste, or its residue after treatment, is intentionally placed in or on land, and at which solid waste will remain after closure and which is not a landspreading activity, a surface impoundment, waste pile or an injection well.*

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulations 50A, 50B, 50C and 50D may apply to your facility, project or operation. Proceed to Question (SHM-8).

If NO, proceed to Question (SHM-8).

(SHM-8) Do you transfer any solid wastes from off-site locations at your facility, project or operation?

Solid Waste: all putrescible and non-putrescible materials or substances that are discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, including but not limited to, garbage, refuse, industrial and commercial waste, sludges from air or water treatment works, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles, and offal.

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulation 50E may apply to your facility, project or operation.  
Proceed to Question (SHM-9).

If NO, proceed to Question (SHM-9).

(SHM-9) Are there any recyclables handling or recovery activities ongoing at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulations 50F, 71 and 72 may apply to your facility, project or operation. Proceed to Question (SHM-10).

If NO, proceed to Question (SHM-10).

(SHM-10) Do you apply any liquid "solid wastes" to the land at your facility, project or operation?

*NOTE: Liquid solid wastes include: sewage sludge, septage, vegetable residues, food processing waste, etc.*

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulation 50G may apply to your facility, project or operation.  
Proceed to Question (SHM-11).

If NO, proceed to Question (SHM-11).

(SHM-11) Are there any surface impoundments or tanks at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulation 50G may apply to your facility, project or operation.  
Proceed to Question (SHM-12).

If NO, proceed to Question (SHM-12).

(SHM-12) Are there any composting activities at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulation 50H may apply to your facility, project or operation.  
Proceed to Question (SHM-13).

If NO, proceed to Question (SHM-13).

(SHM-13) Do you store any waste tires at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulation 50J may apply to your facility, project or operation.  
Proceed to Question (SHM-14).

If NO, proceed to Question (SHM-14).

(SHM-14) Do you store any liquid "solid waste" at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulation 50K may apply to your facility, project or operation. Proceed to Question (SHM-15).

If NO, proceed to Question (SHM-15).

(SHM-15) Do you generate or receive used oil at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulations 33 & 50L may apply to your facility, project or operation. Proceed to Question (SHM-16).

If NO, proceed to Question (SHM-16).

(SHM-16) Do you incinerate any solid waste at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulation 50M may apply to your facility, project or operation. Proceed to Question (SHM-17).

If NO, proceed to Question (SHM-17).

(SHM-17) Do you process any solid waste into a Refuse Derived Fuel?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulations 50M and 71 may apply to your facility, project or operation. Proceed to Question (SHM-18).

If NO, proceed to Question (SHM-18).

(SHM-18) Do you process construction and demolition debris at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, you may be subject to Regulation 50P. Proceed to Question (SHM-20).

If NO, proceed to Question (SHM-19).

(SHM-19) Did your facility, project or operation generate any hazardous waste?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulations 31, 31A, 31B (Regulatory Fees), 32, 33, 34, 34A (Regulatory Fees), 70, and 72 may apply to your facility, project or operation. Proceed to Question (SHM-21).

If NO, proceed to Question (SHM-20).

(SHM-20) Did your facility, project or operation generate any solid waste?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, you may be subject to Regulations 50A, 50B, 50C, 50D, 50G, 50H, 50J, 50K, 50L, 50M and 71 may apply to your facility, project or operation. Proceed to Question (SHM-21).

If NO, proceed to Question (SHM-21).

(SHM-21) Did your facility, project or operation generate 25 tons or more of hazardous waste during the reporting period?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulation 70 may apply to your facility, project or operation. Proceed to Question (SHM-23)

If NO, proceed to Question (SHM-22)

(SHM-22) Did your facility, project or operation emit 40,000 pounds or more of toxic chemicals to the outside air during the reporting period?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulation 70 may apply to your facility, project or operation. Proceed to Question (SHM-24)

If NO, proceed to Question (SHM-23)

(SHM-23) Did your facility, project or operation discharge 12,000 pounds or more of toxic chemicals to the surface water, groundwater or to a Publicly Owned Treatment Works (POTW)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulation 70 may apply to your facility, project or operation. Proceed to Question (ER-1).

If NO, proceed to Question (ER-1).

**SOLID & HAZARDOUS MATERIALS**

**REGULATION 25 QUESTIONS: AGENCY REGISTRATION TO APPLY PESTICIDES**

**NOTE: If your facility, project or operation (f/p/o) is subject to this regulation, it may also be subject to regulations 25A, 25B, 25C, 26, and 27.**

(A) Were pesticides used and/or applied at your f/p/o?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 25 blank, proceed to Regulation 28.

(B) If YES, did any of your f/p/o personnel apply the pesticides?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (F).

If YES, proceed to Question (C).

(C) Was your f/p/o registered with NYSDEC?

There is one exemption. The use of anti-microbials such as cleaning disinfectants and sanitizers does not require agency registration except when they are restricted use pesticides or used in cooling towers.

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 25 and leave the "Approval" Box 25 blank on the Compliance Status Report form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Question (D).

If YES, place a check in the "Approval" Box 25 on the Compliance Status Report form, then proceed to Question (D).

(D) Were accurate records on such pesticide use kept? Proceed to Question (E).

YES \_\_\_\_\_ NO \_\_\_\_\_

(E) Was a Pesticide Reporting Law annual report on such pesticide use, filed with NYSDEC, by the f/p/o by February 1 of each year?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (F).

If you answered NO to any one or more of questions "D" or "E", place an "N1", "N2", "N3" or "N4" in "**RANK**" box 25 on the Compliance Status Report form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Question (F).

- (F) Were the pesticides applied by a private contractor or business; by personnel from another f/p/o of your agency; or by personnel from a f/p/o of another state agency? (***This means the private contractor or business; the other f/p/o from your agency; or the f/p/o of another state agency must be in compliance with regulations 25, 25A, 25B, 26, and 27.***)

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (G).

If NO, proceed to Regulation 25A.

- (G) If YES, is the private contractor or business; the other f/p/o from your agency; or the f/p/o of another state agency registered as a pesticide agency or business with the Bureau of Pesticides Management at NYSDEC? (**There are NO Exceptions.**)

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 25 on the Compliance Status Report form, then on the other Compliance Status Report form for the private contractor or business; or the project performed by the other f/p/o from your agency; or the f/p/o of another state agency, answer Questions for Regulation 25, then continue completing this other form by answering the Questions for Regulations 25A, 25B, 26, 27 and any other regulations that are applicable for the private contractor or business; by the f/p/o of your agency; or by the f/p/o of another state agency. Then proceed to Regulation 28 and continue completing the Compliance Status form for your f/p/o.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 25, complete a "Non-Compliance Report & Remedial Plan" form, then on the other Compliance Status Report form for the private contractor or business; or the project performed by the other f/p/o from your agency; or f/p/o of another state agency, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 25, complete a "Non-Compliance Report & Remedial Plan" form, then continue completing this other Compliance Status form by answering the Questions for Regulations 25A, 25B, 26, 27 and any other regulations that are applicable for the private contractor or business; by the f/p/o of your agency; or by the f/p/o of another state agency. Then proceed to Regulation 28 and continue completing the Compliance Status form for your f/p/o.

## SOLID & HAZARDOUS MATERIALS

### **REGULATION 25:**

### **AGENCY REGISTRATION TO APPLY PESTICIDES**

LEGAL CITATION: ECL Article 33 and 6 NYCRR Part 325

#### ABSTRACT OF LAW/REGULATIONS:

A state agency that applies pesticides must register with the NYSDEC and must provide the NYSDEC with the name, address and telephone number of each agency's facility project or operation, and the name of the certified applicators at each facility, project or operation.

State agencies are exempt from the registration fee of \$450.00 every three years.

#### REQUIRED APPROVAL:

ECL § 33-0907 requires all agencies applying pesticides to be registered annually with the NYSDEC. This includes state agencies when they apply most pesticides. The use of anti-microbials such as cleaning disinfectants and sanitizers does not require agency registration unless they are used in cooling tower operations. Where more than one location of a state agency office applies pesticides, each such location is required to apply for a pesticide agency registration.

#### DEFINITIONS:

Agency means, for purposes of state agency registration, any state agency; public authority; college, as that term is defined in the education law; railroad, as that term is defined in the railroad law; telegraph, telephone; or telegraph and telephone, pipeline; gas, electric, or gas and electric corporation, as those terms are defined in the transportation corporations law, which applies to pesticides.

Agency Registration means the requirement of each state agency applying pesticides to register with NYSDEC.

Pesticides include insecticides, herbicides, antimicrobials (including disinfectants), fungicides, miticides, molluscicides, and rodenticides.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER:

Bob Lazzara, Division of Solid & Hazardous Materials

518/402-8748



## SOLID & HAZARDOUS MATERIALS

### REGULATION 25A QUESTIONS:

### PESTICIDE PRODUCT REGISTRATION

**NOTE: If your facility, project or operation is subject to Regulation 25, 25B, 25C, 26, or 27, it is also subject to this regulation.**

- (A) Did you verify that the pesticides applied at your facility, project or operation were registered in New York State?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 25A on the Compliance Status Report Form, then proceed to Regulation 25B.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 25A on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 25B.

### REGULATION 25A:

### PESTICIDE PRODUCT REGISTRATION

LEGAL CITATION: ECL Article 33 Title 7 and 6 NYCRR Part 326

#### ABSTRACT OF LAW/REGULATIONS:

The ECL requires that every pesticide product that is used, distributed, sold, offered for sale within New York State, delivered for transportation or transported in intrastate commerce or between points inside New York State, or through any point outside of New York State be registered by NYSDEC. Any products in question can be verified by visiting the Department's website at

<http://www.dec.state.ny.us/website/dshm/pesticid/pestreg.htm>, the Cornell University Pesticide Management Education Program website at

<http://pmep.cce.cornell.edu/pims/current/> or by calling the Division of Solid & Hazardous Materials at 518/402-8768.

Every pesticide registered in New York State must be registered first by the U.S. Environmental Protection Agency (EPA). Pesticides include herbicides, insecticides, antimicrobials (including disinfectants), rodenticides, fungicides, miticides, and molluscicides. There should be an EPA Registration Number on the product label.

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**SOLID & HAZARDOUS MATERIALS**

**REGULATION 25B QUESTIONS: PESTICIDE HANDLING, STORAGE, DISPOSAL  
AND SAFETY**

**NOTE: If your facility, project or operation is subject to Regulations 25, 25A, 25C, 26, or 27, it is also subject to this regulation.**

(A) Were all pesticides properly stored in their original containers with legible labels (see Regulation 25B for storage requirements)?

YES \_\_\_\_\_ NO \_\_\_\_\_

(B) Were all pesticide containers properly rinsed and pesticide residues properly disposed (see Regulation 25B for disposal requirements and Regulation 70 for handling and pollution prevention requirements)?

YES \_\_\_\_\_ NO \_\_\_\_\_

(C) Does the application equipment containing pesticides or drawing water from any water source contain an effective backflow prevention device?

YES \_\_\_\_\_ NO \_\_\_\_\_

(D) Is proper personal protection equipment (PPE) provided to those persons handling, mixing, loading and applying pesticides?

YES \_\_\_\_\_ NO \_\_\_\_\_

(E) Were personnel trained in the proper use of the PPE?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered "YES" to all five questions (A), (B), (C), (D) and (E), place a "C" in "**RANK**" box 25B on the Compliance Status Report Form, then proceed to Regulation 25C.

If you answered "NO" to any one or more of Question (A), (B), (C), (D) and (E), place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 25B on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 25C.

## SOLID & HAZARDOUS MATERIALS

### REGULATION 25B: PESTICIDE HANDLING, STORAGE, DISPOSAL AND SAFETY

LEGAL CITATION: ECL Article 33 Title 7 and 6 NYCRR Part 325

#### ABSTRACT OF LAW/REGULATIONS:

Storage: Current law requires that pesticides are to be stored in their original containers with legible labels, except if use of alternative containers are authorized by regulation. If containers are damaged or the labels unreadable, the contents should be put in another clean container and relabeled, or packed into another container with labeling on the exterior of the overpack container. Because NYSDEC has not yet promulgated regulations authorizing the use of alternative pesticide containers (other than the manufacturers' original container), NYSDEC has issued guidance which allows **users** of pesticides to use alternative containers as long as the alternative containers meet the following requirements:

1. Have labeling with the product name, USEPA product registration number, toxicity signal word (e. g. "Caution"), percent of active ingredient, and whether the contents are a concentrate or dilution; and
2. Are constructed of an impervious material which is not reactive with the pesticide; are not made of glass; are adequately secure to prevent leakage or contamination of the pesticide; and are **only** used for the same pesticide or mixture of pesticides.

Part 325.5 states that pesticide containers are **not** to be used for storing human or animal food or water and are **not** to be used for storage of cooking utensils, dishes or clothing.

#### Disposal of Pesticide Containers and Unwanted Pesticides:

6 NYCRR Section 325.4 requires empty **noncombustible** pesticide containers to be triple rinsed [Section 325.1(bb)], except for ready-to-use pesticides that do not require dilution, which must only be drained for one 30-second period. After rinsing, disposal of these containers may be accomplished by taking nonreturnable containers to an approved landfill and returning returnable containers to the supplier. After rinsing, empty **combustible** containers may be disposed of in a sanitary landfill or high temperature incinerator approved by NYSDEC.

Leftover pesticides or containers that are not empty must be disposed of at a facility approved under Regulation 50A (6 NYCRR Part 360 - Solid Waste) or Regulations 31 and 34 (6 NYCRR Part 373 - Hazardous Waste) and allowed to receive such material. It may be possible to return leftover pesticides or

unopened containers of pesticides to the supplier. If the pesticides to be disposed of are classified as a hazardous waste, they must be disposed of through a permitted hazardous waste hauler.

Safety:

6 NYCRR Section 325.2 requires that all equipment containing pesticides and drawing water from any water sources shall have an effective anti-siphon device to prevent backflow. The NYSDEC has a brochure that describes acceptable backflow prevention devices.

6 NYCRR Section 325.6 states that the certified applicators are responsible to:

1. Provide specific safety training to individuals using pesticides under the certified applicator's direct supervision, prior to any pesticide application.
2. Provide for the protection of employees, working under their direct supervision, with relevant safety information and the necessary safety equipment and protective clothing as required on the pesticide label or as appropriate for the pesticide being used; and

**NOTE: If the Certified Applicator is not the owner or manager of the facility, project or operation, the ultimate responsibility for providing safety equipment, protective clothing and re-entry instruction shall reside with the owner or manager of the facility, project or operation.**

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

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**SOLID & HAZARDOUS MATERIALS**

**REGULATION 25C QUESTIONS: PRIOR NOTIFICATION OF PESTICIDE APPLICATIONS AND POSTING OF COMMERCIAL LAWN APPLICATION OF PESTICIDES**

**NOTE: If your facility, project or operation is subject to this regulation, it may also be subject to regulations 25, 25A, 25B, 26 and 27.**

(A) Were pesticides used and/or applied at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave “**RANK**” box 25C blank, then proceed to Regulation 28.  
If YES, proceed to Question (B).

(B) Was notification of pesticide use or application, in the form of the label(s) of the pesticide(s) applied, provided to the person in charge of the facility prior to the application of pesticides?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered NO to Question "A", place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in “**RANK**” box 25C on the Compliance Status Report Form, complete a “Non-Compliance Report & Remedial Plan” form, then proceed to Question (C).

If you answered YES to Questions "A", proceed to Question (C).

(C) Were any pesticides applied to ground, trees or shrubs at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place a "C" in “**RANK**” box 25C on the Compliance Status Report Form, then proceed to Regulation 26.

If YES, proceed to Question (D).

(D) If the location of such application to the ground, trees or shrubs was within a public park or within 100 feet of a dwelling, multiple dwelling, public park or public building (meaning any building open to the public, whether publicly or privately owned or leased) were visual notification markers of the size and content as required by ECL 33-1003 posted within or around the perimeter of the treated area for at least 24 hours following the application?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 25C on the Compliance Status Report Form, then proceed to Regulation 26.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 25 on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 26.

## SOLID & HAZARDOUS MATERIALS

### **REGULATION 25C: PRIOR NOTIFICATION OF PESTICIDE APPLICATIONS AND POSTING OF COMMERCIAL LAWN APPLICATION OF PESTICIDES**

LEGAL CITATION: ECL Article 33

#### ABSTRACT OF LAW/REGULATIONS:

ECL Section 33-0905.5 requires that, prior to any application of a pesticide within or on the premises of a structure, pesticide applicators notify the occupants of one and two-family dwellings, and the owners/agents of multiple dwellings and all other structures. Notification must be provided in the form of copies of the pesticide labels for those pesticides to be applied. Owners/agents of structures must provide copies of the labels to occupants of the dwellings/structures upon request. This law applies to state agencies applying pesticides within or on the premises of structures, as well as pesticide applications made on behalf of agencies by contractors.

ECL Article 33, Title 10 requires that agencies performing commercial lawn applications (Section 33-0101(46)) of pesticides (or having such applications performed by contract) must post visual notification markers within or along the perimeter of the treated area, when such applications are made within a public park or 100 feet of a dwelling, multiple dwelling, public building or public park. Public buildings are those which are open to public access.

Visual notification markers must instruct people not to enter the property and not to remove the signs for at least 24 hours. The markers are to be at least 4 inches by 5 inches, with printing at least three-eighths of an inch in height. The signs are to be posted at least 12 inches above the ground, and must be clearly visible to persons immediately outside the perimeter of the property.

Guidance from the Division of Solid and Hazardous Materials states that posting of only one sign is not adequate, unless access to the treated site is limited to a single entry point by a fence or other barrier. Marker posting frequency would depend on the visibility and readability of markers of a person outside the perimeter of the property. This will depend on the characteristics of each specific site.

#### DEFINITIONS:

Commercial Lawn Application means a pesticide application to ground, trees or shrubs, with certain exceptions specified in Section 33-0101(46).

Dwelling is defined as the residence/home/sleeping place for one or two-families.

Multiple Dwelling is defined as the residence/home for three or more independent families.

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TELEPHONE NUMBER:

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## SOLID & HAZARDOUS MATERIALS

### REGULATION 26 QUESTIONS: COMMERCIAL PESTICIDE APPLICATOR CERTIFICATION

**NOTE: If your facility, project or operation is subject to this regulation, it is also subject to regulations 25, 25A, 25B and 25C.**

- (A) Are the persons (agency staff or contractors) who were or are applying pesticides at your facility, project or operation certified in the appropriate commercial pesticide applicator categories, or working under the direct supervision of a person appropriately certified? ***(There is one exemption)***. The use of anti-microbials such as cleaning disinfectants and sanitizers does not require certification unless they are restricted use pesticides or used in cooling towers.

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 26 and place a check in the "Approval" Box 26 on the Compliance Status Report Form, then proceed to Regulation 26A.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 26 and leave the "Approval" Box 26 blank on the Compliance Status Report form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 27.

## SOLID & HAZARDOUS MATERIALS

### **REGULATION 26:            COMMERCIAL PESTICIDE APPLICATOR CERTIFICATION**

LEGAL CITATION: ECL Article 33 and 6 NYCRR Part 325

#### ABSTRACT OF LAW/REGULATIONS:

This regulation requires any person applying pesticides commercially to be certified as a commercial pesticide applicator, or to be working under the direct supervision of a person so certified. Commercial pesticide applications include all pesticide applications to state campgrounds, state forest management areas, state or federal wildlife management areas, state-owned golf courses and parks, state-owned buildings and grounds, state highway rights-of-way, state utility electrical rights-of-way, etc. State or state-owned means state agency owned, leased or rented. Fees for the first category or subcategory of certification are \$375 every five years. Fees for each additional category or subcategory are \$125 every five years.

#### APPLICABILITY:

#### **Pesticide applicator certification and direct supervision requirements.**

- A. An individual must not engage in the commercial application of pesticides unless that individual is a certified applicator and possesses, on their person, a valid identification card issued by the department and makes such identification card available upon request of this department. Full certification is not required for:
- (1) a certified commercial technician, hereinafter referred to as “technician”, using general use pesticides;
  - (2) a technician using pesticides under the direct supervision of a certified commercial pesticide applicator, as required in D;
  - (3) a commercial pesticide apprentice, hereinafter referred to as “apprentice”, using pesticides under the direct supervision of a certified commercial pesticide applicator, as required in D;
  - (4) an individual using antimicrobial agents, except where such pesticides have been classified as restricted use pesticides or are used in the pulp and paper process or cooling towers. In these cases, the requirements of paragraphs (1), (2) or (3) apply;
  - (5) an individual using aquatic pesticides purchased through a purchase permit, as provided in Title 6 NYCRR Part 326.8, in a body of water measuring one acre or less in size which lies exclusively on their property and has little or no outflow to any surface waters of the State classified pursuant to Article 17 of New York State Environmental Conservation Law;
  - (6) a technician engaged in the application of microbial pesticides by ground equipment in or over any surface waters of the State classified pursuant to

Article 17 of New York State Environmental Conservation Law. However, such individual must successfully complete a department-approved, 30-hour certification course related to this type of application;

- (7) a doctor of veterinary medicine or a veterinary technician working under the veterinarian's direct supervision, licensed to practice within New York State. Such exemption from certification requirements applies only when engaged in the use of general use pesticides:
- on animals that are in the veterinarian's care within the veterinary facility;
  - on inanimate objects, surfaces, and areas within their veterinary establishments.

(8) an individual engaged in the residential application of pesticides.

B. No certified commercial pesticide applicator or technician shall engage in the application of pesticides for which certification is required in other than the category or subcategory specified on their certification identification card.

C. No certified private pesticide applicator shall:

(1) engage in the application of restricted pesticides in other than the category specified on the certified private pesticide applicator's certification or special permit; or

(2) commercially apply pesticides.

D. Direct Supervision of Individuals under the Instruction and Control of a Certified Applicator.

(1) On-site direct supervision is required when technicians:

- A. engage in the subsurface ground application of termiticides, the surface application of termiticides to exposed soil in basements and crawl spaces, and the placement of termiticide in voids of masonry foundations;
- apply fumigants, except when using fumigants classified as general use that are applied to in-place utility poles;
  - apply pesticides with a label requiring on-site supervision;
  - apply aquatic pesticides to any surface waters of the State classified pursuant to Article 17 of the New York State Environmental Conservation Law, except on-site supervision is not required for permitted applications of microbial pesticides to control aquatic pests as described in paragraph A (6) of this section;

(2) On-site direct supervision is required when an apprentice does any of the following:

- applies federally restricted use pesticides;
- applies aquatic pesticides to any surface waters of the State classified pursuant to Article 17 of the New York State Environmental Conservation Law, except on-site supervision is not required when individuals apply aquatic pesticides under the authority of a special purchase permit, as

described in section 325.38 of this Part, or apply aquatic pesticides to temporary pools of water which have no outlets;

- applies pesticides with a label requiring on-site supervision;
  - applies pesticides within or on the premises of licensed day care facilities, elementary and secondary schools and hospitals.
- (3) Apprentices shall not apply fumigants except when using fumigants classified as general use that are applied to in-place utility poles, engage in the subsurface ground application of termiticides, the surface application of termiticides to exposed soil in basements and crawl spaces, or the placement of termiticides in voids of masonry foundations, or apply pesticides by aircraft.
- (4) During pesticide use by a technician, or an apprentice, that requires on-site direct supervision, the certified pesticide applicator must be physically present at the application site and within voice contact of the individual being supervised. When a technician uses a fumigant, the application must be made under the direct observation and instruction of the certified applicator, except when using fumigants classified as general use that are applied to in-place utility poles.
- (5) Off-site direct supervision is allowed when an apprentice uses pesticides that do not require on-site supervision as listed in paragraph D(2) or when a technician applies restricted use pesticides other than those requiring on-site supervision or those applied by aircraft.
- (6) During pesticide use that allows off-site direct supervision, the certified commercial applicator must ensure that the apprentice or technician has a means to contact and is able to contact the supervising certified applicator within a reasonable time not to exceed 30 minutes and that a technician applying pesticides by aircraft maintains radio contact with the certified applicator.
- (7) A certified commercial pesticide technician may apply aquatic microbial pesticides as described in paragraph A(6) or general use pesticides without working under the direct supervision of a certified applicator except when using fumigants that require on-site supervision or when using termiticides by subsurface ground application, surface application to exposed soil in basements or crawl spaces, by placement in voids and masonry foundations, or when applying pesticides by aircraft.

### **Categories of commercial pesticide application.**

A. - Agricultural and animal pest control. This category includes the following subcategories:

- 1A - Plant. This subcategory includes commercial applicators using or supervising the use of pesticides, including chemigation, in production of agricultural crops, including but not limited to corn, alfalfa, feed grains, soybeans and forage; vegetables; small fruits; tree fruits and nuts; on grasslands; noncrop agricultural lands; and sod, flowers and shrubs.

1B - Agricultural Animals. This subcategory includes commercial applicators using or supervising the use of pesticides on animals, including but not limited to, beef cattle, dairy cattle, swine, sheep, horses, goats, poultry and livestock, as well as to places on or in which animals are confined.

1C - Companion Animals. This subcategory includes commercial applicators using or supervising the use of pesticides on companion animals.

1D - Fumigation of Soil and Agricultural Commodities. This subcategory includes commercial applicators using or supervising the use of pesticides for soil fumigation in production of agricultural commodities and the use of pesticides for fumigation of agricultural commodities. Certification in this subcategory requires concurrent certification in Subcategory (1), Agricultural Plant Pest Control.

B. - Forest pest control.

2 - This category includes commercial applicators using or supervising the use of pesticides to control pests in forests, forest nurseries, forest seed producing areas and forested areas within urban settings.

C. - Ornamental and turf pest control. This category includes commercial applicators using or supervising the use of pesticides to control pests in the maintenance and production of ornamental and shade trees, shrubs, flowers and turf, interior plant maintenance, greenhouses and nurseries, flood control structures, golf courses, outdoor broadcast treatments for fleas, ticks, and other such pests, forest insects or disease control for aesthetic purposes. This category also includes the use of animal repellents on lawns or shrubs. The turf subcategory also includes pre- or post-construction herbicide treatment for driveways, parking lots and other such facilities. This category contains, but is not limited to, the following subcategories:

3A - ornamentals, shade trees and turf;

3B - turf; and

3C - interior plant maintenance.

D. - Seed treatment.

4 - This category includes commercial applicators using or supervising the use of pesticides on seeds intended for planting on property not owned or leased by the applicator, including seed treaters who apply pesticides to seeds of other individuals and seed plant operators treating seeds before or after sale.

E. - Aquatic pest control. This category includes commercial applicators using or supervising the use of any pesticide purposefully applied to standing or running water, excluding applicators engaged in public health-related activities included in

subdivision (h) of this section. This category contains, but is not limited to, the following subcategories:

5A - Aquatic vegetation control. This subcategory includes control of algae and weeds in swimming pools and in any surface waters of the State classified pursuant to Article 17 of the Environmental Conservation Law.

5B - Aquatic insect and miscellaneous aquatic organisms control. This subcategory includes the control of aquatic insects such as mosquito and black fly larva and miscellaneous organisms such as mollusks, leeches and snails.

5C - Aquatic fish control. This subcategory includes treatment to control or eliminate unwanted fish including sea lamprey.

5D - Aquatic antifouling paints. This subcategory includes application of aquatic antifoulant paints and preservatives.

5E - Sewer line root control. This subcategory includes the use of pesticides to eliminate tree roots from sewers and other discharge pipes.

F. - Rights-of-way pest control. This category includes commercial applicators using or supervising the use of pesticides in the maintenance of highways, electric power lines, gas or other pipelines, railway rights-of-way and other related facilities such as, but not limited to, the areas around generating stations, substations, pumping stations and associated buildings and in-place applications to utility poles.

6A - Rights-of-way industrial vegetation control. This subcategory includes commercial applicators using or supervising the use of pesticides in the maintenance of rights-of-way and related facilities.

6B - Rights-of-way in place pole treatments. This subcategory includes commercial applicators using or supervising the use of pesticides for protecting in-place utility poles, including the use of pole fumigants.

G. - Industrial, institutional and structural pest control. This category includes commercial applicators using or supervising the use of pesticides in, on or around food handling establishments, dwellings, institutions such as schools and hospitals, industrial establishments, including warehouses and grain elevators and any other structures and adjacent areas, public or private; and for the protection of stored, processed or manufactured products. Fumigation may only be performed by individuals certified in the fumigation or food processing subcategories, except for individuals applying general use fumigants to in-place wood poles. Applicators using fumigants in food facilities must be certified in the food processing subcategory. This category contains, but is not limited to, the following subcategories:

7A - Structural and rodent. This subcategory includes pests, such as but not limited to, rodents, roaches, ants, fleas, ticks and stinging and biting

insects within or associated with structures, excluding food processing areas and post construction wood destroying organisms, This subcategory does not include application of termiticides.

7B - Fumigation. This subcategory includes, but is not limited to,: fumigant use for rodent control in structures; elimination of experimental laboratory rodents; rodent and mole control (fumigation of burrows); pest control in raw food commodity storage, transportation facilities, trucks, railroad cars, vehicles and food processing establishments.

7C - Termite. This subcategory includes the control of termites.

7D - Lumber and wood products. This subcategory includes: preserving poles and lumber; pesticide applications at logging decks; and activities associated with construction not covered by other categories.

7E Food processing. This subcategory includes commercial pesticide applications to areas other than individual residences, where exposed food or food products are prepared, packaged or held for further distribution or consumption, including the use of fumigants to control appropriate food pests.

7F Cooling towers, pulp and paper process. This subcategory includes the use of antimicrobials to control bacteria and other such single cell organisms.

7G Other.

H. - Public health pest control.

8. This category includes State, federal or other governmental personnel, their contractors and other commercial applicators using or supervising the use of pesticides in public health programs for the management and control of pests.

I. - Regulatory pest control.

9. This category includes State, federal or other governmental personnel who use, or supervise the use of pesticides in the control of regulated pests, including New York State Department of Agriculture and Markets personnel (veterinarians and horticultural, food and apiary inspectors) and United States Department of Agriculture personnel.

J. - Demonstration and research pest control.

10. Certification in this category requires concurrent certification in a second category of specialty. This category includes, but is not limited to, the following:

(1) individuals who demonstrate to the public the proper use and techniques of application of pesticides or who supervise such demonstration, including master gardeners, cooperative extension agents, soil and water conservation personnel; and

- (2) individuals conducting or supervising field research with pesticides, including State, federal, university personnel and other individuals conducting field research on or utilizing pesticides.

K. - Aerial pest control.

11. This category includes all pilots engaged in commercial or private aerial pesticide applications. This category is specific to the actual application of pesticides by air and does not include making pesticide recommendations associated with the application. Aerial applicators providing services associated with pest management, such as making pesticide recommendations, must obtain concurrent certification in the appropriate category.

L. - Sales

12. This category includes individuals who sell, distribute or supervise the sale or distribution of restricted use pesticides. Such individuals are not authorized to commercially use pesticides without obtaining a second category of specialty.

**Eligibility for pesticide applicator certification.**

- A. Commercial Applicator:** An individual shall be eligible for commercial pesticide applicator certification in specific categories or subcategories if that individual has:

- (1) at least one year of verifiable experience as a technician with an additional 12 hours of category-specific recertification training, or has two years of verifiable experience as a technician and has not had the technician certification suspended, revoked or modified as provided in Part 325 Section 325.13, and petitions the department for full certification; or

- (2) at least three years of verifiable full-time experience within the last five years as an apprentice working in the category or categories of commercial pesticide application, as listed in Part 325 Section 325.16, in which the individual is seeking certification and has passed the core and appropriate category examinations. For purposes of this paragraph, a year of full-time experience shall be deemed to have been met when a full season's experience is completed in those certification categories that are seasonal; or

- (3) at least three years of verifiable experience within the past five years as a certified private pesticide applicator in a corresponding private category and has successfully passed the appropriate commercial category examinations; or

- (4) certification in another state with which New York State has reciprocity; or

- (5) at least three years experience in the sale of pesticides or industrial chemicals, or can otherwise demonstrate, through applicable training certifications or



educational degrees, that the individual possesses appropriate technical background, as determined by the department, and has successfully passed the appropriate certification examination(s), if seeking pesticide applicator certification in the Sales Category.

Note - To be eligible for certification in subsequent categories of commercial applicator certification, an individual must have at least one year of experience in the category in which the individual seeks certification or obtain 12 hours of such category-specific training, approved by the department, except that:

(1) individuals certified in Ornamental and Turf Pest Control, Forest Pest Control or Right-of-Way Pest Control meet the experience or training requirements to be eligible for certification in any of these categories; and

(2) individuals certified in Agricultural Plant, Animal Pest Control, Ornamental & Turf and Forest Pest Control do not need to meet the experience requirement to be eligible for certification in Regulatory Pest Control.

### **Eligibility for pesticide technician certification.**

B. For an individual to be eligible for commercial pesticide technician certification, the individual must:

(1) be at least 17 years of age at the time an application for technician certification is made; and

(2) have successfully completed a comprehensive 30-hour training course, approved by the department, in topics described in Part 325 Section 325.18 and related categories and in Part 325 Sections 325.16 or 325.17, or, alternatively, have received a baccalaureate or associate degree from an accredited college or university which covers the topics listed in Part 325 Section 325.18 and related categories in Part 325 Sections 325.16 or 325.17, and have passed the core and appropriate category examination(s); or

(3) have two years of verifiable experience as an apprentice and have passed the core and appropriate category examination(s).

### **Eligibility and training for pesticide apprentices.**

A. Each individual engaged in the commercial application of pesticides who is not a certified applicator or technician is considered a pesticide apprentice. An apprentice must be at least 16 years of age. An apprentice is required to receive 40 hours of pesticide use experience under the supervision of a certified applicator and receive a minimum of 8 hours of instruction on the requirements in Part 325 Section 325.18 of this Part, before such apprentice can apply general use pesticides under the off-site direct supervision of a certified applicator. It is the responsibility of the certified pesticide applicator or registered business to determine and so state that an apprentice is competent to perform applications.

B. For specific applications that are infrequent and narrow in scope, and where there is little risk associated with the application, a certified commercial pesticide

applicator may request, and the department may approve on a case-by-case basis, amended training requirements for such special circumstances.

- C. Documentation that a certified commercial pesticide applicator observed and instructed the apprentice as required in A of this Part must be maintained by the certified commercial pesticide applicator or registered business for three years. Such documentation must be made available to the department upon request. Documentation must include the following:
- (1) name and address of apprentice;
  - (2) date(s) of instruction or observation;
  - (3) content of training and certification category;
  - (4) instructor's name and certification identification number; and
  - (5) an evaluation concluding that the apprentice is competent to perform pesticide applications.
- D. A copy of the documentation required in paragraph C must be made available to the apprentice if requested.

**REQUIRED APPROVAL:**

State agencies that conduct such pesticide applications must have commercial pesticide applicators certified in the appropriate certification categories, e.g. structural pest control, right-of-way, ornamental and turf, etc. and the facility from where their certified applicators work from must be registered as an Agency with NYSDEC (see Regulation 25). Furthermore, only those pesticides registered by the NYSDEC may be used (see Regulation 25A) and all pesticides must be safely handled, stored, and disposed in accordance with Regulation 25B.

**DEFINITIONS:**

Commercial Pesticide Applicator. All persons are required to be commercially certified or work under the direct supervision of a certified applicator if they apply pesticides to property they do not own, including pesticide application to campgrounds, golf courses and parks, buildings and grounds, right-of-way maintenance (highway, electric line, pipeline, etc.), ponds or lakes, forest management areas, wildlife management areas, etc.

**NYSDEC CONTACT PERSON:**

**TELEPHONE NUMBER**

Bob Lazzara, Division of Solid & Hazardous Materials

518/402-8748

**SOLID & HAZARDOUS MATERIALS**

**REGULATION 26A QUESTIONS:**

**PESTICIDE REPORTING LAW**

**NOTE: If your facility, project or operation is subject to this regulation, it may also be subject to regulations 25, 25A, 25B, 25C, 26 and 27.**

- (A) Are you a Certified Commercial pesticide applicator or technician, either as an employee of a registered pesticide business or as an individual?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (E).

- (B) If YES, are you maintaining daily pesticide use records as required by the Pesticide Reporting Law?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to question (C).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 26A on the Compliance Status Sheet, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to question (C).

- (C) Are you reporting pesticide application information annually as required by the Pesticide Reporting Law?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to question (D).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 26A on the Compliance Status Sheet, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to question (D).

- (D) Did you report even though no applications were made this year? [State law requires that all certified applicators and technicians report annually]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to question (E).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 26A on the Compliance Status Sheet, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to question (E).

(E) Are you a Certified Private Pesticide Applicator?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box blank and proceed to Regulation 27.

(F) If YES, are you maintaining records of restricted use pesticide purchase and use?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, and you did not answer NO to either Question (B) or Question (C), place a "C" in "**RANK**" box 26A and proceed to Regulation 27.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 26A and complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 27.

## SOLID & HAZARDOUS MATERIALS

### REGULATION 26A:

### PESTICIDE REPORTING LAW

LEGAL CITATION: ECL Article 33, Title 7 and Article 33, Title 12

#### ABSTRACT OF LAW/REGULATIONS:

On July 8, 1996 the Pesticide Reporting Law (PRL) (Chapter 279, Laws of 1996) was signed into law by Governor Pataki. The law includes amendments to the Environmental Conservation Law (ECL), Public Health Law, Tax Law, and State Finance Law. Title 7 requires the Department, in coordination with the United States Geological Survey National Water Quality Assessment Program, the New York State Water Resource Institute, and other parties, to conduct a water quality monitoring program to provide an adequate understanding of the health and environmental impacts of pesticide use in the state. Title 12 establishes a pesticide sales and use data base, and sets forth record keeping and reporting requirements for certified commercial pesticide applicators and commercial permit holders, including importers, manufacturers and compounders. In addition, the PRL reaffirmed record keeping requirements for certified private applicators. ON July 18, 1997, amendments were made to portions of the Public Health Law which were added by the PRL, in relation to establishing a prostate and testicular cancer detection and education advisory council.

#### APPLICABILITY:

- **Certified Commercial Applicators**

All certified commercial applicators and technicians are required to maintain pesticide use records for each pesticide application containing the following:

- a. EPA registration number;
- b. product name
- c. quantity of each pesticide used;
- d. date applied; and
- e. location of application by address (including five-digit zip code).

All certified commercial applicators and technicians shall also maintain corresponding records of the dosage rates, methods of application and target organisms and place of application, for each pesticide application. Commercial applicators and technicians shall maintain these records on an annual basis and retain for a period of not less than three years and shall be available for inspection upon request by the Department.

All certified commercial applicators and technicians shall file, at least annually, a report or reports (entitled Applicator/technician Pesticide Annual Report 44-15-26) containing such information with the Department,

on computer diskette or in printed form, on or before February first for the prior calendar year.

- **Certified Private Applicators**

All private applicators shall maintain, at a minimum, records of the restricted pesticides purchased, crop treated by such, method of application, and date of application or applications. This information shall be maintained on an annual basis and retained for a minimum of three years, and shall be available for inspection upon request by the Department.

A private applicator shall, upon request, within six months, provide site specific information relating to pesticide applications to any researcher entitled to receive information pursuant to paragraph (d) of subdivision one of section twenty-four hundred eleven of the Public Health Law, provided, however, a certified private applicator shall not grant such request during planting and harvesting unless at a time and in a manner that is mutually convenient.

#### REQUIRED APPROVAL:

No agency providing the services of commercial application of pesticides shall engage in the commercial use of pesticides unless the business has at least one employee who is a certified commercial pesticide applicator or technician, certified in the proper category in which the business intends to engage at each location required to be registered.

An agency using pesticides in Category 7 - Industrial, Institutional, or Structural; Category 5 - Aquatics; Category 1 - Agriculture; or businesses applying pesticides by aircraft must employ at least one certified commercial pesticide applicator, certified in these categories.

#### **Antimicrobial agents** shall mean:

- (1) disinfectants intended to destroy or irreversibly inactivate infectious or other undesirable bacteria, pathogenic fungi, or viruses on surfaces or inanimate objects;
- (2) sanitizers intended to reduce the number of living bacteria or viable virus particles on inanimate surfaces, in water, or in air;
- (3) bacteriostats intended to inhibit the growth of bacteria in the presence of moisture;
- (4) sterilizers intended to destroy viruses and all living bacteria, fungi and their spores, on inanimate surfaces;
- (5) fungicides and fungistats intended to inhibit the growth of, or destroy, fungi (including yeasts), pathogenic to humans or other animals on inanimate surfaces; and

- (6) commodity preservatives and protectants intended to inhibit the growth of, or destroy bacteria in or on raw materials (such as adhesives and plastics) used in manufacturing, or manufactured products (such as fuel, textiles, lubricants, and paints), but not those utilized in the pulp and paper process or cooling towers.

**Application of pesticides** means the placement for effect of a pesticide at or on the location where pest control is desired.

**Certified commercial pesticide applicator** means a certified applicator who is certified by the department to use or supervise the use of any commercial application of pesticides or to sell or supervise the sale of a restricted use pesticide as described in subdivision 325.16(l).

**Certified commercial pesticide technician** means an individual who is at least 17 years of age and is certified to engage in the following:

- (1) commercial use of any general use or unclassified pesticide without supervision; or
- (2) use of any pesticide when working under the direct supervision of a certified commercial pesticide applicator.

**Pesticide use** means performance of the following pesticide-related activities: application; mixing; loading; transport, storage or handling after manufacturer's seal is broken; cleaning of pesticide application equipment; and any required preparation for container disposal.

**Under the direct supervision of** means: the act or process in which the application of a pesticide is made by a certified commercial pesticide technician or commercial pesticide apprentice acting under the instruction, control and authorization of a certified commercial applicator employed by the same registered business or agency or an individual acting under the instruction and control of a certified private pesticide applicator who is responsible for the actions of that individual.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER:

Margaret O'Neil, Division of Solid & Hazardous Materials

518/402-8765

## SOLID & HAZARDOUS MATERIALS

### REGULATION 27 QUESTIONS:

### AQUATIC PESTICIDE PERMIT

**NOTE:** If your facility, project or operation is subject to this regulation, it is also subject to regulations 25, 25A, 25B, 25C, 26 and 26A.

- (A) Were pesticides applied at your facility, project or operation for the control of aquatic vegetation or algae, aquatic insects (such as mosquitos or blackfly larvae), or undesirable fish at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 27 blank on the Compliance Status Report Form, then proceed to Regulation 28.

- (B) If YES, did you obtain an aquatic pesticide permit from NYSDEC for the application of these pesticides? [Exemption: The only exemption is application to ponds less than one acre in size, with no outlet, and lying wholly within the boundaries of land privately owned or leased by the individual making or authorizing such treatment.] Such permit, however, shall not be required: for the use of copper sulfate for the purpose of algae control by a duly constituted water supply agency in its water supply waters.

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO and if you are not exempt from obtaining a permit, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 27 and leave the "Approval" Box 27 blank on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Question (C).

If NO and if you are exempt from obtaining a permit, place a check in the "Approval" Box 27 on the Compliance Status Sheet, then proceed to Question (C).

If YES, place a check in the "Approval" Box 27 on the Compliance Status Report Form, then proceed to Question (C).

- (C) Was the person who applied the pesticide, certified in commercial applicator sub-categories 5a (aquatic vegetation control), 5b (aquatic insect control), or 5c (aquatic fish control)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 27 and place a check in the "Approval" Box 27 on the Compliance Status Report Form, then proceed to Regulation 28.



If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" **box** 27 and leave the "Approval" Box 27 blank on the Compliance Status Report form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 28.

## SOLID & HAZARDOUS MATERIALS

### REGULATION 27:

### AQUATIC PESTICIDE PERMIT

LEGAL CITATION: ECL Section 15-0313 and 6 NYCRR Parts 325, 327, 328 & 329

#### ABSTRACT OF LAW/REGULATIONS:

ECL Section 15-0313 and Parts 325, 327, 328 and 329 regulate the use of aquatic pesticides for the control of aquatic vegetation, aquatic insects and undesirable fish. It is recognized that owners of lands through which water passes or which are bordered by waters have certain vested riparian rights to the use of the waters. The use of chemicals for controlling, eliminating or exterminating undesirable vegetation, insects and/or fish may result in need for temporary curtailment of certain water uses. Furthermore, the Environmental Conservation Law safeguards the uses of waters through the maintenance of water quality standards assigned by classification. In considering the use of chemicals, it is the intent that:

1. permits shall be granted under such limitations that will protect all terrestrial life and aquatic life other than the targeted species in the water to be treated, all public and domestic water supplies and irrigational, recreational, agricultural and industrial water uses; and
2. permits shall not be granted for chemical treatment of water supply waters, or waters closely contiguous to and tributary to such waters, without the approval of the water supply agency.

#### REQUIRED APPROVAL:

Any authorized person, including a state agency, which is riparian owner or is representing one or more riparian owners may apply to the NYSDEC for an aquatic pesticide permit. The certified applicator who actually performs the pesticide application must be certified in commercial applicator subcategories 5A (aquatic vegetation control), 5B (aquatic insect control) or 5C (aquatic fish control). There are numerous conditions for obtaining a required aquatic pesticide permit from the NYSDEC.

For the protection of riparian uses, no permits will be issued unless the applicant has certified that the affected riparian users have agreed to temporary curtailment of their uses incidental to treatment or unless the applicant demonstrates that any non-consenting riparian users will not be significantly adversely affected by the use of the chemicals as are set forth in the permit. Permits may be issued for the use of any chemical listed as an authorized chemical and conforming with the specifications relating to the purpose, dosage, area to be treated, method of application and other limitations. However, such a permit will have limitations for the safeguard of water quality so as to protect the public health, safety and welfare, and terrestrial and aquatic life and its growth and propagation, other than the aquatic insects intended to be controlled or eliminated.

If an aquatic pesticide permit is proposed to be denied because of lack of consent of affected riparian owners, the applicant may request that the Commissioner of the

Department of Environmental Conservation conduct a hearing to determine if the application will have significant adverse impacts on the non-consenting riparian owners.

An aquatic pesticide permit application fee is \$50.00.

**EXCEPTIONS:**

A permit is not required for removing undesirable fish by netting, trapping, drawing down of water or any other method not involving the use of chemicals when legally authorized by the NYSDEC; or for chemical control of fish by the NYSDEC on waters completely enclosed by or bordered by lands owned or leased by the NYSDEC or the State.

**NYSDEC CONTACT PERSON:**

John Wainwright, Division of Solid & Hazardous Materials

**TELEPHONE NUMBER:**

518/402-8781

## SOLID & HAZARDOUS MATERIALS

### REGULATION 28 QUESTIONS: WASTE TRANSPORTER PERMIT: TRANSPORTING REGULATED WASTES

**NOTE: If your facility, project or operation is subject to this regulation, it is also subject to Regulations 29 & 30.**

- (A) Did your facility, project or operation transport hazardous waste, regulated medical waste, low-level radioactive waste, septage or more than 500 pounds of non-hazardous regulated wastes in a single shipment?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 28 blank on the Compliance Status Sheet, then proceed to Regulation 30.

- (B) If YES, did you obtain a permit?

YES \_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 28 and place a check in the "Approval" Box 28 on the Compliance Status Sheet, then proceed to Regulation 30.

If NO, proceed to Question (C).

- (C) Are you exempt from obtaining a permit? [See , Regulation 28 for exemptions]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 28 and place a check in the "Approval" Box 28 on the Compliance Status Sheet, then proceed to Regulation 30.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 28 and leave the "Approval" Box 28 blank on the Compliance Status Sheet, update the (or complete a new) NON-Compliance Reporting Sheet, complete a Remedial Plan Form, then proceed to Regulation 30.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Dave Vitale, Division of Solid & Hazardous Materials

518/402-8706

## **SOLID & HAZARDOUS MATERIAL**

### **REGULATION 28:** **WASTE TRANSPORTER PERMIT: TRANSPORTING REGULATED WASTES**

LEGAL CITATION: ECL Article 27, Titles 3 & 15, and 6NYCRR Part 364.

#### ABSTRACT OF LAW/REGULATIONS:

Part 364 governs the collection, transport and delivery of regulated waste, originating or terminating at a location within New York State. The regulation states that:

1. No person may collect or remove any regulated waste from its point of origin, generation or occurrence without a permit.
2. No person may transport any regulated waste without a permit.
3. No person may deliver any regulated waste to a treatment, storage, or disposal facility, or otherwise dispose of or relinquish possession of any regulated waste without a permit.
4. No person may landspread or impound any septage or sewage sludge without a permit.
5. No person who owns or operates a facility at, or premises on, which any regulated waste originates, is generated, or occurs, may deliver or otherwise relinquish possession of any regulated waste except to a person who has a valid permit.

#### REQUIRED APPROVAL:

A permit is required that identifies the vehicles, types of waste transported and the disposal sites that are approved for use.

#### EXEMPTIONS:

1. Waste collected, transported or transferred entirely onsite by the person responsible for the generation of the waste (onsite means the same or geographically contiguous property);
2. Transportation of less than 500 pounds of non-hazardous regulated wastes in a single shipment;
3. Domestic sewage and any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works for treatment;
4. Industrial wastewater discharges that are point source discharges for which a SPDES permit has been issued. This exclusion does not apply to industrial

wastewater while they are being collected, stored or treated before discharge, nor does it apply to sludges that are generated by industrial wastewater treatment;

5. Radioactive materials that are source, special nuclear, or by-product material. For the purposes of this regulation:
  - a. source material is uranium and/or thorium, or ores containing by weight 0.05% or more of uranium and/or thorium;
  - b. special nuclear material is plutonium, uranium 233, uranium enriched in uranium 233 or uranium 235, or any material artificially enriched by any of these; and
  - c. by-product material is radioactive material yielded in or made radioactive by exposure to radiation incident to the process by producing or utilizing special nuclear materials, tailings or waste produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content;
6. Materials subject to in-situ mining techniques that are not removed from the ground as part of the extraction process (see Regulation 46); and
7. Rail, water and air carriers;
8. Vehicles transporting these regulated wastes, provided that no other regulated waste is intermixed, contained in, or otherwise included with such waste:
  - a. vegetable oils and greases from restaurants and fast food operations;
  - b. tallow (animal fat);
  - c. food processing waste destined for use in other food or animal feed processes (except blood);
  - d. garbage and trash collected from cafeterias;
  - e. food processing residues that are recognizable as part of that plant or vegetable including, but not limited to, cabbage leaves, bean snips, onion skins, apple pomace and grape pomace (except brewery waste);
  - f. scraps including, but not limited to, plastic, rubber, paper, cardboard, wood chips, glass and metal;
  - g. grubbing, construction and renovation debris, such as roots, stumps, bricks, cement, asphalt, blacktop, stone and like materials, except friable asbestos;
  - h. agricultural waste including, but not limited to, crop residues and animal manure productively employed in agriculture;

- i. non-hazardous dredge or fill material;
  - j. non-hazardous bottom and fly ash from incinerators and resource recovery facilities;
  - k. foundry sand containing no phenols (less than one part per billion);
  - l. empty drums or containers destined for reconditioning or being returned to the original manufacturer;
  - m. empty food containers being collected, transported or stored for recycling or reuse;
  - n. samples shipped to laboratories solely for analysis;
  - o. scrap lead-acid automotive batteries destined for recovery;
  - p. waste transported by a public utility vehicle where the transportation of such waste is incidental to the primary function of the vehicle whenever the waste is brought to a utility-owned collection facility for storage prior to treatment or disposal;
  - q. waste collected, transported or transferred wholly on-site by the person responsible for the origination, generation, or occurrence of such waste, provided that storage, treatment and disposal of waste upon those premises is authorized (as used in this exemption, "on-site" means the same or geographically contiguous property);
  - r. pesticides, transported by the farmer who generated them, to a pesticide clean-up day collection site; and
  - s. bottom ash from the burning of fossil fuel, provided that:
    - (1) the ash has been tested for toxicity by the owner or operator of the generating facility, and certified to be non-toxic; and
    - (2) the ash is destined for use by a municipality or other government entity as a traction agent on roadways;
9. Any small quantity waste generator (see Regulation 31 for definition of small quantity waste generator) who transports less than a total of 220 pounds (100 kilograms) of hazardous waste or less than 2.2 pounds (1 kilogram) of acute hazardous waste during any consecutive 30-day period, provided that the wastes are generated and transported exclusively by the small quantity waste generator;

NOTE: A complete explanation of exemptions is contained in 6NYCRR Part 364.1(e).

## DEFINITIONS:

Acute hazardous waste is any hazardous waste defined waste as defined in Regulation 31.

Disposal is the abandonment, discharge, deposit, injection, dumping, spilling, leaking or placing any waste or hazardous waste on or into any lands or waters of the state so that such waste or hazardous waste or any related constituent may enter the environment or be emitted into the air or be discharged into any waters, including groundwaters. Disposal also means the thermal destruction of waste or hazardous waste and the burning of such wastes as fuel for the purpose of recovering useable energy.

Domestic sewage is untreated sanitary wastes that pass through a sewer system.

Empty means that wastes have been removed using the practices commonly employed to remove materials from that type of container so that no more than one inch (2.5 centimeters(cm)) of residue remains on the bottom of the container; or in the case of a compressed gas, when the pressure in the container approaches atmospheric pressure. In the case of an acute-hazardous waste, empty shall be defined in Regulation 31.

Hazardous waste is any solid waste identified in Regulation 31.

Generator is any person, by site, whose act or process produces solid waste or whose act first causes a solid waste to become subject to regulation.

Industrial - commercial waste is any solid waste that originates at, is generated by, or occurs as a result of any industrial or commercial activity. Industrial-commercial wastes are exemplified by but not limited to liquids such as:

1. a. acids, alkalis, caustics, leachate, petroleum (and its derivatives), and process or treatment wastewaters; and  
b. sludges that are semi-solid substances resulting from process or treatment operations or residues from storage or use of liquids;
2. Solids such as:
  - a. solidified chemicals, paints, or pigments; and
  - b. dredge spoil, foundry sand, and the end or by-products of incineration or other forms of combustion including bottom ash and fly ash;
3. Contained gaseous materials;
4. Hazardous waste as defined in Regulation 31; and
5. Any liquid, sludge, septage, solid, semi-solid substance or contained gaseous material in which any of the foregoing is intermixed or absorbed, or onto which any of the foregoing is adhered.

Person is any individual, public or private corporation, political subdivision, government agency, department or bureau of the State or Federal Government, municipality, industry, copartnership, association, firm, trust, estate or any other legal entity.

Raw sewage is any untreated sanitary waste.

Regulated Waste: Solid waste that is:



1. non-hazardous industrial-commercial waste;
2. hazardous industrial-commercial waste;
3. raw sewage;
4. septage;
5. sludge from a sewage treatment plant;
6. sludge from a water supply treatment plant;
7. waste oil;
8. industrial-commercial waste including hazardous waste;
9. low-level radioactive waste (the transport of LLRW requires a 381 permit);
10. waste tires;
11. asbestos (friable);
12. petroleum contaminated soil;
13. grease trap waste; or
14. regulated medical waste.

Re-refined is any waste oil from which physical and/or chemical contaminants have been removed so that it is substantially equivalent to virgin distillate or virgin residual oil.

Septage is the contents of a septic tank, cesspool, or other individual sewage treatment facility that receives domestic sewage waste.

Sludge is any solid or semi-solid or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility. Sludge does not include the treated effluent from a wastewater treatment plant.

Solid waste is:

- a. any garbage, refuse, sludge or any solid, liquid, semi-solid or contained gaseous material, resulting from industrial, commercial, mining, agricultural, community or other activities, that is discarded, disposed, burned or incinerated, including being burned as a fuel for the purpose of recovering useable energy, or is being accumulated, stored, or physically, chemically, or biologically treated in lieu of or prior to being disposed, burned or incinerated, or that has served its original intended use and is sometimes discarded, or is a manufacturing or mining by-product and sometimes is discarded; and
- b. raw sewage, septage, sludge from a sewage or water supply treatment plant, waste oil or industrial-commercial waste including hazardous waste.

Storage is the holding of solid waste for a temporary period, at the end of which the solid waste is processed, recovered, disposed or stored elsewhere.

Storage incidental to transport is any on-vehicle storage that occurs enroute from the point of initial waste pickup to the point of final delivery for purposes such as, but not limited to, overnight on-the-road stops, stops for meals, fuel, and driver comfort, stops at the transporter's facility for weekends immediately prior to shipment, or on-vehicle storage not to exceed ten days at the transporter's facility for the express purpose of consolidating loads (where such loads are not removed from their original packages or containers) for delivery to an authorized treatment, storage or disposal facility.

Transfer incidental to transport any transfer of waste material associated with storage incidental to transport where such material is not unpackaged, mixed or pumped from one container or truck into another

Vehicle is any device or contrivance that is required by law to be registered with a state, province or the federal government for conveyance over public roads and that actually contains or carries a regulated waste, for example, in the case of a tractor-trailer combination, the trailer is considered to be the vehicle; and in the case of a roll-off container or other removable containment device, it is the mobile flatbed or the undercarriage that is considered to be the vehicle.

Waste oil is used engine lubricating oil and any other oil, including but not limited to, fuel oil, motor oil, gear oil, cutting oil, transmission fluid, hydraulic fluid, dielectric fluid, oil storage tank residue, animal oil, and vegetable oil, that has been contaminated by physical or chemical impurities, through use or accident, and has not subsequently been re-refined.

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**SOLID & HAZARDOUS MATERIALS**

**REGULATION 30 QUESTIONS WASTE TRANSPORTER PERMIT: ANNUAL REPORT**

(A) Did you answer Regulation 28, Question (A) with a YES?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Regulation 48.

(B) If YES, did you transport regulated waste other than manifested hazardous waste?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Regulation 48.

(C) If YES, did you prepare an annual report for NYSDEC for the transport of regulated waste requiring a permit, as defined in Regulation 28?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 30 on the Compliance Status Sheet, then proceed to Regulation 30.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 30 on the Compliance Status Sheet, update the (or complete a new) NON-Compliance Reporting Sheet, complete a Remedial Plan Form, then proceed to Regulation 30.

**REGULATION 30: WASTE TRANSPORTER PERMIT: ANNUAL REPORT**

LEGAL CITATION: ECL Article 27, Titles 3 & 15, and 6NYCRR Part 364.

**ABSTRACT OF LAW/REGULATIONS:**

Part 364 requires all permittees to maintain annual reports on forms prescribed by the Department. These annual reports are to be submitted to the Department on an annual basis and be made available to Department of Environmental Conservation representatives upon demand. These reports specify the type of waste, quantities, and disposal sites of all wastes transported during the year.

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## SOLID & HAZARDOUS MATERIALS

### REGULATION 31 QUESTIONS:

### HAZARDOUS WASTE GENERATORS

**NOTE 1:** If your facility, project or operation is subject to this regulation, it may also be subject to Regulations 01, 06, 07, 08A, 15, 17, 25, 28, 29, 30, 31A, 31B, 32, 33, 34A, 50A, 50C, 50G, 50K, 50L, 50N, 58, 58A, 59, 70, 71 and 72.

**NOTE 2:** It is important that you read Regulation 31 (which follows) to be able to correctly respond to the questions for this regulation.

- (A) Did your facility, project or operation generate any hazardous waste during the year? [See , Regulation 31.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave “**RANK**” box 31 blank on the Compliance Status Report Form and proceed to Regulation 34.

- (B) If YES, is your facility, project or operation a *Conditionally Exempt Small Quantity Generator*? [See Regulation 31 for definition and requirements for *Conditionally Exempt Small Quantity Generators*.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (D).

- (C) If YES, did you identify, dispose and/or transport your hazardous wastes in accordance with the requirements for a *Conditionally Exempt Small Quantity Generator*?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in “**RANK**” box 31 on the Compliance Status Report Form, then proceed to Regulation 31A.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) on “**RANK**” box 31 on the Compliance Status Report Form, complete a “Non-Compliance Report & Remedial Plan” form, then proceed to Regulation 31A.

- (D) Is your facility, project or operation a *Small Quantity Generator*? [See Regulation 31 for definition and requirements for *Small Quantity Generators*.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (F).

- (E) If YES, did you identify, store, dispose, and transport your hazardous wastes, and inspect tanks and/or containers, develop an Emergency Preparedness and Response and obtain an USEPA I.D. number in accordance with the requirements for a *Small Quantity Generators*?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 31 on the Compliance Status Report Form, then proceed to Regulation 31A.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) on "**RANK**" box 31 on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 31A.

- (F) Is your facility, project or operation a *Generator*? [See Regulation 31 for requirements for *Generators*.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 31 blank on the Compliance Status Report Form, then proceed to Regulation 31A.

- (G) If YES, did you identify, store, dispose, and transport your hazardous wastes in accordance with the requirements for a *Generator* and meet all other requirements for a *Generator*?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 31 on the Compliance Status Report Form, then proceed to Regulation 31A.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) on "**RANK**" box 31 on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 31A.

## SOLID & HAZARDOUS MATERIALS

### REGULATION 31:

### HAZARDOUS WASTE GENERATORS

LEGAL CITATION: ECL Article 27, Title 9 and 6 NYCRR Parts 370, 371, 372, 373, 374 & 376.

ABSTRACT OF LAW/REGULATIONS:

**NOTE: Due to the complexity of this regulation it is important that you read this abstract completely. If you have questions, call the contact person for this regulation and obtain any additional information necessary for you to understand and follow these regulations.**

Hazardous wastes are regulated from "cradle-to-grave" under both the Federal Resources Conservation and Recovery Act (RCRA) and New York State laws. In other words, the regulations first apply when the hazardous waste is generated and extend through accumulation, handling, shipping and disposal of the waste. Regulations cease only when the waste and all hazardous residuals derived there from are either destroyed or recycled into new product. The hazardous waste regulations are multi-tiered such that facilities, projects and operations generating and accumulating smaller quantities of waste are able to comply with less regulatory requirements, while those facilities, projects and operations that generate larger quantities of waste will be required to comply with more stringent requirements.

This regulation applies to your facility, project or operation if hazardous wastes are generated at or by your facility, project or operation. A waste is hazardous if it is listed in 6 NYCRR Part 371.4. Even if a waste is not listed, it is still considered to be hazardous if it has one or more of these characteristics:

Ignitability: It catches fire easily. **Ignitable wastes** include many organic solvents and some paint wastes and strong oxidizing agents. A liquid waste is ignitable if it has a flash point of less than 60°C (140°F).

Corrosivity: It dissolves metals and other materials, or burns the skin. **Corrosive wastes** include waste rust removers, waste acid or alkaline cleaning fluids, and waste battery acid. Any liquid that has a pH of 2.0 or lower or 12.5 or higher is corrosive.

Reactivity: It undergoes violent chemical reaction spontaneously or with water. **Reactive wastes** include those that can generate toxic gases or fumes.

Toxicity Characteristic (TC): A waste sample is tested using the Toxicity Characteristic Leaching Procedure. TC wastes contain any of the contaminants listed in Table 31-2 at a concentration equal to or greater than the respective value given. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Appendix 20, of 6 NYCRR Part 371, is considered to be the extract for the test.

Waste exhibiting one or more hazardous characteristics are called **characteristic hazardous wastes**; those listed in 6 NYCRR Section 371.4, of the regulations are referred to as **listed hazardous wastes**.

#### Mixing of hazardous wastes

Facilities, projects and operations personnel should bear in mind that the mixing of wastes may have potential consequences. For instance, mixing hazardous wastes with non-hazardous wastes will, in most cases, create a mixture that is classified as a hazardous waste. Doing this will increase the disposal costs that are incurred. Also, the mixing of wastes may pose potential health and safety problems. If any mixing of wastes is to occur at the facility, project or operation, the managers will need to consider the compatibility of the materials that their personnel are mixing. Mixing of waste may be considered a form of hazardous waste treatment that could potentially require a hazardous waste treatment, storage and disposal (TSD) facility permit. Mixing may also be a violation of the Land Disposal Restrictions.

#### Acute hazardous waste

Refer to 6 NYCRR 371.4(b),(c) and (d)(5).

#### Determining the quantity of hazardous wastes

In order to determine the quantity of acute and non-acute hazardous wastes generated each month, facility, project and operations managers will need to develop a system to determine the weight of the material. As an example, managers may decide to weigh several drums of their typical hazardous waste and determine how many drums they will be able to fill each month while remaining below the storage and accumulation thresholds that apply for their facility, project or operation. If hazardous wastes are not mixed and are derived from products for which Material Safety Data Sheets (MSDS) are on file at the facility, project or operation, managers may use the density provided on the MSDS to relate the volume of waste to the weight of the waste by using the following equation:

$$\text{Weight (lbs)} = (\text{Volume, gallons}) \times (\text{density, lbs/gallon})$$

Once the managers have determined the quantity of hazardous wastes that are generated, they will be able to determine the storage and transportation requirements that apply to their facility, project or operation.

#### Storage of hazardous wastes

The storage of hazardous wastes is regulated under 6 NYCRR Parts 371, 372 and 373. Many of the wastes generated may be subject to storage limitations such as quantities stored, and the length of time the material may be stored (see Tables 31-1A and 31-1B and also, see Regulation 34). Due to the volatile and ignitable nature of the wastes, the regulation of the storage of these wastes is also covered under the NFPA 30 (Flammable and Combustible Liquids Code).

## Transportation of hazardous wastes

Transportation of hazardous wastes is regulated under 6 NYCRR Part 372 (also, see Regulations 28 & 33). Facilities, projects and operations that generate hazardous wastes will have to comply with at least some parts of this regulation. Due to the potential liabilities involved with hazardous wastes, all facilities, projects and operations should adhere to these guidelines:

1. Before any hazardous wastes may be legally offered for shipment by a facility, project or operation, that facility, project or operation is required to have an EPA Identification Number unless the facility, project or operation is a conditionally exempt generator. EPA Identification Numbers may be obtained by contacting the U.S.EPA's Region 2 Office (212) 637-4106.
2. Prior to the transportation of any hazardous wastes the manager of the facility, project or operation should request a copy of the transporter's Part 364 Permit. These permits have expiration dates and should be current if a transporter is to be selected. Also, facility, project or operations managers should ensure that the name of the final disposal facility is clearly noted on the Part 364 Permit, and compare the license plate of the truck that collects the waste to that which is listed on the permit. If any discrepancies are found on the Part 364 Permit, the facility, project or operation manager should not allow the wastes to be transported by that hauler.
3. Also prior to the shipment of any hazardous waste, the facility, project or operation manager should ensure that the wastes are packaged, labeled, marked, and placarded in accordance with the applicable U.S. Department of Transportation regulations set forth in 49 CFR Parts 172, 173, 178 and 179. Most facilities, projects and operations should be able to obtain the necessary information and labels from the hauler that will be picking up the hazardous waste, as they are usually familiar with the transportation requirements.
4. Prior to the shipment of hazardous waste from the facility, project or operation, the manager must confirm that the designated treatment, storage, and disposal (TSD) facility is authorized, has the capacity to accept the waste, and will assure that the ultimate disposal method is followed. Facility, project and operation managers should also confirm that the transporter is authorized to deliver the manifested waste to the TSD facility, and instruct the transporter that as an emergency arises that prevents delivery of the wastes to the designated TSD facility the transporter must contact the manager of the generating facility, project or operation so that arrangements may be made to have the wastes shipped to another TSD facility or returned to the generator.

## Recordkeeping requirements for hazardous waste generators

During the transportation stages, the wastes must be tracked using a manifest system. Conditionally Exempt Small Quantity Generators are not required to manifest their hazardous waste. According to these requirements, a non-exempt generator must:



1. Keep a copy of each complete manifest document for at least three years from the date the waste was accepted by the initial transporter.
2. Keep a copy of each Annual Report and Exception Report for at least three years from the due date of the report (also, see Regulations 30 & 32).
3. Keep records of any test results or waste analysis for at least three years from the date the waste was last sent off-site.
4. Prepare and submit annual reports on forms specified by the NYSDEC no later than March 1 for the preceding calendar year (Conditionally Exempt Small Quantity Generators and Small Quantity Generators are exempt from submitting the Annual Report).

### **CATEGORIES OF HAZARDOUS WASTE GENERATORS**

It is your responsibility as a generator to determine if you generate hazardous waste and, if so, how much you generate per month. If you require assistance in determining if your waste is hazardous, contact your NYSDEC Regional Office. The categories of hazardous waste generators are:

1. **Conditionally Exempt Small Quantity Generators (CESQG)** who meet *all* of the following conditions:
  - a. Generate no more than 100 kilograms per month of listed and/or characteristic hazardous waste;
  - b. Generates no more than 1 kilogram of acute hazardous waste in any calendar month;
  - c. Store no more than 1000 kilograms of listed and/or characteristic hazardous waste; and
  - d. Store no more than 1 kilogram of acutely hazardous waste.
2. **Small Quantity Generators** who do not meet CESQG conditions but meet *all* of the following conditions:
  - a. Generate no more than 1000 kilograms per month of listed and/or characteristic hazardous waste;
  - b. Generate no more than 1 kilogram per month of acutely hazardous waste;
  - c. Store no more than 6,000 kilograms of listed and/or characteristic hazardous waste; and
  - d. Store no more than 1 kilogram of acutely hazardous waste.
3. **Large Quantity Generators** that meet *any* of the following conditions:

- a. Generate more than 1,000 kilograms per month of listed and/or characteristic hazardous waste;
- b. Generate more than 1 kilogram per month of acutely hazardous waste;
- c. Store more than 1 kilogram of acutely hazardous waste.

**Fully Regulated Generators are not covered in this manual. Fully Regulated Generators can obtain a copy of the regulations by calling (518) 402-8633.**

To assist you, a list of typical types of hazardous wastes generated by various industries and businesses follows:

**TYPICAL WASTE STREAMS GENERATED BY SMALL QUANTITY GENERATORS**

<b><u>TYPE OF BUSINESS</u></b>	<b><u>TYPES OF HAZARDOUS WASTES</u></b>
Building Cleaning and Maintenance	Acids/Bases Solvents
Chemical Manufacturers	Acids/Bases Cyanide Wastes Heavy Metals/Inorganics Ignitable Wastes Reactives Solvents
Cleaning Agents and Cosmetics	Acids/Bases Heavy Metals/Inorganics Ignitable Waste Pesticides Solvents
Construction	Acids/Bases Ignitable Wastes Heavy Metals/Inorganics Solvents
Education and Vocational Shops	Acids/Bases Ignitable Wastes Pesticides Reactives Solvents
Equipment Repair	Acids/Bases Ignitable Wastes Solvents

Formulators	Acids/Bases Cyanide wastes Heavy Metals/Inorganics Ignitable Wastes Pesticides Reactives Solvents
Funeral Services	Solvents Formaldehyde
Furniture/Wood Manufacturing and Refinishing	Ignitable Wastes Solvents
Laboratories	Acids/Bases Heavy Metals/Inorganics Ignitable Wastes Reactives Solvents
Laundries and Dry Cleaners	Dry Cleaning Filtration Residues Solvents
Metal Manufacturing	Acids/Bases Cyanide Wastes Heavy Metals/Inorganics Ignitable Wastes Reactives Solvents Spent Plating Wastes
Motor Freight Terminal and Bus & Railroad Transportation	Acids/Bases Heavy Metals/Inorganics Ignitable Wastes Lead-Acid Batteries Solvents
Other Manufacturing: 1) Textiles; 2) Plastics; 3) Leather	Heavy Metals/Inorganics Solvents
Pesticide End Users and Application Services	Heavy Metals/Inorganics Pesticides Solvents
Photographic and X-Ray Processors	Acids/Bases Heavy Metals/Inorganics

Printing and Allied Industries

Acids/Bases  
Heavy Metals/Inorganics  
Ink Sludges  
Spent Plating Wastes  
Solvents

Vehicle Maintenance

Acids/Bases  
Heavy Metals/Inorganics  
Ignitable Wastes  
Lead-Acid Batteries  
Solvents

Wood Preserving

Preserving Agents

### **COUNTING YOUR HAZARDOUS WASTE**

one 55 gallon drum = about 200 kilograms of hazardous waste

100 kilograms = 220 pounds = about 28 gallons

1,000 kilograms = 2,200 pounds = about 275 gallons

The following information provides a method in which you may determine the quantity of hazardous waste you generate per month including that which identifies the types of wastes that must be included in your monthly tally and those wastes that may be excluded from your monthly total.

#### **DO COUNT:**

Count all quantities of *Listed* and *Characteristic* hazardous wastes (defined above) that you:

- Accumulate on-site for any period of time prior to subsequent management;
- Package and transport off-site;
- Place directly in a regulated on-site treatment or disposal unit; or
- Generate as still bottoms or sludges and remove from product storage tanks.

#### **DON'T COUNT:**

Do not count wastes that:

- Are specifically exempted from counting. Examples of these wastes are:
  - spent lead-acid batteries that will be sent off-site for reclamation,
  - used oil that has not been mixed with hazardous waste and is being directed for used oil recycling; or
  - scrap metal that will be reclaimed;
- May be left in the bottom of containers that have been completely emptied through conventional means, for example, by pouring or pumping. Containers that held an acute hazardous waste must be more thoroughly cleaned;
- Are left as residue in the bottom of product storage tanks, if the residue is not removed from the product tank; or

- You reclaim continuously on-site without storing the waste prior to reclamation.

## **CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS**

If your facility, project or operation is classified as conditionally exempt, there are only three things to keep in mind:

1. Identifying your hazardous waste: Conditionally exempt generators are responsible for knowing which of their wastes would be classified as hazardous and what the correct waste codes are for the hazardous waste;
2. Disposal: Conditionally exempt generators have several disposal options:
  - a. Recycling or treating the waste yourself. Please call the *Small Quantity Generator/Household Hazardous Waste Hotline [800-462-6553]* if you need more information on hazardous waste treatment;
  - b. Send the waste to an authorized or permitted hazardous waste recycling, treatment, storage or disposal (TSD) facility. You can get a list of permitted TSD facilities that do business in New York State by calling 518/402-8633; or
  - c. Take or send the waste to a permitted, licensed or registered municipal or industrial solid waste facility if they can take it. For example, some landfills will take dry paints and still bottoms. Sewage treatment plants may be willing and able to treat many print shop wastes. Municipal incinerators may be able to take waste materials such as paint thinners, and some solvent formulations. Household hazardous waste facilities and events may also accept CESQG wastes. Prior approval from the treatment facility is required; and
3. Transportation: Conditionally exempt generators have two options for getting their wastes to a disposer or recycler:
  - a. *Use a NYS Part 364 Permitted Hauler*: Part 364 haulers must meet certain conditions in order to receive permits: they must have a certain amount of liability insurance to cover cleanup of spills or accidents; the permits specify the types of waste that can be hauled and where the wastes may be hauled. The permits are renewed annually. You can call 518/402-8633 to find out if your hauler is permitted to haul your waste. Your local NYSDEC Regional Office can help you to locate a hauler in your area; or
  - b. *Haul the Waste Yourself*: If your facility, project or operation is a conditionally exempt generator, then you can legally haul up to 220 pounds per month of the waste yourself within New York State. Some localities have additional requirements.

## **SMALL QUANTITY GENERATORS**

If your facility, project or operation is classified as a Small Quantity Generator you must comply with the storage requirements:

1. **Accumulation limitations:** Small Quantity Generators may store up to 6,000 kilograms (13,200 pounds) of listed and/or characteristic hazardous waste on-site for up to 180 days or for up to 270 days if the waste must be shipped to a treatment, storage or disposal facility that is located over 200 miles away. If a Small Quantity Generator exceeds the 180 day or 270 day limit for accumulating waste, he may request an extension. Extension of up to 30 days may be granted by the NYS-DEC if the waste must remain on-site due to unforeseen, temporary, or uncontrollable circumstances;
  
2. **Storage Requirements:** Small Quantity Generators who generate 100 to 1,000 kilograms (220 to 2,200 pounds) of hazardous waste per month and who store waste on-site must follow certain common sense rules to protect human health and the environment and to reduce the likelihood of damages or injuries caused by leaks or spills of hazardous wastes.
  - a. ***If you store hazardous waste in containers, you must:***
    - Clearly mark each container with the words "**HAZARDOUS WASTE**," and with the date you began collecting waste in that container;
    - Keep containers in good condition, handle them carefully, and replace any leaking containers;
    - Not store hazardous waste in a container if it may cause rupture, leaks, corrosion, or other failure;
    - Keep containers closed except when you fill or empty them;
    - Inspect containers for leaks and corrosion weekly;
    - Separate and protect reactive or ignitable waste from sources of ignition or reaction;
    - Ensure that the waste being placed in a container will not react with the container itself or with any residue of waste previously held in the container;
    - Never store in the same container wastes that could react together to cause fires, leaks, or other releases; and
    - Separate by a dike, berm, wall or other device containers of waste that are incompatible with other containers of waste stored nearby.
  
  - b. ***If you store waste in tanks, you must:***
    - Never store hazardous waste in a tank if it may cause rupture, leaks, corrosion or otherwise cause the tank to fail;
    - Uncovered tanks must be operated to ensure at least 60 centimeters (two feet) of space at the top of the tank, unless the tank is equipped with a containment structure, a drainage control system, or a diversion structure with a capacity that equals or exceeds the volume of the top 60 centimeters of the tank;
    - Where hazardous waste is continuously fed into a tank, the tank must be equipped with a means to stop the inflow, such as a waste feed cut-off system or a bypass system to a standby tank;

- Discharge control equipment must be inspected once each operating day to ensure that it is in good working order;
- Data from monitoring equipment must be inspected once each operating day to ensure that the tank is being operated according to its design;
- To ensure compliance with the second item (uncovered tanks) above, the level of waste in the tank must be inspected once each operating day;
- The construction materials of the tank must be inspected at least once a week to detect corrosion or leaking of fixtures or seams;
- The construction material of discharge confinement structures and the area immediately surrounding discharge confinement structures must be inspected weekly to detect erosion or obvious signs of leakage;
- Incompatible wastes, or incompatible wastes and materials must not be placed in the same tank; and
- Hazardous waste must not be placed in an unwashed tank that previously held an incompatible waste or material.

3. Emergency Preparedness and Response: Small Quantity Generators who generate 100 to 1,000 kilograms (220 to 2,200 pounds) of hazardous waste per month must also comply with these requirements:
- a. At least one employee must be designated as the Emergency Coordinator. The Emergency Coordinator must be on call or on the premises at all times to coordinate all emergency response measures;
  - b. The generator must post the following information next to the telephone:
    - the name and telephone number of the Emergency Coordinator,
    - the location of fire extinguishers and spill control material, and if present, the fire alarm, and
    - the telephone number of the fire department, unless the facility has a direct alarm;
  - c. Employees must be familiar with proper waste handling and emergency response procedures relevant to their responsibilities during normal operation and emergencies;
  - d. In the event of a fire, the Emergency Coordinator or his designee must call the fire department or attempt to extinguish the fire with a fire extinguisher;
  - e. In the event of a spill, the Emergency Coordinator or his designee must attempt to contain the spill and, as soon as is practicable, to clean up any resultant contamination; and
  - f. In the event of an emergency threatening public health outside the facility, project or operation area or when the generator is aware that a spill has reached surface water, the generator must immediately notify the National Response Center at 800/424-8802 and the NYSDEC at 518/402-8633 with this information:
    - the name, address and EPA Identification Number of the generator,
    - the date, time and type of incident,
    - the quantity and type of hazardous waste involved,

- the extent of injuries, if any, and
  - the estimated quantity and disposition of recovered materials.
4. EPA Identification Number: If your facility, project or operation generates more than 100 kilograms (220 pounds) of non-acute hazardous wastes in any calendar month, you will need to obtain an EPA Identification Number. Transporters and facilities that store, treat or dispose of regulated quantities of hazardous waste must also have EPA Identification Numbers. These twelve-character identification numbers uniquely identify hazardous waste generators, transporters, and TSD facilities. They allow tracking of hazardous waste from its point of origin to its ultimate point of disposal.

To obtain your EPA Identification Number, call or write the EPA Region II Office at the address below and ask for a copy of EPA Form 8700-12, "Notification of Hazardous Waste Activity."

EPA Region II Office  
290 Broadway  
New York City, New York 10278  
Telephone: 212/637-4106

5. The Manifest System: The hazardous waste manifest is a multi-copy shipping document that you must complete and use to accompany your hazardous waste shipments;

All categories of generators except Conditionally Exempt Small Quantity Generators must manifest their shipments of hazardous waste (other than universal wastes). The manifest form is designed so that shipments of hazardous waste can be tracked from their point of generation to their final destination;

The hazardous waste generator, the transporter and the designated disposal facility must each sign this document and keep a copy. The designated disposal facility operator must also send a copy back to you, the generator, so that you can be sure that your shipment arrived. You must keep this copy, which bears the signatures of the transporter and the designated disposal facility operator, on file for three years;

You can obtain blank copies of the manifest from several sources. To determine which source you should use, use this system:

- a. If the state to which you are shipping your waste has its own manifest form, use that manifest form, or
- b. If the state to which you are shipping your waste does not have its own manifest, use the manifest of the state in which your waste was generated;

New York State has its own manifest form. When you sign the certification item on the form you are personally confirming that:

- a. The manifest is complete and accurately describes the shipment,



- b. The shipment is ready for transport, and
- c. You have considered whether, given your budget, your waste management arrangements are the best to reduce the amount and hazardous nature of your wastes; and

If you are a generator in New York State, you may obtain NYS manifest forms from the NYS-DEC Regional Office nearest to you.

## 6. Reclamation Exemption

Small quantity generators do not have to manifest wastes designated for reclamation when the waste is reclaimed under a contractual agreement if:

- a. The waste type and frequency of shipments are specified,
- b. The vehicle is owned and operated by the reclaimer,
- c. The reclaimer complies with Part 364 waste transporter requirements,
- d. The generator records the hazardous waste codes, the quantities shipped, and the shipment dates, and
- e. The generator keeps a copy of the reclamation agreement for at least three years after termination or expiration of the agreement;

Transporters servicing small quantity generators need not manifest their shipments providing that the transporter also abides by the five requirements listed above. In addition, transporters must also record the generator's EPA Identification Number. Also, the transporter must carry these records when hauling waste to the reclamation facility.

Similarly, this exemption extends to TSD facilities accepting waste for reclamation. TSD facilities may accept unmanifested waste for reclamation if the waste is being reclaimed in accordance with a contractual agreement. The TSD facility must record the following information for each shipment:

- a. The name, address and EPA Identification Number of the generator, and
- b. The quantities, waste types and shipment dates; and

The TSD facility must retain these records for three years after expiration or termination of the agreement. Lastly, the TSD facility must submit quarterly summaries of waste accepted for reclamation to the NYS-DEC's Manifest Section.

## 7. Transport Requirements

Small Quantity Generators in New York State may accumulate up to 6,000 kilograms (13,200 pounds) of hazardous waste for up to 180 days or for up to

270 days if they must ship to a Treatment, Storage or Disposal (TSD) facility over 200 miles away. Transporters of hazardous waste in New York State must possess NYS Part 364 Waste Transporter Permits and may only transport hazardous wastes to TSD facilities that are authorized to accept hazardous waste. **Since generators of hazardous waste may be held responsible for mismanagement of their waste after it has left their premises, it is advisable for generators to ensure that they use only duly authorized transporters and TSD facilities;**

Probably the best way to select a permitted waste transporter and TSD facility is to contact a NYS-NYSDEC Regional Office;

You should contact the hauler and the TSD facility to verify that they have EPA Identification Numbers and that they can and will handle your waste. Also, make sure that they have current permits, adequate insurance, and that the hauler's vehicles are in good condition. Choosing a transporter and a TSD facility may take some time, therefore try to begin your search well ahead of the time you will need to ship your waste; and

When you prepare hazardous waste for shipment, you must put the waste in containers acceptable for transportation and make sure the containers are properly labelled. To determine labelling requirements, contact the NYS-DEC, your transporter, or your TSD facility.

#### 8. Using a Hazardous Waste Broker

Many businesses use brokers to arrange the details of transportation and disposal of their hazardous waste. The broker may be independent; in other cases, the transporter or the Treatment, Storage or Disposal (TSD) facility acts as a broker.

**Using a broker may facilitate waste disposal. However, as the generator of the waste, you retain responsibility for its transportation and treatment or disposal.**

When dealing with brokers, it remains your responsibility to ensure that:

- a. You have written communication from the ultimately designated TSD facility for the particular wastes being offered for shipment stating that the TSD facility is authorized and has the capacity to accept the hazardous waste set forth on the manifest and that the TSD facility will assure that the ultimate disposal method is followed;
- b. You have written communication that the designated transporter is authorized to deliver the waste to the facility on the manifest;
- c. Copies of the manifest are distributed as shown on the New York State Manifest form (described in item 5 "The Manifest System" above). When an out-of-state manifest does not have sufficient sheets for full notification of shipment and receipt, make additional copies; and

- d. Your shipment papers contain the notifications and certification required by the Federal Land Disposal Regulations.

In order to ensure that your waste is handled properly, you should also consider requesting the following information or taking the following steps:

- a. Request copies of all waste analysis done on samples of your wastes;
- b. Request a certificate of treatment or disposal for the waste from the ultimate disposal facility; this should be consistent with the method shown on the manifest of the exception report;
- c. Call the NYS-DEC Regional Office on a periodic basis to verify that the transporter and TSD facility have the proper waste handling permits;
- d. When the hauler arrives at your site to pick up your wastes, ask to see a copy of his or her Part 364 Permit. Licensed 364 haulers must keep a copy of the permit in each truck. Look for this information on the permit:
  - the license plate number of the vehicle,
  - the expiration date of the permit,
  - the types of wastes that the hauler can take, and
  - the TSD facilities to which the hauler can take your waste.

This information should be consistent with the information shown on the manifest.

Check with the Better Business Bureau or Chamber of Commerce to see if there are records of complaints or problems against the hauler or TSD facility. Your colleagues or associations may also have information about haulers and TSD facilities in your area.

## 9. Land Disposal Restrictions

In 1984, Congress passed into law restrictions (called "Land Ban") requiring treatment of many hazardous wastes before disposal into landfills. Virtually all hazardous waste must now be treated before it can be land disposed. All hazardous wastes are subject to Land Disposal Restrictions (LDR's) unless newly identified. Since November 1988, small quantity generators that generate more than 100 kilograms of hazardous waste in any calendar month have been affected by the Land Ban provisions. The provisions include hazardous waste determination, determination of LDR applicability, recordkeeping and notification to TSD facility.

## **FULLY REGULATED GENERATORS**

In addition to the requirements for Small Quantity Generators, Fully Regulated Generators must comply with the following:

1. Maintain hazardous waste storage area(s) by placing the waste either in containers and/or tanks and managed the same as required in 6 NYCRR 373-1.1(d)(1)(iii)(c);
2. Once a Generator accumulates more than 1,000 kilograms (2,200 pounds) of hazardous waste or 1 kilogram (2.2 pounds) of acute hazardous waste, they have 90 days to ship the waste off-site to an authorized recycling, treatment, storage or disposal facility or to treat, recycle or dispose of the waste on site. In emergency situations, an extension of time may be obtained from the Regional Solid and Hazardous Materials Engineer in the NYS-DEC Region in which your generator facility, project or operation is located;
3. File a Hazardous Waste Generator report each year;
4. Maintain personnel training, preparedness and prevention and contingency plans [see 6NYCRR Sections 373-3.2, 373-3.3 and 373-3.4]. For example, training must be given to each new employee and on an annual basis to existing employees about such things as the hazards of the wastes that they may handle, and proper handling and emergency procedures; arrangements must be made to familiarize emergency officials with information such as the locations and properties of hazardous wastes stored at the facility; and an emergency coordinator must be designated for the generator site; and
5. In addition, generators located in the counties of Kings, Queens, Nassau and Suffolk, or over the Schenectady/Niskayuna Aquifer System in Schenectady, Saratoga and Albany Counties, or the Clinton Street-Ball Park Valley Aquifer System in Broome and Tioga Counties who store liquid hazardous waste must comply with the requirements of maintaining secondary containment and performing proper closure [see 6NYCRR Section 373-1.1(d)(1)(iv)].

#### EXCLUSIONS:

These materials are not hazardous wastes for the purpose of this regulation:

1.
  - a. domestic sewage;
  - b. any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system;
2. industrial wastewater discharges that are surface water point source discharges subject to SPDES permits (see Regulation 58). NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment;
3. irrigation return flows;

4. radioactive materials that are source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended through 1984, 42 USCA 2011 et seq;
5. materials subject to in-situ mining techniques that are not removed from the ground as part of the extraction process;
6. black liquor that is reclaimed in a Kraft pulping liquor recovery furnace and then used in the Kraft process unless it is accumulated specifically as defined in 6NYCRR Part 370.2;
7. spent sulfuric acid used to produce virgin sulfuric acid unless it is accumulated speculatively;
8. secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:
  - a. only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
  - b. reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);
  - c. the secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and
  - d. the reclaimed material is not used to produce fuel, or used to produce products that are used in a manner constituting disposal;
9. household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse derived fuel) or reused. "Household waste" means any waste material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). A resource recovery facility managing municipal waste shall not be deemed to be treating, storing, disposing, or otherwise managing hazardous waste for the purpose of regulation, if such facility:
  - a. receives and burns only:
    - (1) household waste (from single and multiple dwellings, hotels, motels, and other residential sources);and
    - (2) solid waste from commercial or industrial sources that does not contain hazardous waste;
  - b. does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or

inspection procedures to assure that hazardous wastes are not received at or burned in the facility;

10. waste generated by any of the following methods and that are returned to the soils as fertilizers:
  - a. the growing and harvesting of agricultural crops; and
  - b. the raising of animals, including animal manures;
11. mining overburden returned to the mine site;
12. fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;
13. drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy;
14. waste from the extraction, beneficiation and processing of ores and minerals (including coal), including phosphate rock and overburden from the mining of uranium ore;
15. cement kiln dust waste;
16. waste that consists of discarded arsenic-treated wood or wood products that fail the test for the toxicity characteristic for hazardous waste coded D004-D0017 and that is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood or wood products for these materials' intended end use. **NOTE: This exclusion does not apply to manufacturers of arsenical-treated wood or wood products;**
17.
  - a. wastes that fail the test for the Toxicity Characteristic because chromium is present, or are listed in 6NYCRR Part 371.4 due to the presence of chromium, that do not fail the test for the Toxicity Characteristic for any other constituent, or are not listed due to the presence of any other constituent, and that do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators where:
    - (1) the chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;
    - (2) the waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
    - (3) the waste is typically and frequently managed in non-oxidizing environments;
  - b. specific wastes that meet the standard in (a) above (so long as they do not fail the test for the Toxicity Characteristic for any other constituent are:
    - (1) those wastes generated by the leather tanning and finishing industry: chrome (blue) trimmings, chrome (blue) shavings, sewer screenings and wastewater treatment sludges, generated by categories known as: hair

- pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;
  - (2) buffing dust generated except for shearing;
  - (3) waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries; and
  - (4) wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process;
18. hazardous wastes that are generated in a product or raw material storage tank, in a product or raw material transport vehicle or vessel, in a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste treatment-manufacturing unit, is not subject to regulation until it leaves the unit in which it was generated. However, this exemption does not apply if the unit is a surface impoundment, or if the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage of transportation of product or raw materials.
19. samples of water, soil or air that are collected for the sole purpose of testing to determine its characteristics, composition, or treatability when:
- a. the sample is being transported to a laboratory for the purpose of testing;
  - b. the sample is being transported back to the sample collector after testing;
  - c. the sample is being stored by the sample collector before transport to a laboratory for testing;
  - d. the sample is being stored in a laboratory before testing;
  - e. the sample is being stored in a laboratory after testing but before it is returned to the sample collector; or
  - f. the sample is being stored temporarily in the laboratory after testing for the specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary); and
20. Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.
21. Shredded circuit boards being recycled provided that they are:
- (a) Stored in containers sufficient to prevent a release to the environment prior to recovery; and,
  - (b) Free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries.
22. Any hazardous waste remaining in either an empty container or an inner liner removed from an empty container.

**NOTE: The discarding of the empty drum or inner liner itself may be subject to the disposal requirements of Regulations 50A, 50C, 50E, 50K and/or 50L and the transportation requirements of Regulations 28, 29, 30 and/or 33;**

Below are examples of how the hazardous waste regulations apply to several common waste streams:

- a. Used antifreeze (ethylene glycol): Used anti-freeze is a hazardous waste if it fails the TCLP (for example, for lead or benzene). The preferred method of handling used antifreeze is to recycle it or have it recycled. Keep it separated from all other liquids (best to separate it from other shop areas). Sending it to a facility that is capable of treating the antifreeze to detoxify it is another choice if recycling is not available or impractical. If no other options are available, the waste antifreeze may be released through a shop drain that is connected to a municipal wastewater treatment plant (however, prior approval from the wastewater treatment plant operator is required).

**NOTE: Draining waste antifreeze onto the ground or discharging it into streams, rivers, lakes or other bodies of water, septic systems, dry wells or storm drainage systems is strictly prohibited.**

- b. Used rags, shop towels and soiled clothing, from vehicle maintenance activities, contaminated with hazardous substances or toxic chemicals may be hazardous wastes. If so, these materials, when laundered on-site or sent off-site for laundering, are eligible for a conditional exclusion, but must be stored in closed, fireproof or fire-resistant containers and protected from the weather. If disposed of, these materials are subject to standard hazardous waste regulation.
- c. Used oil produced in vehicle maintenance shops is not generally regulated as a hazardous waste if these conditions are met (see Regulation 50L):
- it is directed towards one of these:
  - recycling or re-refining;
  - fuel blending;
  - fuel burning (under certain conditions); or
  - burning for heat in the shop where it is produced (under certain conditions).
- d. Used oil filters:
- Non-terne-plated used oil filters (terne is an alloy of lead and tin) are not a hazardous waste if the used oil is removed from the filter by one of these methods:
    - puncturing the filter anti-drain back valve or the filter dome end and hot-draining [hot-draining is draining at or near engine operating temperature and above room temperature (60°F) with a minimum of 12 hours draining time];
    - hot-draining and crushing;
    - dismantling and hot-draining; or
    - any other equivalent hot-draining method that will remove used oil.The drained used oil should be collected and recycled or disposed (see Regulation 50L). The used oil filter should be recycled or disposed as a normal solid waste, subject to local requirements.
  - Terne-plated used oil filters are likely to be hazardous waste because of the lead content. Therefore, these filters must be disposed in accordance



with the hazardous waste regulations. Check with the filter manufacturer to determine which models are terne-plated.

- e. Spent lead-acid batteries that are directed towards recycling are exempt from the hazardous waste regulations. They may only be disposed of by delivery to a retailer, distributor, collector, recycling facility or authorized treatment, storage or disposal facility.

**NOTE: Lead-acid batteries may not be disposed of in municipal solid waste facilities.**

- f. Used fuel filters Used fuel filters may be a hazardous waste if they fail any hazardous waste characteristics.
- g. Paint wastes from old oil-based or latex paints, enamels, lacquers, epoxies, alkyds, acrylics and primers may be hazardous wastes if they are ignitable or contain heavy metals such as lead, cadmium, chromium or mercury. Paints that contain one or more of these are likely to be hazardous: acetone, toluene, petroleum distillates, epoxy ester resins, methylene chloride, xylene, methyl ethyl ketone, naphtha, aromatic hydrocarbons, or methylene isobutyl ketone.
- Paint containing pesticides must be applied by or under the direct supervision of certified pesticide applicators (see Regulation 26) and registered pesticide businesses (see Regulation 25) if the services are provided for hire. These types of paints are:
    - anti-foulant marine paints containing tributyltin or copper paints, commonly used on boat hulls and other boat parts;
    - preservatives used to preserve wood docks and other structures in water; and
    - other paints that perform pesticidal functions (to prevent mildew, to control insects, etc.).
- h. Degreasing and parts cleaning involving the removal of grease, fats, oils, waxes or soils from metal, glass or plastic producing spent solvents, still bottoms and cleaning clothes containing one or more of the following:
- chlorinated organic compounds, such as trichloroethylene, methylene chloride, carbon tetrachloride, and chlorobenzene;
  - petroleum distillates such as toluene and xylene;
  - oxygenated solvents such as esters, ketones and alcohols; and
  - mineral spirits and kerosene ("stoddard solvents").

If your activity produces any amount of these materials, you may be subject to hazardous waste regulations. However, the following are other methods that may be used to reduce or eliminate these hazardous wastes:

- Material Substitution
  - Aqueous cleaners or water soluble cutting fluids may be used in many applications. Aqueous cleaners do not emit fumes and vapors and may be biodegradable;

- Peel coatings may be used in place of protective oils to coat metal parts prior to shipment to prevent rust formation;
  - For parts cleaning use commercial products containing solvents that have a flash point above 140°F. Rags contaminated with these solvents usually won't be hazardous waste; and
  - High pressure water washing may also be an effective method of parts cleaning. The water and contaminants can usually be separated with an oil/water separator and the water reused for future parts cleaning.
- "Milk-Run" Type Recycling Service is where the user is usually supplied with necessary equipment, as well as solvent, that is picked up and replaced by the recycler on a scheduled basis. Advantages of this type of system for a small business or small user of solvents is that waste analysis and some paperwork involved with waste handling may be performed by the solvent supplier.

i. Used Electronics

Due to the rapid pace of development, electronic equipment quickly becomes out of date. Owners of electric equipment have three basic choices:

reselling, donation or repair of units;  
dismantling and recycling of units;  
disposal of units.

Some items (e.g. monitors) typically qualify as hazardous waste under DEC's "RCRA" hazardous waste requirements. Information on regulation of hazardous waste disposal can be found in the following resources available at the New York State Department of Environmental Conservation Website, at the following location: <http://www.dec.state.ny.us/website/dshm/hzwstman/electron.htm>.

DEFINITIONS:

Acutely Hazardous Wastes are extremely dangerous wastes that are toxic or reactive in small quantities. They are regulated as strictly as larger quantities of listed or characteristic hazardous wastes. It includes such things as cyanide and strychnine, dioxin, and certain pesticide wastes.

[Refer to 6 NYCRR 371.4(d)(5) and 371.4(d)(6)]

Characteristic of Hazardous Wastes. Even if a waste is not listed as a hazardous waste, it is still considered to be hazardous if it has one or more of the following characteristics:

1. Ignitability - It catches fire easily. Ignitable wastes include many organic solvents and some paint wastes and strong oxidizing agents. A liquid waste is ignitable if it has a flash point of less than 60 degrees centigrade (140 degrees Fahrenheit).
2. Corrosivity - It dissolves metals and other materials, or burns the skin. Corrosive wastes include waste rust removers, waste acid or alkaline cleaning fluids, and waste battery acid or a pH of 2.0 or lower, or 12.5 or higher is corrosive.

3. Reactivity - It undergoes violent chemical reaction with water. Reactive wastes include those that can generate toxic gases or fumes.
4. Toxicity Characteristic (TC): A waste sample is tested using the Toxicity Characteristic Leaching Procedure. TC wastes contain any of the contaminants listed in Table 31-3 at a concentration equal to or greater than the respective value given. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Appendix 20, of 6NYCRR Part 371, is considered to be the extract for the test.

Conditionally Exempt Generator is a facility that generates no more than 100 kilograms of non-acute hazardous waste per calendar month, stores no more than 1,000 kgs of non-acute hazardous waste at any time, generally no more than 1 kg of acute hazardous waste in any calendar month and stores no more than 1 kg of acute hazardous waste at any time.

Drained PCB articles are regulated as hazardous waste with these exceptions:

1. PCB articles, except capacitors, that contain between 50 and 500 ppm PCB, are no longer regulated as PCB listed hazardous waste provided that all free flowing liquid has been drained from the article. The drained liquid is a listed hazardous waste.
2.
  - a. Hydraulic machines containing less than 1,000 ppm PCB are no longer regulated as PCB listed hazardous waste provided that all free liquid has been drained from the hydraulic machine. The drained liquid is a listed hazardous waste, as is any solvent used in flushing.
  - b. Hydraulic machines containing 1,000 ppm PCB or greater are no longer regulated as PCB listed hazardous waste provided that all free flowing liquid has been drained from the hydraulic machine, and the drained hydraulic machine is flushed with a solvent in which PCBs are readily soluble. The solvent to be used for flushing must contain less than 50 ppm PCB. The drained liquid and the solvent used for flushing are listed hazardous wastes.

Facility Operator is a person who is responsible for the overall operation of a treatment, storage, or disposal facility.

Facility Owner is a person who owns a facility or part of a facility.

Hazardous Waste includes those hazardous wastes listed in Table 31-1 and the characteristics of hazardous wastes that are defined on the next page. A material is not a waste until you determine that it is no longer needed. Banned and outdated pesticides, however, cannot be used and are currently considered to be hazardous wastes, if they are listed in Table 31-1, or exhibit a characteristic of hazardous waste.

Hazardous Waste Generation is the act or process of producing hazardous waste.

Hazardous Waste Generator is any person, by site, whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.

Listed Hazardous Wastes are wastes that are listed in 6NYCRR Part 371 (see Tables 31-1 and 31-4 for commonly generated hazardous wastes).

"PCB" and PCBs is any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees.

PCB article is any manufactured article, other than a PCB container, that contains PCBs and whose surface(s) has been in direct contact with PCBs. "PCB article" includes capacitors, transformers, electric motors, circuit breakers, reclosers, voltage regulators, switches (including sectionalizers and motor starters), electromagnets, cable, hydraulic machines, pumps, pipes, and any other manufactured item that is formed to a specific shape or design during manufacture, has end use function(s) dependent in whole or in part upon its shape or design during end use, and has either no change of chemical composition during its end use or only those changes of composition that have no commercial purpose separate from that of the PCB article.

Small capacitor is a capacitor that contains less than 1.36 kilograms (3 pounds) of dielectric fluid. The following assumptions may be used if the actual weight of the dielectric fluid is unknown. A capacitor whose total volume is less than 1,639 cubic centimeters (100 cubic inches) may be considered less than 1.36 kg (3 lbs.) of dielectric fluid and a capacitor whose total volume is more than 3,278 cubic centimeters (200 cubic inches) must be considered to contain more than 1.36 kg (3 lbs.) of dielectric fluid. A capacitor whose volume is between 1,639 and 3,278 cubic centimeters may be considered to contain less than 1.36 kg (3 lbs.) of dielectric fluid if the total weight of the capacitor is less than 4.08 kg (9 lbs.).

Small Quantity Generator is a facility that generates no more than 1,000 kilograms of non-acute hazardous waste per calendar month and stores no more than 6,000 kilograms of non-acute hazardous waste and generates no more than 1 kg of acute hazardous waste per month and stores no more than 1 kilogram of acute hazardous waste at any time.

Testing procedures are those procedures described in 40 CFR 761.60(g) and are to be used to determine the concentration of PCBs, unless a petition for equivalent testing of analytical methods is submitted and approved.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Michelle Ching, Division of Solid & Hazardous Materials

518/402-8633

**TABLE 31-1  
HAZARDOUS WASTES CONTAINING PCB'S AND THEIR NYSDEC HAZARDOUS  
WASTE NUMBERS**

<u>WASTE</u>	<u>NYSDEC HAZARDOUS WASTE NUMBER</u>
PCB Oil (concentrated) from transformers, capacitors, etc.	B001
Petroleum oil or other liquid containing 50 ppm or greater of PCB's, but less than 500 ppm PCB's. This includes oil from electrical equipment whose PCB concentration is unknown, except for circuit breakers, reclosers and cable.	B002
Petroleum oil or other liquid containing 500 ppm or greater of PCB's.	B003
PCB articles containing 50 ppm or greater of PCB's, but less than 500 ppm PCB's, excluding small capacitors. This includes oil-filled electrical equipment whose PCB concentration is unknown, except for circuit breakers, reclosers, and cable.	B004
PCB articles, other than transformers, that contain 500 ppm or greater of PCB's, excluding small capacitors.	B005
PCB transformers. "PCB transformers" means any transformer that contains 500 ppm PCB or greater.	B006
Other PCB wastes including contaminated soil, solids, sludges, clothing, rags and dredge material.	B007

**TABLE 31-2**  
**Toxicity Characteristic Leaching Procedure (TCLP)**

These are wastes covered by the TCLP. The concentrations are not total amounts of the chemical in the waste, but concentration after the specific test is carried out. These standards were published by the USEPA on March 29, 1990. To obtain a copy of the list and test procedure, please call the USEPA RCRA/Superfund Hotline at 1-800-424-9346.

<u>EPA No.</u>	<u>Chemical</u>	<u>Concentration</u>
D004	Arsenic	5.0 mg/l
D005	Barium	100.0 mg/l
D006	Cadmium	1.0 mg/l
D007	Chromium	5.0 mg/l
D008	Lead	5.0 mg/l
D009	Mercury	0.2 mg/l
D010	Selenium	1.0 mg/l
D011	Silver	5.0 mg/l
D012	Endrin	0.02 mg/l
D013	Lindane	0.4 mg/l
D014	Methoxychlor	10.0 mg/l
D015	Toxaphene	0.5 mg/l
D016	2,4-Dichlorophenoxyacetic acid	10.0 mg/l
D017	2,4,5-Trichlorophenoxypropionic acid	1.0 mg/l
D018	Benzene	0.50 mg/l
D019	Carbon tetrachloride	0.50 mg/l
D020	Chlordane	0.03 mg/l
D021	Chlorobenzene	100.0 mg/l
D022	Chloroform	6.0 mg/l
D023	o-cresol	200.0 mg/l †
D024	m-cresol	200.0 mg/l †
D025	p-cresol	200.0 mg/l †
D026	cresol	200.0 mg/l †
D027	1,4-Dichlorobenzene	7.5 mg/l
D028	1,2-Dichloroethane	0.50 mg/l
D029	1,1-Dichloroethylene	0.70 mg/l
D030	2,4-Dinitrotolene	0.13 mg/l ††
D031	Heptachor (and its hydroxide)	0.008 mg/l
D032	Hexachlorobenzene	0.13 mg/l ††
D033	Hexachloro-1,3-butadiene	0.5 mg/l
D034	Hexachloroethane	3.0 mg/l
D035	Methyl ethyl ketone	200.0 mg/l
D036	Nitrobenzene	2.0 mg/l
D037	Pentachlorophenol	100.0 mg/l †††
D038	Pyridine	5.0 mg/l ††
D039	Tetrachloroethylene	0.7 mg/l
D040	Trichloroethylene	0.5 mg/l
D041	2,4,5-Trichlorophenol	400.0 mg/l
D042	2,4,6-Trichlorophenol	2.0 mg/l
D043	Vinyl Chloride	0.20 mg/l

† If o-, m- and p-cresol cannot be differentiated, the total cresol concentration is used. The regulatory level for total cresol is 200.0 mg/l.

†† Quantification limit is greater than the calculated regulatory level. The quantification limit, therefore, becomes the regulatory level.

††† The NYSDEC will propose a new regulatory level for this constituent, based on the latest toxicity information.

**SOLID & HAZARDOUS MATERIALS**

**REGULATION 31A QUESTIONS: HAZARDOUS WASTE SPECIAL ASSESSMENTS**

(A) Are you a “Conditionally Exempt Generator”?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, leave “Rank” box 31A blank and place a check in the “Approval” box 31A, then proceed to Regulation 32.

(B) If NO, are you a “Small Quantity Generator”?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to question (D).

(C) If NO, are you a “Fully Regulated Generator”?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, then proceed to Regulation 33.

(D) If YES, did you incur \$27.00 or more for any one quarter during the reporting period?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to question (F).

If NO, leave “Rank” box 31A blank and place a check in the “Approval” box 31A, then proceed to question (E).

(E) Are wastes generated as the result of on-site remediation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, leave “Rank” box 31A blank, proceed to Regulation 32.

If NO, proceed to Regulation 32.

(F) Did you pay the required hazardous waste special assessment quarterly fees to the NYS Department of Taxation and Finance?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "Rank" box 31A on the "Compliance Status Report", proceed to Regulation 32.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "Rank" box 31A on the "Compliance Status Report", complete a "Non-Compliance Report & Remedial Plan", then proceed to Regulation 32.



## SOLID & HAZARDOUS MATERIALS

### **REGULATION 31A:**

### **HAZARDOUS WASTE SPECIAL ASSESSMENTS**

LEGAL CITATION: ECL Section 27-0923.

#### ABSTRACT OF LAW/REGULATION:

**This law requires that the special assessments imposed be reported and paid to the New York State Department of Taxation and Finance on a quarterly basis on or before the 20th day of the month following the end of the tax quarter.**

Section 1 of the law imposes a special fee on New York State generators of hazardous waste based on the method of disposal, as follows:

1. \$27.00 per ton of hazardous waste disposed of in a landfill.
2. \$9.00 per ton of hazardous waste incinerated away from the generation site.
3. \$2.00 per ton of hazardous waste incinerated on the site of generation.
4. \$16.00 per ton of hazardous waste treated or disposed of (including wastewater treatment and/or disposal), other than by incineration or in a landfill away from the site of generation.

Section 2 of the law imposes special fees similar to those above on any New York State treatment, storage or disposal facility that accepts waste for disposal from an out-of-state generator.

#### EXEMPTIONS:

No assessment is required to be reported or paid if the total for that quarter is \$27.00 or less.

Section 3(c) exempts waste generated as a result of a remediation of an inactive hazardous waste disposal site in New York State.

#### DEFINITIONS:

Hazardous Waste: Please see Regulation 31 for definition.

Hazardous Waste Generator: Please see Regulation 31 for definition.

Person: Means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, federal government and any agency thereof, municipality, commission, political subdivision of a state, or any interstate body.

Treatment, Storage or Disposal Facility (TSDF): Means all contiguous land and structures, other appurtenances and improvements on the land, used for treating, storing or disposing of hazardous waste. A facility may consist of several treatment, storage or disposal operations units (e.g., one or more landfills, surface impoundments or combinations of them).

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Wallace Krawitzky, Division of Solid and Hazardous Materials

518/402-8629

**SOLID & HAZARDOUS MATERIALS**

**REGULATION 32 QUESTIONS: HAZARDOUS WASTE GENERATOR ANNUAL REPORT REQUIREMENTS**

**NOTE: If your facility, project or operation is subject to this regulation, it is also subject to Regulation 31, 31A, 31B, 32, 33 and 34.**

- (A) Is your facility, project or operation a large quantity generator? (See Regulation 31 for description.)

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Regulation 33.

- (B) Are all the hazardous wastes your facility generates exempt from annual reporting requirements (e.g., precious metals bearing wastes intended for precious metals recovery)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, leave the "**RANK**" box 32 blank, then proceed to Regulation 33.

If NO, proceed to Question C.

- (C) Did you submit an annual hazardous waste report to the NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 32 on the Compliance Status Report Form, then proceed to Regulation 33.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 32 on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 33. Not all hazardous wastes are subject to reporting.

## SOLID & HAZARDOUS MATERIALS

### **REGULATION 32: HAZARDOUS WASTE GENERATOR ANNUAL REPORT REQUIREMENTS**

LEGAL CITATION: ECL Article 27 Title 9 and 6 NYCRR Part 372

#### ABSTRACT OF LAW/REGULATIONS:

This regulation requires all hazardous waste generators who generate 1,000 kilograms (2,200 lbs) or more, in any month, or generate in any single month or accumulate at anytime 1 kilogram or more of acute hazardous waste, to submit an annual report to the NYSDEC. The annual report describes the types, amounts, the process of how the hazardous waste was generated and how it was and is being handled, stored and disposed. The Generator Annual Report is done on forms provided, to the generator, by the NYSDEC.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Ernie Robbins, Division of Solid & Hazardous Materials

518/402-8730

**SOLID & HAZARDOUS MATERIALS**

**REGULATION 33 QUESTION:      HAZARDOUS WASTE MANIFESTING PROGRAM**

- (A) Did your facility, project or operation meet the manifesting requirements for all hazardous wastes that were transported off-site? [See , Regulation 31, Table 31-2 for requirements]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 33 on the Compliance Status Report Form, then proceed to Regulation 34.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 33 on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 34.



- b. used batteries (or used battery cells) returned to a battery manufacturer for regeneration;
  - c. waste oil destined for beneficial use that exhibits one or more of the characteristics of hazardous waste provided the waste is not a sludge and the waste oil is not being burned for energy recovery purposes of being reprocessed prior to burning and the waste is properly stored;
  - d. fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices;
  - e. oil reclaimed from hazardous waste resulting from normal petroleum refining, production, and transportation practices, if the oil is to be refined along with normal process streams at a petroleum refining facility;
  - f. coke and coal tars from the iron and steel industry that contain hazardous waste from the iron and steel production process; and
  - g. scrap metal;
4. for farmers disposing waste pesticides that are hazardous waste, including containers and inner liners, from his or her own farm in a manner consistent with the disposal instructions on the pesticide label;
  5. for samples collected for testing;
  6. for residues of hazardous waste in empty containers;
  7. for a hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated non-waste-treatment manufacturing unit until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing, or for storage of transportation of product or raw materials;
  8. publicly owned treatment works (POTW), except for sludges generated at the POTW that are determined to be hazardous waste; and
  9. for used engine lubricating oil from retention facilities at service stations that accept waste oil.

Part 373 contains hazardous waste manifesting requirements applicable to treatment, storage, and disposal facilities. See Regulation 34 for specific information.

Part 374 contains the standards for the management of specific hazardous wastes and for owners and operators of facilities managing hazardous wastes.

The applicability of this regulation is for:

1. recyclable materials that are applied to or placed on the land:
  - a. without mixing with any other substance;
  - b. after mixing with any other substance(s), unless the recyclable material undergoes a chemical reaction and becomes inseparable from the other substance(s) by physical means; or after combination with any other substance(s) if the resulting combined material is not produced for the general public's use. These materials will be referred to throughout this regulation as "materials used in a manner that constitutes disposal;"
2. generators and transporters of materials that are used in a manner that constitutes disposal;
3. owners and operators of facilities that store recyclable materials that are to be used in a manner that constitutes disposal, but who are not the ultimate users of the materials;
4. owners and operators of facilities that use recyclable materials in a manner that constitutes disposal;
5. hazardous waste burned for energy recovery in any boiler or industrial furnace that is not regulated:
  - a. waste oil burned for energy recovery;
  - b. hazardous wastes that are exempt (see Regulation 31); and hazardous wastes that are subject to the special requirements for small quantity generators (see Regulation 31);
6. generators of hazardous waste fuel who generate, store, market, or burn the hazardous waste fuel;
7. transporters of hazardous waste fuel;
8. generators, transporters and storers of hazardous wastes that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these (i.e., recyclable materials utilized for precious metal recovery) must keep annual records of the volume of recycled materials stored, generated, received, and remaining; and
9. persons who generate, transport, store, or collect spent lead-acid batteries being reclaimed by battery crackers or secondary lead smelters;



The prohibitions are:

1. the use of any material that is contaminated with dioxin or any other hazardous waste for dust suppression or road treatment is prohibited;
2. fuel that contains hazardous waste must not be burned in any cement kiln located within the boundaries of any incorporated municipality with a population greater than 500,000 (based on the most recent census statistics) unless the kiln fully complies with the manifesting regulations. However, this requirement does not apply to petroleum refinery hazardous wastes containing oil that are converted into petroleum coke at the generating facility, unless the resulting coke product exhibits one or more of the characteristics of hazardous waste regulated by Regulation 31;

The exemptions to the regulation are:

1. hazardous waste fuels that are spent materials or by-products and are hazardous wastes only because they exhibit a characteristic of hazardous waste and are not hazardous waste sludge are conditionally exempt and are not subject to the storage requirements of hazardous waste. This exemption does not apply when the spent material or by-product is stored in a surface impoundment prior to burning.

#### DEFINITIONS:

Aboveground tank means a device meeting the definition of "tank" whereby the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

Accumulation area means an area located at or near the point of manufacture or other activity where the generation of hazardous waste initially occurs and the accumulation is done in accordance with the requirements of 6 NYCRR Part 372.2(a)(8)(i).

Act or RCRA means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, 42 USC 6901 et seq.

Active Life of a facility means the period from the initial receipt of hazardous waste at the facility until the commissioner receives certification of final closure.

Active portion means that portion of a facility where treatment, storage or disposal operations are being or have been conducted and which is not a closed portion.

Acute hazardous waste means any waste listed in 6 NYCRR Part 371.4 with an "H" Hazard Code.

Airport means a public-use airport open to the public without prior permission and without restrictions within the physical capabilities of available facilities.

Ancillary equipment means any device including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to storage or treatment tanks, between hazardous waste storage and treatment tanks to a point of disposal on-site, or to a point of shipment for disposal off-site.

Application means the NYSDEC's standard forms for applying for a permit.

Approved program or approved state means a State which has been approved or authorized by the USEPA under 40 CFR Part 271.

Aquifer means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

Generator means any person, by site, whose act or process produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.

Manifest means a shipping document (USEPA form 8700-22), or any other shipping document having been approved by the NYSDEC Commissioner or the USEPA Administrator.

Marketer of hazardous waste fuel is a generator of hazardous waste fuel who sells the fuel directly to a burner, or who receives hazardous waste from generators and produce, process, or blend hazardous waste fuel from hazardous waste. Persons who distribute but do not process or blend hazardous waste fuel are also marketers.

Transporter means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

Treatment, Storage or Disposal Facility (TSDF) means all contiguous land and structures, other appurtenances, and improvements on the land, used for treating, storing or disposing of hazardous waste. A facility may consist of several treatment, storage or disposal operations units (e.g., one or more landfills, surface impoundments or combinations of them).

## **THE HAZARDOUS WASTE MANIFEST**

The hazardous waste manifest is a multi-copy shipping document that you must complete and which must accompany your hazardous waste shipment. All categories of hazardous waste generators (see Regulation 31 for description of generator types) except conditionally exempt generators, must manifest their hazardous waste shipments. The manifest form is designed so that shipments of hazardous waste can be tracked from their point of generation to their final destination.

The hazardous waste generator, the transporter, and the designated hazardous waste treatment, storage and disposal (TSD) facility must each sign this document and keep a copy. The designated TSD facility operator must also send a copy back to you, the generator, so that you can be sure that your shipment arrived. *You must keep the returned copy of the manifest, that bears the signatures of the transporter and the designated TSD facility operator, on file for three years. If you do not receive a signed*

*copy of the designated hazardous waste TSD facility within 15 days, you must contact the transporter and/or the TSD facility to find out why. **It is important to remember that just because you have shipped the hazardous waste off your site and it is no longer in your possession, your liability has not ended. You are potentially liable for any mismanagement of your hazardous waste.*** The manifest will help you to track your waste during shipment and make sure it arrives at the proper destination.

You can obtain blank copies of the manifest from several sources. To determine which source you should use, use this system:

1. If the state to which you are shipping your waste has its own manifest form, use that manifest form.
2. If the state to which you are shipping your waste does not have its own manifest form, use the New York State manifest form, because the waste was generated in New York State.

You may obtain New York State manifest forms from the NYSDEC Regional Office nearest to your facility.

When you sign the certification on the manifest form, you are personally confirming that:

1. The shipment is complete and accurately describes the shipment;
2. The shipment is ready for transport; and
3. You have considered whether, given your budget, your waste management arrangements are the best to reduce the amount and hazardous nature of your wastes.

The hazardous waste manifest form should be properly completed and signed by you, the generator. When the transporter signs and dates the manifest, he is to give you Copies 3, 4 and 8. You then must mail Copy 3 to the state where the designated hazardous waste TSD facility is located and you must mail Copy 4 to the NYSDEC. And, you must keep Copy 8 in your files for at least three years. The transporter takes Copies 1, 2, 5, 6 and 7 with him to the designated TSD facility, where the operator of the TSD facility will verify acceptance of the shipment and sign and date the manifest.

The operator of the designated TSD facility will give Copy 7 to the Transporter for his records, and will keep Copy 6 for the TSD facility's records. He then must mail Copy 1 to the state in which his TSD facility is located, Copy 2 to the NYSDEC, and must mail Copy 5 back to you, the generator. You must keep Copy 5, along with Copy 8, in your files for at least three years. **Copy numbers may differ if not using a NYS Manifest document.**

### **Reclamation Exemption**

Category 2 Small Quantity Generators do not have to manifest wastes designated for reclamation when the waste is reclaimed under a contractual agreement if:

1. the waste type and frequency of shipments by the reclaimer are specified;

2. the vehicle is owned and operated by the reclaimer;
3. the reclaimer complies with 6NYCRR Part 364 waste transporter requirements;
4. the generator records the hazardous waste codes, the quantities shipped, and the shipment dates; and
5. the generator keeps a copy of the reclamation agreement for at least three years after termination or expiration of the agreement.

Transporters servicing small quantity generators need not manifest their shipments providing that the transporter also abides by the five requirements listed above. In addition, transporters must also record the generators EPA Identification Number. Also, the transporter must carry these records when hauling waste to the reclamation facility.

Similarly, this exemption extends to TSD facilities accepting waste for reclamation. TSD facilities may accept manifested waste for reclamation if the waste is being reclaimed in accordance with a contractual agreement. The TSD facility must record the following information for each shipment:

1. the name, address, and EPA Identification Number of the generator; and
2. the quantities, waste types, and shipment dates.

The TSD facility must retain these records for three years after expiration or termination of the agreement. Lastly, the TSD facility must submit quarterly summaries of waste accepted for reclamation to the NYS-DEC's Manifest Section.

### **Transport Requirements**

Small Quantity Generators in New York State may accumulate up to 6,000 kilograms of hazardous waste on-site for 180 days or 270 days if they must ship to a TSD facility that is over 200 miles away. Transporters of hazardous waste in New York State must possess NYS Part 364 Waste Transporter Permits and may only transport hazardous wastes to TSD facilities that are authorized to accept hazardous waste. Since generators of hazardous waste may be held responsible for mismanagement of their waste after it has been shipped from their premises, it is advisable for generators to ensure that they use only duly authorized transporters and TSD facilities.

You should contact the hauler and the TSD facility to verify that they have EPA Identification Numbers and that they can and will handle your waste. Also, make sure that they have current permits, adequate insurance, and that the hauler's vehicles are in good condition. Choosing a transporter and a TSD facility may take some time, therefore try to begin your search well ahead of the time you will need to ship your waste. When you prepare hazardous waste for shipment, you must put the waste in containers acceptable for transportation and make sure the containers are properly labeled. To determine labeling requirements for your wastes, contact the NYSDEC, your transporter, or your TSD facility.

### **Using a Hazardous Waste Broker**

Many businesses use brokers to arrange the details of transportation and disposal of their hazardous waste. The broker may be independent; in other cases, the transporter of the TSD facility acts as a broker. Using a broker may facilitate waste disposal, however, as the generator of the waste, you retain responsibility for its transportation and treatment or disposal.

When dealing with brokers, it remains your responsibility to ensure that:

1. you have written communication from the ultimate designated TSD facility for the particular wastes being offered for shipment stating that the facility is authorized and has the capacity to accept the hazardous waste set forth on the manifest and that the facility will assure that the ultimate disposal method is followed;
2. you have written communication that the designated transporter is authorized to deliver the waste to the TSD facility indicated on the manifest;
3. copies of the manifest are distributed as shown on the New York State Manifest form (as described above). When an out-of-state manifest does not have sufficient sheets for full notification of shipment and receipt, make additional copies; and
4. your shipment papers contain the notifications and certifications required by the Federal Land Disposal Regulations.

In order to ensure that your waste is handled properly, you should also consider requesting the following information or taking the following steps:

1. request copies of all waste analyses done on samples of your wastes;
2. request a certificate of treatment or disposal for the waste from the ultimate disposal facility; this should be consistent with the method shown on the manifest or the exception report;
3. call the NYSDEC regional office, for the region in which you are located, on a periodic basis to verify that the transporter and TSD facility have the proper waste handling permits;
4. when the hauler arrives at your site to pick up your wastes, ask to see a copy of the transporter's Part 364 Permit. Licensed 364 haulers must keep a copy of the permit in each truck. Look for the following information on the permit:
  - the license plate number of the truck (Is it the same as the plate on the truck?);
  - the expiration date of the permit (Has the permit expired?);
  - the types of wastes that the hauler can take (Is your type of waste listed?); and
  - the companies to which the hauler can take your waste (Is your TSD facility listed?).

This information should be consistent with the information shown on the manifest.

5. check with the Better Business Bureau or Chamber of Commerce to see if there are records of complaints or problems against the hauler or TSD facility. Your colleagues or associations may also have information about haulers or TSD facilities in your area.

## **LAND DISPOSAL RESTRICTIONS**

In 1984, Congress passed into law restrictions (called "Land Ban") requiring treatment of many hazardous wastes before disposal into landfills. Examples of wastes that must be treated before they can be landfilled include used solvents, metal wastes, cyanide-containing wastes, and other types of hazardous wastes. Since November 1988, small quantity generators that generate more than 100 kilograms (220 pounds) of hazardous waste in any calendar month have been affected by the Land Ban provisions. The provisions include:

### **1. Waste Analysis**

- Does the waste stream contain substances listed in the landban rules? See Regulation 31, Table 31-1 for substances listed under: Solvents; Acids/Bases; Dry Cleaning Filtration Residues; Heavy Metals/Inorganics; Ignitable Wastes; Ink Sludges Containing Chromium and Lead; Lead-Acid Batteries; Pesticides; Reactives; Spent Plating and Cyanide Wastes; and Wood Preserving Agents.
- What are the concentrations of the substances in the waste?
- Which landban treatment standards or prohibition levels apply?
- Must the waste be treated prior to land disposal, or does it already meet the applicable treatment standard or prohibition level?

### **2. Notification to Treatment, Storage or Disposal (TSD) Facility**

The notification must include:

- the hazardous waste code(s);
- the applicable treatment standard;
- the manifest number associated with the waste shipment;
- the waste analysis data (if available); and
- a specific certification statement.

### **3. Record Keeping**

Maintain the following for at least five (5) years:

- waste analysis records;
- notifications to TSD facilities; and
- certification statements.

If a broker, hauler, or TSD facility handles your paperwork for you, use the above section as a checklist to ensure that all land ban requirements are met. Keep copies of all paperwork that you sign.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Debbie Aldrich, Division of Solid and Hazardous Materials

518/402-8653

## SOLID & HAZARDOUS MATERIALS

### REGULATION 34 QUESTIONS: HAZARDOUS WASTE MANAGEMENT FACILITY - PERMITS

**NOTE:** If your facility, project or operation is subject to this regulation, it may also be subject to Regulations 28, 29, 30, 31A, 31B, 34A, 70 & 71.

- (A) Did your facility, project or operation construct and/or operate a hazardous waste management (Treatment, Storage or Disposal Facility) facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 34 blank on the Compliance Status Report, proceed to Regulation 35.

- (B) Are you operating under interim status?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C", "N1", "N2", "N3" or "N4" in "**RANK**" box 34, and place a check in "Approval" Box 34, then proceed to Regulation 35.

If NO, proceed to Question (C).

- (C) Are you required to obtain a permit from NYSDEC? (See Section "R", Regulation 34 for exemptions.)

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 34 blank and place a check in the "Approval" Box 34 on the Compliance Status Report Form, then proceed to Regulation 35.

If YES, proceed to Question (D).

- (D) Did you obtain a permit from NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 34 and leave the Approval box 34 blank on the Compliance Status Report, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 35.

If YES, proceed to Question (E).

- (E) Are you operating under a compliance schedule as prescribed in a consent order, court order, permit, or other directive?



YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C", "N1", "N2", "N3" or "N4" in "**RANK**" box 34 and place a check in the "Approval" Box 34 on the Compliance Status Report Form, complete a NON-Compliance Report & Remedial Plan form, then proceed to Regulation 35.

If NO, place a "C" in "**RANK**" box 34 and place a check in the "Approval" Box 34 on the Compliance Status Report form, then proceed to Regulation 35.

## SOLID & HAZARDOUS MATERIALS

### **REGULATION 34: HAZARDOUS WASTE MANAGEMENT FACILITY - PERMITS**

LEGAL CITATION: ECL Article 27 Titles 7 & 9 and 6 NYCRR Subparts 373-1, 373-2 & 373-3.

#### ABSTRACT OF LAW/REGULATIONS:

The treatment, storage and/or disposal of hazardous waste is regulated by these rules. See Regulation 31 for list of commonly generated hazardous wastes. This regulation also provides requirements for the disposing of hazardous waste by means of ocean disposal and underground injection.

#### DEFINITIONS:

A hazardous waste management facility is all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.

If you have a Part 373 permit, you must comply with the requirements of your permit. In order to prepare Part 373 permit application, you will need to refer to the following:

1. 6NYCRR Part 370: Hazardous Waste Management System: General.
2. 6NYCRR Part 371: Identification and Listing of Hazardous Waste.
3. 6NYCRR Part 372: Hazardous Waste Manifest System and Related Standard for Generators, Transporters and Facilities.
4. 6NYCRR Part 373-1: Hazardous Waste Treatment, Storage and Disposal Facility permitting requirements. Especially Section 373-1.5, the required contents of the Part 373 permit application.
5. 6NYCRR Part 373-2: Final Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities. This subpart sets forth the technical standards which must be met by the facility.
6. 6NYCRR Part 374: Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.
7. 6NYCRR Part 361: Siting of Industrial Hazardous Waste Facilities.
8. 6NYCRR Part 617: State Environmental Quality Review Procedures.
9. 6NYCRR Part 621: Uniform Procedures.

Copies of the regulations are available at the Regional Office.  
All known hazardous waste facilities have or are pursuing a Part 373 permit.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

James Dolen, Division of Solid & Hazardous Materials (if a permit is required)

518/402-8610

Larry Nadler, Division of Solid & Hazardous Materials (if questions about whether or not  
a Part 373 permit is required)

518/402-8633

## SOLID & HAZARDOUS MATERIALS

### REGULATION 35 QUESTIONS:

### CONTROL OF RADIOACTIVE MATERIALS

- (A) Does your facility, project or operation use and/or store radioactive materials?  
YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 35 blank on the Compliance Status Report Form, then proceed to Regulation 36.

If YES, proceed to Question (B).

- (B) Is there a potential for a discharge or disposal, or has there been an actual discharge or disposal of radioactive materials into the environment?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 35 blank, then proceed to Regulation 36.

If YES, proceed to Question (C).

- (C) Is a NYSDEC permit required according to 6 NYCRR, Part 380?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (D).

If NO, proceed to Question (F).

- (D) Did your facility, project or operation obtain the required NYSDEC permit?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 35 and leave the "Approval" Box 35 blank on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Question (E).

If YES, place a check in the "Approval" Box 35 on the Compliance Status Report Form, then proceed to Question (E).

- (E) Has your facility, project or operation submitted the required annual report on discharges or disposal of licensed radioactive materials to NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 35 on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Question (F).

If YES, proceed to Question (F).

- (F) Does the surveying of releases of radioactive materials to the environment indicate compliance with the dose limits to Individual Members of the Public? (see Definitions)  
YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 35 on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Question (G).

If YES, proceed to Question (G).

- (G) Did your facility, project or operation make every effort to keep radiation exposure in uncontrolled areas as low as reasonably achievable?  
YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 35 of the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Question (H).

If YES, proceed to Question (H).

- (H) Did your facility, project or operation discharge or dispose of any water soluble or dispersible radioactive material into a sanitary sewer?  
YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (I).

If NO, proceed to Question (J).

- (I) Were the radioactive materials discharged into a sanitary sewer in compliance with regulatory requirements?  
YES \_\_\_\_\_ NO \_\_\_\_\_

- (J) Did your facility, project or operation maintain complete and accurate records of all radioactive discharges?  
YES \_\_\_\_\_ NO \_\_\_\_\_

- (K) Were there any accidental discharges that exceeded the reportable limits stated in 6 NYCRR, Part 380?  
YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (L).

(L) Did you promptly notify and report all accidental discharges according to 6 NYCRR, Part 380?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered "NO" to any one or more of Questions (I), (J) or (L) place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in **"RANK" box 35** of the Compliance Status Report Form, complete a NON-Compliance Reporting Sheet by responding to all the questions answered "NO", complete a Remedial Plan Form, then proceed to Regulation 36.

If you answered "YES" to all of Questions (I), (J) or (L) place a "C" in **"RANK" box 35** on the Compliance Status Report Form, then proceed to Regulation 36.

## SOLID & HAZARDOUS MATERIALS

### **REGULATION 35:**

### **CONTROL OF RADIOACTIVE MATERIALS**

LEGAL CITATION: ECL Articles 1, 3, 17, 19, 27 & 29, and 6 NYCRR Part 380

#### ABSTRACT OF LAW/REGULATIONS:

This regulation establishes limits to protect the environment from ionizing radiation resulting from the disposal and discharge of licensed radioactive material (see definitions).

**PLEASE NOTE: DUE TO THE TECHNICAL NATURE OF THESE REGULATIONS, IT IS STRONGLY SUGGESTED THAT DETERMINATION OF COMPLIANCE BE REVIEWED AND PREPARED BY A PERSON KNOWLEDGEABLE IN THE AREA OF RADIOACTIVE MATERIALS.**

The purpose of this regulation is to control the disposal and discharge of licensed radioactive material (see definitions) to the environment, in such a manner, that the total dose (see definitions) to an individual member of the public (including doses resulting from licensed and unlicensed radioactive material and from radiation sources other than background radiation (see definitions), is not greater than the limits for protection against radiation stated below:

1. Dose Limits For Individual Members of the Public:
  - a. Each person (see definitions), must limit disposals and discharges of licensed material to the environment so that:
    - (1) The total effective dose equivalent to individual members of the public (see definitions) is not greater than 0.1 rem (1 mSv) in a year, exclusive of any dose contribution from the discharge or disposal of licensed material into sanitary sewers;
    - (2) The dose in any unrestricted area (see definitions) from external sources does not exceed 0.002 rem (0.02 mSv) in any one hour; and
    - (3) Doses to individual members of the public are as low as reasonably achievable (ALARA) (see definitions).
  - b. If the members of the public are to have access to restricted areas, the limits for members of the public also apply to those individuals.
  - c. In addition to the requirements of this regulation, a person who is subject to U. S. Environmental Protection Agency's generally applicable environmental radiation standards in 40 CFR, Part 190 must comply with those standards. This document may be obtained from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C. 20402. Any questions may be directed to the contact person listed on page R-35.10 of this regulation abstract.

- d. In order to restrict collective dose (see definition), the NYSDEC may impose additional restrictions on radiation levels in unrestricted areas (see definition), and on the total quantity of radionuclides that may be disposed of or discharged in waste matter.

2. Disposal of Radioactive Material Into Sanitary Sewers:

Radioactive material may be discharged into a sanitary sewer if all of the following criteria are satisfied:

- a. The radioactive material is:
  - (1) readily dissolved in water; and
  - (2) biological material (see definition) that is readily dispersible in water.
- b. The quantity of licensed or other radioactive material released into the sewer in one month, divided by the average monthly volume of water released into the sewer, must not be greater than the concentration listed in Table III of TABLE A (attached).
- c. If more than one radionuclide is released into sanitary sewers, the following conditions are also be satisfied:
  - (1) The fraction of the limit in Table III of TABLE A, which represents discharges into sanitary sewers, shall be determined by dividing the actual monthly average concentration of each radionuclide released into the sewer, by the concentration of that radionuclide listed in Table III of TABLE A.
  - (2) The sum of the fractions for each radionuclide required by **2. c. (a)** (ABSTRACT: Disposal of Radioactive Material Into Sanitary Sewers) is not greater than "1".
- d. The total quantity of licensed and other radioactive material, released into sanitary sewers in a year, is not greater than 5 curies (185 GBq) of hydrogen-3, 1 curie (37 GBq) of carbon-14, and 1 curie (37 GBq) of all other radioactive materials combined (see definitions).
- e. NYSDEC may set additional limits on the release of licensed radioactive material into sanitary sewers in order to minimize or avoid adverse environmental conditions if:
  - (1) the material is found to settle in the sewage treatment plant sludge; or
  - (2) the sludge is incinerated, and the material is found to collect in the ash.

3. Disposal of Specific Wastes:

- a. The following licensed radioactive material may be disposed of without regard to its radioactivity, but must be disposed of in a manner provided in any related requirements of the Environmental Conservation Law:
  - (1) 0.05 microcurie (1.85 kBq), or less, of hydrogen-3 or carbon-14 per gram of medium used for liquid scintillation counting; and
  - (2) 0.05 microcurie (1.85 kBq), or less, of hydrogen-3 or carbon-14 per gram of animal tissue, averaged over the weight of the entire animal.



- b. Tissue disposed of under **3. a.** (ABSTRACT: Disposal of Specific Wastes) must not be disposed of in a manner that would permit it be used for either food for humans or as animal feed.
- c. Records must be maintained as indicated in **2. (7)** (REQUIREMENTS: Reports and Record Keeping).

#### APPLICABILITY:

This regulation applies to any person who disposes of, or discharges licensed radioactive material in New York State, or whose loss of control of licensed radioactive material may result in the disposal or discharge of this material into the environment.

This regulation does not apply to the following:

- 1. The protection of radiation workers.
- 2. The limits set in this regulation do not apply to:
  - a. doses due to background radiation (see definitions);
  - b. exposure of patients to radiation for the purpose of medical diagnosis or therapy;
  - c. voluntary participation in medical research programs.

**NOTE: Waste matter from individuals undergoing medical diagnosis or therapy with radioactive material is not subject to ABSTRACT: Disposal of Radioactive Material Into Sanitary Sewers, above.**

- 3. Radioactive material whose receipt, possession, use, transfer, and disposal is exempt from, or not subject to, general or specific licensing or regulations required by the NYS Department of Labor, NYS Department of Health, U. S. Nuclear Regulatory Commission, or any other licensing agency.
- 4. NORM (naturally occurring radioactive material) or materials containing NORM, unless processed or concentrated.
- 5. Any person, to the extent that the person is subject to regulation by the U. S. Nuclear Regulatory Commission, or the U. S. Department of Energy.
- 6. The following categories of U. S. Department of Energy or U. S. Nuclear Regulatory Commission **contractor** or **subcontractor**, to the extent that the **contractor** or **subcontractor** receives, possesses, uses, transfers or acquires sources of radiation under contract:
  - a. Prime contractors, performing work for the U. S. Department of Energy at U. S. Government-owned or -controlled sites, including transportation of sources

of radiation to or from sites, and the performance of contract services during temporary interruptions in transportation.

- b. Prime contractors of the U. S. Department of energy, performing research in, or development, manufacture, storage, testing, or transportation of, atomic weapons or components of weapons.
- c. Prime contractors of the U. S. Department of Energy, using or operating nuclear reactors or other nuclear devices in a U. S. Government-owned vehicle or vessel; and
- d. Any other prime contractor or subcontractor of the U. S. Department of Energy or of the U. S. Nuclear Regulatory Commission, when New York State and the U. S. Nuclear Regulatory Commission jointly determine:
  - (i) that the exemption of the prime contractor or subcontractor is authorized by law; and
  - (ii) that under the terms of the contract or subcontract, there is sufficient assurance that the work being performed can be accomplished without undue risk to public health, safety or environment.

#### REQUIREMENTS:

1. Permits: Any person that discharges or disposes of licensed radioactive material to the environment must obtain a permit according to Article 17, Water Pollution Control; Article 19, Air Pollution Control; or Article 27, Collection, Treatment and Disposal of Refuse and other Solid Waste. Permits are granted on a case-by-case basis to researchers who conduct environmental research utilizing trace amounts of radionuclides, and in accordance with these regulations.
  - a. Permit Exemptions:
    - (1) Certain exemptions apply to exhaust systems that discharge licensed radioactive material into the air; and
    - (2) Certain exemptions apply to specific methods of disposal of licensed radioactive material.
  - b. Variances:

NYSDEC, upon written application from any person who is subject to these regulations, grant a variance from one or more specific provisions of the regulations. In granting a variance, the NYSDEC may require specific conditions necessary to assure that the activity to be performed will have no significant adverse impact on the public health and safety, nor the environment.
2. Surveys and Monitoring:
  - a. Conduct surveys necessary to demonstrate continued compliance with these regulations.

- b. Each person must ensure that instruments and equipment used for quantitative radiation measurements (e.g., dose rate and effluent monitoring) are calibrated at least annually for the radiation measured.

3. Reports and Record Keeping:

Any facility, project or operation discharging licensed radioactive material to the air, water, or a sanitary sewer must:

- a. Complete and maintain accurate records of discharges according to the following:
  - (1) use the units of curie, rad, rem, or the SI units of becquerel, gray, sievert, including multiples and subdivisions of each (see definitions), clearly indicating the units of all quantities on record;
  - (2) make a clear distinction among the quantities entered on the records required by these regulations (e.g., total effective dose equivalent, shallow-dose equivalent, eye dose equivalent, deep-dose equivalent, committed effective dose equivalent (see definitions));
  - (3) retain the records required by this regulation for three years (3) years after the record is made, or, until the licensing agency discontinues each related license requiring the record, whichever is longer;
  - (4) develop, document and implement a **"discharge minimization program"** for maintaining discharges of licensed radioactive material to the environment, as low as is reasonably achievable.
    - a. The **"discharge minimization program"**:
      - (i) may be part of the radiation protection program required as part of the license; or
      - (ii) must be within the scope and extent of licensed activities, and comply with the requirements of this regulation.
    - b. Each person is required to maintain records of the **"discharge minimization program"**, which includes:
      - (i) the provisions of the program; and
      - (ii) audits and other reviews of program content and implementation.
- (5) Each person must maintain records showing the results of the following surveys and calibrations.
  - (a) those surveys necessary to comply with these regulations; and
  - (b) those surveys that reasonably evaluate all of the following:
    - (i) radiation levels;
    - (ii) concentrations or quantities of radioactive material, and
    - (iii) the potential radiological hazards that could be present.
- (6) Each person must maintain records of the results of measurements and calculations used to evaluate the discharge of radioactive waste materials

to the environment, including the procedures used for sample collections and analysis.

- (7) Each person must maintain the following records with respect to the disposal and discharge of licensed radioactive materials:
    - (a) All permit application records that apply to the radioactive material contained in the discharges or material to be disposed of;
    - (b) All records pertaining to disposal of radioactive wastes;
    - (c) All records regarding the development, documentation and implementation of a **"discharge minimization program."**
    - (d) All records pertaining to the burial of small quantities of licensed radioactive materials in soil before April 1985.
  - (8) Each record required by this regulation must be easily read, throughout the specified period in which the records should be kept. Records may be maintained in the following form:
    - (a) an original; or
    - (b) a reproduced copy or a microform, as long as the copy or microform is able to produce a clear copy throughout the period in which the records should be kept; or
    - (c) in electronic media, with the ability to produce readable, accurate and complete records throughout the period in which the records should be kept.
  - (9) Records, such as letters, drawings and specifications, must include all significant information, such as stamps, initials and signatures. The radiation installation must maintain sufficient safeguards against tampering with, and loss of records.
4. Each person that has obtained a Part 380 permit under these regulations is required to submit an annual report on the discharge or disposal of licensed radioactive materials during the previous calendar year to NYSDEC.
- a. This annual report must list:
    - (1) all regulated radioactive materials discharged or disposed of;
    - (2) the total quantities and average annual concentrations of all regulated radioactive materials discharged or disposed of; and
    - (3) be submitted in writing to:

NYSDEC  
Division of Solid & Hazardous Materials  
Bureau of Radiation  
625 Broadway  
Albany, NY 12233-7255

5. Prompt notification of incidents are required under this regulation.

a. Notification of Incidents:

- (1) Each person must immediately report any event involving loss of control of licensed radioactive material (see definitions) that may have caused the release of this material to the environment, so that, had an individual been present for 24 hours, the individual could have received an intake five times the occupational annual limit on intake (see definitions).
- (2) Each person must, within 24 hours, of discovering the event, report any event involving loss of control of licensed radioactive material that may have caused the release of this material into the environment, so that, had an individual been present for 24 hours, the individual could have received an intake in excess of one occupational annual limit on intake.
- (3) Each person must prepare any notification report filed with NYSDEC, so that individuals who may have received exposure to radiation or radioactive material, are stated in a separate and detachable part of the report.
- (4) Notification reports must be made by telephone to NYSDEC's Bureau of Radiation during normal business hours, or to NYSDEC's Spill Hotline during off-hours and by telegram, mailgram, or facsimile to:

NYSDEC  
Division of Solid & Hazardous Materials  
Bureau of Radiation  
625 Broadway  
Albany, NY 12233-7255

To the extent that the information is available at the time of notification, the information provided in these reports must include all of the following:

- (a) The caller's name and call-back telephone number;
- (b) A description of the event, including date and time;
- (c) The exact location of the event;
- (d) The isotopes (see definitions), quantities, and chemical, physical, and biological form of the licensed material involved; and
- (e) Any radiation exposure data available.

b. Reportable Events:

In addition to notification required in **4. a.** (REQUIREMENTS: Notification Reports) each person must submit a written report within 30 days after learning of any of the following occurrences:

- (1) Any incident for which notification is required by **4. a.**; or
- (2) Doses greater than the limits for an individual member of the public, as indicated in **1. a.** (ABSTRACT: Dose Limits For Individual Members of the Public); or
- (3) Levels of radiation or concentrations of radioactive material in an unrestricted in area, greater than 10 times any applicable limit set by these regulations in the license, or in the permit (whether or not any individual is exposed in excess of the limits indicated in **1. a.**); or

- (4) Levels of radiation or discharges of radioactive material, greater than limits allowed in 40 CFR, Part 190, U.S. Environmental Protection Agency's generally applicable radiation standards, available as stated in 1. c..

c. Contents of Report:

Each report must describe the extent of exposure of individuals to radiation and radioactive material, and include all of the following:

- (1) A description of the event, including the probable cause and the manufacture and model number (if applicable) of any equipment that failed or malfunctioned;
- (2) The exact location of the event;
- (3) The isotopes, quantities, and chemical, physical and biological form of the licensed material involved;
- (4) Date and time of the event;
- (5) Corrective actions taken or planned, to ensure that the incident does not occur again, including the schedule for meeting the required limits, generally applicable environmental standards, and any related license or permit conditions, and the results of any evaluations or assessments; and
- (6) The extent of exposure of individuals to radiation or to radioactive material without specific individual names.

d. Submission of Report:

All notification reports must be submitted in writing to the NYSDEC, Bureau of Radiation, at the address stated in 4. a. (4) (REQUIREMENTS: Notification Reports).

6. The State agencies and public Authorities that the Bureau of Radiation regulates are:
  - a. the New York State Department of Health;
  - b. the State University of New York (SUNY); and
  - c. the New York State Energy Research & Development Authority (NYSERDA).

NOTE: No permit application fees are required specifically for a Part 380 permit. However, other permits associated with ECL Articles 17, 19, and 27 do require permit application fees as specified in 6 NYCRR Part 621 and environmental regulatory program fees as required by ECL Article 72.

DEFINITIONS:

ALARA: (as low as reasonably achievable) means making every reasonable effort to maintain exposures to radiation as far below the dose limits in this part as is practical, consistent with the purpose for which the licensed activity is undertaken, and with relation to the use of licensed radioactive materials in the public interest, taking into account:

- (1) the state of technology;
- (2) the economics of improvements in relation to state of technology; and
- (3) the economics of improvements in relation to benefits to the public health and safety, and other societal and socioeconomic considerations.

Annual Limit On Intake (ALI): means the derived limit for the amount of radioactive material taken into the body of an adult worker by inhalation or ingestion in a year. ALI is the smaller value of intake of a given radionuclide in a year by the reference man that would result in a committed effective dose equivalent of 5 rems (0.05 Sv) or a committed dose equivalent of 50 rems (0.5 Sv) to any individual organ or tissue. (ALI values for intake by ingestion and by inhalation of selected radionuclides are given in TABLE A, Table I, Columns 1 and 2.)

Background Radiation: means radiation from cosmic sources; naturally occurring radioactive materials, including radon (except as a decay product of source or special nuclear material); and global fallout as it exists in the environment from, or relating to, human impact on nature. "Background Radiation" does not include radiation from licensed radioactive material.

Becquerel: SEE RADIOACTIVE MATERIAL.

Biological Material: means material originating from living organisms.

Collective Dose: is the sum of the individual doses received in a given period of time by a specified population, from exposure to a specified source of radiation.

Committed Dose Equivalent: ( $H_{T,50}$ ) means the dose equivalent to organs or tissues of reference (T) that will be received from an intake of radioactive material by an individual during the 50-year period following the intake.

Committed Effective Dose Equivalent: ( $H_{E,50}$ ) is the sum of the products of the weighting factors applicable to each of the body organs or tissues that are irradiated and the committed dose equivalent to these organs or tissues ( $H_{E,50} = \sum w_T H_{T,50}$ ).

Curie: SEE RADIOACTIVE MATERIAL.

Deep-Dose Equivalent: which applies to external whole-body exposure, is the dose equivalent at a tissue depth of 1 cm (1000 mg/cm<sup>2</sup>).

Discharge: means the controlled release of licensed material in waste materials to the air, water, or sanitary sewer from radiation facilities, projects or operations.

Dose (or Radiation Dose): is a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, or total effective dose equivalent. Units of radiation dose are:

- (1) "Gray" (Gy): is the SI unit of absorbed dose. One gray is equal to an absorbed dose of 1 Joule/kilogram (100 rads).
- (2) "Rad": is the special unit of absorbed dose. One rad is equal to an absorbed dose of 100 ergs/gram or 0.01 joule/kilogram (0.01 gray).

- (3) "Rem": is the special unit of any of the quantities expressed as dose equivalent. The dose equivalent in rems is equal to the absorbed dose in rads multiplied by the quality factor (1 rem = 0.01 sievert).
- (4) "Sievert": is the SI unit of any of the quantities expressed as dose equivalent. The dose equivalent in sieverts is equal to the absorbed dose in grays multiplied by the quality factor (1 Sv = 100 rems).

Dose Equivalent ( $H_T$ ): means the produce of the abosorbed dose in tissue, quality factor, and all other necessary modifying factors at the location of interest. The units of dose equivalent are the rem and sievert (Sv). Rem is the special unit and sievert is the SI unit used for nay of the quantities expressed as dose equivalent.

Effective Dose Equivalent ( $H_E$ ): is the sum of the products of the dose equivalent to the organ or tissue ( $H_T$ ) and the weighting factors ( $W_T$ ) applicable to each of the body organs or tissues that are irradiated  $H_E = \sum w_T H_T$ .

Eye Dose Equivalent: applies to the external exposure of the lens of the eye, and is taken as the dose equivalent at a tissue depth of 0.3 centimeter (300 mg/cm<sup>2</sup>).

Generally Applicable Environmental Radiation Standards: means standards issued by the U. S. Environmental Protection Agency (USEPA) under the authority of the Atomic Energy Act of 1954, as amended, that impose limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment, outside the boundaries of locations under the control of persons possessing or using radioactive material.

Individual: means any human being.

License: means a radioactive material license issued by the New York State Department of Labor, New York State Department of Health, New York City Department of Health, U. S. Nuclear Regulatory Commission, or licensing agency of a state that has entered into an effective agreement with U. S. Nuclear Regulatory Commission, authorizing the receipt, possession, use, transfer, or disposal of radioactive material.

Licensed Material: means radioactive material subject to general or specific licensing and regulatory control by the New York State Department of Labor, New York State Department of Health, New York City Department of Health, U. S. Nuclear Regulatory Commission, or licensing agency that has entered into an effective agreement with the U. S. Nuclear Regulatory Commission.

Limits (Dose Limits): means the permissible upper bounds of radiation doses.

Loss Of Control Of Licensed Material: means the unintentional loss of containment of licensed radioactive material or licensed radioactive material whose location is unknown, which may result in the unauthorized disposal or discharge of licensed radioactive material to the environment.

Member Of The Public: means an individual in a controlled or unrestricted area. However, an individual is not a member of the public during any period in which the individual receives an occupational dose.

Monitoring (Radiation Monitoring, Radiation Protection Monitoring): means the measurement of radiation levels, radioactive material concentrations, surface area activities, or quantities of radioactive material and the use of the results of these measurements to evaluate potential exposures and doses.

NORM: means any naturally occurring radioactive material.



Occupational Dose: means the dose received by an individual in the course of employment in which the individual's assigned duties involve exposure to radiation and to radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee or other person. Occupational dose does not include dose received from background radiation, as a patient from medical practices, from voluntary participation in medical research programs, or as a member of the general public.

Person: means --

- (1) Any individual; public, private, or government, corporation; joint stock company; industry; partnership; co-partnership; firm; association; trust; estate; public or private institution; agency, department, facility, project, operation or bureau of the State, or group, political subdivision of the State, any other State or political subdivision thereof; federal government agencies other than the U. S. Nuclear Regulatory Commission or Department of Energy; any foreign government or nation or any political subdivision of any such government or nation; and
- (2) Any legal subsidiary, successor, representative, agent, or agency of the foregoing, or any other legal entity whatsoever.

Permit: means a radiation control permit authorizing the disposal or discharge of licensed radioactive material to the environment, relating to this regulation, and the terms and conditions of that permit.

Radiation (Ionizing Radiation): means alpha particles, beta particles, gamma rays, x-rays, neutrons, high-speed electrons, high-speed protons, and other particles capable of producing ions. Radiation, as used in this regulation, does not include non-ionizing radiation, such as radiowaves or microwaves, or visible, infrared, or ultraviolet light.

Radioactive Material: means any material (solid, liquid, or gas) which emits radiation spontaneously. For this regulation, radioactivity is expressed in the special unit of curies (Ci) or in the SI unit of becquerels (Bq), or their multiples, or disintegrations (transformations) per unit of time:

- (1) One becquerel = 1 disintegration per second ( $S^{-1}$ ).
- (2) One curie =  $3.7 \times 10^{10}$  disintegrations per second  
 $3.7 \times 10^{10}$  becquerels  
 $2.22 \times 10^{12}$  disintegrations per minute.

Restricted Area: means an area, access to which is limited by the licensee for the purpose of protecting individuals against undue risks from exposure to radiation and radioactive materials. Restricted area does not include areas used as residential quarters, but separate rooms in a residential building may be set apart as a restricted area.

Sanitary Sewerage (Sewers): means a system of public sewers for carrying off waste water and refuse, but excluding sewage treatment facilities, septic tanks, and leach fields owned or operated by the radiation installation.

Shallow-Dose Equivalent ( $H_s$ ): which applies to the external exposure of the skin or an extremity, is taken as the dose equivalent at a tissue depth of 0.007 centimeter ( $7 \text{ mg/cm}^2$ ) averaged over an area of 1 square centimeter.

SI: is the abbreviation for the International System of Units.

Survey: means an evaluation of the radiological conditions and potential hazards likely to occur in the production, use, transfer, release, disposal, or presence of radioactive

material or other sources of radiation. When appropriate, such an evaluation includes a physical survey of the location of radioactive material, and measurements or calculations of levels of radiation, concentrations or quantities of radioactive material present.

Total Effective Dose Equivalent (TEDE): means the sum of the deep-dose equivalent (for external exposures) and the committed effective dose equivalent (for internal exposures).

Unrestricted Areas: means an area, access to which is neither limited nor controlled by the licensee.

NYSDEC CONTACT PERSON:

Sandra Hinkel, Division of Solid & Hazardous Materials

TELEPHONE NUMBER

518/402-8579

## SOLID & HAZARDOUS MATERIALS

### REGULATION 36 QUESTIONS: LOW LEVEL RADIOACTIVE WASTE TRANSPORTER PERMIT AND MANIFEST SYSTEM

**NOTE: If your facility, project or operation is subject to this regulation, it is also subject to Regulation 29.**

- (A) Did you transport low-level radioactive waste or mixed waste in your own vehicle?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (G).

- (B) If YES, did you have a permit or an official exemption to transport low level radioactive waste or mixed waste in your own vehicle?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a check in the "Approval" box 36 on the Compliance Status Report Form, then proceed to Question (C).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 36 on the Compliance Status Report Form, and leave the "Approval" box blank, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Question (C).

- (C) Are all your vehicles transporting low level radioactive wastes placarded in accordance with NYS Transportation Law and all federal DOT and NRC requirements?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (D).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 36 on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Question (D).

- (D) Were all low-level radioactive wastes or mixed wastes properly packaged, labelled, and marked and contained in accordance with federal DOT and NRC requirements?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (E) Did a low-level radioactive waste manifest accompany each shipment and was a copy of each manifest sent to NYSDEC within 15 business days from the date of relinquishing possession (unless exempted from this provision)?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (F) Was the low-level radioactive waste or mixed waste transported to treatment, storage, or disposal facilities that were authorized to receive them?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered "NO" to any one or more of Questions (D), (E), or (F) place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in **"RANK" box 36** on the Compliance Status Report Form, complete a NON-Compliance Reporting Sheet by responding to all the questions answered "NO", complete a Remedial Plan Form, then proceed to Regulation 36A.

If you answered "YES" to all of Questions (D), (E), and (F) place a "C" in **"RANK" box 36** on the Compliance Status Report Form, then proceed to Regulation 36A.

- (G) Did you hire a transporter to transport the low level radioactive waste or mixed waste off-site?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, then proceed to Regulation 36A.

- (H) If YES, did you use a transporter that has a NYSDEC permit?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, complete a Compliance Status Report Form for the contract (project) with the transporter, then proceed to Regulation 36A.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in **"RANK" box 36** on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, and complete a Compliance Status Report Form for the contract (project) with the transporter, then proceed to Regulation 36A.

## SOLID & HAZARDOUS MATERIALS

### **REGULATION 36: LOW LEVEL RADIOACTIVE WASTE TRANSPORTER PERMIT AND MANIFEST SYSTEM**

LEGAL CITATION: ECL Sections 27-0303 & 27-0305, and 6NYCRR Part 381.

#### ABSTRACT OF LAW/REGULATIONS:

Any transporter that carries Low Level Radioactive Waste must have a valid permit. Transporters must deliver, dispose of, or otherwise relinquish possession of Low Level Radioactive Waste (LLRW) at facilities specified in their permit [see Part 381.7], and may only deliver or relinquish possession of LLRW at an authorized facility as defined in the regulation [see Part 381.4(c)]. All LLRW must be properly packaged and contained in accordance with federal DOT and NRC requirements [see Part 381.11].

All vehicles transporting LLRW must be placarded in accordance with NYS Transportation Law and all federal DOT and NCR requirements [see Part 381.11(f)].

A LLRW manifest meeting all federal requirements must accompany all shipments and be available for inspection [see Part 381.1 & 381.11]. In addition, a copy of the LLRW manifest which accompanies each shipment must be sent to the NYSDEC within 15 business days from the date of relinquishing possession or in the case of brokers from the date of pickup [see Part 381.13(h)].

Any transporter carrying LLRW into, within or through New York State must supply the NYSDEC with evidence of adequate surety in accordance with the regulations [see Part 381.10].

Transport of mixed waste (LLRW mixed with hazardous waste) shall only require a permit pursuant to Part 381, but will require both a uniform hazardous waste manifest and a LLRW manifest that also satisfies the informational requirements of Part 381 to accompany each shipment [See Part 381.17]. Transport of hazardous waste alone still requires a permit pursuant to 6NYCRR Part 364.

#### REQUIRED APPROVAL:

Any transporter that carries Low Level Radioactive Waste (LLRW) into, within or through New York State must have a valid permit issued pursuant to Part 381.1 & 381.7.

#### PERMIT FEES:

Regulatory program fees specified in ECL Article 72 will be charged for Part 381 permits. Low Level Radioactive Wastes requires a regulatory program fee of \$500.00 for the first permitted vehicle and \$200.00 for each additional vehicle. Unless these fees have already been paid for the same vehicle under the Part 364 Waste Transporter Permit.

#### EXEMPTIONS:

Exemptions from the permit or manifest requirements of Part 381 may be granted on a case-by-case basis in accordance with Part 381.5.

Variances to one or more specific provisions of Part 381 may be granted based on justification of need and compliance with Part 381.8(b).

With the exception of Part 381.16, Part 381 is not applicable to LLRW transport by certain contractors of the U.S. DOE, U.S. NRC, or the U.S. DOD [See Part 381.2(b)].

DEFINITIONS:

Low-level radioactive waste or (LLRW) or waste means radioactive material that is not high-level radioactive waste, transuranic waste, spent nuclear fuel or the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, and the U.S. Nuclear Regulatory Commission consistent with Federal law classifies as low-level radioactive waste.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

John Zeh, Division of Solid & Hazardous Materials

518/402-8579

## SOLID & HAZARDOUS MATERIALS

### REGULATION 36A QUESTIONS: WASTE TRANSPORTER PERMITS: REGULATED MEDICAL WASTE

**NOTE: If your facility, project or operation is subject to this regulation, it may also be subject to Regulation 50N.**

- (A) Does your facility, project or operation generate, transport, store, treat, and/or dispose any regulated medical waste?  
YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 36A blank on the Compliance Status Report Form, then proceed to Regulation 50A.

- (B) If YES, are you a small quantity generator of medical wastes?  
YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (C).

If NO, proceed to Question (E).

- (C) Do you self-transport the medical waste?  
YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 36A blank on the Compliance Status Report Form, then proceed to Regulation 50A.

- (D) If YES, are you registered with the NYSDEC?  
YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a check in the "Approval" Box 36A on the Compliance Status Report Form, then proceed to Question (F).

- (E) If NO, are you exempt from registering with NYSDEC? [See , Regulation 36A for exemptions]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a check in the "Approval" Box 36A on the Compliance Status Report Form, then proceed to Question (F).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 36A and leave the "Approval" Box 36A blank on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Question (F).

- (F) Have you complied with the requirements for containment, labelling, record keeping, liability insurance, decontamination, protective clothing, tracking, and reporting as specified in 6 NYCRR, Part 364?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 36A on the Compliance Status Report Form, then proceed to Regulation 50A.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 36A on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 50A.



## SOLID & HAZARDOUS MATERIALS

### REGULATION 36A: WASTE TRANSPORTER PERMITS: REGULATED MEDICAL WASTE

LEGAL CITATION: ECL Article 27, Titles 3 & 15, and 6 NYCRR Part 364; ECL Article 72, Title 4, and 6 NYCRR Part 484; and ECL Article 71, Title 44.

#### ABSTRACT OF LAW/REGULATIONS:

Part 364 contains requirements that apply to generators, transporters, and persons engaged in the storage, treatment and disposal of regulated medical waste. These include requirements for:

1. containment of waste during transport;
2. labelling for containers and vehicles;
3. record keeping for generators, on-site incinerators, transporters, intermediate handlers, and disposal facilities;
4. permitting for transporters;
5. liability insurance for transporters;
6. decontamination for vehicles, containers and disposal equipment;
7. protective clothing including gloves for all handlers;
8. exemption from permitting for small quantity generators;
9. the use of tracking forms by all generators (four pages of the tracking form used by the generator utilizing a medical waste transporter or two pages of the tracking form used by the small quantity generator who self-transport the medical waste to an authorized disposal facility);
10. annual reports from on-site incinerators;
11. registration for small quantity generators that self-transport;
12. storage, transfer and disposal facilities [these facilities are also subject to 6 NYCRR Part 360, Solid Waste Management Facilities (see Regulation 50)].
13. incineration facilities [these facilities are also subject to 6 NYCRR Part 219, Incineration (see Regulation 10)].

Regulated medical waste, except for all discarded sharps, shall be contained in bags that are impervious to moisture and have a strength sufficient to resist ripping, tearing or bursting under normal conditions of usage and of handling. The bags shall be secured so as to prevent leakage during storage, handling or transport. All bags used for containment and disposal of regulated medical wastes shall be red in color. All

discarded sharps shall be contained for disposal in leakproof, rigid, puncture-resistant containers that are secured to preclude loss of the contents. Such containers shall be red in color or shall be conspicuously labeled with the word "biohazard" or the universal biohazard symbol.

#### REQUIRED APPROVAL:

A small quantity generator of regulated medical wastes generating less than 50 pounds per month who self transports regulated medical waste for treatment or disposal to a NYSDEC approved facility is to be registered with NYSDEC. A transporter of regulated medical waste must have a 6 NYCRR Part 364 (see Regulation 28) permit to transport regulated medical waste or hazardous waste.

#### EXEMPTIONS:

1. Hazardous waste identified or listed under regulation in 6 NYCRR Part 371.
2. Household waste, as defined in 6 NYCRR Part 360.
3. Ash from incineration of regulated medical waste (except prion contaminated waste).
4. Residues from treatment and destruction processes.
5. Human corpses, remains, and anatomical parts that are intended for interment or cremation.
6. Samples of regulated medical waste transported off-site by the USEPA or State designated enforcement personnel for enforcement purposes.

#### DEFINITIONS:

Regulated Medical Waste is a waste generated in the diagnosis, treatment (e.g., provision of medical services), or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, that is not excluded or exempted, or any household waste as defined in Regulation 31 and that is listed below:

1. Cultures and stocks of agents infectious to humans, and associated biologicals (vaccines), including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals, discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures;
2. Human pathological wastes, including tissues, organs, body parts (except teeth and areas in contact with bone and gum), body fluids that are removed during surgery, autopsy or other medical procedures, specimens of body fluids and their containers, and discarded material saturated with body fluids other than urine. This waste shall **NOT** include urine or fecal materials submitted for other than diagnosis of infectious diseases;
3. Human blood and products of human blood, including discarded waste human blood or blood components (e.g. serum and plasma), containers with free flowing blood or blood components or discarded saturated material containing free

- flowing blood or blood components, as well as materials saturated to the point of dripping with blood or blood products;
4. Sharps that are wastes including, but not limited to those that have been used in animal or human patient care, medical research, or clinical or pharmaceutical laboratories, including hypodermic, intravenous or other medical needles, hypodermic or intravenous syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, and broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips. This does **NOT** include those parts of syringes from which sharps have been designed to be removed, and which are intended for recycling or other disposal, as long as those syringes have **not come in contact with infectious agents**;
  5. Contaminated animal carcasses, body parts, body fluids, blood and bedding of animals that were known to have been exposed to infectious agents, or from animals inoculated during research, production of biologicals (vaccines) or pharmaceutical testing with infectious agents, providing the waste can serve as a means of transmission of the infectious agent to a human;

Solid waste includes solid, semisolid, or liquid materials, but does not include domestic sewage materials.

Mixtures of solid waste and untreated regulated medical waste are a regulated medical waste. Mixtures of hazardous waste and regulated medical waste are a hazardous waste if subject to hazardous waste manifest requirements in 6 NYCRR Part 372 (see Regulation 33).

NYSDEC CONTACT PERSON:	TELEPHONE NUMBER
Dave Vitale and Alan Woodard, Division of Solid & Hazardous Materials	518-402-8706

NYSDEC Regional Office

Region 1: Tony Cava	516-444-0375
Region 2: Ken Brezner	718-482-4900
Region 3: Paul John	914-256-3000
Region 4: Dick Forgea	518-357-2234
Region 5: Dan Steenberge	518-897-1200
Region 6: John Kenna	315-785-2238
Region 7: Larry Gross	315-426-7400
Region 8: Dixon Rollins	716-226-2466
Region 9: Mark Hans or Jim Strickland	716-851-7000

## SOLID & HAZARDOUS MATERIALS

### REGULATION 50A QUESTIONS:

### LANDFILLS

- (A) Are there any inactive landfills at your facility, project or operation or on your property?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (D).

- (B) If YES, have all the inactive landfills been investigated by NYSDEC for proper closure?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50A on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (D).

If YES, proceed to Question (C).

- (C) Have all the inactive landfills been properly closed?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50A on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (D).

If YES, proceed to Question (D).

- (D) Are there any active landfills at your facility, project or operation or on your property?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 50A blank and leave "Approval" Box 50A blank on the Compliance Status Report form, then proceed to Regulation 50B.

- (E) Does leachate drain or discharge from the active landfills into any surface water?

YES \_\_\_\_\_ NO \_\_\_\_\_

IF YES, proceed to Question (F).

If NO, proceed to Question (G).

- (F) Do you have a SPDES permit to discharge leachate into surface water?

YES \_\_\_\_\_ NO \_\_\_\_\_

IF YES, proceed to Question (G).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50A on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (G).

(G) Do you have a permit to operate a solid waste landfill?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50A and leave the "Approval" Box 50A blank on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (H).

If YES, place a "C" in "**RANK**" box 50A and place a check in "Approval" Box 50A on the Compliance Status Report form, then proceed to Regulation 50B.

(H) Are you operating under a compliance schedule as prescribed in a consent order, court order, or other directive?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C", "N1", "N2", "N3" or "N4" in "**RANK**" box 50A and place check in the "Approval" Box 50A on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 50B.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50A and leave the "Approval" Box 50A on the Compliance Status Report Form blank, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 50B.

## SOLID & HAZARDOUS MATERIALS

### REGULATION 50A:

### LANDFILLS

LEGAL CITATION: ECL Sections 27-0703 & 27-0707 and 6 NYCRR Subparts 360-1, 360-2, 360-7 & 360-8.

#### ABSTRACT OF LAW/REGULATIONS:

These regulations are for the siting, design, construction, operation, closure, post closure care, and corrective measures of all landfills that dispose of solid waste. Requirements include:

1. that a water quality monitoring program be implemented;
2. that the solid wastes must be compacted in layers not exceeding two feet in thickness;
3. that a minimum of six inches of compacted cover material be applied daily;
4. that a final cover system must be designed and constructed;
5. that the decomposition gases generated within the landfill must be controlled to avoid hazards to health, safety and property; that the landfill be constructed, operated, and closed to minimize the generation of leachate and prevent leachate from migrating into surface and ground water; and
6. that the disposal of bulk liquids, industrial and commercial solid wastes, and hazardous waste is prohibited.

A material is discarded if it is being:

1. disposed (a material is disposed if it is discharged, deposited, injected, dumped, spilled, leaked, or placed into or on any land or water so that such material or any constituent thereof may enter the environment or be emitted into the air or discharged into groundwater or surface water);
2. burned or incinerated, including being burned as a fuel for the purpose of recovering useable energy; or
3. accumulated, stored, or physically, chemically, or biologically treated (other than burned or incinerated) instead of or before being disposed.

A material is not a solid waste, for the purposes of this regulation, if it is:

1. domestic sewage;
2. any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned sewage treatment works;

3. industrial wastewater discharges that are actual point source discharges subject to a SPDES permit (industrial wastewaters while they are being collected, stored, or treated before discharge, and sludges that are generated by industrial wastewater treatment are solid wastes);
4. irrigation return flows;
5. radioactive materials that are source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954 (see Part 360-1.3[a]);
6. materials subject to in-situ mining techniques that are not removed from the ground as part of the extraction process; and
7. discarded materials that the NYSDEC has determined are being beneficially used, including these:
  - a. materials that are incorporated into a manufacturing process to produce a marketable product;
  - b. compost that meets the criteria for Class I -- public distribution and agricultural usage identified in Part 360-5;
  - c. wood chips used for mulch, landscaping, or erosion control purposes;
  - d. ash generated from the combustion of coal if the ash has been tested for toxicity pursuant to a testing protocol approved by the NYSDEC and certified to be non-toxic and used as: (1) coal combustion bottom ash as a traction agent on roadways, parking lots, and other driving surfaces; (2) coal combustion bottom ash or fly ash used as a cement substitute or aggregate in cement or concrete products; or (3) coal combustion bottom ash or fly ash used in situations where the ash is contained and leachate will not be generated, such as structural fill within building foundations.

#### REQUIRED APPROVAL:

A permit is required to construct and/or operate a landfill.

#### DEFINITIONS:

Active life means that period of time during which solid waste is or will be routinely and regularly received.

Active portion means that portion of a solid waste management facility where treatment, storage, or disposal operations are being or have been conducted and which is not an inactive or a closed portion.

Approved design capacity means the average daily tonnage to be received at the solid waste management facility during the quarter in which the most waste is anticipated to be received, as approved by NYSDEC. For solid waste incinerators or refuse-derived fuel processing facilities or pyrolysis facilities, "approved design capacity" means the

annual rated through put capacity of the unit or units for treatment of solid waste as approved by NYSDEC.

Approved design volume means the maximum in-place volume of sold waste, including cover material, to be received at the solid waste management facility during its active life, as approved by NYSDEC.

Bedrock means cemented or consolidated earth materials exposed on the earth's surface or underlying unconsolidated earth materials, including decomposed and weathered rock and saprolite.

Discharge means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of any solid waste, or solid waste constituent, including leachate, into or on any air, land, or water.

Disposal facility means a solid waste management facility or part of one, in or on, at which solid waste is intentionally placed, including any land or water, and at which solid waste will remain after closure.

Domestic sewage means water-carried human and animal wastes from residences, buildings, industrial establishments, or other places, together with such groundwater infiltration and surface waste as may be present.

Final cover system means an engineered layer of materials approved by the NYSDEC that is placed on any surface of a landfill where no additional solid waste will be deposited within one year and serves to restrict infiltration, support vegetation, control landfill gas, and promote surface drainage.

Food processing waste means waste resulting solely from the processing of fruits, vegetables, grass, dairy products, and related food products. Food processing waste includes, but is not limited to:

1. vegetative residues that are recognizable as part of a plant, fruit, or vegetable (e.g., corn husks, cabbage leaves, grape and apple pomace, bean snips, and carrot, tomato, and potato skins); or
2. any solid, semisolid or liquid food sludge or residue that is non-recognizable but identifiable by analysis or is certified as solely a by-product of plant, fruit, vegetable or dairy processing (e.g., milk and cheese whey, brewery and winery waste, and by-products from canned, frozen, or preserved fruit and vegetable processing operations).

Freeboard means the vertical distance between the lowest elevation of the top of a tank, surface impoundment, or dike, and the highest level of the surface of the solid waste contained therein.

Free liquids means liquids that readily separate from the solid portion of a solid waste under ambient temperature and pressure.

Garbage means putrescible solid waste including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods. Garbage



originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared, or served.

Groundwater means water below the land surface in the saturated zone of the soil or rock. This includes perched water separated from the main body of ground water by an unsaturated zone.

Household waste means solid waste discarded from single or multiple dwellings, hotels, motels, campsites, public and private recreation areas, ranger stations, and other residential sources.

Industrial waste means solid waste generated by manufacturing or industrial processes.

Landfill means a land or a disposal facility or part of one where solid waste, or its residue after treatment, is intentionally placed and which is not a land application facility, surface impoundment, injection well, or waste pile.

Landfill gas recovery facility means a facility in which gases produced from the decomposition of solid wastes are collected for the purpose of energy recovery.

Landfill sub-cell means a discrete portion of a landfill that uses a liner and leachate collection and removal system to provide operational isolation from adjacent sub-cells or solid waste.

Leachate means any solid waste in the form of a liquid, including any suspended components in the liquid, that results from contact with or passage through solid waste.

Liner system means a continuous layer of natural and/or synthetic materials, beneath or on the sides of a surface impoundment, landfill, or landfill cell, that restricts the downward or lateral escape of solid waste, any constituents of such waste, or leachate.

Mixed solid waste means combinations of putrescible and non-putrescible waste materials.

Monofill means a landfill or landfill cell into which only one type of waste, as recognized by NYSDEC, is placed.

Operation means, in the case of a solid waste incinerator or processing facility, or composting facility, operation after startup; and in the case of any other solid waste management facility, operation of the facility after initial receipt of solid waste.

Partial closure means the closure of a discrete part of a solid waste management facility in accordance with the applicable closure requirements.

Person means any individual, public or private corporation, political subdivision, government agency, authority, department or bureau of the State, municipality, industry, partnership, association, firm, trust, estate, or any other legal entity whatsoever.

Point source means any discernible, confined, and discrete conveyance from which pollutants are or may be discharged. Sources of discharge include, but are not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling

stock, concentrated animal feeding operation, or vessel or other floating craft. This term does not include return flow from irrigated lands.

Putrescible means the tendency of organic matter to decompose with the formation of malodorous byproducts. For the purpose of these regulations, wood is not considered to be putrescible.

Refuse means anything putrescible or non-putrescible that is discarded or rejected as useless or worthless.

Regulated medical waste: see Regulation 50N.

Residue means all solid waste remaining after treatment and includes, but is not limited to, ash residue and other solid waste that is not recovered or combusted.

Site means the geographically contiguous property of a solid waste management facility and includes at a minimum the land area of that facility and its access roads, appurtenances, and land buffer areas.

Solid waste means all putrescible and non-putrescible materials or substances, that are discarded or rejected as being spent, useless, worthless, or in excess to the owners at the time of such discard or rejection, including but not limited to garbage, refuse, industrial and commercial waste, sludges from air or water treatment works, rubbish, tires, ashes, contained gaseous material, incinerator residue, construction and demolition debris, discarded automobiles, and offal.

Solid waste management facility means any facility employed beyond the initial solid waste collection process and managing solid waste, including but not limited to: storage areas or facilities; transfer stations; rail-haul or barge-haul facilities; landfills; disposal facilities; solid waste incinerators; refuse-derived fuel processing facilities; pyrolysis facilities; C&D debris processing facilities; land application facilities; composting facilities; surface impoundments; and used oil storage, reprocessing, re-refining facilities, recyclables handling and recovery facilities; and waste tire storage facilities; and regulated medical waste treatment facilities. The term includes all structures, appurtenances, and improvements on the land used for the management or disposal of solid waste.

Storage means the containment of any solid waste such that it does not constitute disposal of that waste. Any accumulation of solid waste for a period more than 18 months is considered disposal.

Surface impoundment means a solid waste management facility or part of one that is a natural topographical depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), that is designed to hold solid waste in semisolid or liquid form and that is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

Surface water means lakes, bays, sounds, ponds, impounding reservoirs, perennial streams and springs, rivers, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of New York State, and all other perennial bodies of

surface water, natural or artificial, inland or coastal, fresh or salt, public or private.  
Surface impoundments at solid waste management facilities are not surface waters.

Tank means a stationary device designed to contain an accumulation of solid waste or leachate that is constructed primarily of non-earth material (e.g., wood, concrete, steel, plastic) that provides structural support.

Vector means a carrier that is capable of transmitting a pathogen from one organism to another including, but not limited to, flies and other insects, rodents, birds, and vermin.

Working face means that portion of a landfill where solid waste is discharged and compacted before placement of cover material.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER:

Robert Phaneuf, Division of Solid and Hazardous Materials

518/402-8694

**SOLID & HAZARDOUS MATERIALS**

**REGULATION 50B QUESTIONS: CONSTRUCTION AND DEMOLITION DEBRIS LANDFILLS**

- (A) Is your Facility, Project or Operation located in Nassau or Suffolk Counties?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, leave "**RANK**" box 50B blank and leave "Approval" Box 50B blank on the Compliance Status Report form, then proceed to Regulation 50C.

- (B) If NO, do you have any active or inactive landfills that clearly contain **only** construction and demolition (C&D) debris at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 50B blank and leave "Approval" Box 50B blank on the Compliance Status Report form, then proceed to Regulation 50C.

- (C) If YES, do any of these C&D landfills meet one of the exceptions for a permit for landfilling construction and demolition debris? [See , Regulation 50B, for exceptions.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (D).

If NO, proceed to Question (E).

- (D) Are there any C&D landfills at your facility, project or operation that are not exempt?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (E).

If NO, leave "**RANK**" box 50B blank and leave "Approval" Box 50B blank on the Compliance Status Report form, then proceed to Regulation 50C.

- (E) Have you submitted your annual operating report to NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50B and leave the "Approval" Box 50B blank on the Compliance Status Report form, then proceed to Question (F).

If YES, proceed to Question (F).

- (F) Is your facility, project or operation owned or managed by the NYS Department of Transportation or the New York Thruway Authority?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (H).

- (G) If YES, has the NYS Department of Transportation or the New York Thruway Authority signed a Memorandum of Understanding with the NYSDEC for this project?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 50B and place a check in APPROVAL Box 50B on the Compliance Status Report form, then proceed to Regulation 50C.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50B and leave the "Approval" Box 50B blank on the Compliance Status Report form, then proceed to Regulation 50C.

- (H) Do you have a permit to operate a C&D landfill?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (J).

- (I) If NO, are you exempt from obtaining a permit?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50B and leave the "Approval" Box 50B blank on the Compliance Status Report form, then proceed to Regulation 50C.

- (J) If YES, are you operating under a compliance schedule as prescribed in a consent order, court order, permit, or other directive?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C", "N1", "N2", "N3" or "N4" in "**RANK**" box 50B and place a check in the "Approval" Box 50B on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 50C.

If NO, place a "C" in "**RANK**" box 50B and place a check in the "Approval" Box 50B on the Compliance Status Report form, then proceed to Regulation 50C.

## **SOLID & HAZARDOUS MATERIALS**

### **REGULATION 50B: CONSTRUCTION AND DEMOLITION DEBRIS LANDFILLS**

LEGAL CITATION: ECL Sections 27-0703 & 27-0707 and 6 NYCRR Subparts 360-1 & 360-7

#### **ABSTRACT OF LAW/REGULATIONS:**

This regulates landfills that are exclusively for the disposal of construction and demolition (C&D) debris. Requirements include:

1. that a water quality monitoring program be implemented for all C&D debris landfills greater than three acres in area or all C&D debris landfills that accept any pulverized C&D debris;
2. that an annual operating report is submitted to NYSDEC;
3. that the C&D debris be spread in layers not exceeding five feet in uncompacted thickness;
4. that the cover material must be applied as necessary to control odors, fire hazards, vectors, blowing litter and scavenging;
5. that a vegetative cover be established and maintained on all exposed final cover material;
6. that the generation of leachate be kept at a minimum; and
7. that the landfill operator have in his/her possession, during all hours of operation, a copy of the permit (including conditions), a copy of the operation and maintenance report, and the most recent annual report.

See Regulation 50A for additional requirements.

#### **REQUIRED APPROVAL:**

A Part 360 permit is required to construct and operate a Construction and Demolition Debris Landfill that is not registered with the NYSDEC or exempt under the Part 360 regulations.

#### **EXEMPTIONS:**

A site at where only the following C&D debris is placed: recognizable uncontaminated concrete and concrete products (including steel or fiberglass reinforcing rods that are embedded in the concrete), asphalt pavement, brick, glass, soil, or rock, and that is operated only between the hours of sunrise and sunset, and (if the specified waste comes from an offsite source) no fee or other form of consideration is required for the privilege of using the site for disposal purposes.

A landfill for the disposal of trees, stumps, yard waste, and wood chips generated from these materials when origin and disposal of such waste occur on properties under the same ownership or control and that is operated only between the hours of sunrise and sunset, and (if the specified waste comes from an offsite source) no fee or other form of consideration is required for the privilege of using the site for disposal purposes.

A landfill that meets the requirements of Section 809 of the Adirondack Park Act and falls under the jurisdiction of, and is constructed and operated pursuant to a permit issued by the Adirondack Park Agency and that is operated only between the hours of sunrise and sunset, and (if the specified waste comes from an offsite source) no fee or other form of consideration is required for the privilege of using the site for disposal purposes.

Disposal areas located within the property boundaries of a single family residence or farm for solid waste generated from that residence or farm.

Landfills three acres or less in area used for the disposal of land clearing debris only do not require a Part 360 permit to operate if the proposed landfill is registered with the NYSDEC at least 30 days prior to operation and the specific conditions contained in 6NYCRR Parts 360-1.8(h) and 360-7.2 are met.

**NOTE 1: If at any time over the life of the landfill, solid wastes (other than those listed in the first paragraph above, under Exemptions) were placed in the landfill, such landfill is not eligible for exemption from the permit requirement.**

**NOTE 2: There are no C&D landfill permit exemptions for Long Island.**

#### DEFINITIONS:

##### Construction and Demolition (C&D) Debris:

1. uncontaminated solid waste resulting from the construction, remodeling, repair and demolition of utilities, structures and roads; and
2. uncontaminated solid waste resulting from land clearing.

Such uncontaminated solid waste includes, but is not limited to:

1. bricks, concrete, and other masonry materials;
2. soil, rock, wood (including painted, treated and coated wood and wood products), land clearing debris, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles and other roof coverings, glass, and asphaltic pavement;
3. plastics that are not sealed in a manner that conceals other wastes;
4. empty buckets, ten gallons or less in size and having no more than one inch of residue remaining on the bottom;
5. electrical wiring and components containing no hazardous liquids; and
6. pipe and metals that are incidental to any of the above.

C&D debris does not include (even if from construction, remodeling, repair, or demolition of utilities, structures, roads or land clearing):

1. asbestos waste, garbage, corrugated container board;
2. electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers;
3. carpeting, furniture, appliances, tires;
4. drums, containers greater than ten gallons in size, any container having more than one inch of residue remaining on the bottom, fuel tanks; and
5. debris resulting from any processing technique, that renders individual waste components unrecognizable, such as pulverizing or shredding, unless originating from a NYSDEC approved construction and demolition debris processing facility.

C&D Debris Landfills are those landfills that contain **only** C&D debris. C&D debris landfills require a permit to operate. These C&D debris landfills are exempt from the permit requirement:

1. A site at which **only** recognizable uncontaminated concrete, asphalt pavement, brick, glass, soil, or stone is placed;
2. A site for the disposal of trees, stumps, wood chips, brush and leaves. These wastes must have been generated by your agency facility. Wastes may not be accepted from other sources; or
3. The site was inactive prior to 1962 and is not causing any obvious environmental or public health threat.

Land clearing debris means vegetative matter, soil and rock resulting from activities such as land clearing and grubbing, utility line maintenance or seasonal or storm-related cleanup such as trees, stumps, brush and leaves and including wood chips generated from these materials. Land clearing debris does not include yard waste that has been collected at the curbside.

Pulverized means processed by mechanical means such as, but not limited to crushing, grinding, chipping or shredding that breaks and intermixes the components of C&D debris into small fragments so that the basic constituents of these fragments cannot be readily identified by the NYSDEC through visual observation.

Recognizable means solid waste that can be readily identified as C&D debris by visual observation.

Uncontaminated means C&D debris that is not mixed or commingled with other solid waste at the point of generation, processing or disposal, and that is not contaminated with spills of a petroleum product, hazardous waste or industrial waste. Contamination from spills of a petroleum product does not include asphalt or concrete pavement that has come into contact with petroleum products through normal vehicle use of the roadway.

**NOTE: See Regulation 50A for additional definitions.**

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Gerard Wagner, Division of Solid & Hazardous Materials

518/402-8694



**SOLID & HAZARDOUS MATERIALS**

**REGULATION 50C QUESTIONS:**

**LONG ISLAND LANDFILLS**

- (A) Is your facility, project, or operation located in Suffolk or Nassau County?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 50C blank and leave "Approval" Box 50C blank on the Compliance Status Report Form, then proceed to Regulation 50D.

- (B) If YES, are there any inactive solid waste landfills at your facility, project, or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 50C blank and leave "Approval" Box 50C blank on the Compliance Status Report Form, then proceed to Question (D).

- (C) If YES, have all these inactive solid waste landfills been investigated by NYSDEC for proper closure?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50C and leave the "Approval" Box 50C blank on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Question (E).

If YES, proceed to Question (D).

- (D) Have all the inactive solid waste landfills been properly closed?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50C and leave the "Approval" Box 50C blank on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Question (E).

If YES, proceed to Question (E).

- (E) Are there any active solid waste landfills at your facility, project, or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, and if you answered NO to Question (B), leave "**RANK**" box 50C blank, then proceed to Regulation 50D.

If YES, proceed to Question (F).

- (F) Do you have a permit to operate a solid waste landfill on Long Island? [See , Regulation 50C, for exemptions.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a check in "Approval" Box 50C on the Compliance Status Report Form, then proceed to Question (G).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50C and leave the "Approval" Box 50C blank on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (G).

- (G) Are you operating under a compliance schedule as prescribed in a consent order, court order, permit, or other directive?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C", "N1", "N2", "N3" or "N4" in "**RANK**" box 50C and place a check in the "Approval" Box 50C on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 50D.

If NO, proceed to Regulation 50D.

## SOLID & HAZARDOUS MATERIALS

### REGULATION 50C:

### LONG ISLAND LANDFILLS

LEGAL CITATION: ECL Section 27-0704 and 6 NYCRR Subparts 360-1 & 360-8.

#### ABSTRACT OF LAW/REGULATIONS:

The intent of this regulation is to protect the integrity of Long Island's sole source drinking water aquifer by means of prohibiting landfill disposal of unprocessed, putrescible wastes in critical hydrogeologic zones and restricting solid waste residual waste disposal to areas outside the critical deep flow recharge hydrogeologic zones. Requirements include:

- a. that the landfill may not be operated if it is located in a regulated wetland, or on a floodplain;
- b. that the owner/operator must post a financial guarantee acceptable to NYSDEC to cover appropriate corrective action (including the development of alternative water sources) should that landfill become a source of groundwater, surface water, or air pollution, and for the proper operation and maintenance of leachate and other collection and treatment systems for no less than 30 years after the landfill is closed;
- c. that the migration of methane and other gases be minimized; and
- d. that except with respect to clean fill landfills, each new landfill located outside the deep flow recharge area, and each expansion and existing landfill (except an expansion inside the deepfill recharge area) can only accept solid waste that is a product of resource recovery, incineration, or composting and downtime waste, and untreatable waste. If located outside the deepflow recharge area, an existing landfill, expansion, or new landfill, may also accept other solid waste whenever that disposal is approved by the NYSDEC. Construction or operation of an expansion or new landfill (except for the disposal of cleanfill) in the deepflow recharge area is prohibited.
- e. a cleanfill landfill within the deepflow recharge area must utilize a double liner system consisting of an upper geomembrane and a lower composite liner and must provide a primary and secondary leachate collection and removal system. For cleanfills outside the deepflow recharge area, at least a single composite liner system must be utilized with a provision for primary leachate collection.

In addition, the construction or operation of a new landfill or an expansion of an existing landfill will not be allowed in the deep flow recharge hydrogeologic zones. Construction or operation of a new landfill or an expansion of an existing landfill will be allowed outside of the deep flow zone if the above conditions have been met. See Regulation 50A for additional regulations.

#### REQUIRED APPROVAL:

A permit to construct and/or operate a landfill on Long Island is required.

DEFINITIONS:

Clean fill is a material consisting of concrete, steel, wood, sand, dirt, soil, glass, construction and demolition debris, and other recognizable inert material designated by NYSDEC. Clean fill landfills may be constructed in both the deep flow and shallow flow zones but only by permit.

Deep flow recharge area means a sensitive recharge area within the counties of Nassau and Suffolk within the boundaries of Long Island hydrogeologic zones I thru III.

Downtime waste means any treatable or burnable waste accumulated during a scheduled or unscheduled maintenance period of the treatment facility.

Existing landfill means a landfill that was in operation on December 18, 1983. The lateral limit of an existing landfill is set forth in the permit or consent order in effect on that date or by the limits, projected on a horizontal plane, of the actual solid waste in place on December 18, 1983.

Expansion means a lateral expansion beyond the lateral limits of an existing landfill.

New landfill means a landfill other than an existing landfill or an expansion.

Product of resource recovery, incineration, or composting means ash residue, non-combustible residue from a recyclables handling and recovery facility, untreatable waste residue from a composting facility, and compost.

Resource recovery system means a system that provides environmentally sound management of collected solid waste through facilities planned, designed, assembled, and constructed to maximize the potential for resource recovery.

Untreatable Waste for a solid waste incinerator includes, but is not limited to: batteries, such as dry cell batteries, mercury batteries and vehicle batteries; refrigerators; stoves; freezers; washers; dryers; bedsprings; vehicle frame parts, crankcases, transmissions, and engines; lawn mowers; snow blowers; bicycles; file cabinets; air conditioners; hot water heaters; water storage tanks; water softeners; furnaces; oil storage tanks; metal furniture; propane tanks; and clean fill.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

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518/402-8694

**SOLID & HAZARDOUS MATERIALS**

**REGULATION 50D QUESTIONS:**

**LANDFILL GAS RECOVERY FACILITY**

- (A) Do you have a gas recovery facility on your landfill at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 50D blank and leave "Approval" Box 50D blank, then proceed to Regulation 50E.

- (B) If YES, do you have a permit to operate a gas recovery facility?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 50D and place a check in the "Approval" Box 50D on the Compliance Status Report form, then proceed to Regulation 50E.

If NO, proceed to Question (C).

- (C) Are you operating under a compliance schedule as prescribed in a consent order, court order, or other directive?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C", "N1", "N2", "N3" or "N4" in "**RANK**" box 50D and place a check in the "Approval" Box 50D on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 50E.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50D and leave the "Approval" Box 50D blank on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 50E.

## SOLID & HAZARDOUS MATERIALS

### **REGULATION 50D:**

### **LANDFILL GAS RECOVERY FACILITIES**

LEGAL CITATION: ECL Sections 27-0703 & 27-0707 and 6 NYCRR Subparts 360-1 & 360-2

#### ABSTRACT OF LAW/REGULATIONS:

This regulates the construction and operation of all landfill gas recovery facilities (LGRF). In addition, the submission of an annual operating report is required that contains information concerning the quantity of landfill gas recovered, condensate generated, and, if applicable, the quantity of steam, electricity, and/or pipeline gas produced. Also, all LGRF owners or operators must ensure that air emissions will not violate any applicable requirements pursuant to Section III of the Clean Air Act and must conform to the operational requirements of NYSDEC's regulations.

#### REQUIRED APPROVAL:

A permit to construct and operate a landfill gas recovery facility is required. The regulation also requires that engineering plans and report must be submitted to NYSDEC in order to obtain a Permit to construct and operate a LGRF.

#### DEFINITIONS:

Landfill gas recovery facility means a facility in which gases produced from the decomposition of solid wastes are collected for the purpose of energy recovery.

**NOTE: See Regulation 50A for additional definitions.**

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

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518/402-8694

**SOLID & HAZARDOUS MATERIALS**

**REGULATION 50E QUESTIONS:**

**TRANSFER STATIONS**

- (A) Are there any active transfer stations at your facility, project, or operation which accept solid waste from off-site locations?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 50E blank and leave "Approval" Box 50E blank on the Compliance Status Report form, then proceed to Regulation 50F.

- (B) If YES, is the transfer station registered with the NYSDEC or does it have a NYSDEC permit to operate as a solid waste transfer station?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a check in the "Approval" Box 50E on the Compliance Status Report form, then proceed to Question (D).

- (C) If NO, is the transfer station exempt from registering with or obtaining a permit from NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a check in "Approval" Box 50E on the Compliance Status Report Form, then proceed to Question (D).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in the "**RANK**" box 50E on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Question (D).

- (D) Have you submitted your annual report to the NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (F).

If NO, proceed to Question (E).

- (E) Have you been issued a waiver from submitting an annual report to NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (F).

If NO, and if you answered "YES" to Question (C), place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in the "**RANK**" box 50E on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Question (F).

(F) Are you operating under a compliance schedule as prescribed in a consent order, or court order?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, and if you answered "YES" to Questions (B), (C), (D) and (E), place a check in the "Approval" Box 50E and ALSO place a "C" in "**RANK**" box 50E on the Compliance Status Report form, then proceed to Regulation 50F.

If YES, and if you answered "NO" to any one or more of Questions (B), (C), (D) or (E), you should already have placed an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50E on the Compliance Status Report Form and completed a "Non-Compliance Report & Remedial Plan" form. You should ALSO place a check in the "Approval" Box 50E, then proceed to Regulation 50F.

If NO, and if you answered "YES" to Questions (B), (C), (D) and (E), place a "C" in "**RANK**" box 50E on the Compliance Status Report Form, then proceed to Regulation 50F.

If NO, and if you answered "NO" to any one or more of Questions (B), (C), (D) or (E), place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50E on the Compliance Status Report Form and complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 50F.



## SOLID & HAZARDOUS MATERIALS

### REGULATION 50E:

### TRANSFER STATIONS

LEGAL CITATION: ECL Sections 27-0703 & 27-0707 and 6 NYCRR Subparts 360-1 & 360-11

#### ABSTRACT OF LAW/REGULATIONS:

The purpose of Part 360 is to regulate facilities located partially or wholly within New York State that transfer or process solid waste. Operational requirements include:

- a. only household waste and commercial waste may be accepted (industrial waste, treated or untreated regulated medical waste, treated and destroyed medical waste, or C&D debris may be accepted only by NYSDEC approval);
- b. all solid waste passing through the transfer station must ultimately be treated or disposed of at a facility authorized by the NYSDEC;
- c. signs must be posted with the hours of operation and the types of solid waste accepted and not accepted at the transfer station;
- d. an attendant must be on duty at all times that the facility is open if there is permanent operating mechanical equipment;
- e. litter, insects, odors and vectors must be controlled;
- f. all floors must be free from standing water and all drainage from cleaning areas must be discharged to sanitary sewers, authorized waste treatment facilities, or a corrosion-resistant holding tank. Disposal of leachate and drainage from cleaning areas and holding tanks must be in compliance with all State and federal regulations;
- g. adequate storage space for incoming solid waste be available;
- h. operational records must be maintained at the transfer station, including a daily log of the quantity of solid waste received and transported, specifying the origin and the destination of the solid waste transported daily;
- i. an annual report must be submitted to the NYSDEC, unless NYSDEC waives or modifies this requirement under circumstances it deems appropriate;
- j. adequate fire protection equipment must be available at all times;
- k. all putrescible solid waste must be removed from the transfer station whenever the containers are full, or weekly, whichever comes first; and
- l. NYSDEC approval must be obtained prior to the acceptance of asbestos waste.

#### REQUIRED APPROVAL:

A permit is required to construct and operate a solid waste transfer station that is not registered with the NYSDEC or that is not exempt from the 6 NYCRR Part 360 permit requirements.

#### REGISTRATION:

These regulated solid waste management facilities are eligible for registration, rather than the permit, provided all of the applicable requirements of 6 NYCRR Parts 360-1.8(h) and 360-11.1(b) are met.

1. A transfer station, that is owned or operated by, or contracted by or on behalf of, a municipality, receiving less than 50,000 cubic yards or 12,500 tons of solid waste annually.
2. A transfer station, that is owned or operated by, or contracted by or on behalf of, a municipality, receiving less than 50,000 cubic yards or 12,500 tons of containerized solid waste annually.

#### EXEMPTIONS:

1. Transfer facilities, located at a single or multiple family residence, school, park, industry, hospital, commercial establishment, correctional facility, or farm and used exclusively for the management of solid waste generated at that location or at a location under the same ownership within a single NYSDEC Region. In certain cases where the NYSDEC determines that these activities pose an adverse impact on public health, safety, or the environment, the NYSDEC may set time limitations on the activities covered under this exemption. For excavated petroleum contaminated soils, on-site storage is limited to 60 days unless otherwise approved by the NYSDEC.
2. Transfer facilities located at publicly owned treatment works or other sewage treatment plants, and used exclusively for sewage sludge, septage or leachate. Storage is limited to less than 18 months.

#### DEFINITIONS:

Commercial waste means solid waste generated by stores, offices, restaurants, warehouses, and non-manufacturing activities at industrial facilities.

Farm means the raising or harvesting of any agricultural or horticultural commodity through the cultivation of the soil, aquacultural product, or the raising, shearing, feeding, caring for, training, or management of livestock, bees, poultry, furbearing animals, domestic animals or wildlife.

Garbage means putrescible solid waste including animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking or serving of foods. Garbage originates primarily in home kitchens, stores, markets, restaurants and other places where food is stored, prepared, or served.

Industrial waste means solid waste generated by manufacturing or industrial processes. Such processes may include, but are not limited to the following: electric power

generation; fertilizer/agricultural chemicals; inorganic chemicals; iron and steel manufacturing; leather and leather products; non-ferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include oil or gas drilling, production, and treatment wastes (such as brines, oil, and frac fluids); overburden, spoil, or tailings resulting from mining; or solution mining brine and insoluble component wastes.

Processing facility means a combination of structures, machinery or devices, other than collection and transfer vehicles, utilized to reduce or alter the volume or the chemical or physical characteristics of solid waste through processes such as, but not limited to separating, crushing, screening, baling or shredding before its delivery to any solid waste management facility.

Solid waste management facility means any facility employed beyond the initial solid waste collection process and managing solid waste, including but not limited to: storage areas or facilities; transfer stations; rail-haul or barge-haul facilities; landfills; disposal facilities; solid waste incinerators; refuse-derived fuel treatment facilities; pyrolysis facilities; C & D debris processing facilities; land application facilities; composting facilities; surface impoundments; used oil storage, reprocessing, and refining facilities; recyclables handling and recovery facilities; waste tire storage facilities; and regulated medical waste treatment facilities. The term includes all structures, appurtenances, and improvements on the land used for the management or disposal of solid waste.

Transfer station means a solid waste management facility other than a recyclables handling and recovery facility, used oil facility, or a construction and demolition debris processing facility, where solid waste is received for the purpose of subsequent transfer to another solid waste management facility for further processing, treating, transfer or disposal. Transfer of solid waste from vehicle to vehicle for the purpose of consolidating loads, as part of the initial collection process, is not considered a transfer station provided the transfer activity occurs along the collection route where the point of transfer changes from day to day. Transfer of leakproof, closed modular containers of solid waste from vehicle to vehicle, including truck to train, for the purpose of consolidating loads for shipment to an authorized disposal or treatment facility, is not considered a transfer station provided: the contents of each container remain in their closed container during the transfer between vehicles; storage remains incidental to transport at the location where the containers are consolidated; containers are acceptable to the NYSDEC and maintained in a safe, nuisance-free (e.g., dust, odor, noise, etc.) manner; and, the transfer location is under the ownership or control of the transporter.

NYSDEC Regional Office Contact

Telephone Number

Region 1: Anthony Cava	516-444-0375
Region 2: Daniel Walsh	718-482-4996
Region 3: Paul John	914-256-3137
Region 4: Thomas Cullen	518-357-2246
Region 5: Dan Steenberge	518-897-1241
Region 6: John Kenna	315-785-2515
Region 7: Larry Gross	315-426-7419
Region 8: Daniel David	716-226-2466
Region 9: Mark Hans	716-851-7220

SOLID & HAZARDOUS MATERIALS

**REGULATION 50F QUESTIONS RECYCLABLES HANDLING AND RECOVERY FACILITIES**

- (A) Does your facility, project or operation include any recyclables handling and recovery activities?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave “**RANK**” box 50F blank and leave “Approval” Box 50F blank on the Compliance Status Report form, then proceed to Regulation 50G.

- (B) If YES, are source separated non-putrescible recyclables received and processed at your facility, project, or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave “**RANK**” box 50F blank and leave “Approval” Box 50F blank on the Compliance Status Report form, then proceed to Regulation 50G.

- (C) If YES, does your facility, project, or operation receive **only** returnable containers regulated under the returnable container act? [See , Regulation 50F, for definition of returnable container act.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, leave “**RANK**” box 50F blank, then proceed to Regulation 50G.

- (D) If NO, is your facility, project or operation storing recyclables at your facility, project, or operation and using them in place of virgin material for use in your manufacturing process?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, leave “**RANK**” box 50F blank, then proceed to Regulation 50G.

- (E) If NO, is your facility, project or operation purchasing source separated, non-putrescible recyclables from the public and accepting no other solid waste materials?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, leave “**RANK**” box 50F blank, then proceed to Regulation 50G.

If NO, proceed to Question (F).

- (F) Is your facility, project or operation a waste tire retreader or a waste tire processor for the purpose of producing tire chips for energy recovery on-site?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, leave “**RANK**” box 50F blank, then proceed to Regulation 50G.

(G) If NO, is your facility, project or operation an intermediate processor (see Regulation 50F for definition of intermediate processor)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, leave “**RANK**” box 50F blank, then proceed to Regulation 50G.

(H) If NO, is your facility only an automobile dismantler, scrap metal processor, automobile junkyard, a facility that recovers metal from non-hazardous waste sludges, or a metal salvage facility? [See Regulation 50F for definitions.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (J).

(I) If YES, have you submitted your annual report to NYSDEC that details how your waste fluids are disposed?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, leave “**RANK**” box 50F blank, then proceed to Regulation 50G.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in “**RANK**” box 50F on the Compliance Status Report form, complete a new “Non-Compliance Report & Remedial Plan” form, then proceed to Regulation 50G.

(J) Does your facility, project, or operation have a residue rate from the processing of the recyclables of less than 15 percent of the average weekly intake or less than 2 tons per day (whichever is greater)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (O).

If YES, proceed to Question (K).

(K) Have you submitted a registration form to the NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

(L) Has your facility, project or operation been monitoring all solid waste received and accepted only that solid waste that has been authorized by NYSDEC and have you been keeping records of all monitoring information?

YES \_\_\_\_\_ NO \_\_\_\_\_

(M) Have you submitted the required annual reports to the NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (N) Has your facility, project or operation controlled all vectors, dust, blowing papers, litter, and odor so as to minimize nuisances or hazards to health, safety, and property?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, to all Questions (K), (L), (M) and (N), proceed to Question (O).

If NO, to any one or more of Questions (K), (L), (M) and (N), place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50F and leave the "Approval" Box 50F blank on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (O).

- (O) Do you have a Part 360 Solid Waste Permit to operate a Transfer Station or non-specific facility?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 50F and place a check in "Approval" Box 50F, then proceed to Regulation 50G.

If NO, leave the "Approval" Box 50F blank on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (P).

- (P) Are you operating under a compliance schedule as prescribed in a consent order, court order, permit, or other directive?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C", "N1", "N2", "N3" or "N4" in "**RANK**" box 50F and place a check in the "Approval" Box 50F on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 50G.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50F and leave the "Approval" Box 50F blank on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 50G.

## SOLID & HAZARDOUS MATERIALS

### **REGULATION 50F:            RECYCLABLES HANDLING AND RECOVERY FACILITIES**

LEGAL CITATION: ECL Sections 27-0703 & 27-0707 and 6 NYCRR Subparts 360-1 & 360-12.

#### ABSTRACT OF LAW/REGULATIONS:

The purpose of this, is to regulate recyclables handling and recovery facilities, activities and operations that manage recyclables separated from the remaining solid waste stream. These facilities handle exclusively source separated recyclables.

Requirements include:

- a. that the facility may receive only source separated non-putrescible recyclables;
- b. that the external storage of paper and other recyclables, where their marketability may be adversely affected by exposure to the sun or weather conditions, is prohibited;
- c. that all indoor and outdoor solid waste storage, handling and tipping areas must include fire detection and protection equipment;
- d. that the site and facility must have adequate drainage and be drained and free of standing water;
- e. that all solid waste passing through the facility must ultimately be recycled or be disposed at a solid waste management facility authorized by the NYSDEC;
- f. that facilities handling materials containing refrigerants must properly remove and manage the refrigerants prior to crushing or shredding (Division of Air Resources enforces this EPA requirement);
- g. that incidental putrescibles be stored for a time not to exceed one week;
- h. that non-putrescible recyclables may be stored for up to 60 days;
- i. that access must be restricted to minimize the possibility of any unauthorized entry;
- j. that an annual report be submitted to the NYSDEC; and
- k. that the facility maintain daily records accounting for all materials handled at the facility.

#### REQUIRED APPROVAL:

Registration is required for facilities that handle source separated non-putrescible recyclables. A permit as a transfer station is required for a facility that has a residue rate of greater than 15 percent of the average weekly intake or greater than 2 tons per day (whichever is greater).

## EXEMPTIONS:

Registration is not required for:

- a. returnable container redemption operations conducted at a dealer, distributor, or redemption center, or solely on their behalf;
- b. manufacturing facilities that use recyclables in the manufacturing process in place of virgin material (see definition);
- c. buy-back centers that purchase source separated, non-putrescible, recyclables from the public and accept no other solid waste materials;
- d. waste tire retreaders and the processing of waste tires on-site for energy recovery; and
- e. intermediate processors provided all solid waste handled at the facility is sent for recycling or disposed of properly.

## DEFINITIONS:

Automobile dismantler means a facility that processes motor vehicles by dismantling or processing their associated component parts after dismantling.

Automobile junk yard means a facility that stores, takes apart and scavenges parts from motor vehicles for subsequent sale or reuse.

Intermediate processor means any person who receives separated recyclables only from registered recyclables handling and recovery facilities within New York State or facilities otherwise acceptable to the NYSDEC if located outside of New York State, and then markets same to other intermediate processors, brokers or manufacturers.

Manufacturing facilities means a facility which accepts a single general type of source separated, nonputrescible recyclable, including, but not limited to, glass, plastics, metals or paper. This recyclable then, through physical or chemical transformation of the material, becomes a marketable product that is leased, sold, used by a manufacturer, offered for sale or offered for promotional purposes to a consumer as a product, and is not not disposed of by the manufacturer.

Metal salvage facility means a facility that separates for recycling or reuse various types of metals from other types of metals or from equipment, appliances and/or fixtures.

Recover means any act or process by which recyclables or reusables are separated from the solid waste stream.

Recycle means to use recyclables in manufacturing a product.

Recyclables means solid waste that exhibits the potential to be used repeatedly.

Recyclables handling and recovery facility means a solid waste processing facility, other than collection and transfer vehicles, at which non-putrescible recyclables are separated from the solid waste stream or at which previously separated non-putrescible recyclables are processed.



Scrap metal processor means a facility that processes only scrap metal materials destined for recycling.

Source separation means dividing solid waste into some or all of its component parts at the point of generation, including the separation of recyclables from each other or the separation of recyclables from other solid waste.

**NOTE: See Regulation 50A for additional definitions.**

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Dave Vitale, Division of Solid & Hazardous Materials

518/402-8706

SOLID & HAZARDOUS MATERIALS

**REGULATION 50G QUESTIONS:**

**LAND APPLICATION FACILITIES**

- (A) Are there any land application facilities at your facility, project or operation (f/p/o), and/or does your f/p/o use any surface impoundments and/or tanks for waste that will be land applied?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave “**RANK**” box 50G blank and leave “Approval” Box 50G blank on the Compliance Report Form, then proceed to Regulation 50H.

- (B) If YES, do any of the active land application facilities apply only food processing wastes?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (D).

- (C) If YES, does the food processing waste meet the registration criteria for land application?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Regulation 50H.

- (D) If NO, do you have a permit to operate a land application facility? [See , Regulation 50G for exemptions.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a check in the “Approval” Box 50G on the Compliance Status Report Form, then proceed to Question (G).

- (E) If NO, are you exempt from obtaining a permit or do you qualify for registration?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a check in “Approval” Box 50G on the Compliance Status Report Form, then proceed to Question (G).

If NO, then proceed to Question (F).

- (F) Is your facility, project or operation, operating under a compliance schedule as prescribed in a consent order, court order, permit, or other directive?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a “C”, “N1”, “N2”, “N3” or “N4” in “**RANK**” box 50G and place a check in the “Approval” Box 50G on the Compliance Status Report Form, complete a new “Non-Compliance Report & Remedial Plan” form, then proceed to Question (G).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50G and leave the "Approval" Box 50G blank on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (G).

(G) Have you submitted your annual operating report to NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50G on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 50H.

If YES, place a "C" in "**RANK**" box 50G, then proceed to Regulation 50H.

## SOLID & HAZARDOUS MATERIALS

### REGULATION 50G:

### LAND APPLICATION FACILITIES

LEGAL CITATION: ECL Sections 27-0703 & 27-0707 and 6 NYCRR Subparts 360-1 & 360-4

#### ABSTRACT OF LAW/REGULATIONS:

This regulates the application of septage, sewage sludge, food processing waste, and other sludges and solid wastes to the land. Surface impoundments and tanks for the storage of septage, sewage sludge, food processing waste, and other sludges are also regulated. Requirements include:

1. Sewage sludge and septage:
  - a. that sewage sludge and septage must not exceed contaminant concentrations as indicated in Table 50G-1;
  - b. that sewage sludge and septage must be stabilized by aerobic digestion, air drying, anaerobic digestion, composting, lime stabilization, or other Class B methods acceptable to NYSDEC and an approved vector attraction reduction method, before land application (stabilization by chlorine oxidation is prohibited);
  - c. that annual sewage sludge and septage testing is performed;
  - d. that the minimum horizontal distance from the perimeter of the application site must meet or exceed those indicated in Table 50G-2;
  - e. that application must not occur on land with a slope exceeding 15 percent;
  - f. that the hydraulic loading must not exceed 16,000 gallons per acre in a 24-hour period;
  - g. that the annual cadmium application rate must not exceed 0.45 pounds per acre (one-half kilogram per hectare) and the cumulative loading limit of metals must not exceed the amounts indicated in Table 50G-3;
  - h. the heavy metal loading must not exceed 20 percent of the cumulative metal loading limit in any one year;
  - i. that application and subsequent vegetation must be in accordance with soil conservation practices that minimize runoff and soil loss through erosion;
  - j. that application in flood plains must not restrict the base flood, reduce the temporary water storage capacity of the flood plain, or result in washout of solid waste, or pose a hazard to human life, wildlife, or land or water resources;
  - k. that application is prohibited in areas where bedrock lies less than two feet below the ground surface;

- l. that all sewage sludge and septage must be incorporated into the soil within a 24-hour period following application to the soil;
  - m. that dikes, berms, or other pollution protection devices or techniques must be used as required by NYSDEC to prevent runoff entering surface waters;
  - n. that soil pH must be adjusted to 6.5 standard units or higher during periods of sewage sludge or septage application;
  - o. that sewage sludge and septage must not be applied on snow, frozen or saturated ground, or during rainfall;
  - p. that public access to the land application area is prohibited for at least 12 months (high potential for public exposure), 30 days (low potential for public exposure) after the last application of sewage sludge or septage, and must be controlled during that period by the use of fences and gates, signs, or posted signs;
  - q. that animals must not graze on the land application area for at least 30 days after the last application;
  - r. that no food crop may be grown on sewage sludge or septage amended soil for at least 14 months (harvested parts above the soil) or 38 months (harvested parts below the soil) after the last application;
  - s. that before application of sewage sludge or septage, each spring, as part of the annual report, a management plan (that includes: crops to be grown, fields to be used, schedules and methods of application and harvesting, and loading rates) must be submitted to the NYSDEC;
  - t. that application of sewage sludge or septage must not occur in areas where the seasonal high groundwater is within 24 inches of the ground surface at the time of application;
2. Sludge and other solid waste:
- a. that if there is any domestic sewage contribution to the treatment facility producing the sludge, the sludge must be stabilized by a Class B pathogen reduction method and an acceptable vector attraction reduction method (see item 1.b. above);
  - b. that application of sludge must follow the provisions outlined above;
  - c. the frequency and extent of sampling will be determined by the NYSDEC;
3. Storage facilities:
- a. that the minimum horizontal separation distances set forth in Table 50G-2 also applies to storage facilities for sewage sludge, septage, or other solid waste, except the separation to a nearby residence which shall be increased to 1,500 feet;
  - b. that vector control must be practiced when necessary;

- c. that surface impoundments and open tanks must be properly fenced and posted to prevent unauthorized access;
- d. that all samples obtained from the storage facility must be representative of the material stored;
- e. that all such storage facilities must be completely emptied and cleaned every 12 months;
- f. that surface impoundments must be constructed above the 100-year flood elevation, and must be constructed with a liner system to minimize percolation;
- g. that surface impoundments must have a minimum of two feet of freeboard, and that the bottom of the impoundment liner system must be a minimum of five feet above both the seasonal high groundwater table and top of bedrock;
- h. that a minimum of one upgradient and two downgradient monitoring wells must be installed at the surface impoundment site;
- i. that baseline water quality conditions must be established before placement of sewage sludge, septage, or other solid waste in a surface impoundment;
- j. that storage facilities, other than surface impoundments, used to hold sewage sludge, septage or other solid waste may be constructed of concrete, steel, or other material approved by NYSDEC;
- k. that quarterly sampling of the wells at the surface impoundment must be conducted for: chloride, nitrate, ammonia sulfate, specific conductivity, total hardness, alkalinity, total organic carbon and chemical oxygen demand, and for sewage sludge and septage annual sampling must be conducted for Cadmium, Mercury, Lead, Copper, Zinc, Nickel, Total Chromium, Arsenic, Molybdenum, Selenium, Boron, Barium, Beryllium, Cyanide, Turbidity and persistent organic compounds of concern;
- l. that an annual report must be submitted for each year of operation to NYSDEC.

#### REQUIRED APPROVAL:

A permit is required to construct and/or operate a land application facility, activity or operation.

#### EXEMPTIONS:

1. Disposal areas located within the property boundaries of a single family residence or farm for solid waste generated from that residence or farm.
2. Disposal areas located within the property boundaries of a farm for crop residuals, animal manure, and animal carcasses and parts generated from a farm.

3. Transfer, storage, treatment, incinerator and processing facilities located at a single or multiple family residence, school, park, industry, hospital, commercial establishment, correctional facility or farm and used exclusively for the management of solid waste generated at that location or at another location owned by the generator in the same NYSDEC region.
4. Transfer, storage, treatment, incinerator, and processing facilities, except composting or other distribution and marketing facilities, located at publicly (municipal) owned treatment works, and used exclusively for sewage sludge provided solid waste is stored less than 18 months.
5. A land application facility for animal manure and associated bedding material.
6. A land application and an associated storage facility for food processing wastes that are visually recognizable as a part of the plant or vegetable, aquatic plants or a combination of such wastes if the waste is applied at or below agronomic rates, and nuisance conditions such as odors are minimized and the facility is operated in a manner to minimize the potential for negative surface and ground water impacts.
7. Land application and associated storage facilities for leaves and/or grass, provided the following conditions are satisfied:
  - a. all physical contaminants (plastic bags, branches, etc.) are removed prior to application of the waste, and the contaminants are properly disposed or recycled according to this Part;
  - b. grass is applied at an agronomic rate, which does not exceed 20 tons per acre or a depth of one inch annually, and does not exceed 40 tons per acre during any three-year period;
  - c. grass is not shredded;
  - d. all leaves and grass are incorporated into the soil and minimal leaf or grass material is apparent on the soil surface after incorporation;
  - e. grass is incorporated into the soil on the same day as it is land applied;
  - f. leaves are incorporated into the soil within 7 days after application to the soil;
  - g. the quantity of grass stored does not exceed 100 cubic yards; and
  - h. grass and leaves are stored at the application site for no more than seven days prior to incorporation into the soil and measures are taken to minimize material blowing off the site and odor generation. Leaves or grass being stored must be removed from the site or otherwise managed in a manner approved by the department if unacceptable nuisance conditions exist, as determined by the department.

## REGISTRATION:

1. A land application and associated storage facility for nonrecognizable food processing wastes or fish hatchery waste, provided the following conditions are satisfied:
  - a. the facility complies with the operational requirements outlined under "Abstract of Law/Regulations 1.", except "l." and "o." A minimum of one representative analysis of the waste for nutrients and heavy metals must be submitted;
  - b. the volume of waste land applied is limited to prevent ponding, except for temporary conditions following rainfall events. If ponding occurs, land application ceases immediately;
  - c. land application on frozen or snow-covered ground is limited to land with a slope of less than 4 percent, unless the separation distance to a surface water and State regulated wetland is increased to 500 feet and berms are used;
  - d. dikes, berms, or other runoff control devices are used, if deemed necessary by the department;
  - e. the application rate of whey does not exceed the nitrogen needs of the crop and a chloride loading of 170 lbs. per acre per year;
  - f. the waste is beneficial to the crop grown and the waste does not contain any human sanitary waste (e.g. domestic sewage, biosolids, septage) or it is demonstrated that the sanitary waste is a minor component of the waste stream and pathogenic organism content are below detectable levels in the waste;
  - g. a maximum of 10 percent of the total volume of a manure storage facility may consist of food processing waste, unless it can be demonstrated that the manure storage facility has been designed to minimize potential for negative ground water and surface water impacts. The land application of this mixture is not subject to the criteria in this paragraph, but should be conducted in accordance with acceptable agricultural practices; and
  - h. for land application sites located in the New York City watershed, application rates are based on the phosphorus needs of the crop grown, a Comprehensive Nutrient Management Plan has been developed for the farms involved, and the application sites have been clearly mapped and marked.
2. A land application facility for septage from one hauler using not more than two vehicles for collection related to land application, provided the following conditions are satisfied:
  - a. The facility complies with the applicable operational requirements outlined under "Abstract of Law/Regulations 1."
  - b. Soil testing - one representative analysis for each 15 acres or fraction thereof is required once every three years of use, beginning in the first year septage



is applied to a site. Soil analyses will occur prior to the first application for that year. The analysis must include nutrients (nitrogen, potassium, and phosphorus). This requirement applies to acreage used for septage application.

- c. A minimum of 15 acres must be available for each vehicle. Vegetation must be grown at the application facility that is sufficient to utilize all the available nitrogen provided from septage application.
- d. The application rate does not exceed 25,000 gallons per acre per year, or the rate determined by the following calculation, whichever is less:

$$\begin{array}{rcl} \text{Application Rate} & = & \text{Crop nitrogen needs} \times 385 \\ \text{(gallons/acre/year)} & & \text{(lbs. nitrogen/acre)} \end{array}$$

The application rate may be changed if the septage is altered (e.g., dewatered) prior to application.

- e. For pathogen reduction, the pH of the septage is raised to 12 or higher by alkali addition and, without the addition of more alkali, the septage remains at 12 or higher for 30 minutes, and the following site restrictions must be followed:
  - food crops with harvested parts that touch the septage/soil mixture and are totally above the land surface must not be harvested for 14 months after land application. Food crops with harvested parts below the surface of the land must not be harvested for 38 months after land application; and
  - food crops grown above the soil with harvested parts that do not touch the septage/soil mixture, feed crops and fiber crops must not be harvested for at least 30 days after land application.
- f. Annual groundwater monitoring may be required as determined by the Department.
- g. The following records must be kept for at least five years after any application of septage to a site, must be available to the department on request, and shall be provided to the department in the annual report pursuant to paragraph 360-1.8(h) (8) of this Part:
  - the location of the site of land application including either the street address or the longitude and latitude of the site (available from a USGS map);
  - the total number of acres to which septage was applied and the total gallons of septage applied;
  - the date of each application, the gallons of septage applied, and the acres used;
  - pH data and related information to show compliance with pathogen and vector attraction reduction criteria;

- the crop grown; and

- the following certification statement, signed by the person responsible for land application of the septage:

“I certify, under penalty of law, that the information that will be used to determine compliance with Subpart 360-4 of 6 NYCRR Part 360 has been prepared under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate this information. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment.”

- h. A copy of the validated registration must be kept in the appropriate vehicle.
  - i. Transition. Facilities have 180 days to register.
3. A storage facility for septage from one hauler using no more than two vehicles for collection.
- a. The minimum horizontal separation distances from the perimeter of the storage facility must meet the requirements found in Table 50G-2, except that the minimum horizontal separation distance to a nearby residence, place of business, or public contact area must be at least 1,500 feet for surface impoundments.
  - b. Surface water must be directed away from the storage facility.
  - c. Vector and odor control measures must be implemented when necessary, as determined by the department.
  - d. Surface impoundments and open tanks must be properly fenced and posted or otherwise constructed to prevent unauthorized access, as determined by the department.
  - e. All storage facilities must be completely emptied, cleaned, and inspected at least once every 12 months. The department must be notified at least one week before the cleaning operation is complete to afford the department the opportunity to inspect the facility before additional material is placed in the facility. Tanks must be tested for tightness biennially, with results sent to the appropriate regional office of the department. Any damage or deterioration revealed by the inspections must be repaired before that facility again receives waste.
  - f. Surface impoundments must be constructed above the 100-year flood elevation, and must be constructed with a liner system. The liner system must consist of either a minimum of two feet of compacted soil having a maximum remolded coefficient of permeability of  $1 \times 10^{-7}$  centimeters per second, or a synthetic material approved by the department. The soil material particles must be able to pass through a one inch screen.
  - g. Ground and/or surface water monitoring programs must be implemented, if required by the department.

- h. Surface impoundments must maintain a minimum of two feet of freeboard and may be no deeper than six feet. The bottom of the impoundment liner must be a minimum of five feet above both seasonal high groundwater and bedrock.
  - i. Storage facilities other than surface impoundments may be constructed of concrete, steel, or other material approved by the department. The storage facility must be designed with a minimum of two feet of freeboard.
  - j. Transition. The time frame for registering is 365 calendar days.
4. Disposal facilities for septage, provided the following conditions are satisfied:
- a. A written closure and post closure plan is submitted to the department 180 days prior to the date that the disposal facility closes. The plan must describe how the facility will be closed and, at a minimum, must include the following: a discussion of how the leachate collection system will be operated and maintained for three years after the disposal facility closes if the facility has a liner and leachate collection system; a description of the system used to monitor for methane gas in the air in any structure within the boundaries of the disposal site and in the air at the property line of the disposal site; and a discussion of how public access to the disposal site will be restricted for three years after the facility closes.
  - b. If the site is sold, the owner of a disposal site must provide written notification to the subsequent owner of the site that septage was placed on the land.
  - c. Septage may not be placed in a disposal facility if it is likely to adversely affect a threatened or endangered species or its designated critical habitat.
  - d. The disposal facility must not restrict the flow of a base flood.
  - e. If the disposal site is located in a seismic impact zone, the disposal facility must be designed to withstand the maximum recorded horizontal ground level acceleration.
  - f. The disposal facility must be located 60 meters or more from a fault that has displacement in Holocene time, unless otherwise approved by the department.
  - g. The disposal facility may not be located in an unstable area.
  - h. The minimum horizontal separation distances from the perimeter of the disposal facility must meet the requirements found in Table 50G-2, except that the minimum horizontal separation distance to a nearby residence, place of business, or public contact area must be at least 1,500 feet.
  - i. Run-off must be directed away from the disposal facility.
  - j. The leachate collection system for a disposal facility that has a liner and leachate collection system must be operated and maintained during the active life of the facility and for three years after closure.

- k. Leachate from an active disposal facility that has a liner and leachate collection system must be collected and disposed in a manner approved by the department during the period the facility is open and for three years after the facility closes.
- l. The concentration of methane gas in air in any structure located within the site may not exceed 25 percent of the lower explosive limit for methane gas during the period that the facility is open and the concentration of methane gas in air at the property line of the site may not exceed the lower explosive limit for methane gas during the period the facility is open.
- m. When a final cover is placed on the disposal facility at closure, the concentration of methane gas in air in any structure located within the site does not exceed 25 percent of the lower explosive limit for methane gas for three years after the facility closes and the concentration of methane gas in air at the property line of the site does not exceed the lower explosive limit for methane gas for three years after the facility closes, unless otherwise specified by the department.
- n. A food crop, a feed crop, or a fiber crop must not be grown on an active disposal facility.
- o. Animals must not be grazed on an active disposal facility.
- p. Public access to a disposal site must be restricted for the period the facility is active and for three years after the facility is closed.
- q. Septage placed in a disposal facility must not contaminate groundwater. Results of a ground water monitoring program developed by a qualified ground water scientist or a certification by a qualified ground water scientist shall be used to demonstrate that the facility does not contaminate groundwater.
- r. Septage placed on a disposal facility must be covered with soil or other acceptable material at the end of each operating day.
- s. Air in structures within a disposal site and at the property line of the site must be monitored continuously for methane gas during the period that the disposal facility is in operation and for three years after the facility closes when a final cover is placed on the facility.
- t. The following information must be developed and retained for five years:

- The following certification statement:

“I certify, under penalty of law, that the management practices and the vector attraction reduction requirements in Subpart 360-4 have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified personnel properly gather and evaluate the information used to determine that the vector attraction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment.”

- A description of how the requirements have been satisfied.

u. Transition. The time frame for registering is 365 calendar days.

#### DEFINITIONS:

Food processing waste means waste resulting solely from the processing of fruits, vegetables, grains, dairy products, and related food products. Food processing waste includes, but is not limited to:

- a. vegetative residues that are recognizable as part of a plant, fruit or vegetable (e.g., corn husks, cabbage leaves, grape and apple pomace, bean snips, and carrot, tomato, and potato skins); or
- b. any solid, semisolid or liquid food sludge or residue that is nonrecognizable but identifiable by analysis or is certified as solely a byproduct of plant, fruit, vegetable or dairy processing (e.g., milk and cheese whey, brewery and winery waste, and byproducts from canned, frozen, or preserved fruit and vegetable processing operations).

Land application facility means a site where solid waste is applied to the soil surface or injected into the upper layer of the soil to improve soil quality or provide plant nutrients. Solid waste suitable for this purpose includes, but is not limited to, food processing waste, sewage treatment plant sludge, and septage.

Septage means the contents of a septic tank, cesspool, or other individual sewage disposal system that receives domestic sewage wastes.

Sewage sludge means the accumulated semi-solids or solids resulting from treatment of wastewaters from publicly or privately owned or operated sewage treatment plants. Sewage sludge does not include grit or screenings or ash generated during the incineration of sewage sludge.

Sludge means any solid, semi-solid, or liquid waste generated from a wastewater treatment plant, water supply treatment plant, or air pollution control facility but does not include the treated effluent from a wastewater treatment plant.

**Note: See Regulation 50A for additional definitions.**

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Sally Rowland, Division of Solid & Hazardous Materials

518/402-8678

**TABLE 50G-1  
SEWAGE SLUDGE AND SEPTAGE CONTAMINANT CONCENTRATIONS**

PARAMETER	MONTHLY AVERAGE CONCENTRATION (ppm, dry-weight basis)	MAXIMUM CONCENTRATION (ppm, dry-weight basis)
Arsenic (As)	41	75
Cadmium (Cd)	21	85
Chromium (Cr) [total]	1000	1000
Copper (Cu)	1500	4300
Lead (Pb)	300	840
Mercury (Hg)	10	57
Molybdenum (Mo)	40	75
Nickel (Ni)	200	420
Selenium (Se)	100	100
Zinc (Zn)	2500	7500

**TABLE 50G-2  
MINIMUM HORIZONTAL DISTANCES**

ITEM	MINIMUM HORIZONTAL SEPARATION (distance in feet)
property line	
residence‡ or place of business	50
potable water well or supply	500
surface water body	200
drainage swale	200 (100 if waste injected) 25

‡ The landowner's or operator's residence is excluded from this separation distance requirement.

**TABLE 50G-3  
CUMULATIVE LOADING LIMIT OF METALS**

CUMULATIVE LOADING LIMIT (pounds per acre)

<u>METAL</u>	<u>AGRICULTURAL SOILS</u>	
	<u>Groups 1-3</u>	<u>Groups 4-10</u>
Cadmium (Cd)	3	
Nickel (Ni)	30	4
Copper (Cu)	75	45
Zinc (Zn)	150	112
Lead (Pb)	300	223
Chromium (Cr)	300	446
		446

## SOLID & HAZARDOUS MATERIALS

### REGULATION 50H QUESTIONS:

### COMPOSTING FACILITIES

- (A) Does your facility, project, or operation have any composting activities or facilities, operating or under construction?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave “**RANK**” box 50H blank, then proceed to Regulation 50J.

- (B) If YES, do the operating composting activities or facilities clearly contain **only** yard waste, food processing waste and/or animal manure?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (E).

- (C) If YES, do the composting activities or facilities meet one of the exemptions for a permit? [See , Regulation 50H, for exemptions.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (E).

If YES, leave “**RANK**” box 50H blank, place a check in “Approval” Box 50H, then proceed to Question (D).

- (D) Do you have any composting activities or facilities that are not exempt?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (E).

If NO, proceed to Regulation 50J.

- (E) Do you have a permit to operate composting activities or facilities? [See , Regulation 50H, for exemptions.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (G).

If NO, proceed to Question (F).

- (F) Are you exempt from obtaining a permit?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, leave “**RANK**” box 50H blank, place a check in “Approval” Box 50H, then proceed to Regulation 50J.



If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50H and leave the "Approval" Box 50H blank on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (G).

- (G) Are you operating under a compliance schedule as prescribed in a consent order, court order, permit, or other directive?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, check the "Approval" Box 50H on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (H).

If NO, place a "C" in "**RANK**" box 50H and place a check in the "Approval" Box 50H on the Compliance Status Report form, then proceed to Regulation 50J.

- (H) Are you in compliance with the prescribed schedule?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Regulation 50J.

If NO, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 50J.

## SOLID & HAZARDOUS MATERIALS

### REGULATION 50H:

### COMPOSTING FACILITIES

LEGAL CITATION: ECL Section 27-0703 & 27-0707 and 6 NYCRR Subparts 360-1 & 360-5.

#### ABSTRACT OF LAW/REGULATIONS:

This regulates the construction and operation of composting facilities for sewage sludge, septage, yard waste, and other solid waste. Requirements include:

1. Sludge and Solid Waste:
  - a. that for solid wastes that possess a pathogen concern (including sewage sludge, septage, and mixed solid waste), the process must meet the criteria for a Class A pathogen reduction method and an approved vector attraction reduction method;
  - b. that the facility must have sufficient and daily temperature (or other applicable) monitoring to ensure that the pathogen reduction criteria are met;
  - c. that the finished compost must be sufficiently stable that it can be stored or applied to land without producing nuisance problems;
  - d. the finished compost must not contain any sharp objects;
  - e. that the surface water drainage must be diverted away from the operating area;
  - f. that the waste storage area and the active composting, curing, and compost storage areas must be located on surfaces capable of minimizing leachate release into the groundwater under the site and the surrounding land surface;
  - g. that all leachate must be collected and treated by a method approved by the NYSDEC;
  - h. that the facility must be designed and operated to control vectors and odors;
  - i. that the facility must not be operated or constructed on floodplains unless provisions have been made to prevent the encroachment of flood waters upon the facility;
  - j. the operation of the facility must follow acceptable methods of composting or other Class A method, which result in the aerobic biochemical decomposition of the organic material received;
  - k. the facility must meet minimum horizontal separation distance of 500 feet to a residence, place of business;
  - l. that for uncovered composting facilities, the leachate collection and treatment system must be adequate to manage the quantity of surface water runoff at the site based on a rainfall intensity of one-hour duration and a 10-year return period;

- m. that non-compostable solid waste and unacceptable compost must be disposed in a manner approved by the NYSDEC;
- n. that daily operational records must be maintained and must include, at a minimum, temperature data and quantity of material processed;
- o. the maximum contaminant concentrations of the incoming sewage sludge or septage must not exceed the levels identified in Table 50H-1;
- p. the quality of Table 50H-2;
- q. that all compost that is bagged must contain a label that indicates, as a minimum, the type of waste the compost was derived from, any restriction on the use of the product, and recommended safe uses and application rates;
- r. the results of laboratory analysis must be reported to the NYSDEC on an annual basis;
- s. the input sewage sludge or septage must be sampled and analyzed;
- t. that an annual report must be submitted to the NYSDEC that includes:
  - (1) all information and analysis required;
  - (2) the type and quantity of the waste, and other materials such as bulking agents being composted;
  - (3) sampling locations and protocol;
  - (4) process operational information including temperature monitoring data and significant operational problems;
  - (5) the quantity, by weight and volume, of compost produced and the quantity of compost removed from the facility;
  - (6) a description of the end-product distribution and disposal methods, and if applicable, the application sites, application rates, and dates of compost application.

2. Yard Waste:

- a. that only yard waste may be accepted;
- b. that composting areas located on soils with a coefficient of permeability greater than  $4 \times 10^{-3}$  centimeters per second (six inches per hour) may be required to install groundwater monitoring wells or other monitoring devices;
- c. that drainage must be controlled to prevent leachate run-off from the site;
- d. that surface water drainage must be diverted away from the compost site;
- e. that the operation of the facility must follow acceptable methods of composting that result in the aerobic biochemical degradation of the organic material received;
- f. that the site must be graded to minimize any ponding;

- g. that the windrow construction and turning frequency must be sufficient to maintain aerobic conditions and to produce a compost product in the desired time frame;
- h. that the facility must not be operated or constructed on floodplains unless provisions have been made to prevent the encroachment of flood waters;
- i. that composting must not occur in areas where the seasonal high groundwater is less than 24 inches from the ground surface or where the bedrock lies less than 24 inches below the ground surface;
- j. that the facility must be operated to control vectors and odors;
- k. that upon completion of the composting cycle, the compost must receive a final aeration to ensure stability before distribution; and
- l. that an annual report must be submitted to the NYSDEC.

#### REQUIRED APPROVAL:

A permit is required to construct and/or operate a composting operation or facility.

#### EXEMPTIONS:

1. Disposal areas located within the property boundaries of a single family residence or farm for solid waste generated from that residence or farm.
2. Disposal areas located within the property boundaries of a farm for crop residuals, animal manure, and animal carcasses and parts generated from a farm.
3. Transfer, storage, treatment, incinerator and processing facilities located at a single or multiple family residence, school, park, industry, hospital, commercial establishment, correctional facility or farm and used exclusively for the management of solid waste generated at that location or at another location owned by the generator in the same NYSDEC region.
4. Transfer, storage, treatment, incinerator, and processing facilities, except composting facilities or other distribution and marketing facilities, located at publicly (municipal) owned treatment works, and used exclusively for sewage sludge provided solid waste is stored less than 18 months.
5. The composting of less than 3,000 cubic yards of yard waste per year, provided the process follows acceptable methods of composting.
6. A composting facility that accepts animal manure and associated bedding material.

## REGISTRATION:

1. A composting facility that accepts more than 3,000 cubic yards but not more than 10,000 cubic yards of yard waste per year. This quantity limit does not include brush and other wood materials that are not intended for composting.
2. A composting facility that accepts no more than 1,000 cubic yards of source-separated organic waste per year.
3. A composting facility for food processing waste.
4. Operational criteria. A registered facility must be constructed and operated in compliance with the following conditions:
  - material accepted does not remain on-site for more than 36 months;
  - the process uses acceptable amendments or bulking agents and follows an acceptable method of composting that minimizes odor generation and results in a mature product;
  - the facility is constructed to minimize any ponding on the composting area; and
  - the facility is at least 200 feet from the nearest surface water body, potable water well, and residence or place of business, excluding the generating business and any residence or place of business built after the facility began operation. This separation distance requirement may be increased to 500 feet in densely populated or otherwise sensitive areas, as determined by the department.

## DEFINITIONS:

Composting facility means a solid waste management facility used to provide aerobic, thermophilic decomposition of solid organic constituents of solid waste to produce a stable, humus-like material.

Food processing waste means waste resulting solely from the processing of fruits, vegetables, grains, dairy products, and related food products. Food processing waste includes, but is not limited to:

- a. vegetative residues that are recognizable as part of a plant, fruit or vegetable (e.g., corn husks, cabbage leaves, grape and apple pomace, bean snips, and carrot, tomato, and potato skins); or
- b. any solid, semi-solid, or liquid food sludge or residue that is nonrecognizable but identifiable by analysis or is certified as solely a byproduct of plant, fruit, vegetable or dairy processing (e.g., milk and cheese whey, brewery and winery waste, and byproducts from canned, frozen, or preserved fruit and vegetable processing operations).

Septage means the contents of a septic tank, cesspool, or other individual sewage disposal system that receives domestic sewage wastes.

Sewage sludge means the accumulated semi-solids or solids resulting from treatment of wastewaters from publicly or privately owned or operated sewage treatment plants. Sewage sludge does not include grit or screenings or ash generated during the incineration of sewage sludge.

Sludge means any solid, semi-solid or liquid waste generated from a wastewater treatment plant, water supply treatment plant, or air pollution control facility but does not include the treated effluent from a wastewater treatment plant.

Vectors means a carrier that is capable of transmitting a pathogen from one organism to another including but not limited to, flies and other insects, rodents, birds and vermin.

Yard waste means leaves, grass clippings, garden debris, tree branches, limbs and other similar wood materials.

**TABLE 50H-1  
SEWAGE SLUDGE AND SEPTAGE CONTAMINANT CONCENTRATIONS**

PARAMETER	MONTHLY AVERAGE CONCENTRATION (ppm, dry-weight basis)	MAXIMUM CONCENTRATION (ppm, dry-weight basis)
Arsenic (As)	41	75
Cadmium (Cd)	21	85
Chromium (Cr) [total]	1000	1000
Copper (Cu)	1500	4300
Lead (Pb)	300	840
Mercury (Hg)	10	57
Molybdenum (Mo)	40	75
Nickel (Ni)	200	420
Selenium (Se)	100	100
Zinc (Zn)	2500	7500

**TABLE 50H-2  
PRODUCT STANDARDS**

PARAMETER	MONTHLY AVERAGE CONCENTRATION (ppm, dry-weight basis)	MAXIMUM CONCENTRATION (ppm, dry-weight basis)
Arsenic (As)	41	75
Cadmium (Cd)	10	85
Chromium (Cr) [total]	1000	1000
Copper (Cu)	1500	4300
Lead (Pb)	300	840
Mercury (Hg)	10	57
Molybdenum (Mo)	40	75
Nickel (Ni)	200	420
Selenium (Se)	100	100
Zinc (Zn)	2500	7500

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Sally Rowland, Division of Solid & Hazardous Materials

518/402-8678



**SOLID & HAZARDOUS MATERIALS**

**REGULATION 50J QUESTIONS:**

**WASTE TIRE STORAGE FACILITIES**

- (A) Do you have 1,000 or more waste tires or the equivalent (such as tire chips, etc.) at your facility, project, or operation (f/p/o)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "Rank" box 50J blank and leave "Approval" box 50J blank on the Compliance Status Report form, then proceed to Regulation 50K.

- (B) If YES, are all the tires stored in trailers permitted as waste haulers (6NYCRR Part 364) and does the f/p/o have a permit as a transfer station and comply with all other requirements (see Regulation 50J)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, leave "Rank" box 50J blank and leave "Approval" box 50J blank on the Compliance Status Report form, then proceed to Regulation 50K.

- (C) If NO, are you registered or permitted as a waste tire storage facility?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (D).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "Rank" box 50J and leave the "Approval" box 50J blank on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (D).

- (D) Are you operating under a compliance schedule as prescribed in a consent order, court order, permit, or other directive?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, check the "Approval" box 50J on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (E).

If NO, place a "C" in "Rank" box 50J and place a check in the "Approval" box 50J on the Compliance Status Report form, then proceed to Regulation 50K.

- (E) Are you in compliance with the prescribed schedule?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Regulation 50K.

If NO, complete a new "Non-Compliance Report & Remedial Plan" form, proceed to Regulation 50K.

## SOLID & HAZARDOUS MATERIALS

### REGULATION 50J:

### WASTE TIRE STORAGE FACILITIES

LEGAL CITATION: ECL Sections 27-0703 & 27-0707 and 6 NYCRR Subparts 360-1 & 360-13.

#### ABSTRACT OF LAW/REGULATIONS:

This regulates facilities that store 1,000 or more waste tires or portions of waste tires at any time. Requirements include:

- a. tires must be unmounted;
- b. tires must be evaluated for retreadability and those that are retreadable must be transported to a retreading facility;
- c. tires that are transported to other facilities for retreading or other uses, must be transported at planned intervals;
- d. all waste tires must be sorted by type if the materials are to be used as a chemical feedstock and be appropriately sorted within 5 days of receipt;
- e. fire prevention and control measures must be provided in the form that approach roads to the facility and access roads within the facility must be constructed for all weather conditions and must be maintained in passable condition at all times;
- f. the facility must be maintained free from weeds, trees, vegetation that may restrict access to or operations of the facility;
- g. the facility must be constructed to prevent the uncontrolled collection and pooling of water;
- h. a facility that has a planned or actual capacity of 2,500 or more tires must have at least one active hydrant or viable fire pond and fully charged large capacity carbon dioxide or dry chemical fire extinguishers located in strategically placed enclosures throughout the entire facility;
- i. waste tire piles must be accessible on all sides to fire fighting and emergency response equipment and potential ignition sources must be eliminated;
- j. the facility owner or operator must restrict access to the facility of any unauthorized persons;
- k. facilities that have a planned or actual capacity of 2,500 or more waste tires must be enclosed by a woven wire, chain-link, or other acceptable fence material, at least six feet in height with access controlled by lockable gates;
- l. a daily log must be maintained that accounts for all materials handled at the facility including date, name and signature of recorder, quantities received, processed and removed and the permit numbers and names of waste tire haulers;

- m. quarterly operation reports must be submitted to NYSDEC that include the total quantity of waste tires at the facility, the quantity added or removed since the previous report, the identification of the solid waste management facility to which any solid waste from the waste tire storage facility has been taken and the quantity transported, the identification of any environmental problems, fires, or significant changes or progress toward the ultimate disposal of or use of waste tires received or located at the facility, and the identification of any pesticides and their quantities used during the reporting period;
- n. an annual report must be submitted to the NYSDEC;
- o. the facility must provide that all waste tires be maintained in a manner that limits mosquito breeding potential and other vectors;
- p. the facility may receive and accumulate only waste tires or portions of waste tires for storage;
- q. all solid waste generated as a result of facility operation must be disposed at a NYSDEC approved solid waste disposal facility within one week after generation;
- r. waste tire piles must not exceed 20 feet in height and the horizontal dimensions of waste tire piles at the base of the pile must have a surface area no greater than 10,000 square feet, with a width not to exceed 50 feet;
- s. the waste tire piles must have a minimum separation distance of 50 feet between piles, and between piles and facility property boundaries, buildings and other structures, public rights-of-way, and that these separation areas must be maintained free of obstructions at all times so that emergency vehicles will have adequate equipment access;
- t. the facility must not store waste tires in excess of the quantity allowed;
- u. rims may be stored for up to 30 days and may be stored longer with NYSDEC approval;
- v. waste tires may not be stored in excavations;
- w. the facility must have an operation and maintenance manual that contains all plans required and that provides a detailed description of the operations and activities involving the flow of the waste tires from their receipt and continuing through handling, storage, and disposal and that describes the waste tire facility as a whole;
- x. the facility have a closure plan;
- y. a contingency plan be available;
- z. the facility have a surety in an amount sufficient to cover the cost of handling the worst case contingency identified in the contingency plan or the insolvency of the facility owner or operator as provided in the closure plan or closure of the facility at its maximum capacity (whichever is greater). The surety amount is based on how tires are stored in relationship to the requirements of this Part, and their

potential threat to human health and the environment resulting from fires or releases into the air, onto the soil or into groundwater or surface water.

REQUIRED APPROVAL:

A permit to construct and operate a waste tire storage facility is required. A registration may be allowed for certain types of solid waste management facilities as defined by the applicable regulation.

DEFINITIONS:

Waste tire means any solid waste which consists of whole tires or portions of tires. For the purposes of the Regulation, tire casings separated for retreading and tires with sufficient tread for resale shall be included under this term, however, crumb rubber shall not be considered a solid waste.

NOTE: See Regulation 50A for additional definitions.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Chris Glander, Division of Solid & Hazardous Materials

518/402-8706

SOLID & HAZARDOUS MATERIALS

REGULATION 50K QUESTIONS:

LIQUID STORAGE FACILITIES

- (A) Are there any inactive liquid "solid waste" storage facilities at your facility, project, or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (D).

- (B) If YES, have the inactive liquid "solid waste" storage facilities been investigated by NYSDEC for proper closure?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50K on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (D).

If YES, proceed to Question (C).

- (C) Have all the inactive liquid "solid waste" storage facilities been properly closed?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50K on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (D).

If YES, proceed to Question (D).

- (D) Are there any active liquid "solid waste" storage facilities at your facility, project, or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, and if you answered NO to Question (A), leave "**RANK**" box 50K blank and leave "Approval" Box 50K blank on the Compliance Status Report form, then proceed to Regulation 50L.

If YES, proceed to Question (E).

- (E) Are all the liquid "solid waste" storage facilities at your facility, project or operation exempt? [See , Regulation 50K, for exemptions.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (F).

If YES, place a check in "Approval" Box 50K, then proceed to Regulation 50L.

- (F) Do you have a permit to operate all your liquid "solid waste" storage facilities?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (G).

If YES, proceed to Question (H).

(G) Are you exempt from obtaining a permit?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, leave "**RANK**" box 50K blank, place a check in "Approval" Box 50K, then proceed to Regulation 50L.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50K and leave the "Approval" Box 50K blank on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (H).

(H) Are you operating under a compliance schedule as prescribed in a consent order, court order, permit, or other directive?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, check the "Approval" Box 50K on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (I).

If NO, place a "C" in "**RANK**" box 50K and place a check in the "Approval" Box 50K on the Compliance Status Report form, then proceed to Regulation 50L.

(I) Are you in compliance with the prescribed schedule?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Regulation 50L.

If NO, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 50L.

## SOLID & HAZARDOUS MATERIALS

### REGULATION 50K:

### LIQUID STORAGE FACILITIES

LEGAL CITATION: ECL Sections 27-0703 & 27-0707 and 6 NYCRR Subparts 360-1 & 360-6

#### ABSTRACT OF LAW/REGULATIONS:

All liquid waste storage tanks and surface impoundments are subject to regulation, unless the NYSDEC has determined that the facility is exempt. Requirements include:

1. Aboveground and onground tanks:
  - a. that tanks constructed of concrete, steel or other material approved by NYSDEC must be supported on a well drained stable foundation that prevents movement, rolling, or settling of the tank;
  - b. that the bottoms of steel tanks that rest on earthen material must be cathodically protected with either sacrificial anodes or an impressed current system that is designed, fabricated, and installed in accordance with the approved engineering report required to obtain a permit;
  - c. that the exterior surfaces of all aboveground and onground steel storage tanks must be protected by a primer coat, a bond coat, and two or more final coats of paint or have at least an equivalent surface coating system designed to prevent corrosion and deterioration;
  - d. that the interior of all aboveground and onground tanks must consist of a material or must be lined with a material, resistant to the liquid being stored;
  - e. that all aboveground and onground tanks must have a secondary containment system that may consist of dikes, liners, pads, ponds, impoundments, curbs, ditches, sumps, or other systems capable of containing the liquid stored;
  - f. that the design volume for the secondary containment system must be 110 percent of the volume of either the largest tank within the containment system or the total volume of all interconnected tanks, whichever is greater;
  - g. that the secondary containment system must be constructed of a material compatible with the liquid stored and must be constructed of either a minimum of a one foot layer of compacted soil with a maximum coefficient of permeability of  $1 \times 10^{-7}$  centimeters per second, or a concrete pad of a sufficient thickness to maintain integrity for the lifetime of the tank with a corrosion resistant coating, or a geosynthetic liner of a minimum thickness equal to 60 mils;
  - h. that a system must be designed to contain and remove storm water from the secondary containment area that includes provisions for the removal of any accumulated precipitation (rain, snow or ice) and be initiated within 24 hours

or when 10 percent of the storage capacity is reached (whichever occurs first);

- i. that the disposal of any storm water be in compliance with all applicable federal and State regulations (See Regulation 58);
- j. that all aboveground and onground tanks must be equipped with an overflow prevention system that may include, but not be limited to: level sensors and gauges, high level alarms or automatic shutoff controls;
- k. that all overflow control equipment must be inspected weekly by the facility operator to ensure it is in good working order;
- l. that the exposed exterior of all aboveground and onground tanks must be inspected weekly by the facility operator for adequacy of the cathodic protection system, leaks, corrosion, and maintenance deficiencies, and that interior inspection must be performed whenever the tank is drained and if the inspection reveals any deficiency then remedial measures must be taken immediately;
- m. that inspection reports must be maintained and made available to the NYSDEC for the lifetime of the tank;
- o. that all uncovered tanks must have a minimum of two feet of freeboard; and
- p. that odor and vector control must be practiced when necessary for all uncovered tanks.

2. Underground tanks:

- a. that all underground tanks must be placed a minimum of two feet above the seasonally high groundwater table and a minimum of two feet vertical separation must be maintained between bedrock and the lowest point of the tank;
- b. that the tanks may be constructed of fiberglass, reinforced plastic, steel that is cathodically protected, steel that is clad with fiberglass, or any other materials approved by NYSDEC;
- c. that secondary containment and a continuous leak detection system must be installed in the form of a double-walled tank, designed as an integral structure so that any release from the inner tank is completely contained by the outer shell;
- d. that the interstitial space in a double-walled tank must be monitored at least once per week by the facility operator for tightness using pressure monitoring, vacuum monitoring, electronic monitoring, or an approved equivalent method;
- e. that any double-walled tank system vulnerable to corrosion must be protected from both corrosion of the primary tank interior and the external surface of the outer shell and the resistant coatings applied to the primary tank interior must be chemically compatible with the liquid to be stored and that cathodic



- protection systems, where installed, must be inspected at least weekly by the facility operator;
- f. that all underground tanks must be equipped with an overflow prevention system that may include, but not be limited to, level sensors and gauges, high level alarms, or automatic shutoff controls;
  - g. that all overflow control equipment or prevention systems must be inspected weekly by the facility operator to ensure it is in good working order; and
  - h. that inspection and leak detection monitoring reports must be maintained and made available for the lifetime of the underground liquid storage system.

3. Surface impoundments:

- a. that any surface impoundment must be constructed a minimum of five feet above the seasonally high groundwater table, and a minimum of five feet vertical separation must be maintained between the base of the constructed liner and bedrock;
- b. that surface impoundments must be constructed with a liner system consisting of a minimum of two liners and a leak detection system in which the top liner must be a geosynthetic liner with a minimum thickness equal to 60 mils;
- c. that a ballast material, such as rounded gravel or sand, that will not cause damage to the geosynthetic liner must be placed on top of the liner to preserve liner integrity;
- d. that a leak detection and removal system must be installed between the two synthetic liners;
- e. that the lower composite liner must consist of a minimum of two feet of compacted soil with a maximum coefficient of permeability of  $1 \times 10^{-7}$  centimeters per second overlain by a geosynthetic liner that is at least 60 mils thick;
- f. that quality assurance and quality control testing must be performed by the project engineer;
- g. that a minimum of two feet of freeboard must be maintained in all surface impoundments;
- h. that odor and vector control must be practiced when necessary; and
- i. that a minimum of three groundwater monitoring wells, one upgradient and two downgradient of the surface impoundment must be installed and sampled.

## REQUIRED APPROVAL:

A permit is required to construct and/or operate a liquid storage facility. For liquid (leachate) storage located at landfills that are permitted under Regulations 50G, 50H and 50L, the landfill permit includes the leachate storage and a separate liquid storage permit is not required. If permitted under 360-6.6, a closure plan must be prepared and approved and closure must be completed within 180 days after liquid collection has ceased.

## EXEMPTIONS:

Liquid storage facilities regulated under Regulations 50A, 50G, 50H, 50K or 50L.

## DEFINITIONS:

Leachate means any solid waste in the form of a liquid, including any suspended components in the liquid that results from contact with or passage through solid waste.

Surface impoundment means a solid waste management facility, or a part of one that is a natural topographical depression, man-made excavation, or diked area formed primarily of earthen materials that is designed to hold solid waste in semisolid or liquid form, and that is not an injection well.

Tank means a stationary device designed to contain an accumulation of solid waste or leachate that is constructed primarily of non-earthen material (e.g., wood, concrete, steel, plastic) that provides structural support.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Robert Phaneuf, Division of Solid & Hazardous Materials

518/402-8694

## SOLID & HAZARDOUS MATERIALS

### REGULATION 50L QUESTIONS:

### USED OIL MANAGEMENT

- (A) Does your facility, project or operation generate used oil, serve as an aggregation point, accept used oil from do-it-yourself oil changers, (see aggregation point, do-it-yourself oil changer and used oil definitions in -- Regulation 50L) or does your facility store, burn, handle, process or manage used oil on site in any way or form?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Regulation 50M.

If YES, proceed to Question (B).

- (B) Is your used oil stored in tanks and/or containers designed, constructed and operated in accordance with the New York State Uniform Fire Protection and Building Code, the National Fire Protection Association Flammable and Combustible Liquids Code and all applicable local building and fire codes?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (C) Are all used oil tanks and/or containers in good condition (i.e., no severe rusting, apparent structural defects or deterioration) and not visibly leaking?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (D) Are containers and aboveground tanks used to store used oil clearly marked with the words "used oil", and, for tanks, with the capacity?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (E) Does the person who delivers or removes the used oil from your used oil tanks and/or containers possess a NYSDEC Part 364 Permit and meet all of the requirements of Regulation 28?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered YES to all Questions (B), (C), (D), and (E), place a "C" in **"RANK" box** 50L on the Compliance Status Report Form, then proceed to Question (F).

If you answered NO to any one or more of Questions (B), (C), (D), or (E), place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in **"RANK" box** 50L on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (F).

- (F) Is any used oil at your facility stored in tanks?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (K).

If YES, proceed to Question (G).

- (G) Are tanks used to store used oil registered with the NYSDEC, Bureau of Spill Prevention and Response, and are they in compliance with the requirements for Regulation 56 (Petroleum Bulk Storage)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered YES to Question (G), place a "C" in "**RANK**" box 50L on the Compliance Status Report Form, then proceed to Question (H).

If you answered NO to Questions (G), place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50L on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (H).

- (H) Is 10% or more of the volume of any used oil tank, that is greater than 110 gallons in capacity at your facility, underground?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (K).

If YES, proceed to Question (I).

- (I) Are the fill pipes of underground tanks clearly marked with the words "used oil" and is the capacity of each tank clearly labeled at the fill?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (J) Are used oil tanks, greater than 110 gallons in capacity, that have 10% or more of their volume underground, in compliance with the Federal Underground Storage Tank (UST) Regulations, 40 CFR 280?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered YES to Questions (I) and (J), place a "C" in "**RANK**" box 50L on the Compliance Status Report Form, then proceed to Question (K).

If you answered NO to Questions (I or (J), place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50L on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (K).

- (K) Does your facility burn any self-generated used oil on site for energy recovery?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to question (L).

If NO, proceed to Question (N).

- (L) Is the used oil burned in a space heater?

YES \_\_\_\_ NO \_\_\_\_

- (M) Is the space heater designed to burn used oil? Does it have a maximum capacity of 0.5 million BTU per hour, utilize only used oil that is generated by the owner or operator, or accepted from do-it-yourselfers, and is the space heater vented to the outside air?

YES \_\_\_\_ NO \_\_\_\_

If you answered YES to Question (M), place a "C" in "**RANK**" box 50L on the Compliance Status Report Form, then proceed to Question (N).

If you answered NO to Question (L) or (M), place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50L on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (N).

- (N) Does the facility burn for energy recovery off-specification used oil that had been purchased from a supplier of used oil fuel?

YES \_\_\_\_ NO \_\_\_\_

If YES, proceed to Question (O).

If NO, proceed to Question (R).

- (O) Has the facility obtained an ID number from the Federal EPA?

YES \_\_\_\_ NO \_\_\_\_

- (P) Is the off-specification used oil burned in one of the following: industrial furnaces, industrial boilers, utility boilers, or hazardous waste incinerators, as defined and regulated by Regulations 31, 33, and 34?

YES \_\_\_\_ NO \_\_\_\_

- (Q) Is secondary containment, consisting of dikes, berms, or retaining walls, and a floor, provided for all aboveground tanks and containers at the facility?

YES \_\_\_\_ NO \_\_\_\_

If you answered YES to Questions (O), (P), and (Q), place a "C" in "**RANK**" box 50L on the Compliance Status Report Form, then proceed to Question (R).

If you answered NO to any of Questions (O), (P), or (Q), place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50L on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (R).

- (R) Is your facility, project or operation a "used oil transfer facility", or a "used oil processing facility", or a "collection center" that aggregates and/or stores used oil collected from commercial, service or retail establishments? [see definitions in - Regulation 50L]

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Regulation 50M.

If YES, proceed to Question (S).

- (S) Does the used oil transfer facility, processing facility, or collection center have a NYSDEC approved spill prevention, control and countermeasure plan or a NYSDEC approved contingency plan for spills, fires, explosions and/or other emergencies?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (T) Have you submitted your annual report to the NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (U) Does your used oil storage, transfer, or processing facility have a USEPA Identification Number?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (V) Do you have a Part 360 Permit to operate your used oil storage, transfer, or processing facility?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (W) Are all incoming loads of used oil screened for total halogen content?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (X) Is secondary containment, consisting of dikes, berms, or retaining walls, and a floor, provided for all aboveground tanks and containers at the facility?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered YES to Questions (S), (T), (U), (V), (W), and (X), place a "C" in "RANK" box 50L on the Compliance Status Report Form, then proceed to Regulation 50M.

If you answered NO to any of Questions (S), (T), or (U), (V), (W), or (X), place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "RANK" box 50L on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 50M.

## SOLID & HAZARDOUS MATERIALS

### REGULATION 50L:

### USED OIL MANAGEMENT

LEGAL CITATION: ECL Article 23, Title 23, Sections 27-0703 & 27-0707 and 6 NYCRR Subparts 360-1, 360-14 & 374-2

#### ABSTRACT OF LAW/REGULATIONS:

This regulates facilities that retain used oil and facilities that generate, reprocess and/or re-refine, or burn used oil. Materials produced from used oils that are burned for energy recovery (e.g., used oil fuels) are subject to regulation as used oil under Regulations 04A and 50L.

#### PROHIBITIONS:

1. Used oil shall not be managed in surface impoundments, pits, ponds or lagoons.
2. Used oil shall not be used as a dust suppressant, land applied or disposed directly on the land; and
3. Used oil that is recyclable or reusable shall not be disposed through the use of absorbant materials, other than for purposes of spill cleanup.

#### REQUIREMENTS:

##### A. Some **used oil generator** requirements are:

1. Facilities must be designed, constructed and operated in accordance with the New York State Uniform Fire Prevention and Building Code, 9NYCRR Subchapter C, including the National Fire Prevention Association Flammable and Combustible Liquids Code (NFPA-30) and local building and fire codes;
2. Used oil is stored in containers that are in good condition (i.e., no severe rusting, apparent structural defects or deterioration) and not visibly leaking;
3. Tank and container sign requirements: all containers, aboveground used oil tanks and fill pipes of underground used oil tanks must display a label that indicates the capacity of the tank and clearly states "used oil".
4. Facilities that generate over 500 gallons of used engine oil per year (used engine lubricating oil retention facilities) must have the oil removed on a periodic basis consistent with the design capacity of the facility, and must be removed only by a person possessing a NYSDEC Part 364 permit and meeting the requirements of Regulation 28, unless the generator self-transport small amounts under the conditions of paragraph C.1.a and b.
5. Upon detection of any spill or release of used oil, the owner or operator must: stop the spill or release; contain the spilled used oil; clean up and properly manage the released used oil and other material; prevent future releases and spills, repair or replace any leaking used oil storage containers or tanks prior to returning them to service; and notify the NYSDEC spill hotline (see Regulation 56A) within two hours of the spill at 800/402-8633;

6. Storage in stationary tanks (rather than a container) requires compliance with the regulations for "Petroleum Bulk Storage," Regulation 56.
7. Used oil stored in underground tanks, greater than 110 gallons, or in aboveground tanks whose volume is 10% or more underground, must comply with the Federal Underground Storage Tank (UST) Regulations, 40 CFR 280, as well as with Paragraph A6.

B. Some **used oil transfer, reprocessing, and re-refining facility** requirements are:

1. All used oil transfer, reprocessing and re-refining facilities must obtain an USEPA identification number prior to beginning operation;
2. Except for storage tank requirements, a used oil facility in possession of a Part 360 permit on January 13, 1995 must meet the requirements of this regulation no later than the time of renewal of the permit;
3. All facilities must comply with paragraphs A1, A2, A3, A5, A6 and A7.
4. Facilities that store used oil in containers or aboveground tanks must have a secondary containment system, that may consist of dikes, berms, retaining walls, and a floor; an equivalent secondary containment system is allowed; all secondary containment systems must be sufficiently impervious to used oil;
5. All used oil facilities must consider used oil to be an off-specification used oil unless analysis or other information is provided to indicate that its characteristics meet those of an on-specification used oil;
6. The owners or operators of the used oil facility must submit an Engineering Report with their permit application. The Engineering Report must include:
  - a. a general description of the overall process and functional description of all equipment to be used, including, but not limited to design criteria and process flow diagram;
  - b. a description and map of the geographic service area from which the used oil will be received;
  - c. information that indicates the facility is designed, maintained, and operated to minimize hazards to human health and the environment, resulting from fires, explosions, or releases into the air, onto the soil, or into groundwater or surface water;
  - d. a detailed description of the types of oils to be accepted by the facility and the origin of the oils;
  - e. proof of storage tank registration with the NYSDEC Bureau of Spill Prevention and Response, or proof of certification by an individual licensed to practice engineering in New York State that the tanks at the facility meet the requirements of Regulation 56; and



- f. a description of how the owner or operator will maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area or operation in an emergency, unless aisle space is not needed for these purposes.
7. The owners or operators of the used oil facility must submit a Used Oil Quality Control Plan with their permit application that contains the following :
  - a. a program for detecting and preventing the treatment, processing or disposal of a regulated listed hazardous waste at the facility; this shall include a detailed description of how all incoming loads of used oil will be tested for total halogen content; used oil containing more than 1,000 ppm of total halogens is presumed to be a hazardous waste;
  - b. if the facility will be handling on-specification used oil, a program must be developed and implemented to determine whether a used oil is on-specification or off-specification;
  - c. detailed procedures how the owner or operator will handle a load of used oil that is suspected to be, or is determined to contain, a listed hazardous waste;
  - d. if the facility handles any waste oil that is not defined as a used oil, or disposes any used oil rather than recycling or reusing it, the used oil control plan must contain additional procedures to assure that the facility does not accept any characteristic hazardous waste; and
  - e. prior to the implementation of any changes to the used oil control plan, the intended changes must be submitted to and approved by the NYSDEC;
8. The owners or operators of the used oil facility must submit a Contingency Plan with their permit application that contains the following:
  - a. the contingency plan must indicate that the facility is equipped with the following, unless none of the hazards posed by used oil handled at the facility could reasonably be expected to require a particular kind of equipment specified below:
    - (1) communication systems;
    - (2) a description of the personnel safety equipment, facilities, and protective gear at the facility; and
    - (3) water available at sufficient volume and pressure to provide an adequate supply to water hoses, foam producing equipment, automatic sprinklers, and water spray systems;
  - b. provide for routine testing and maintenance to assure the proper operation of all emergency equipment;
  - c. at all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures;

- d. the owner or operator must attempt to make arrangements, as appropriate, for the type of used oil handled at the facility and the potential need for the services of these organizations: police and/or fire department, state emergency response teams, emergency response contractors and equipment suppliers, and local hospitals;
  - e. description of the actions that facility personnel must make in response to a fire, explosion, or release that could threaten human health or the environment, and actions to be taken if the facility is shut down for more than 24 hours;
  - f. the owner must maintain a copy of the contingency plan and all revisions to it on-site at the facility; submit a copy to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services; and
  - g. the contingency plan must be reviewed, and immediately amended, whenever: applicable regulations are revised, the plan fails in an emergency, the list of emergency coordinators changes, the list of emergency equipment changes, or the facility changes its design, construction, operations, maintenance, or other circumstances in a way that materially increases the potential for fires, explosions, or releases of used oil, or changes the response necessary in an emergency;
9. The owners or operators of the used oil facility must submit a Closure Plan with their permit application that contains the following:
- a. the owner or operator must complete closure activities in accordance with the approved closure plan and within 180 days after used oil collection, storage, or processing has ceased;
  - b. address all the closure requirements contained in 6NYCRR Part 613; and
  - c. if the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required by the other requirements of this regulation, then the owner or operator must close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to hazardous waste landfills;
10. A draft operations and maintenance manual must be provided that describes procedures for equipment operation and maintenance at the facility.
11. The operating record for acceptance and delivery for all grades of used oil must be kept for at least seven years, and must include information on the name, address and EPA ID. No. of the originating and receiving facilities and transporters; date and quantity of shipments, on- or off-specification quality and methods of determination.

The following records must be kept **FOR THE LIFE OF THE FACILITY**:

- Results of analytical tests pertaining to hazardous determination and specification quality; and
  - Reports and details of all incidents, including spills and emergencies, which required implementation of the contingency plan.
12. Submit an annual report to the NYSDEC Central Office and to the Regional Office that administers environmental conservation in the NYSDEC region in which the facility is located, no later than March 2 of each year of operation.

C. Some **transportation** requirements for all used oil facilities are:

1. When shipping used oil from a generator or used oil facility:
  - a. All used oil generators (including those that operate a retention facility) may self-transport up to 55 gallons of used oil to a collection center or aggregation point;
  - b. Generators may ship or have shipped up to 55 gallons of used oil which is to be reclaimed under a tolling agreement, (see Definitions) by a transporter which does not possess a Part 364 permit;
  - c. Owners or operators of used oil transfer or processing facilities must ensure that their used oil is transported only by transporters who are permitted as required by Regulation 28. Used oil facility owners or operators are required to confirm that the transporters taking used oil from their facilities carry a valid Part 364 waste transporter permit, if required;
  - d. All used oil shipped from a facility must be considered as off-specification unless chemical analysis documents that the used oil is on-specification;
2. When receiving used oil at a used oil facility:
  - a. Owners or operators of used oil transfer or processing facilities must ensure that the used oil transported to their facility is only by transporters who are permitted as required by Regulation 28. Used oil facilities owners or operators are required to confirm that the transporters delivering used oil to their facility carry a valid Part 364 waste transporter permit, if required;
  - b. Owners or operators of used oil transfer or processing facilities must ensure that used oil transported to their facility is free of regulated, listed hazardous waste. All incoming loads of used oil must be tested for total halogen content. Any load of used oil that tests in excess of 1,000 ppm in total halogens is presumed to be a hazardous waste because it had been mixed with a hazardous halogenated waste. Any such oil must be rejected by the facility. See Paragraph c of the definition of "used oil" below for a discussion of the circumstances in which the hazardous presumption can be successfully rebutted.
  - c. All used oil received must be considered as off-specification unless chemical analysis or other information documents that the used oil is on-specification.

REQUIRED APPROVAL:

Used oil storage tanks at all facility types must be *registered* with the NYSDEC, Bureau of Spill Prevention and Response.

In addition to tank registration, a "used oil transfer or processing facility" is also required to obtain a *Part 360 Permit* from the NYSDEC to construct and/or operate.

EXEMPTIONS FROM PART 360 PERMITTING (provided that the stated conditions are met):

1. Materials reclaimed from used oil to be used beneficially and not to be burned for energy recovery or used in a manner constituting disposal (e.g. re-refined lubricants) are not used oil and are exempt;
2. Facilities that manage used oils that are hazardous waste as defined by and subject to the requirements of Regulations 31, 33 and 34;
3. Farmers who generate an average of 25 gallons or less per month of used oil from vehicles or machinery operated on the farm and the used oil is used in normal farming operations. Normal farming operations do not include land application or land disposal of used oil;
4. Facilities (other than used oil-fired space heater facilities) that combust off-specification used oil for energy recovery only and the associated on-site storage of used oil prior to combustion, provided that:
  - a. the facility complies with all the applicable used oil requirements in Regulations 04A, burns the oil in either industrial furnaces, industrial boilers, utility boilers or hazardous waste incinerators, as defined and regulated in Regulations 31, 33 and 34, and keeps a record of each used oil shipment accepted for burning, as specified at item B11.
  - b. the owner or operator of the facility provides written notice of its operation and exemption status to the NYSDEC Regional Office in which the facility is located;
  - c. the facility possesses a USEPA identification number; and
  - d. the used oil storage facilities that store used oil prior to on-site combustion must comply with the requirements indicated in items A1-A7, B4 and B5.
5. Storage or treatment of used oil in tanks or containers, if the used oil is generated on-site; or received directly from a service vehicle that is garaged at the used oil storage unit, providing that the used oil was generated from the servicing of vehicles or engines; or the storage facility acts in the capacity of a used oil aggregation point; or a collection center that accepts used oil only from do-it-yourself changers; or the used oil is received from do-it-yourselfers; provided that: the facility complies with items A1-7 and B5 above.
6. Facilities and operations that manage only on-specification used oil that is to be burned for energy recovery. The facility must comply with the requirements of items A5, B7b and A5, and all applicable requirements of Regulation 04A, and 374-2;

7. Used oil-fired space heater facilities, provided:
  - a. the heaters burn only used oil that the owner or operator generates or used oil received from do-it-yourself oil changers who generate used oil as household waste;
  - b. the heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and
  - c. the combustion gases from the heater are vented to the ambient (outside) air;
  - d. compliance with applicable requirements of Regulation 04A. In addition, the units used to store used oil must comply with the requirements indicated at items A1-7 and B5.
8. The transfer of used oil between vehicles provided they meet these requirements:
  - a. transfer operations are continuously observed;
  - b. a contingency plan meeting the applicable requirements indicated above under "used oil transfer, reprocessing and re-refining facilities," item B8 above, is in place in case of an emergency during transfer. The contingency plan must be prepared and certified by an individual licensed to practice engineering in New York State;
  - c. the transporters meet all applicable requirements of 6NYCRR Part 360; and
  - d. procedures are established to:
    - (1) ensure halogens level of <1000 ppm;
    - (2) handle discovered listed hazardous waste; and
    - (3) assure that characteristic hazardous wastes are not accepted.
9. Wastewater, the discharge of which is subject to Regulation 58 (SPDES Permit) including wastewaters at facilities that have eliminated the discharge of wastewater contaminated by small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining operations. This exception will not apply to used oil discarded as a result of abnormal manufacturing operations resulting in substantial leaks, spills, or other releases, or to used oil recovered from wastewater;
10. Used oil placed directly into a crude oil or natural gas pipeline is subject to the management standards of this regulation only prior to the point of introduction to the pipeline. Once the used oil is introduced to the pipeline, the material is exempt from the requirements of this regulation;
11. Used oil produced on vessels from normal shipboard operations is considered to be generated at the time it is transferred ashore and is, therefore, not subject to this regulation until the used oil is transported ashore. The owner or operator of the vessel and the person removing or accepting used oil from the vessel are co-generators of the used oil and are both responsible for managing the used oil in compliance with the regulation once the used oil is transported ashore. The co-

generators may decide among themselves which party will fulfill the requirements of the regulation;

12. Mixtures of used oil and diesel fuel mixed by the generator of the used oil for use in the generator's own vehicles are not subject to this regulation once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to this regulation; and
13. Used oil introduced into crude oil pipelines or a petroleum refining facility.

Marketing:

Facilities engaged in the marketing of used oil fuel must:

- (a) adhere to the recordkeeping requirements of item B11;
- (b) obtain an EPA identification number;
- (c) a marketer of on-specification used oil fuel must include in their records the copies of analyses or other information used to make their determination.

DEFINITIONS:

Aboveground used oil tank means any stationary device used to store or process used oil, that is designed to contain an accumulation of used oil, which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic), which provides structural support and is not an underground used oil tank.

Adjacent means towns or cities next to each other, or those portions of towns or cities, that are located within eight miles of a retail establishment.

Aggregation point means any site or facility that accepts, aggregates, and/or stores used oil collected only from other used oil generation sites, owned or operated by the owner or operator of the aggregation point, from which used oil is transported to the aggregation point in shipments of no more than 55 gallons.

Collection Center means any site or facility that accepts, aggregates and/or stores used oil collected from commercial, service or retail establishments and do-it-yourself oil changers, who bring used oil to the collection center in shipments of no more than 55 gallons.

Container means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

Do-it-yourself oil changer means an individual consumer (non-commercial) who generates used oil by draining the lubricating oil out of his or her own motorized equipment.

Fuel oil means all oil that has been refined, re-refined or reprocessed and is suitable for burning to produce heat or is sold for burning to produce heat.

Lubricating oil means all oil that is suitable for use as a lubricant or is sold for use as a lubricant.

On-premises oil changing operation means any operation that drains or collects used lubricating oil and replaces it with new or re-refined lubricating oil.

Petroleum refining facility means an establishment primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, and lubricants, through fractionation, straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking or other processes (i.e., facilities classified as SIC 2911).

Reprocessing means any process, method or technique, short of re-refining, that removes physical or chemical contaminants from waste oil so that such oil is suitable for productive use.

Re-refining means any process, method or technique that removes the physical and chemical contaminants from used oil so that such oil is suitable for use as lube stock or fuel oil and, when used by itself or when mixed with new oil or additives, is substantially equivalent or superior to new oil intended for the same purpose. Lube stock shall meet the standards as specified in the American Petroleum Institute's engine service classifications.

Tolling agreement means a contractual agreement under which used oil is reclaimed and returned by the processor/re-refiner to the generator for use as a lubricant, cutting oil or coolant.

Underground used oil tank means any one, or combination of tanks (including underground pipes connected to a tank) that is used to contain an accumulation of used oil, and is entirely covered by earth or other material. This term does not include any storage tank situated in an underground area (such as a basement, cellar, mineworking, drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

Used engine lubricating oil means petroleum-based lubricating oil from internal combustion engines that through use has been contaminated by physical or chemical impurities.

Used engine lubricating oil retention facility means any facility employed to store used lubricating oil by a service establishment or any other person, industrial operation, airport, trucking terminal, or State or local government facility that generates at least 500 gallons of used lubricating oil annually.

Used oil means any oil that has been refined from crude oil, or any synthetic oil, that has been used; and, as a result of such use, is contaminated by physical or chemical impurities. Used oil is separated into two distinct categories based on its chemical characteristics:

- a. On-specification used oil is a used oil with properties that do not exceed any of the following specification levels:

<u>Property</u>	<u>Specification Level</u>
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
PCB's	2 ppm maximum

Total Halogens ‡  
Flash Point

4,000 ppm maximum  
100°F minimum

‡ See paragraph "c" below.

- b. Off-specification used oil is used oil with chemical properties that exceed any of the specification levels listed above;
- c. Used oil containing more than 1,000 ppm of total halogens is presumed to be a hazardous waste. However persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (e.g., by showing that the used oil does not contain significant concentrations of the halogenated hazardous constituents listed in Regulation 31, Table 31-1);
  - (1) The rebuttable presumption does not apply to metalworking oils/fluids containing chlorinated paraffins if they are processed, through a tolling agreement (see definition), to reclaim metalworking oils/fluids. The presumption does apply to metalworking oils/fluids if they are recycled in any other manner, or disposed.
  - (2) The rebuttable presumption does not apply to used oils contaminated with chorofluorocarbons (CFC's) removed from refrigeration units whose CFC's are destined for reclamation. However, the rebuttable presumption does apply to used oils contaminated with CFC's that have been mixed with used oil from sources other than refrigeration units.

Used oil burner means a facility where off-specification used oil is burned for energy recovery in devices identified at Regulation 31, 33 and 34.

Used oil generator means any person, by site, whose act or process produces used oil or whose act first causes used oil to be subject to regulation.

Used oil fuel marketer means any person who conducts either of the following activities:

- (i) Directs a shipment of off-specification used oil from their facility to a used oil burner; or
- (ii) First claims that used oil that is to be burned for energy recovery meets the used oil fuel specification set forth in the definition for used oil above.

Used oil processing facility means chemical or physical operations designed to produce from used oil, or to make used oil more amenable for production of fuel oils, lubricants, or other used oil-derived product. Processing includes, blending used oils to meet the fuel specification, filtration, simple distillation, chemical or physical separation, reprocessing and re-refining.

**NOTE:** Generators who perform the following activities are not processors provided that the used oil is generated on-site and is not being sent off-site to a burner of on-specification or off-specification used oil fuel;



- (1) filtering, cleaning or otherwise reconditioning used oil before returning it for reuse by the generator;
- (2) separating used oil from wastewater generated on-site to make the wastewater acceptable for discharge or reuse as stated in section 402 or section 307(b) of the Clean Water Act or other applicable federal or state regulations governing the management or discharge of wastewaters;
- (3) Using oil mist collectors to remove small droplets of used oil from in-plant air to make plant air suitable for continued recirculation;
- (4) draining or otherwise removing used oil from materials containing, or otherwise contaminated with, used oil in order to remove excessive oil, such that no visible signs of free-flowing oil remain in, or on, the material;
- (5) filtering, separating or otherwise reconditioning used oil before burning it in a used oil fired space heater.

Used oil storage facility means any facility, other than used engine lubricating oil retention facilities located at the point of generation, that stores used oil, including, but not limited to storage facilities for used oil transfer facilities or used oil processing facilities.

Used oil transfer facility means any transportation related facility including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours and not longer than 35 days during the normal course of transportation.

Waste oil means used engine lubricating oil and any other oil, including but not limited to fuel oil, motor oil, gear oil, cutting oil, transmission fluid, hydraulic fluid, dielectric fluid, oil storage tank residues, animal oil and vegetable oil, that has been contaminated by physical or chemical impurities, through use or accident, and has not subsequently been re-refined. ***Waste oil as defined in this regulation shall be regulated in the same manner as used oil, unless otherwise specifically exempted or excluded.*** Waste oil shall be classified as on-specification or off-specification, as designated under the definition of used oil.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

David O'Brien, Division of Solid & Hazardous Materials

518/402-8633

#### **SOLID & HAZARDOUS MATERIALS**

#### **REGULATION 50M QUESTIONS: SOLID WASTE INCINERATORS AND REFUSE-DERIVED FUEL PROCESSING FACILITIES**

**NOTE: If your facility, project or operation is subject to this regulation, it is also subject to Regulation 71.**

- (A) Do you incinerate solid waste or process solid waste into a Refuse Derived Fuel (RDF) for sale as a fuel to an incinerator?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (B).

If NO, leave "**RANK**" box 50M blank and leave "Approval" Box 50M blank on the Compliance status Report form, then proceed to Regulation 50N.

- (B) Do you have a solid waste permit to operate a solid waste incinerator or RDF processing facility? [Exemptions: see Regulation 50M.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in the "**RANK**" box 50M and place a check in the "Approval" Box 50M on the Compliance Status Report form, then proceed to Regulation 50N.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50M and leave the "Approval" Box 50M blank on the Compliance Status Report form, then proceed to Regulation 50N.

## **SOLID & HAZARDOUS MATERIALS**

### **REGULATION 50M: SOLID WASTE INCINERATORS AND REFUSE-DERIVED FUEL PROCESSING FACILITIES**

LEGAL CITATION: ECL Sections 27-0703 & 27-0707 and 6 NYCRR Subparts 360-1 & 360-3

#### ABSTRACT OF LAW/REGULATIONS:

This regulates the handling and processing of solid waste at an incinerator or refuse-derived fuel (RDF) processing plant. Requirements include:

1. Operational requirements:
  - a. that an operation and maintenance manual that provides the procedures that will enable the facility to achieve a goal of at least 85 percent equipment availability and minimize downtime and bypass solid waste must be available for reference and inspection;
  - b. that the facility is authorized to receive only solid waste authorized by NYSDEC and that all solid waste received at the facility and residues, ash residues and bypass waste leaving the facility must be weighed and recorded and the results incorporated into the quarterly report;
  - c. that all delivered solid waste must be processed and contained within a completely enclosed area to minimize the effects of weather, wind, and precipitation;
  - d. that external storage of putrescible solid waste is prohibited;
  - e. that solid waste identified as nonputrescible recyclables or oversized, bulky, or untreatable solid waste may be temporarily stored outside the facility for a period not to exceed one week unless an extension is authorized by the NYSDEC;
  - f. that any solid waste that is stockpiled or remains in storage must not become a nuisance or a sanitary or environmental problem;
  - g. that all rejected, oversized, bulky, untreatable, and bypass waste, that is not recyclable must be disposed at a NYSDEC approved facility if the facility is located within New York State or an authorized facility if it is located out-of-state;
  - h. that the solid waste storage area and tipping area for solid waste incinerators must contain a negative air pressure when compared to atmospheric conditions;

- i. that the solid waste storage area and tipping area must include fire detection and protection equipment, and must be separated from the solid waste combustion equipment by a wall;
- j. that the site and facility must have adequate drainage and be free of standing water;
- k. that the NYSDEC must be notified of all process changes before they are implemented;
- l. that the operator must restrict the presence of, and must minimize the possibility for any unauthorized entry onto the facility;
- m. that a description of the security measures must be provided and include, but not be limited to, a means to control entry at all times through the gates or other entrances to the facility;
- n. that a quarterly report must be submitted to the NYSDEC;
- o. that the NYSDEC must be notified if any unscheduled total shutdown of the facility exceeds 24 hours;
- p. that an annual report must be submitted to the NYSDEC;
- q. that adequate aisle space must be provided to allow for emergency operations;
- r. that the facility be equipped with an internal communications system capable of providing immediate emergency instruction to facility personnel, an alarm system to notify facility personnel of an emergency condition, a device (such as a telephone or a hand-held two-way radio) capable of summoning emergency assistance from local police or fire departments and State or local emergency response teams;
- s. that the facility must be equipped with portable fire extinguishers, fire control equipment (including special extinguishing equipment such as foam, inert gas, or dry chemical distributing equipment) and spill control equipment;
- t. that there must be water available at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, and water spray systems;
- u. that all facility emergency equipment including communications or alarm systems, fire protection equipment, spill control equipment, and personal safety equipment must be tested and maintained as necessary to assure its proper operation;
- v. that immediate access must be provided for all personnel involved in the facility operation to an internal alarm or emergency communication device;

- w. that at all times during facility operation, there must be at least one employee either on the facility premises or available to respond to an emergency by reaching the facility within a short period of time with the responsibility for coordinating all emergency response measures;
- x. that the owner or operator must notify the NYSDEC in writing at least 180 days before the date the facility is expected to begin closure and that no solid waste may be received within 30 days after the date that the closure is expected to begin;

2. Personnel training requirements:

- a. that all facility personnel must successfully complete the personnel training requirements within six months after the date of their employment;
- b. that facility personnel must take part in an annual review of the training required;
- c. that these records must be maintained at the facility: job title for each position, name of employee, written job description for each position including requisite skills, education or other qualifications, and duties of employees assigned to each position;
- d. that a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position must be maintained;
- e. that documentation that the training or job experience required and completed must be maintained;
- f. that training records on current personnel must be kept until closure of the facility and training records on former employees must be kept for at least three years from the date the employee last worked at the facility;
- g. that the on-site operation of the incinerator subject to these requirements must be directed at all times by a person(s) certified pursuant to the American Society of Mechanical Engineers Qualification and Certification of Resource Recovery Facility Operators;

3. Ash residue requirements:

- a. that the permittee must test the bottom ash and the fly ash within one month following the date on which the solid waste incinerator permit to operate was issued and testing must continue semi-annually thereafter;
- b. that the ash residue must contain less than 10 percent volatile matter by weight as determined by weekly testing;

- c. that the results of all tests must be submitted to the NYSDEC no later than 60 days after the testing and must be incorporated into quarterly reports;
- d. that sufficient on-site ash residue storage capacity must be provided to ensure that facility operations continue during short term interruptions of ash residue transportation and/or disposal;
- e. that the quantity of ash residue stored on site must be limited to no more than seven times the daily design output;
- f. that the ash residue must be stored in watertight, leak resistant containers located inside a building or enclosed structure;
- g. that the ash residue stored on site in a waste pile that is located in an enclosed structure must be placed on an impermeable base and a runoff management system must be provided to collect and control the free liquid that is allowed to drain from the ash residue;
- h. that all containers must be designed to allow free liquid to drain from the ash residue during the loading process and the liquid drained during this process must be collected and if discharged must meet appropriate discharge limits (See Regulation 58);
- i. that loaded containers may be stored outside of a building or enclosed structure if all free liquid has been drained and the container is sealed and covered to prevent rain water infiltration or airborne emissions;
- j. that ash residue must be drained of free liquid before transport and that ash residue transportation containers or vehicles must be watertight and leak resistant and must be designed and constructed such that any closures at or near the bottom are sealed to prevent leakage under normal transportation conditions;
- k. that fly ash must be disposed in a monofill having a double composite liner system;
- l. that combined ash or bottom ash residue other than fly ash may be codisposed with solid waste in all counties except Nassau and Suffolk in a landfill having a double composite liner system;
- m. that treated fly ash, combined ash, bottom ash, or any combination of same may be disposed in all counties except Nassau and Suffolk in a monofill having a single composite liner system;
- n. that ash residue (including treated fly ash), whether or not codisposed with each other or with other solid waste may not be disposed in a landfill in a deep-flow recharge area in Nassau and Suffolk Counties, but may be

disposed in a new landfill (constructed after December 18, 1990) that is outside a deep-flow recharge area;

- o. that the treatment of fly ash may be conducted if the permittee can demonstrate to NYSDEC that the proposed treatment process can physically or chemically alter the fly ash such that the extract generated upon exposure to acidic and nonacidic conditions does not contain inorganic constituents at concentrations greater than 100 times the respective groundwater quality standards;
- p. that all vehicles used to transport ash residue from the facility must be covered to prevent fugitive dust emissions while in transit and the truck or trailer bed must be lined to prevent leakage of any liquid;
- q. that if the ash residue is temporarily stored, appropriate measures must be taken to eliminate fugitive dust emissions.

4. Permit to construct and/or operate.

REQUIRED APPROVAL:

A permit is required to construct and/or operate a solid waste incinerator and/or a refuse-derived fuel processing plant.

EXEMPTIONS:

Incinerator facilities, except regulated medical waste facilities, located at a single or multiple family residence, school, park, industry, hospital, commercial establishment, correctional facility, or farm and used exclusively for the management of solid waste generated at that location or at a location under the same ownership within a single Region of the NYSDEC. In certain cases where the NYSDEC determines that these activities pose an adverse impact on public health, safety, or the environment, the NYSDEC may set time limitations on the activities covered under this exemption. For excavated petroleum contaminated soils, on-site storage is limited to 60 days unless otherwise approved by the NYSDEC.

Regulated Medical Waste (RMW) treatment facilities and destruction processes located on site of and operated by, a health care facility licensed pursuant to Public Health Law Article 28, and clinical laboratories licensed pursuant to Public Health Law Section 571 are exempt from this Part for the treatment and destruction of RMW generated from that facility or laboratory. Such exempt facilities may accept RMW from other generators of RMW provided they first obtain written agreements with each such generator and submit copies of these agreements to the NYSDEC and the NYS Dept. of Health.

DEFINITIONS:

Incinerator means an enclosed device using controlled flame combustion used to thermally break down solid waste, including refuse-derived fuel, to an ash residue that contains little or no combustible materials.

Refuse-derived fuel means treated solid waste that is used as a fuel.

Refuse-derived fuel processing plant means the combination of structures, machinery, or devices utilized to reduce or alter the volume of mixed solid waste before delivery to a solid waste incinerator.

Solid waste incinerator means an incinerator combusting solid waste, or solid waste in combination with fossil fuel, with or without energy recovery.

**NOTE: See Regulation 50A for additional definitions.**

NYSDEC CONTACT PERSON:

Ted Williams, Division of Solid & Hazardous Materials

TELEPHONE NUMBER

518/402-8693



## SOLID & HAZARDOUS MATERIALS

### REGULATION 50N QUESTIONS: REGULATED MEDICAL WASTE TREATMENT, TRANSFER & STORAGE FACILITIES

**NOTE: If your facility, project or operation is subject to this regulation, it may also be subject to Regulation 36A.**

- (A) Do you generate Regulated Medical Waste (RMW) at your facility, or by your project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (E).

- (B) If YES, do you transport all your Regulated Medical Waste offsite?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (C).

If YES, leave "**RANK**" box 50N blank and leave "Approval" Box 50N blank on the Compliance status Report form, then proceed to Regulation 50P.

- (C) Do you treat the Regulated Medical Waste at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50N on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (D).

If YES, proceed to Question (D).

- (D) Do you have a permit to operate a Regulated Medical Waste facility?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a check in "Approval" Box 50N, then proceed to Question (E).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50N and leave the "Approval" Box 50N blank (or place a check in the box if exempt) on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (F).

(E) Do you accept offsite Regulated Medical Waste for treatment or transfer?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 50N blank, then proceed to Regulation 50P.

(F) If YES, do you have a permit to operate a Regulated Medical Waste transfer or treatment facility?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 50N and place a check in the "Approval" Box 50N on the Compliance Status Report form, then proceed to Regulation 50P.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 50N and leave the "Approval" Box 50N blank on the Compliance Status Report form, then proceed to Regulation 50P.

## SOLID & HAZARDOUS MATERIALS

### REGULATION 50N:            REGULATED MEDICAL WASTE TREATMENT, TRANSFER & STORAGE FACILITIES

LEGAL CITATION: ECL Sections 27-1500 and 6 NYCRR Subparts 360-1, 360-10 & 360-17

#### ABSTRACT OF LAW/REGULATIONS:

These regulate the storage, transfer and treatment of Regulated Medical Wastes (RMW). Requirements include:

1. that the owner or operator of any facility used for the treatment, storage, or disposal of regulated medical waste must adhere to an operation plan prepared in accordance with New York State Department of Health requirements for handling and disposal of regulated medical waste and approved by the NYSDEC;
2. that a regulated medical waste management facility may only accept regulated medical waste from a hauler with a waste transporter permit, or a hauler specifically exempt;
3. that delivery of unauthorized waste, contamination of any person, or other emergencies must be reported to the NYSDEC;
4. that the maximum duration for storage of regulated medical waste before treatment must be limited to seven days;
5. that containment of regulated medical waste must be in a secure, vermin-free, dry area separate from other solid waste at the facility, and in a manner and location that minimizes the possibility of exposure to the environment and to the public. Space must be provided to allow for clear separation of regulated medical waste and other solid waste;
6. that storage and containment areas must protect regulated medical waste from the elements, be ventilated to the outdoors, be only accessible to authorized persons, and be marked with prominent warning signs on, or adjacent to, the exterior doors or gates, and the warning signs must be easily read during daylight from a distance of 25 feet;
7. that containers used for the containment of regulated medical waste must be marked with prominent warning signs with the word **"INFECTIOUS"** or the words **"REGULATED MEDICAL WASTE"** and the signs must be securely attached to the containers and clearly legible;

8. that regulated medical waste other than articles that may cause punctures or cuts must be contained in bags that are impervious to moisture and have a strength sufficient to resist ripping, tearing, or bursting under normal conditions of usage or handling and the bags must be red in color and must be secured to prevent leakage during storage, handling, or transport;
9. that regulated medical waste that may cause punctures or cuts must be contained for treatment or disposal in leakproof, rigid, puncture resistant containers that are secured to prevent loss of the contents and these containers must be red in color or conspicuously labeled with the word "**biohazard**" or the universal warning sign and the labels must be securely attached to the containers and clearly legible;
10. that reusable containers for regulated medical waste must be thoroughly washed and decontaminated each time they are emptied, unless the surfaces of the containers have been completely protected from contamination by disposable liners, bags, or other devices that are removed with the regulated medical waste;
11. that reusable containers used for the containment of regulated medical waste must be decontaminated before they are used for the containment of non-regulated medical waste or for other purposes;
12. that compactors must not be used to process regulated medical waste;
13. that disposal of untreated regulated medical waste, other than anatomical remains, that have not been rendered noninfectious through treatment is prohibited;
14. that except for anatomical remains, regulated medical waste must be treated by: incineration in an incinerator permitted by NYSDEC that provides complete combustion of the regulated medical waste to carbonized or mineralized ash, or by heat sterilization in a steam sterilizer, or by another decontamination technique approved by the New York State Department of Health, or by discharge to a sewage system if the waste is liquid or semi-liquid, except as prohibited by the New York State Department of Health, or by another method approved in writing by the commissioner of the New York State Department of Health; and
15. that regulated medical waste consisting of anatomical remains must be disposed of by interment or treated by incineration.
16. that regulated medical waste that has been properly treated, or treated and destroyed, must be disposed only at a NYSDEC approved solid waste incinerator or landfill.
17. that all regulated medical waste sharps must be treated and destroyed (rendered unrecognizable) prior to disposal.

## REQUIRED APPROVAL:

A permit is required to construct and/or operate a regulated medical waste management facility or conduct waste management activities beyond the initial point of collection.

## EXEMPTION:

Treatment and/or transfer of regulated medical wastes at health care facilities licensed pursuant to the Public Health Law, Article 28 and clinical laboratories licensed pursuant to the Public Health Law section 571. These exempt facilities may accept regulated medical wastes from other producers of RMW and retain the exemption as long as written agreements of the activity are filed with the NYS Department of Health.

## DEFINITIONS:

Regulated Medical Waste is a waste generated in the diagnosis, treatment (e.g., provision of medical services), or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, that is not excluded or exempted, or any household waste as defined in Regulation 31 and that is listed below:

1. Cultures and stocks of agents infectious to humans, and associated biologicals (vaccines), including: cultures from medical and pathological laboratories; cultures and stocks of infectious agents from research and industrial laboratories; wastes from the production of biologicals, discarded live and attenuated vaccines; and culture dishes and devices used to transfer, inoculate, and mix cultures;
2. Human pathological wastes, including tissues, organs, body parts (except teeth and areas in contact with bone and gum), body fluids that are removed during surgery, autopsy or other medical procedures, specimens of body fluids and their containers, and discarded material saturated with body fluids other than urine. This waste shall **NOT** include urine or fecal materials submitted for other than diagnosis of infectious diseases;
3. Human blood and products of human blood, including discarded waste human blood or blood components (e.g. serum and plasma), containers with free flowing blood or blood components or discarded saturated material containing free flowing blood or blood components, as well as materials saturated to the point of dripping with blood or blood products;
4. Sharps that are wastes including, but not limited to those that have been used in animal or human patient care, medical research, or clinical or pharmaceutical laboratories, including hypodermic, intravenous or other medical needles, hypodermic or intravenous syringes (with or without the attached needle), pasteur pipettes, scalpel blades, blood vials, and broken or unbroken glassware that were in contact with infectious agents, such as used slides and cover slips. This does **NOT** include those parts of syringes from which sharps have been designed to be removed, and which are intended for recycling or other disposal, as long as those syringes have **not come in contact with infectious agents**;
5. Contaminated animal carcasses, body parts, body fluids, blood and bedding of animals that were known to have been exposed to infectious agents, or from

animals inoculated during research, production of biologicals (vaccines) or pharmaceutical testing with infectious agents, providing the waste can serve as a means of transmission of the infectious agent to a human;

Exclusions and exemptions are:

a. Exclusions:

1. Hazardous waste identified or listed in Regulation 31;
2. Household waste, as defined in Regulation 31;
3. Ash from incineration of RMW is not RMW once the incineration process has been completed;
4. Residues from treatment of nonsharps RMW are no longer RMW once the waste has been treated;
5. Residues from treatment and destruction processes of RMW sharps are no longer RMW once the waste has been both treated and destroyed; and
6. Human corpses, remains, and anatomical parts that are intended for interment or cremation.

b. Exemptions: Samples of Regulated Medical Waste transported off-site by the U.S.E.P.A. or State designated enforcement personnel for enforcement purposes are exempt from the requirements of the regulation during the enforcement proceeding.

Treatment means any method, technique or process designed to change the character or composition of any regulated medical waste so as to either neutralize that waste or render that waste not infectious, safer for transport, amenable for recovery, amenable for storage, or reduced in volume.

**NOTE: See Regulation 36A and 50A for additional information and definitions.**

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Al Woodard, Division of Solid & Hazardous Materials

518/402-8693

**SOLID & HAZARDOUS MATERIALS**

**REGULATION 50P QUESTIONS: CONSTRUCTION & DEMOLITION DEBRIS**  
**PROCESSING FACILITIES**

- (A) Does your facility, project or operation include any processing of construction and demolition debris?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave “**RANK**” box 50P blank and leave “Approval” Box 50P blank on the Compliance Status Report Form, then proceed to Regulation 70.

- (B) If YES, does your facility, project or operation receive and process only land clearing debris and/or unadulterated wood, wood chips, or bark from logging operations, pulp and paper production, and wood products manufacturing?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, leave “**RANK**” box 50P blank and leave “Approval” Box 50P blank on the Compliance Status Report Form, then proceed to Regulation 70.

- (C) If NO, does your facility, project or operation receive and process only recognizable uncontaminated concrete and other masonry waste, asphalt pavement, brick, soil or rock that has not been in contact with a spill from a petroleum product, hazardous waste, or industrial waste and that is not commingled with any other solid waste?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (E).

- (D) If NO, does your facility, project or operation receive and process only uncontaminated and unadulterated wood? [See Regulation 50P for definitions.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (I).

- (E) If YES, have you submitted a registration form to the NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (F) Has your facility, project or operation been monitoring all solid waste received and accepted only that solid waste that has been authorized by NYSDEC and have you been keeping records of all monitoring information?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (G) Have you submitted the required annual reports to NYSDEC and maintained a daily log accounting for all materials handled at the facility?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (H) Has your facility, project or operation controlled all vectors, dust, blowing papers, litter, and odor so as to minimize nuisances or hazards to health, safety, and property?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered "YES" to all Question (E), (F), (G) and (H), place a "C" in **"RANK" box 50P** and place a check in the "Approval" Box 50P on the Compliance Status Report Form, then proceed to Regulation 70.

If you answered "NO" to any one or more of Questions (E), (F), (G) or (H), place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in **"RANK" box 50P** on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (I).

- (I) Do you have a Part 360 Solid Waste Permit to construct and operate a Construction & Demolition Debris Processing Facility?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a check in the "Approval" Box 50P, then proceed to Regulation 70.

If NO, leave the "Approval" Box 50P blank on the Compliance Status Report Form, include the violation of having no permit on the "Non-Compliance Report & Remedial Plan" form, then proceed to Question (J).

- (J) Are you operating under a compliance schedule as prescribed in a consent order or court order?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a check in the "Approval" Box 50P on the Compliance Status Report Form, then proceed to Question (K).

If NO, proceed to Question (K).

- (K) Are you in compliance with any compliance schedule prescribed in a consent order, court order, permit, or other directive?

YES \_\_\_\_\_ NO \_\_\_\_\_



If YES, proceed to Regulation 70.

If NO, place an "N1", "N2", "N3" or "N4" in the "**RANK**" box 50P on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 70.

## SOLID & HAZARDOUS MATERIALS

### **REGULATION 50P: CONSTRUCTION & DEMOLITION DEBRIS PROCESSING FACILITIES**

LEGAL CITATION: ECL Sections 27-0703 & 27-0707 and 6 NYCRR Subparts 360-1, 360-16

#### ABSTRACT OF LAW/REGULATIONS:

The purpose of this regulation is to regulate construction and demolition (C&D) debris processing facilities, activities and operations that manage recyclables separated from the C&D debris, solid waste stream. These facilities handle exclusively C&D debris. Requirements include:

1. the facility may receive only C&D debris;
2. all incoming materials are inspected before acceptance at the facility and are weighed or otherwise measured before unloading and these measurements are recorded in a daily log;
3. all materials ultimately be recycled or properly disposed;
4. all indoor and outdoor storage, processing, handling, and tipping areas include appropriate fire detection and protection equipment and aisle space;
5. the facility control and prevent potential nuisances including litter, insects, odors, dust, noise, and other vectors;
6. an air monitoring program be implemented, if required by the NYSDEC;
7. the facility provide adequate storage space for materials and unauthorized material must be removed within 24 hours;
8. processed and unprocessed C&D debris may be stored uncovered at the facility for a period not to exceed 30 days.
9. processed or unprocessed C&D debris may be stored in enclosed or certified storage for a period not to exceed 90 days unless otherwise approved by the NYSDEC.
10. storage piles not exceed 20 feet in height, 5,000 square feet of area at the base, not be located in excavations, be 25 feet from other piles, be 50 feet from property boundaries and be in accordance with appropriate fire and building codes;
11. recyclables recovered be stored for no more than 60 days without NYSDEC approval;

12. the facility have adequate drainage, be drained and be free of standing water and all materials be stored and managed to minimize leachate production;
13. the facility owner or operator must restrict access to the facility of any unauthorized persons;
14. an annual report must be submitted to the NYSDEC;
15. the facility maintain a daily log of all materials handled at the facility;
16. the facility have a closure plan, staffing plan, and personnel training plan;
17. the facility have a contingency plan and that it be available to all employees;
18. the facility have and implement a waste control plan;
19. the facility must have an operation and maintenance manual that contains all plans required for the management of the C&D debris from its receipt at the facility and continuing through handling, storage, and disposal and that describes the C&D debris processing facility as a whole; and
20. all on-site roads be passable in all weather conditions, be kept free of dust or not become a nuisance or hazard.

#### REQUIRED APPROVAL:

A permit is required to construct and operate a facility that processes C&D debris. Registration may be allowed provided only certain C&D debris is managed at the facility.

#### EXEMPTIONS:

No permit is required for facilities that receive and process only land clearing debris and/or unadulterated wood, wood chips, or bark from logging operations, pulp and paper production, and wood products manufacturing.

#### DEFINITIONS:

Pulverize means to process by any mechanical means such as, but not limited to, crushing, grinding, chipping or shredding that breaks and intermixes the components of C&D debris into small fragments so that the basic constituents of these fragments cannot be readily identified by the NYSDEC through visual observation.

Screenings means the resulting material that is separated from C&D debris by passing through the openings of a screen;

Unadulterated wood means wood that is not painted or treated with chemicals such as glues, preservatives or adhesives. Any painted wood or chemically treated wood (e.g., pressure treated wood, treated railroad ties, etc.) or wood containing glues or adhesives (e.g., plywood, particle board, etc.) is considered adulterated wood;

Uncontaminated means C&D debris that is not mixed or comingled with other solid waste at the point of generation, processing or disposal, and that is not contaminated with spills of a petroleum product, hazardous waste or industrial waste. Contamination from spills of a petroleum product does not include asphalt or concrete pavement that has come in contact with petroleum products through normal vehicle use of the roadway.

**NOTE: See Regulation 50A for additional definitions.**

NYSDEC CONTACT PERSON:

Ed Dassatti

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## SOLID & HAZARDOUS MATERIALS

### REGULATION 70 QUESTIONS:

### HAZARDOUS WASTE REDUCTION

**NOTE: If your facility, project or operation (f/p/o), is subject to Regulation 31, it is also subject to this regulation.**

(A) Did your f/p/o generate any hazardous waste as identified in Regulation 31?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Regulation 71.

(B) If YES, are you a CESQG?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, go to Regulation 71.

If NO, proceed to Question (C).

(C) Did you establish policy and procedures to reduce or eliminate, recover, reuse, recycle, detoxify, treat and/or destroy to the maximum extent practical, the generation of hazardous wastes?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (D).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "Rank" box 70 on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (D).

(D) Did you reduce or eliminate, to the maximum extent practical, the generation of hazardous wastes?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (E).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "Rank" box 70 on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (E).

(E) Did you completely eliminate the generation of hazardous wastes?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "Rank" box 70 on the Compliance Status Report form, proceed to Regulation 71.

If NO, proceed to Question (F).

(F) Did you recover, reuse and/or recycle, to the maximum extent practical, all of the hazardous wastes that continue to be generated?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "Rank" box 70 on the Compliance Status Report form, proceed to Question (G).

If NO, proceed to Question (G).

(G) Did you detoxify, treat and/or destroy all of the hazardous waste generated that was not recovered, reused or recycled?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "Rank" box 70 on the Compliance Status Report form, proceed to Question (H).

If NO, proceed to Question (H).

(H) Did you land dispose all of the hazardous waste generated that was not recovered, reused, recycled, detoxified, treated and/or destroyed? [Treated residuals posing no significant threat to the public health or to the environment are exempt.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "Rank" box 70 on the Compliance Status Report form, proceed to Question (I).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "Rank" box 70 on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (I).

(I) Did your f/p/o generate 25 tons or more of hazardous waste exclusive of remediation waste during the reporting period? [See Regulation 31.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Regulation 71.

If YES, proceed to Question (J).

- (J) Are you required to submit a Hazardous Waste Reduction Plan? [See Regulation 70.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Regulation 71.

If YES, proceed to Question (K).

- (K) If YES, did you submit the Hazardous Waste Reduction Plan?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "Rank" box 70 on the Compliance Status Report form, proceed to Regulation 71.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "Rank" box 70 on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 71.

## SOLID & HAZARDOUS MATERIALS

### REGULATION 70:

### HAZARDOUS WASTE REDUCTION

LEGAL CITATION: ECL 27-0105 & 27-0908.

ABSTRACT OF LAW/REGULATIONS:

HAZARDOUS WASTE REDUCTION:

Section 27-0105 establishes a hierarchy of preferred hazardous waste management practices. The following practices are to be used to guide all hazardous waste policies and decisions:

1. The generation of hazardous wastes is to be reduced or eliminated to the maximum extent practical;
2. Hazardous wastes that continue to be generated are to be recovered, reused or recycled to the maximum extent practical;
3. Detoxification, treatment or destruction technologies are to be utilized for hazardous waste that cannot be reduced, recovered, reused or recycled;
4. Land disposal of industrial hazardous wastes, except treated residuals posing no significant threat to the public health or to the environment, should be phased out as it is the least preferable method of industrial hazardous waste management.

This directive is grounded in the legislative finding that "it is imperative that policies be developed to reduce or, where possible, eliminate environmental risks posed by the generation, storage, transportation, treatment and disposal of hazardous waste through both a dedicated effort to reduce and recycle wastes where possible and the assurance of adequate and sound disposal capacity for wastes which cannot be eliminated".

In addition the management of discarded appliances and vehicles involves potential exposure to several substances of concern (CFC's, PCB's, lead, etc.; see below) and potential opportunities for greater reuse of individual constituents (metals, CFC's, etc.).

1. Chlorofluorocarbons (CFC's), which deplete the stratospheric ozone, increasing the amounts of ultraviolet radiation that penetrate the earth's surface and presenting an increased threat to human DNA, other health aspects, crop yields, marine phytoplankton and the global greenhouse effect.
2. Polychlorinated biphenyls (PCB's), one of the most stable organic compounds known, persisting in the environment for years, are still present in capacitors in older appliances, although production after 1976 was banned.
3. Antifreeze (ethylene glycol) has a high biological oxygen demand and may therefore overwhelm microorganisms if it biodegrades in the soil. It may also be



a problem in water, absorbing oxygen that is needed by the fish and other aquatic life; it may cause heavy metals to pass through a water treatment system without treatment, and can cause serious harm and even death to animals that ingest it.

4. Lead in spent lead acid batteries poses serious acute chronic health effects to human and bioaccumulates in a variety of organisms (some lead compounds are classified as suspected carcinogens).
5. Fluids (motor oil, brake fluid, power steering fluid, and transmission fluids) may contain heavy metals, such as lead, cadmium and chromium and may also contain benzene and some polyaromatic hydrocarbons, that are known to be toxic to humans and are confirmed or suspected carcinogens.
6. Used oil, a petroleum product, presents some of the same environmental concerns as for other petroleum products, including undrained oil from filters that are contained in the retired vehicles.
7. Shredder residue or "fluff," the nonmetallic material left after ferrous and nonferrous metals are removed from processed vehicles, can contain plastic, glass, fabric, rubber, foam rubber, and dirt. The concentration range of certain constituents in shredder fluff (arsenic, barium, cadmium, chromium, lead, mercury and PCB's) may exceed the toxicity characteristic concentration.
8. Sodium azide, the propellant used in vehicle air bags, is a relatively recent presence in the solid waste stream. It has not been well studied; most of the information available is from reports from the mid- to late- 1970's when installation of air bags was proposed. Current information focuses on the hazards at the shredders from inadvertent deployments.

#### HAZARDOUS WASTE REDUCTION PLAN REQUIREMENTS:

1. Identification of the amount and type of all acute hazardous waste generated by waste stream;
2. Identification of the amount and type of all non-acute hazardous waste generated by waste stream equal or greater than five tons;
3. Identification of at least 90% of all non-acute hazardous waste generated at the facility;
4. Source of generation and waste management method for each waste stream;
5. Process diagram generating the waste;
6. Calculation of generation/production or other appropriate index;
7. Cost of managing each waste stream;

8. Determination of the technical feasibility for each waste stream;
9. Description of the program for implementing technically feasible and economical practicable hazardous waste reduction alternatives;
10. Description of any anticipated reduction in generations resulting from the reduction plan;
11. Description of the projected reduction goal;
12. Return on investment calculation;
13. Description of the method to be used to measure waste reduction over time;
14. Description of corporations waste reduction policy;
15. Description of employee training program;
16. Estimation of amount and type of transference, if any, to other media and the benefits that will be achieved; and
17. NYSDEC Table 1 and Table 2.

#### HAZARDOUS WASTE REDUCTION PLAN REQUIRED SUBMITTALS:

A reduction plan consists of an initial submittal, an annual status report and an update report submitted biennially.

Hazardous Waste Reduction Plans are required from generators that generate greater than or equal to 25 tons of hazardous waste subject to the law.

#### HAZARDOUS WASTE REDUCTION PLAN EXEMPTIONS:

Hazardous Waste Reduction Plans are required from generators that generate greater than or equal to 25 tons of Hazardous Waste subject to the law.

Hazardous Waste not subject to the law:

These wastes should not be included in the calculation of the amount of hazardous waste in determining if you generated greater than or equal to 25 tons:

1. hazardous waste generated by any corrective action required pursuant to a release from a hazardous waste treatment, storage or disposal facility;
2. hazardous waste generated by the remediation of an inactive hazardous waste disposal site;
3. hazardous waste generated by the cleanup of a release to the environment;

4. construction & demolition debris;
5. waste resulting from the cleanup of petroleum spills; and
6. hazardous waste generated by the closure of units or facilities that treat, store, or dispose of hazardous waste.

DEFINITIONS:

Hazardous waste, for the purpose of this regulation, means any commonly generated hazardous waste identified or listed in Regulation 31.

Toxic chemicals, for the purpose of this regulation, means the priority chemicals identified in 40 CFR Part 372, Subpart D.

**TABLE 70-1**

**FACILITIES, PROJECTS OR OPERATIONS REQUIRED TO SUBMIT HAZARDOUS WASTE REDUCTION PLANS**

<u>FACILITIES GENERATING MORE THAN</u>	<u>A HAZARDOUS WASTE REDUCTION PLAN MUST BE SUBMITTED BY</u>
1000 Tons of hazardous waste in 1990 ‡	July 1, 1991 ‡
500 Tons of hazardous waste in 1991 ‡	July 1, 1992 ‡
50 Tons of hazardous waste in 1992 ‡	July 1, 1993 ‡
25 Tons of hazardous waste in 1995 ‡	July 1, 1996 ‡

‡ means "or any subsequent year"

Any facility, project or operation required to have a permit in accordance with Regulation 34, must submit a hazardous waste reduction plan by July 1, 1991 or with a new permit application.

**POLLUTION PREVENTION GUIDELINES**

Waste reduction methods can be used by all facilities, project and operations. These methods help to protect the environment by reducing the amount of hazardous waste that needs to be disposed by landfilling and incineration. Most facilities, project and operations have found that pollution prevention can save a substantial amount of money in raw material costs and/or avoided disposal costs.

The first step towards pollution prevention is becoming aware of which chemicals you use at your facility, project or operation. For example, by monitoring your use of different chemicals you may recognize opportunities to switch to less hazardous materials. The following are some pollution prevention tips:

### 1. **Housekeeping Methods**

- a. Don't mix hazardous wastes with non-hazardous wastes, since this increases the amount of waste that must be disposed as a hazardous waste.
- b. Use drip pans for equipment cleaning to avoid having to clean up spills.
- c. Keep containers of solvents, paint thinners and other materials closed when not in use to avoid losing valuable raw materials to the air.
- d. Keep different types of wastes separate since this practice may increase the possibility of recycling.
- e. Preventive Maintenance of equipment should be practiced to reduce spills or leaks of materials that may then need to be disposed as hazardous wastes.

### 2. **Inventory Control**

- a. Order materials on an as-needed basis.
- b. Mark purchase date on containers and use older materials first.
- c. Control access to materials that will become hazardous wastes when spent so that these materials are not used unnecessarily when a substitute would work as well.
- d. Don't use solvents if there are effective substitutes such as detergents (e.g., hand cleaning, floor cleaning, etc.).
- e. Try to use one multipurpose solvent rather than several different solvents; this will increase the recycling potential of the spent solvent.

### 3. **Employee Training**

Training employees about the efficient use of chemicals that may, when used, become hazardous wastes can help to reduce the amount of waste that needs to be disposed. Examples include stressing the need to use the minimal amount of paint thinner to get the job done; reusing solvent until it is no longer useable; and using spent solvent as paint thinner.

#### 4. **Purchasing Practices**

Material Safety Data Sheets (MSDS) provide valuable information regarding the contents of commercial products such as paints, solvents and inks. They also provide information that will enable you to determine if, when disposed, a material will be a hazardous waste. Obtaining copies of MSDS's from your vendors prior to purchase will allow you to have more control over whether or not your company will generate hazardous waste.

#### **THE PURCHASING UNIT: A KEY PLAYER IN POLLUTION PREVENTION**

The reduction of pollutants in the all stages of operation can best be accomplished by the elimination of the cause at the beginning of the process. Agency purchasing procedures can be modified to allow for alteration of material specifications on the requisitions. This may make it possible to eliminate or reduce the possibility that purchased substances will lead to pollution or hazardous waste.

Obviously, some compromise may be involved in the selection of alternate materials, whether feed stocks or cleaning agents. Since the demands of the design engineers or process managers must be met to produce the desired results, substitution can involve redesign or change in method.

Some rather simple steps can be taken to improve the pollution prevention (P2) effects of purchasing. These involve pre-purchase agreements with the supplier to deliver the product in specific containers and packaging that can be reused on-site or for shipping products or other materials, or if reusable, to accept return.

Requests made at the time of negotiations are much easier to gain acceptance than those presented after the fact. As an example, accumulated pallets can become a constant problem for the agency if no plan exists for their handling or disposal. A frequent supplier may be very willing to supply reusable pallets if approached prior to writing the purchase order. Also, it is highly desirable that non-returnable pallets be the same size that you use for shipping your product or that can otherwise be used elsewhere in your agency, e.g. for storage or internal materials transfer.

Another example is certain containers such as plastic drums that are not readily disposed since their reuse value is questionable. These should be returned to the supplier of the original material, per an earlier agreement by the supplier to accept them. Alternately, perhaps raw materials can be shipped in returnable containers, preferably of a low-retention design.

Supplies and raw materials in bulk are frequently contracted for at the discretion of the purchasing unit. While money should and can be saved by doing so, quantity purchases should be made based on adequate information from the people using the supplies or raw materials. Shipments should be scheduled to arrive and coordinated with usage, so that obsolete inventory does not accumulate, becoming waste and causing serious disposal problems.

Suppliers are now accustomed to meeting certain requirements, such as providing MSDS sheets and marking packages according to the applicable regulations. The purchasing unit can discuss with them alternate materials such as citrus solvents in lieu of currently used solvents of MIBK in place of MEK and present the case to their requisition writers.

It's time to talk with, and listen to, the purchasing units when faced with the demands to approach zero discharge from current agency operations and processes.

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## SOLID & HAZARDOUS MATERIALS

### REGULATION 71 QUESTIONS:

### SOLID WASTE REDUCTION

- (A) Did your facility, project or operation generate any solid waste?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 71 "blank," then proceed to Regulation 72.

- (B) If YES, have you identified and established effective techniques to reduce or eliminate, recover, reuse or recycle the solid waste generated?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (C).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 71 on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (D).

- (C) Have you encouraged the establishment of a state-local partnership with the local government in which your facility, project or operation is cooperating in managing your solid wastes?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (D).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 71 on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (D).

- (D) Have you implemented techniques to reduce the amount of solid wastes that are generated at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (E) Are you encouraging the reuse of material for the purpose for which it was originally intended or recycling material that cannot be reused?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (F) Are you encouraging the recovery, in an environmentally acceptable manner, of energy from solid waste that cannot be economically and technically reused or recycled?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (G) Are you disposing of solid waste that is not being reused, recycled or from which energy is not being recovered, by land burial or other methods approved by NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered YES to Questions "D", "E", "F" and "G", place a "C" in "**RANK**" **box** 71 on the Compliance Status Report Form, then proceed to Regulation 72.

If you answered NO to any one or more of Questions "D", "E", "F" or "G", place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" **box** 71 on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 72.



## SOLID & HAZARDOUS MATERIALS

### REGULATION 71:

### SOLID WASTE REDUCTION

LEGAL CITATION: ECL 27-0106

#### ABSTRACT OF LAW/REGULATIONS:

Proper management of solid waste is necessary to protect public health and the environment. Toward this end, it is necessary to reduce the generation of solid waste, to accelerate the recovery and reuse of secondary materials within the state, to encourage the conservation of resources, to foster initiatives to achieve these ends, and to encourage a new ethic to conserve and reuse, rather than discard, useful materials. Thus, each state agency must identify and encourage the implementation of effective waste reduction techniques. The following are the solid waste management priorities:

1. To reduce the amount of solid waste generated;
2. To reuse material for the purpose for which it was originally intended or to recycle material that cannot be reused;
3. To recover, in an environmentally acceptable manner, energy from solid waste that can not be economically and technically reused or recycled;
4. To dispose solid waste that is not being reused, recycled or from which energy is not being recovered, by land burial or other methods approved by NYSDEC.

State agencies must make an essential contribution to the development and implementation of environmentally, economically and technically viable solid waste management programs through fulfilling their responsibilities to provide programs that promote waste reduction and the expansion of markets for recovered materials, clearly articulated, responsive and consistently applied regulatory structures, and a full range of technical assistance to local governments. Waste reduction is the key strategy and the promotion of effective waste reduction strategies, on a statewide or regional basis, would assist local governments in developing more effective waste disposal programs. A state-local partnership is essential to achieving these ends. Furthermore, a state-local partnership, in which the basic responsibilities for the planning and operation of solid waste management facilities remain with local governments and the state provides necessary guidance and assistance, must be forged. The mechanism created to assist in developing and implementing these strategies is Executive Order #142. Executive Order #142 directs that all State agencies must report their efforts. Executive Order #142 Report forms are sent to State agencies by the NYSDEC. The forms have also been included in Table 71-2 of this manual for State agencies' information.

SOLID WASTE AUDITING: †

There are several steps that can be taken that will enable you to estimate your facility's, project's or operation's potential for solid waste reduction. First, examine your solid waste disposal bills (or lease agreements) to determine how much you pay for disposal, and the quantity for which you are billed. Then you will be able to decide on a particular type of solid waste container to look at ( i.e., dumpsters, wastebaskets, etc.) to find out what your facility, project or operation discards. The next step is to examine your facility's, project's or operation's activities for ways to use fewer materials and supplies in order to prevent waste. Finally, you will calculate the weights and volumes of the recyclables and set up your recycling program.

### **What is a Solid Waste Audit?**

A solid waste audit is a method for estimating:

- the total amount of solid waste discarded by your facility, project or operation, and the cost for disposal;
- how full your dumpsters are when your solid waste hauler empties them (to find out if you have the right level of solid waste removal service); and
- the amounts of the different solid waste materials discarded by your facility, project or operation (this is the composition of your solid waste).

### **Why is Solid Waste Composition Important?**

A solid waste composition analysis allows you to identify the largest items, by volume, in the solid waste stream. By doing a solid waste audit before and after implementing a solid waste reduction program, you can document and monitor your efforts to reduce specific materials. The materials targeted for reduction should decline as a percentage of your total solid waste.

### **Why do your Own Solid Waste Audit?**

Doing your own solid waste audit is an important step toward learning how efficiently your facility, project, or operation uses its resources. **Every item in the trash has cost your agency money three times: first to buy it, second to inventory or handle it, and third to discard it.** A solid waste audit will help you learn how to identify ways that you can operate more efficiently by reducing solid waste. The agencies with the most successful solid waste reduction programs do their own solid waste audits and keep a watchful eye on what goes into the trash container.

More precise methods of measuring the quantity and composition of your facility's, project's or operation's solid waste are provided by professionals. However, the information you gather from your own audit will give you a rough measure that will help determine whether more exact measurements are necessary.

## What should be Audited?

You have several types of containers to choose from when doing your audit. Each has advantages and disadvantages for ease and precision of auditing. Keep in mind that a solid waste generated outside the buildings (leaves, construction debris, etc.) might not be captured in your audit. Your main options for selecting containers to audit include the following:

- Wastebaskets: The advantage of auditing wastebaskets is that it is easy to see what's inside. The disadvantage is that it is harder to accurately estimate the relative volumes of materials. Furthermore, if you have a lot of wastebaskets it can be difficult to make sure you have audited all of them. There may also be other waste generated in the building that does not flow into these containers. Therefore, if you decide to audit wastebaskets you will need to audit other waste containers in the building as well.
- Collection Containers: Wastebaskets are emptied into these as they are rolled across shop floors and through offices. Containers ranging from about 40 gallons to one cubic yard are generally a good size for auditing. Collection containers have the same drawbacks as wastebaskets in that there may be other solid waste generated that does not flow into these containers.
- Small Dumpsters: These are the most appropriate containers to audit. Containers that are one to eight cubic yards are good for auditing because usually all your facility's, project's or operations solid waste ends up in these. You also get a good estimate of each material's relative volume because the solid waste is all mixed together. You should be able to move things around with a stick to see everything inside. However, it may be hard to see everything in a larger container, if it is full.
- Large Dumpsters, Roll-Offs: With large containers, you're almost sure to see all the waste from your facility, project or operation. However, if these are full, it can be very difficult to see what's at the bottom. You will need to spread half of the solid waste on the ground and audit it there, and then audit the other half inside the dumpster. An alternative is to audit your wastebaskets or collection containers for *composition*, then combine that information with a dumpster audit for *volume*.
- Compactors: You cannot audit solid waste that has been compacted. You must audit the solid waste before it goes into the compactor.
- Shared Dumpsters: If your facility, project or operation shares a dumpster with another facility, project or operation, you need to audit your solid waste before it reaches the dumpsters, or ask that you be allowed to examine your waste before other facilities, projects or operations add their solid waste to the dumpster. Make sure you are looking at only your own solid waste.

TIP: Consider switching to clear trash bags, in the wastebaskets of collection containers, before starting the audit. You can sometimes see what is inside the bags without breaking them open.

### **How is the Audit done?**

By following these detailed instructions:

First calculate the disposal volume and cost. To do this, you will focus on the dumpsters picked up by your solid waste hauler. This information may not be well known, particularly if it is part of your lease agreement.

1. List the names, addresses, and NYSDEC permit numbers, of your waste haulers, if required to be permitted;
2. List the size, in cubic yards, for each dumpster at your facility, project or operation, that is emptied by your solid waste hauler.
3. For each dumpster, list the number of times it is emptied each month. You may have to ask your solid waste hauler for the information. If you have on-call service, ask for an estimate of the number of times the dumpster is emptied each month.
4. Multiply the dumpster size (cubic yards) by the number of times it is emptied each month to determine your monthly disposal volume. Regardless of how full your dumpsters are when hauled, this is how much disposal volume you purchase.
5. List the cost per month for each dumpster. If you are not charged per dumpster or cubic yard, list your total monthly disposal costs.
6. Sum the dumpster volume amounts (from step 3 or 4 above) to determine the total solid waste volume per month.
7. Sum the costs amounts (from step 5 above) to determine your total solid waste disposal cost per month.

Second, calculate the solid waste composition. Do the following before calculating the composition of the solid waste:

1. Make a separate list for each container being audited.
2. *Always do an audit just before a scheduled pickup or just before the container is emptied; otherwise you will underestimate your solid waste volume.*
3. Try to audit on a "typical" day, if possible. Make sure there has not been a special event such as a file purging. If your facility's, project's or operation's solid

waste varies significantly depending on the day or month, do several audits and average your results.

4. Examine each container separately. Estimate the relative amounts of each material/item in the container. For example, 20 percent could be computer paper, 15 percent could be wood, etc. Note the results on the container's list.
5. Break open all bags and poke around (*use a stick, not your hands*) to make sure you can see everything inside the container. You may need to remove some bags to see everything. Always wear heavy gloves, sturdy shoes, and watch out for sharp objects.
6. Assign a number to each container. Note the number on its respective list to keep track of what you have audited. Make sure you don't miss any containers or audit the same container twice.
7. Note the location of the container and its sources of solid waste (shipping, receiving, office areas, shops, etc.).
8. For better results, have two people do the audit and average their estimates, or do several solid waste audits and average the results. Do a trial audit first to practice estimating the different solid waste quantities.
9. List the container volume in cubic yards. (For containers measured in gallons, please refer to the gallons to cubic yards conversion in Table 71-1.)
10. Before beginning the audit, estimate how full is the container.
11. Multiply the volume by the estimate of how full is the container to calculate the net volume of solid waste in the container. If the container is half-full, then the net volume of solid waste would be one-half the volume of the container.
12. List all the materials you see in the container. Look in Table 71-1 to get ideas of the types of materials for which you are looking. For example, you may find white office paper, aluminum cans, styrofoam, used tires, etc. You might even find some items that haven't been listed in the table. Be specific and list as many different materials as possible.
13. Estimate the percentage of each material as a portion of the total materials in the container. For example, 20 percent could be computer paper, 10 percent could be newspaper, 10 percent could be aluminum cans, etc. It doesn't matter how full the container is. At this point, you should only be concerned with the percentages of the materials. Regardless of how full the container is, the total of all the percentages should equal 100 percent.
14. The "actual volume" is the true volume of each material in the container. To calculate the actual volume, multiply the percent of the material in the container (amount from item 5 above) by the net volume of the container (amount from

step 3 above). If the container is not 100 percent full, this will give you a more accurate estimate of the volume of each material. These volumes represent a certain quantity of waste depending on which containers you audit and how often they are emptied. For example, if you've audited your facility's, project's, or operation's dumpster(s) just prior to weekly pick-up, this is your weekly volume. If you've audited all wastebaskets just prior to their daily emptying, this is your daily volume.

15. Sum the amounts of the same type of material from each container's list to obtain the final amount of each type of material for the time period between emptying the containers. Note: the amounts from each of these containers are from containers that are emptied at the same frequency (i.e., all emptied daily, or all emptied weekly, etc.).

### Third, determine the Source Reduction Potential

This is where your ideas on eliminating solid waste can be put on paper. Ask other employees for their ideas too. Spend some time thinking about source reduction, and consider the effects of each idea on all aspects of your facility's, project's, or operation's activities.

1. List all disposable, non-reusable materials identified in your solid waste composition audit, such as paper cups and dishes, non-rechargeable batteries, pens, paper towels, etc. Consider replacing these with non-disposable items.
2. List all materials identified in your facility's, project's, or operation's trash containers that may actually be reusable. These include paper, shipping materials, furniture and equipment, etc. Consider means of reusing them. For example, manila folders can be turned inside-out and reused. If you cannot reuse an item, maybe you can donate it to an organization, or exchange it for other materials from another facility, project, or operation.
3. Review your facility's, project's or operation's purchasing practices. Think of ways you could use less materials and supplies. For example, you could replace standard light bulbs with energy efficient bulbs. Because they last three to four times longer (and also reduce your energy costs), you'll be buying and throwing away fewer bulbs. Other possibilities include minimizing packaging, eliminating duplicate forms, photo-coping on both sides of the sheet, buying in bulk, circulating memos instead of sending each party his/her own copy, etc. Work with and encourage your suppliers to use less packaging materials. Be creative and ask other employees for suggestions.

### Fourth, determine the Recycling Potential

This will help you determine how much recyclable material you have. Recycling companies will need to know how much of a given recyclable you have in order to work with you. Remember that these weights and volumes will give you an estimate of the

amount of recyclables you have accumulated on the *day you do the audit*. If the containers you've audited are emptied daily, this amount is your daily quantity of recyclables. You can convert to weekly or monthly volumes using the numbers you have calculated.

TIP: Recycling companies generally speak in terms of quantities generated "per month."

1. Compute your total solid waste volume by adding all the volumes you calculated for the solid waste composition.
2. List any materials your facility, project or operation discards that could be marketed to recyclers.
3. For each material, add all of its volumes calculated in determining the volumes of the different materials in each container.
4. Divide the amount calculated in item 3 above by the amount calculated in item 1 above to get the percent each material is of your total solid waste.
5. List the appropriate conversion factor for Table 71-1 to convert volume to weight.
6. Multiply the amount calculated in item 3 above by the amount calculated in item 5 above, and you have a weight for each material. Remember that the weights in this column may be daily, weekly, or otherwise, depending on the type of container you audited and how often it is emptied. It is best to convert the daily and weekly amounts to monthly amounts prior to talking to a recycling company. For example, convert daily to monthly rates by multiplying weight by the number of working days per month.

## **PREVENT WASTE AT THE OFFICE BY USING THESE METHODS**

1. Purchase and Use Less Paper
  - Implement a two-sided copy/printing policy
  - Use scrap paper for drafts and notes
  - Single-space documents and use narrow margins and smaller typeface
  - Eliminate duplicate memos and files, and post announcements
  - Circulate and share newspapers, periodicals and phone books
  - Bill customers using two-way envelopes
  - Fax directly from computers to avoid print-outs
  - Invest in a plain paper fax machine and eliminate fax cover sheets
  - Reuse file folders and store files on computer disk
  - Edit and proofread documents on the computer
  - Install electronic mail

2. Switch from Disposables to Reusables

- Use refillable cartridges, pens, pencils and tape dispensers
- Purchase reusable dishes, cups, mugs, flatware, trays, and coffee filters
- Use erasable wall calendars
- Buy reusable inter-office envelopes
- Reuse shipping materials and containers

NYSDEC CONTACT PERSON:

Peter Pettit, Division of Solid & Hazardous Materials

TELEPHONE NUMBER:

518/402-8705



**TABLE 71-1  
SOLID WASTE CONVERSION TABLE ††**

This table allows you to convert volume to weight. Multiply your volume for each material by the conversion factor to calculate either pounds or tons for the material. If your material is loosely compacted, use the lower of the two numbers listed for the material. If your material is tightly compacted, use the higher number. If you are unsure, use an average of the two numbers.

NOTE: You may find other material in your waste not listed in this table that can be marketed in your area.

WEIGHT	MATERIAL	VOLUME	CONVERSION FACTOR OF	
			POUNDS	TONS
	office paper, loose	1 cubic yard	400 - 600	0.2 - 0.3
	computer paper, loose	1 cubic yard	400 - 600	0.2 - 0.4
	newsprint, loose	1 cubic yard	400 - 600	0.2 - 0.4
	newsprint, compacted	1 cubic yard	720 - 1,000	0.36 - 0.5
	newsprint	12 inch high stack	35	0.0175
	magazines, loose	1 cubic yard	500 - 800	0.25 - 0.4
	corrugated cardboard, loose	1 cubic yard	300	0.15
	corrugated cardboard, baled	1 cubic yard	1,000 - 1,200	0.5 - 0.6
	PET soda bottles, loose	1 cubic yard	30 - 40	0.015 - 0.02
	PET soda bottles, loose	gaylord †††	40 - 53	0.02 - 0.0265
	PET bottles, baled	1 cubic yard	750	0.375
	PET soda bottles, baled	30" x 48" x 62" bale	500	0.25
	PET bottles, flattened	1 cubic yard	75	0.0375
	PET soda bottles, granulated	gaylord †††	700 - 750	0.35 - 0.375
	PET soda bottles, granulated	tractor trailer load	30,000	15
	film plastic, baled	30" x 42" x 48" bale	1,100	0.55
	film plastic, baled	tractor trailer load	44,000	22
	HDPE dairy bottles, loose	1 cubic yard	32	0.012
	HPDE bottles, flattened	1 cubic yard	60	0.03
	HPDE dairy bottles, baled	30" x 48" x 60" bale	500 - 800	0.25 - 0.4
	HPDE (mixed) baled	30" x 48" x 60" bale	600 - 900	0.3 - 0.45
	HPDE (mixed) granulated	gaylord †††	800 - 1,000	0.4 - 0.5
	HPDE and PET bottles, loose	1 cubic yard	32	0.016
	mixed rigid plastics, whole	1 cubic yard	38	0.019
	loose polystyrene	1 cubic yard	10	0.005

glass, whole bottles	1 cubic yard	600 - 1,000	0.3 - 0.5
glass, semi-crushed	1 cubic yard	1,000 - 1,800	0.5 - 0.9
glass, machine crushed	1 cubic yard	800 - 2,700	0.4 - 1.35
glass, whole bottles	full grocery bag	16	0.008
aluminum cans, whole	1 cubic yard	50 - 74	0.025 - 0.037
aluminum cans, flattened	1 cubic yard	250	0.125
aluminum cans	55-gallon bag	16	0.008
aluminum cans	full grocery bag	1.5	0.00075
tin cans, whole	1 cubic yard	150	0.075
tin cans, flattened	1 cubic yard	850	0.425
tin cans	full grocery bag	5.1	0.00255
mixed yard debris	1 cubic yard	300 - 600	0.15 - 0.3
leaves, loose	1 cubic yard	250 - 450	0.125 - 0.225
leaves, compacted	1 cubic yard	320 - 500	0.16 - 0.25
leaves, vacuumed	1 cubic yard	350	0.175
wood chips	1 cubic yard	500	0.25
grass clippings	1 cubic yard	400 - 1,500	0.2 - 0.75
wooden produce containers, whole	1 cubic yard	200	0.1
tire, passenger	one	20	0.01
tire, truck	one	60 - 90	0.03 - 0.045
used motor oil	1 gallon	7	0.0035

Gallon to Cubic Yard Conversion: 1 gallon = 0.00495 cubic yards

Cubic Yard to Pounds Conversion: 1 cubic yard mixed waste (loose) = 200 pounds  
(average)

1 cubic yard mixed waste (compacted) = 800 pounds  
(average)

† = Author: Ms. Caroline L. Winnett, Winnett & Associates, 1223 Peoples Ave., Troy, NY 12180

†† = These figures are from the "National Recycling Coalition Measurement Standards and Reporting Guidelines," Ferrand Associates and the National Recycling Coalition's Policy Committee, October 1989.

††† = Standard gaylord size = 40" x 48" x 36"

**Table 71-2**  
**Executive Order # 142 Annual Report Form**  
**Source Reduction, Recycling and Procurement Initiatives by State Agencies**

Executive Order # 142 directs all State agencies to maximize opportunities to reduce the amount of waste generated, to recycle material recoverable from the solid waste originating at their facilities, and to maximize the procurement of recycled products.

The active participation by State agencies in source reduction and recycling sends a positive message to the public, who is mandated, as we are, to undertake these activities under the Solid Waste Management Act of 1988. This Act sets a hierarchy for proper solid waste management in New York State which lists source reduction, reuse and recycling as the highest waste management priorities.

Every effort has been made to make this report as simple as possible. The information given by all agencies will be sent to the Governor's Office for review. Please have the appropriate individual in your agency review and respond to the attached questions by **August 1 for the previous fiscal year.**

**INCLUDE REGIONAL, SUB-OFFICES, ETC. IN ONE COMPLETE, COMPREHENSIVE REPORT AND SEND YOUR REPORT TO:**

**NYSDEC**  
James Honan  
625 Broadway, 9<sup>th</sup> fl.  
Albany, NY 12233-7253

The individuals listed below may be contacted for assistance with specific needs or questions:

General Recycling Questions:	NYSDEC (518) 402-8704	Contact: James Honan
	Jphonan@gw.dec.state.ny.us	
Recyclables Marketing:	ESD (518) 486-6291	
Recycled Product Procurement:	OGS (518) 474-6934	Contact: Mary Price

**EXECUTIVE ORDER #142**  
**REPORTING PERIOD: APRIL 1, 2002 - MARCH 31, 2003**

**NOTE: INCLUDE REGIONAL, SUB-OFFICES, ETC. IN ONE COMPLETE, COMPREHENSIVE REPORT.**

Please answer the questions listed in this report as completely as possible. **The information provided should include all available information on your central and regional agency facilities compiled into one comprehensive report.** This report must include all facilities, whether State owned or leased. (OGS leases require that landlords track recycling information for their buildings.)

<b>AGENCY:</b> _____		
<b>NUMBER OF PERSONS EMPLOYED:</b> _____		
<b>NUMBER OF BUILDINGS/REGIONAL OFFICES:</b> _____		
Check Appropriate Boxes:		
1. <input type="checkbox"/> State Agency	<input type="checkbox"/> Public Authority	<input type="checkbox"/>
Other _____		
2. <input type="checkbox"/> Leased Facility	<input type="checkbox"/> OGS Maintained	<input type="checkbox"/> State-owned Facility
Contact Person: _____		
Address: _____		
Telephone Number: _____		
E-Mail Address: _____		
Signature: _____		
Date: _____		

In addition to the questions being asked, please let us know what information or assistance you need in order to make your program more efficient, and provide suggestions on improving this reporting form.

**REPORTING PERIOD: APRIL 1, 2002 - MARCH 31, 2003**

(Attach additional sheets as necessary.)

**1. SOURCE REDUCTION ACTIVITIES - *Existing***

Describe all source reduction activities currently in use in your agency. Source reduction means a reduction in the amount of waste generated by your agency due to the implementation of some type of procedure. Some examples of source reduction would be: double-sided copying, consolidating mailing lists, replacing disposable goods with durable goods, etc. **If possible, please give the estimated savings in disposal costs and estimated reduction of waste requiring disposal as well.**

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**2. SOURCE REDUCTION ACTIVITIES - *Planned for the future***

List any source reduction measures your agency plans to incorporate in the foreseeable future, and any incentives or disincentives toward source reduction implementation.

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**3. RECYCLING ACTIVITIES - *Proposed***

List any recycling measures your agency plans to incorporate in the foreseeable future, and any incentives or disincentives toward recycling.

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**SPECIAL WASTES** (how does your agency handle special waste--such as mercury-containing waste?)

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**4. RECOMMENDATIONS**

List any additional measures to increase source reduction, reuse, recycling and procurement of recycled products.

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**REPORTING PERIOD: APRIL 1, 2002 - MARCH 31, 2003**

***RECYCLING ACTIVITIES REPORT***

Listed below are some of the more commonly recycled materials. Please provide information for those materials recycled at your facility. If your facility participates in OGS's 3R's program, you need to indicate which materials you recycle, however, quantities are not needed in this report. OGS will report all quantities for the 3R's program.

<b>Material</b>	<b>Quantity In <u>TONS</u></b>	<b>Collected thru OGS 3 R's Program</b>	<b>Comments</b>
<b>White Paper:</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Mixed Paper (Magazines, xerox, junk mail, etc.)</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Newspaper</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Corrugated</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Returnable Containers</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Glass</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Plastic</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Metal</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Batteries: (Lead-Acid &amp; Household)</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Tires</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Motor Oil</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Yard Waste</b>		<input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>Office Equipment (Reused or Recycled)</b>			
<b>Others:</b>			
<b>TOTAL TONNAGE</b>			



## WATER SCREENING QUESTIONS

(W-1) Is your facility, project or operation located in a designated coastal erosion hazard area? *NOTE: Coastal erosion hazard areas could be located on the shores of the Atlantic Ocean, Long Island Sound, New York Harbor, Lake Erie or Lake Ontario.*

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Reg. 52 may apply to your facility, project or operation. Proceed To (W-2).

If NO, proceed to Question (W-2).

(W-2) Do you have a dam or an impoundment structure at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulations 53 and 53A may apply. Proceed to Question (W-3).

If NO, proceed to Question (W-3).

(W-3) Do you have any structures located in a 100 year flood plain?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Reg. 54 may apply to your facility, project or operation. Proceed to (W-3A).

If NO, proceed to Question (W-3A).

(W-3A) Do you use or allow any activities to take place on flood control lands that are under the jurisdiction of the NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulations 54A, 54B and 54C may apply. Proceed to Question (W-4).

If NO, proceed to Question (W-4).

(W-4) Is your facility located in Kings (Brooklyn), Queens, Nassau or Suffolk county?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (W-5).

If NO, proceed to Question (W-6).

(W-5) Do you have the capacity to withdraw water, at a rate greater than 45 gallons per minute, from underground sources?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulation 55 may apply to your facility, project or operation. Proceed to Question (W-6).

If NO, proceed to Question (W-6).

(W-6) Do you have your own water supply at your facility, project or operation from which you take and distribute water for potable purposes?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulation 57 may apply. Proceed to Question (W-7).

If NO, proceed to Question (W-7).

(W-7) Do you have any wastewater discharges, including storm water, to the surface water or groundwater at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulations 58, 58A (Regulatory Fees), 58B, 58C and 59 apply. Proceed to Question (W-8).

If NO, Proceed to Question (W-8).

(W-8) Is your facility, project or operation located in the Great Lakes drainage basin?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (W-9).

If NO, proceed to Question (ER-1).

(W-9) Are you planning to or are you withdrawing water in excess of 100,000 gallons per day, averaged over any consecutive 30 days?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulation 60 may apply. This completes the screening process.  
If NO, this completes the screening process.

If any of the regulations are applicable to your facility, project (contract) or operation, answer those questions in the following Questionnaire and complete the appropriate forms as directed.

**WATER**

**REGULATION 52 QUESTIONS:**

**COASTAL EROSION MANAGEMENT**

- (A) Was any type of regulated activity conducted in a designated coastal erosion hazard area at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave **“RANK” box 52** blank on the Compliance Status Report Form, then proceed to Regulation 53.

- (B) If YES, was a permit or variance obtained? [There are NO Exemptions]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in **“RANK” box 52** and place a check in the “Approval” Box 52 on the Compliance Status Report Form, then proceed to Regulation 53.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in **“RANK” box 52** and leave the “Approval” Box 52 blank on the Compliance Status Report Form, complete a new “Non-Compliance Report & Remedial Plan” form, then proceed to Regulation 53.

## **WATER**

### **REGULATION 52:**

### **COASTAL EROSION MANAGEMENT**

LEGAL CITATION: ECL Article 34, and 6NYCRR Part 505.

#### ABSTRACT OF LAW/REGULATIONS:

Land use, development and other activities are regulated in coastal areas subject to coastal flooding and erosion to minimize or prevent damage or destruction to man-made property, natural protective features, other natural resources, and to protect human life. New construction or placement of structures is regulated to place them a safe distance from areas of active erosion and the impacts of coastal storms to ensure that these structures are not prematurely destroyed or damaged due to improper siting, as well as to prevent damage to natural protective features and other natural resources. Public investment in services, facilities, or activities that are likely to encourage new permanent development in erosion hazard areas is restricted. Publicly financed erosion protection structures to minimize erosion damage are to be used only where necessary to protect human life or where the public benefits of such structures clearly outweigh the public expenditures. The construction of erosion protection structures is regulated in coastal areas subject to serious erosion to assure that, when the construction of erosion protection structures is justified, their construction and operation will minimize or prevent damage or destruction to man-made property, private and public property, natural protective features, and other natural resources.

The statutory framework for administration of the program calls for local governments to have the initial opportunity to regulate. The NYSDEC has regulatory authority only where municipalities and counties have failed to enact a local program consistent with ECL Article 34, within statutorily imposed time frames. All Coastal Erosion Hazard Areas are delineated on NYSDEC maps.

#### REQUIRED APPROVAL:

Part 505 requires any person proposing to undertake a regulated activity within an identified coastal erosion hazard area to obtain a coastal erosion management permit. Coastal erosion management permits are conditioned to implement the purposes of Article 34, which are to prevent or minimize damage to man-made property, natural protective landforms, and other natural resources, and to protect human life.

#### DEFINITIONS:

Person means any state agency, public authority, or public benefit corporation as well as private parties.

Regulated Activity means construction or placement of a structure, or any action or use of land that materially alters the condition of land, including grading, excavating, dumping, mining, dredging, filling, or any disturbance of soil (excluding agriculture).

Coastal Erosion Hazard Areas are coastal shorelines containing natural protective landforms such as beaches, dunes, bluffs, and nearshore areas, and coastal shorelines that are receding at an average rate of one foot or more per year, or where loss or alteration of the natural protective landform would subject other lands to the forces of coastal flooding and erosion.

NYSDEC CONTACT PERSON:

William Daley, Division of Water

TELEPHONE NUMBER

518/402-8140

**WATER-539**

**WATER**

**REGULATION 53 QUESTIONS: CONSTRUCTION & REPAIR OF DAMS & IMPOUNDMENT STRUCTURES**

(A) Do you have any dam or impoundment structure that:

**OR**  
1. is greater than six feet in height and can store more than three million gallons

2. is greater than fifteen feet in height and can store more than one million gallons?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 53 blank on the Compliance Status Report Form, then proceed to Regulation 54.

(B) If YES, have you constructed, reconstructed, or repaired a dam during the past year?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 53 blank, then proceed to Regulation 53A.

(C) If YES, have you obtained a Dam Permit from NYSDEC or written approval for the work from the NYSDEC Dam Safety Section?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 53 and place a check in the "Approval" Box 53 on the Compliance Status Report form, then proceed to Regulation 53A.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 53 and leave the "Approval" Box 53 blank on the Compliance Status Report Form, complete a NON-Compliance Reporting Sheet, then proceed to Regulation 53A.

## WATER

### **REGULATION 53: CONSTRUCTION & REPAIR OF DAMS & IMPOUNDMENT STRUCTURES**

LEGAL CITATION: ECL Section 15-0503, and 6NYCRR Part 608

#### ABSTRACT OF LAW/REGULATIONS:

Article 15, Section 0503 and 6NYCRR Part 608 applies to any dam or impoundment structure with a height greater than fifteen feet, or with a storage capacity greater than three million gallons. Structures are excepted if they have a height not greater than six feet regardless of impoundment capacity, or if they have an impoundment capacity not greater than one million gallons regardless of height.

#### REQUIRED APPROVAL:

This regulation prohibits any person or local public corporation from erecting, constructing, reconstructing, or repairing a dam or impoundment structure without a permit issued by NYSDEC.

#### EXEMPTIONS:

State agencies and State public corporations are not required by law or regulation to obtain a permit from the NYSDEC before they erect, construct, reconstruct, or repair a dam. However, state agencies, such as the Department of Transportation, the Department of Parks, Recreation and Historic Preservation, and the Thruway Authority, submit plans for such work for NYSDEC review and approval prior to commencement of the work. Failure to obtain prior written approval for such work must be reported as a violation of this regulation.

#### DEFINITIONS:

Person means any individual, firm, co-partnership, association or corporation other than the State.

Local public corporation means a municipal or district corporation, including a city, town, village or school district, or a public benefit corporation, other than a State public corporation.

State public corporation means a public benefit corporation to which the governor appoints a majority of the members.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER:

Michael Stankiewicz, Division of Water

518/402-8127



**WATER**

**REGULATION 53A QUESTIONS: PUBLIC SAFETY INSPECTIONS OF DAMS & IMPOUNDMENT STRUCTURES**

- (A) Has the NYSDEC Dam Safety Section notified you in writing of significant deficiencies and directed that remedial measures be undertaken at your dam(s) or impoundment structure(s)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 53A blank on the Compliance Status Report Form, then proceed Regulation 54.

- (B) If YES, have you complied with the directive? [There are NO Exemptions]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 53A on the Compliance Status Report Form, then proceed to Regulation 54.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 53A on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 54.

## WATER

### **REGULATION 53A: PUBLIC SAFETY INSPECTIONS OF DAMS & IMPOUNDMENT STRUCTURES**

LEGAL CITATION: ECL Section 15-0507, and 6NYCRR Part 673

#### ABSTRACT OF LAW/REGULATIONS:

ECL Section 15-0507 requires any owner of a dam or impoundment structure to operate and maintain it in a safe condition.

In addition, ECL Section 15-0507, gives the NYSDEC the authority to inspect any and all dams and impoundment structures in the interest of public safety. Following a hearing, NYSDEC may issue an order directing any person or local public corporation who owns the dam to reconstruct, repair, or remove it. If an owner fails or refuses to comply with such an order, NYSDEC is authorized to undertake the remedial work and recover costs from the owner.

#### EXEMPTIONS:

State agencies and State Public Corporations are not subject to this section of the ECL. However, State owned dams have been included in the inspection process and where deficiencies have been found, the State agencies have cooperated with the NYSDEC to correct deficiencies.

#### DEFINITIONS:

Person means any individual, firm, co-partnership, association or corporation other than the State.

Local public corporation means a municipal or district corporation, including a city, town, village or school district, or a public benefit corporation, other than a State public corporation.

State public corporation means a public benefit corporation to which the governor appoints a majority of the members.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Mike Stankiewicz, Division of Water

518/402-8127

**WATER**

**REGULATION 54 QUESTIONS:**

**FLOOD PLAIN MANAGEMENT**

- (A) Were any structures constructed in a 100 year flood plain at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (B) Did your agency fund the construction of any structures in a 100 year flood plain, even if the project was not state-owned?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (C) Did your agency issue a permit or otherwise authorize any development including the construction of a structure in the 100-year flood plain of State-owned lands under the jurisdiction of your agency?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (D) Did your agency acquire any new land or a facility (including leases) or dispose of any State-owned lands located within a 100-year flood plain?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered NO to all questions (A), (B), (C) and (D), leave **“RANK” box 54** blank on the Compliance Status Report Form, then proceed to Regulation 55.

If you answered YES to any one or more of questions (A), (B), (C) or (D), proceed to Question (E).

- (E) Was the design of the structure, use of the land or hydraulic impact of the development consistent with NYSDEC standards (See Regulation 54)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in **“RANK” box 54** on the Compliance Status Report Form, then proceed to Regulation 55.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in **“RANK” box 54** on the Compliance Status Report Form, complete a new “Non-Compliance Report & Remedial Plan” form, then proceed to Regulation 55.

## **WATER**

### **REGULATION 54:**

### **FLOOD PLAIN MANAGEMENT**

LEGAL CITATION: ECL Section 36-0111, and 6NYCRR Part 502

#### **ABSTRACT OF LAW/REGULATIONS:**

Part 502 is the flood plain management regulation for State agencies including all Departments, Boards, Commissions, Public Benefit Corporations, and Public Authorities. The regulation, promulgated by NYSDEC and administered by individual agencies, is designed to assure state uses and activities in 100 year flood plains are undertaken in a manner consistent with the flood risk with projects designed to minimize or eliminate flood losses to the maximum extent.

Part 502 establishes standards and criteria for the acquisition or disposal of lands and facilities, direct construction of state facilities by a state agency, financing acquisition or construction of any activity on state-owned lands and the authorization or permitting of any activity on state-owned lands.

#### **COMPLIANCE STANDARDS:**

The major compliance of Part 502 include the following:

1. Flood plain mapping available through the National Flood Insurance Program must be used for evaluation of project siting, design and construction;
2. Structures must be anchored to prevent damage from lateral and uplift forces associated with 100 year flooding;
3. Buildings must be constructed with flood-damage resistant materials;
4. Buildings designed for residential uses must have lowest floor levels one foot above 100 year flood elevations;
5. Buildings designed for non-residential uses must have lowest floor levels one foot above 100 year flood elevations or be structurally flood-proofed up to that level;
6. Fill and building encroachments in riverine flood plains must be evaluated for impact on 100 year flood or floodway elevation;
7. Acquisition of lands and facilities (including leases) subject to evaluation of intended use for consistency with standards;

8. Deed restrictions required on flood plain lands being disposed; and
9. Variance needed from the NYSDEC for any project that cannot be designed consistent with applicable standards.
10. New projects consisting of the following shall not be undertaken within any flood hazard area:
  - a. facilities designed for bulk storage of chemicals, petrochemicals, hazardous or toxic substances or floatable materials;
  - b. hospitals, rest homes, correctional facilities, dormitories, patient care facilities;
  - c. major power generation, transmission or substation facilities, except for hydroelectric facilities;
  - d. major communications centers, such as civil defense centers; or
  - e. major emergency service facilities, such as central fire and police stations.

Central and Regional office staff of the NYSDEC are available to provide flood plain maps and other information to State agencies as needed on the regulations.

**DEFINITIONS:**

100 Year Flood: The flood having a one percent chance of being equalled or exceeded in any given year.

100 Year Flood Plain: The area covered during a 100 year flood.

**NYSDEC CONTACT PERSON:**

Bill Nechamen, Division of Water

**TELEPHONE NUMBER**

518/402-8146

**WATER**

**REGULATION 54A QUESTIONS:**

**USE OF FLOOD CONTROL LANDS**

**NOTE:        If your facility, project or operation is subject to this regulation, it is also subject to Regulation 54C.**

- (A) Did your facility, project or operation use or perform any regulated activity on flood control lands, that are under the jurisdiction of NYSDEC, for any purpose as expressed in ECL Section 16-0107(13) and 6NYCRR Part 501? (See , Regulation 54A for regulated activities)

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave **“RANK” box** 54A blank and leave the “Approval” Box 54A blank on the Compliance Status Sheet, then proceed to Regulation 54B.

- (B) If YES, did you obtain a permit?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in **“RANK” box** 54A and place a check in the “Approval” Box 54A on the Compliance Status Sheet, then proceed to Regulation 54B.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in **“RANK” box** 54A and leave the “Approval” Box 54A blank on the Compliance Status Sheet, complete a “Non-Compliance Report & Remedial Plan” form, then proceed to Regulation 54B.

## **WATER**

### **REGULATION 54A:**

### **USE OF FLOOD CONTROL LANDS**

LEGAL CITATION: ECL Section 16-0107(13), and 6NYCRR Part 501

#### **ABSTRACT OF LAW/REGULATIONS:**

Part 501 applies to any flood control lands under the jurisdiction of the NYSDEC for activities such as:

1. any activity which results in destruction of trees, shrubs and other vegetation;
2. changing any feature of the existing landscape;
3. addition of gutters, sidewalks, driveways, parking lots or spaces;
4. outdoor lighting; or
5. installation of utilities.

#### **REQUIRED APPROVAL:**

A permit is required for use of Flood Control Lands.

#### **EXCEPTIONS:**

1. Operation of lawn maintenance equipment;
2. Entry of an owner or lessee on flood control lands where no reasonable alternate means of access exists to adjacent agricultural lands and when such use does not impair the integrity of flood control facilities or impede their maintenance and operation.

DEFINITIONS:

Flood control land means any land or interest in land acquired for flood control purposes.

Lawn maintenance equipment means devices or tools which are used exclusively for maintenance of lawns but not including any devices or tools which during normal use could substantially damage the sod.

Regulated activity means any change in or addition to land or any structure thereon.

NYSDEC CONTACT PERSON:

Steve Len, Division of Water

TELEPHONE NUMBER

518/402-8142



**WATER**

**REGULATION 54B QUESTIONS: OPERATION OF A SNOWMOBILE OR MOTOR VEHICLE ON FLOOD CONTROL LANDS**

**NOTE: If your facility, project or operation is subject to this regulation, it is also subject to Regulation 54C.**

- (A) Did you operate a snowmobile or motor vehicle on flood control lands, that are under the jurisdiction of NYSDEC?

YES\_\_\_\_\_ NO\_\_\_\_\_

If YES, proceed to Question (C).

If NO, proceed to Question (B).

- (B) Did you conduct an organized activity on flood control lands where the participants operated snowmobiles or motor vehicles?

If YES, proceed to Question (C).

If NO, leave "**RANK**" box 54B blank and leave the "Approval" Box 54B blank on the Compliance Status Sheet, then proceed to Regulation 55.

- (C) If YES, did you obtain a permit?

YES\_\_\_\_\_ NO\_\_\_\_\_

If YES, proceed to Question (D).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 54B and leave the "Approval" Box 54B blank on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 55.

- (D) Was/were the snowmobile(s) or motor vehicle(s) operated in such a manner as to not interfere with the operation or maintenance of any flood control works?

YES\_\_\_\_\_ NO\_\_\_\_\_

If YES, place a "C" in "**RANK**" box 54B and place a check in the "Approval" Box 54B on the Compliance Status Sheet, then proceed to Regulation 54C.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 54B on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 54C.

## WATER

### **REGULATION 54B:            OPERATION OF A SNOWMOBILE OR MOTOR VEHICLE ON FLOOD CONTROL LANDS**

LEGAL CITATION: ECL Section 16-0107(13), and 6NYCRR Part 501.9

#### ABSTRACT OF LAW/REGULATIONS:

Operation of a snowmobile or motor vehicle on flood control lands must be in a manner that does not interfere with the operation or maintenance of any flood control works or disrupt, disturb or damage any flood control works or operations.

#### REQUIRED APPROVAL:

A permit is required to operate a snowmobile or motor vehicle on flood control lands. A group permit may be obtained by the sponsor of an organized activity.

#### DEFINITIONS:

Motor vehicle means a vehicle operated or driven by any power other than muscular power except: vehicles that run only upon rails or tracks and invalid chairs being operated or driven by an invalid.

Snowmobile means any self-propelled vehicle designed for travel on snow or ice, steered by skis or runners and supported in whole or part by one or more skis, belts or cleats.

Flood control land means any land or interest in land acquired for flood control purposes.

Flood control works means any completed flood control project or portion thereof, formally turned over to the state.

NYSDEC CONTACT PERSON:

Steve Len, Division of Water

TELEPHONE NUMBER

518/402-8142

**WATER**

**REGULATION 54C QUESTIONS:**

**FLOOD CONTROL LANDS: USAGE FEES**

- (A) Did you obtain a permit for use of flood control lands or the operation of a snowmobile or motor vehicle on flood control lands?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Regulation 55.

- (B) If YES, have you paid the required flood control lands usage fee to NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 54C on the Compliance Status Sheet, then proceed to Regulation 55.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 54C on the Compliance Status Sheet, update the (or complete a new) NON-Compliance Reporting Sheet, complete a Remedial Plan Form, then proceed to Regulation 55.

**WATER**

**REGULATION 54C:**

**FLOOD CONTROL LANDS: USAGE FEES**

LEGAL CITATION: 6NYCRR Part 501.4 and 501.9

ABSTRACT OF LAW/REGULATIONS:

Each person required to obtain a permit for use of flood control lands or operation of a snowmobile or motor vehicle on flood control lands must pay a fee to the NYSDEC.

Fees are as follows:

Use of Flood Control Lands

Applications for permits for residential property when the applicant is the owner or tenant.	\$25.00
All other applications.	\$75.00

Operation of a Snowmobile or Motor Vehicle

Permit (valid for not more than one year) to operate a snowmobile or motor vehicle on flood control lands.	\$25.00
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EXEMPTION:

No fee shall be charged for a permit which authorizes operation of a snowmobile or motor vehicle solely on lands owned or leased by the permittee or members of their immediate family if the vehicle is owned or leased by the permittee or members of their immediate family.

DEFINITIONS:

Permittee means a holder of a permit issued pursuant to this part.

Person means any individual, public or private corporation, political subdivision, government agency, department or bureau of the state, municipality, industry, co-partnership, association, firm, trust, estate or any other legal entity whatever.

For additional definitions refer to Regulation 54A and Regulation 54B.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Steve Len, Division of Water

518/402-8142

## WATER

### **REGULATION 54D QUESTIONS: OPERATION AND MAINTENANCE OF FLOOD PROTECTION PROJECTS**

- (A)\* Have deficiencies been identified during the joint annual inspection conducted with the US Army Corps of Engineers that impair the design capacity and/or function of the project, for which the Corps has directed, and NYSDEC agrees, that remedial measures should be undertaken?

YES \_\_\_\_\_ NO \_\_\_\_\_

- \* If NO, leave "**RANK**" box 54D blank on the Compliance Status Report Form, then proceed to Regulation 55.

- (B)\* If YES, have you complied with the Corps directive? [There are NO exemptions]

YES \_\_\_\_\_ NO \_\_\_\_\_

- \* If YES, place a "C" in "**RANK**" box 54D on the Compliance Status Report Form, then proceed to Regulation 55.

- \* If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 54D on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 55.

## WATER

### **\*REGULATION 54D: OPERATION & MAINTENANCE OF FLOOD PROTECTION PROJECTS**

LEGAL CITATION: ECL Section 16-01111

#### ABSTRACT OF LAW/REGULATIONS:

\*Section 16-0111 authorizes the Commissioner of NYSDEC "to carry out the state's participation in a federal program of flood control" under which projects are designed and constructed by the US Army Corps of Engineers. This section states that "the commissioner shall exercise his powers and duties with respect to the said flood control projects in a manner that will comply with any act of congress applicable thereto and any rules and regulations made and promulgated by virtue thereof."

The State signs legal agreements with the Federal Government, which require the State to maintain the projects in accordance with regulations prescribed by the Secretary of the Army. Operation and maintenance (O&M) requirements for projects are contained in operation and maintenance manuals prepared by the Corps of Engineers for each project. Each O&M manual references 33 CFR Part 208.10 entitled "Maintenance and Operation of Flood Control Works". Part 208.10 (a)(8) states that "maintenance measures or repairs which the District Engineer deems necessary shall be promptly taken or made."

Many of the existing contracts between the State and the Corps of Engineers, which hold the State liable for the operation and maintenance of such projects, were executed under former ECL Section 16-0117. The repeal of Section 16-0117 in 1994 did not impair the State's contractual obligation to maintain and operate such projects (see Savings Provisions of Chapter 688, L. 1993).

#### COMPLIANCE INSPECTIONS/STANDARDS

The State and the Corps of Engineers jointly perform an annual inspection of each project. The Corps prepares a report identifying any deficiencies in operation and maintenance, and may direct the State to remediate the deficiencies.

Failure to operate and maintain projects in conformance with the O&M manuals has the potential to result in severe property losses and loss of life. O&M standards are intended to sustain the design capacity and function of the projects. While specific requirements are found in the individual O&M manuals, general guidance found in Part 208.10 of the Federal Flood Control Regulations, and in Section ECH 9309.21 of the NYSDEC Environmental Conservation Handbook includes, but is not limited to, the following:

1. Levees should be maintained in sod cover, and any settlement or sloughing should be repaired. Burrowing animals and woody growth should be eliminated. Displaced riprap should be replaced.

2. Flood walls should have no seepage or settlement. Concrete integrity should be maintained.
3. Drainage structure inlet and outlet channels should be clear of sediment and debris. Flap gates and manually operated gates and valves should be lubricated and exercised.
4. Closure structures should have all parts available. All metal parts should be adequately coated with paint. Sufficient materials should be on hand for the erection of sand bag closures where necessary.
5. Pumping stations should have adequate stocks of lubricants and fuels. Buildings should be maintained in clean, dry, and secure condition. Equipment should be exercised on a regular basis.
6. Channels should be cleared of accumulating sediment and debris so that their carrying capacity is maintained. Channel bank erosion should be repaired, and riprap maintained.

NYSDEC CONTACT PERSON:

Steve Len, Division of Water

TELEPHONE NUMBER:

518/402-8142

**WATER**

**REGULATION 55 QUESTIONS:**

**LONG ISLAND WELLS**

- (A) Is your facility, project or operation located in Kings, Queens, Nassau or Suffolk county?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave **“RANK” box 55** blank on the Compliance Status Report Form, then proceed to Regulation 57.

- (B) If YES, are you a public authority or a public benefit corporation? [State departments and divisions and PASNY are exempt from this regulation; all other public authorities and all public benefit corporations are not exempt.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave **“RANK” box 55** blank on the Compliance Status Report Form, then proceed to Regulation 57.

- (C) If YES, do you have the capability to withdraw water from underground sources in excess of 45 gallons per minute?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave **“RANK” box 55** blank on the Compliance Status Report Form, then proceed to Regulation 57.

- (D) If YES, do you have a Long Island Well permit?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in **“RANK” box 55** and place a check in the “Approval” Box 55 on the Compliance Status Report Form, then proceed to Regulation 57.

- (E) If NO, are you exempt from obtaining a permit?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in **“RANK” box 55** and place a check in the “Approval” Box 55 on the Compliance Status Report Form, then proceed to Regulation 57.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in **“RANK” box 55** and leave the “Approval” Box 55 blank on the Compliance Status Report Form, complete a new “Non-Compliance Report & Remedial Plan” form, then proceed to Regulation 57.



## **WATER**

### **REGULATION 55:**

### **LONG ISLAND WELLS**

LEGAL CITATION: ECL Sections 15-1527, and 6NYCRR Part 602

#### ABSTRACT OF LAW/REGULATIONS:

§ 15-1527 and Part 602 apply only within the four Long Island counties of Kings, Queens, Nassau, and Suffolk. They apply to all public corporations including all public authorities (except the Power Authority of the State of New York). They do not apply to state agencies.

#### REQUIRED APPROVAL:

Any person or public corporation or authority that intends to withdraw water from underground sources within the counties of Kings, Queens, Suffolk or Nassau must have a Long Island well permit if the installed pumping capacity of the well or combination of wells exceeds 45 gallons per minute.

#### EXEMPTIONS:

Fire wells with no permanently attached pumping equipment that are installed by a municipality, or by a fire district, company or department do not require a permit.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Bill Spitz, Division of Water

516/444-0405

**WATER**

**REGULATION 57 QUESTIONS:**

**PUBLIC WATER SUPPLY**

- (A) Are you a public benefit corporation or a public authority? [PASNY and State departments and divisions are exempt from this regulation.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 57 blank on the Compliance Status Report Form, then proceed to Regulation 58.

- (B) If YES, do you have your own water supply from which you take and distribute water for potable purposes?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 57 blank on the Compliance Status Report Form, then proceed to Regulation 58.

- (C) If YES, do you have a permit for your public water supply?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 57 and leave the "Approval" Box 57 blank on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (D).

- (D) If YES, do you intend to acquire a new water supply or take an additional amount of water from your existing approved source?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (F).

If YES, proceed to Question (E).

- (E) Did you, or do you intend to, acquire or condemn lands for any new or additional water supply sources?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (F) Did you, or do you intend to undertake construction of any portion of a water supply project?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (G) Did you, or do you intend to extend the water mains into any area not previously approved for service?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered "NO" to all of Questions (E), (F), and (G), place a "C" in "**RANK**" **box 57** on the Compliance Status Report Form, then proceed to Regulation 58.

If you answered "YES" to any one or more of Questions (E), (F), or (G), proceed to Question (H).

- (H) Did you obtain a permit for the activities indicated for which you answered "YES" in Questions (E), (F), or (G)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" **box 57** and place a check in the "Approval" Box 57 on the Compliance Status Report Form, then proceed to Regulation 58.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" **box 57** and leave the "Approval" Box 57 blank on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 58.

## WATER

### **REGULATION 57:**

### **PUBLIC WATER SUPPLY**

LEGAL CITATION: ECL Section 15-1501, and 6NYCRR Part 601

#### ABSTRACT OF LAW/REGULATIONS:

§ 15-1501 and Part 601 apply to persons and public corporations and including all public authorities (except the Power Authority of the State of New York). They do not apply to State departments and divisions.

#### REQUIRED APPROVAL:

Any person or public corporation that intends to take and distribute water for potable purposes must have a water supply permit to do any of the following:

1. acquire a new or existing source of water supply or to take an additional amount of water from an existing approved source;
2. acquire or condemn lands for any new or additional water supply sources;
3. undertake construction of any portion of a water supply project;
4. extend the mains of a water supply system into any area not previously approved for service by that system.

#### DEFINITIONS:

Water supply system is a permanently installed system providing piped water to the public for potable purposes if such system has at least five service connections used by year-round residents.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Mike Holt, Division of Water

518/402-8099

## WATER

### **REGULATION 58 QUESTIONS: WASTEWATER DISCHARGE STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) PERMITS**

NOTE: If your facility, project or operation is subject to this regulation, it is also subject to Regulations 58B and 59 and may be subject to Regulation 31A.

- (A) Does your facility, project or operation discharge any wastewater including sanitary sewage, cooling water, or commercial or industrial discharges as a result of one or more of the following: commercial or industrial activities, construction, hazardous waste management or storage, solid waste management (including landfills), steam electric power generation, transportation, sewage treatment or wastewater treatment to surface or ground waters?

NOTE: Floor drains having the potential to discharge pollutants to waters of the state (i.e., equipment maintenance, vehicle service or washing bays, etc.) are presumed to discharge industrial wastewater. Those floor drains cannot be connected to subsurface disposal systems, and require a SPDES permit if associated with a surface or underground discharge outlet.

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (E).

If YES, proceed to Question (B).

- (B) Does your facility, project or operation having floor drains plan to seal them as part of the remedial plan for these discharges?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (D).

If YES, proceed to Question (C).

- (C) Does the remedial plan for sealing these floor drains include (1) an evaluation of residual contamination at the outfall requiring remediation and (2) a time schedule for completing the evaluation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in STATUS Box 58, leave the "Approval" Box 58 blank on the Compliance Status Report form, and complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (D).

- (D) Does your facility, project or operation discharge less than 1,000 gallons per day of only sanitary sewage to a subsurface disposal system, such as a septic tank/leach field system and have no other type of discharge (including floor drain and/or storm water discharges)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (E).

If YES, you are exempt from SPDES permit requirements, then proceed to Regulation 60.

- (E) Does your facility, project or operation discharge any type of wastewater to a municipally owned sewer system connected to a publicly owned treatment works (POTW)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (I).

If YES, proceed to Question (F).

- (F) Do you have local municipal approval to discharge wastewater to the municipal sewage system?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, you are exempted from Wastewater Discharge SPDES Permit requirements, then proceed to Question (G).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 58, leave the "Approval" Box 58 blank on the Compliance Status Report form, and complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (G).

- (G) Is your facility, project or operation required to pretreat the wastewater prior to discharging to the municipal sewage system?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (I).

- (H) If YES, is your facility, project or operation in compliance with the pretreatment discharge limits?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (I).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 58 on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (I).

- (I) Do you have any other wastewater discharges [as identified in Question (A)], not discharging to a municipal sewage system ?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 58 blank, then proceed to Regulation 58B.

If YES, proceed to Question (J).

- (J) Do you have a SPDES Permit that covers each wastewater discharge (including certain storm water discharges and all floor drain discharges)? [See Regulation 58 for Exemptions.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 58, leave the "Approval" Box 58 blank on the Compliance Status Report form, and complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 58B.

If YES, proceed to Question (K).

- (K) Do you treat or discharge wastewater containing any hazardous waste, as defined in Regulation 31?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (N).

If YES, you are subject to Regulation 31A. Proceed to Question (L).

- (L) Are you operating with a compliance schedule as prescribed in a consent order, court order, permit, or other directive?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (M).

If NO, proceed to Question (M).

- (M) Are you in compliance with the dates and conditions contained in the compliance schedule?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (N).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 58 on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (N).

- (N) Was the effluent of each discharge monitored according to the requirements listed in the SPDES permit?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (O) Were the levels of each parameter in the discharge less than the levels specified in the SPDES permit?

YES \_\_\_\_\_ NO \_\_\_\_\_

- (P) Were all required operating, monitoring and non-compliance reports required by the SPDES permit [including discharge monitoring reports (DMR's)] submitted promptly to NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered "YES" to all the Questions (N), (O) and (P), place a check in the "Approval" Box 58, then proceed to Question (Q).

If you answered "NO" to any of the Questions (L), (M) and (N), place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 58 on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (Q).

- (Q) Are you required to perform any special toxicity testing?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place a "C" in "**RANK**" box 58 on the Compliance Status Report form (unless a violation was recorded for this regulation from a previous question, than leave the N1, N2, N3 or N4 in the "**RANK**" box 58), then proceed to Regulation 58B.

- (R) If YES, have you completed the required toxicity testing and submitted the results to NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 58 on the Compliance Status Report form, then proceed to Regulation 58B.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 58 on the Compliance Status Report form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 58B.



## WATER

### **REGULATION 58: WASTEWATER DISCHARGE STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) PERMITS**

LEGAL CITATION: ECL Article 17, Titles 3, 7 & 8 and 6NYCRR Parts 652 & 750 - 758.

#### ABSTRACT OF LAW/REGULATIONS:

A SPDES permit is required for the construction or use of an outlet or discharge pipe (referred to as "point source") for the discharge of wastewater into the surface waters or ground waters of the State.

#### REQUIRED APPROVAL:

1. A SPDES Permit is required to create or use an outlet or a point source to discharge "SEWAGE", "INDUSTRIAL WASTEWATER" or "OTHER WASTES", as defined in Title 7 of Article 17, to the surface or ground waters of the State (ECL Section 17-0701) or to discharge "POLLUTANTS" as defined in Title 8 of Article 17 to the waters of the State (ECL Section 17-0803) and discharges from floor drains in equipment maintenance areas and vehicle service or washing bays.
2. A SPDES Permit is not required but municipal approval is required to discharge "INDUSTRIAL WASTE" to a municipally owned sewer system in conformance with Federal Industrial Pretreatment Regulations (ECL Section 17-0825). Industrial User Permits may be required for these indirect discharges.
3. Plan approval from NYSDEC is necessary prior to the construction of facilities for the treatment or disposal of "SEWAGE", "INDUSTRIAL WASTEWATER" or "OTHER WASTES" (Section 17-0303.5.f). There is a signed Memorandum of Understanding between the Office of General Services (OGS) and the Department of Environmental Conservation that allows OGS to substitute "AS BUILT" plans signed by a licensed Professional Engineer to satisfy this requirement for SUBSURFACE WASTEWATER DISPOSAL SYSTEMS.
4. Annual regulatory fees are required pursuant to ECL Section 72-0601.
6. The SPDES permit issued contains applicable effluent limitations and the discharge may not exceed the prescribed limitations.
7. The Wastewater Discharge SPDES permit contains these parts:
  - a. effluent limits;
  - b. monitoring & reporting requirements;
  - c. special conditions;
  - d. general conditions; and
  - e. compliance schedule (if needed).

## PROHIBITED DISCHARGES:

1. The discharge of any radiological, chemical or biological warfare agent or high-level radioactive waste.
2. Any discharge that would substantially impair anchorage and navigation.
3. Any discharge to which the federal government has objected (i.e.- USEPA has acted to prohibit the discharge to groundwater from floor drains in service bays primarily used for vehicle maintenance).
4. Any discharge not permitted by the provisions of the law and/or regulations.

## EXCEPTIONS:

1. The following acts do not require a SPDES permit:
  - (a) Any discharge of any pollutant when such discharge conforms with the national contingency plan for removal of oil and hazardous substances (discharges in accordance with spill response directives and discharges in accordance with remediation orders).
  - (b) Additions of pollutants into a treatment works which will not cause exceedance of the permit limits (discharges to municipal sewage treatment plants).
  - (c) Systems that discharge or are designed to discharged less than 1,000 gallons per day of sanitary sewage to groundwater, provided the discharge will not impair the groundwater use for drinking purposes or cause a hazard to public health.
  - (d) Any discharge of sewage from vessels, including effluent from properly functioning marine engines, laundry, shower and galley sink wastes, or any other discharge incidental to the normal operation of a vessel.
  - (e) Water, gas or other material which is injected into a well to facilitate production of oil or gas, and is approved by NYSDEC.

NYSDEC CONTACT PERSON:

Warren Lavery, Division of Water

TELEPHONE NUMBER

518/402-8110

**TABLE 58-1  
REGULATORY MATRIX FOR FACILITIES WITH FLOOR DRAINS**

<u>OPTIONS FLOOR DRAINS CONNECTED TO:</u>	<u>VEHICLE SERVICE BAYS</u>	<u>VEHICLE DETERGENT WASH BAYS</u>	<u>WET VEHICLE OR PLAIN WATER WASH BAYS</u>	<u>DRY VEHICLE STORAGE BAYS</u>
#1 DRY WELLS, LEACH FIELDS OR OTHER SUBSURFACE DISPOSAL	NYSDEC CANNOT APPROVE	NYSDEC CANNOT APPROVE	NYSDEC CANNOT APPROVE	NYSDEC CANNOT APPROVE
#2 DRY DITCHES IN GROUNDWATER NON-AQUIFER AREAS	POSSIBLE WITH SPDES PERMIT; BUT DRY OPTION WITH STAGING RECOMMENDED	POSSIBLE WITH SPDES PERMIT AND EXTENSIVE TREATMENT	APPROVABLE WITH SPDES PERMIT AND ROUTINE TREATMENT	NYSDEC WILL STRONGLY DISCOURAGE
#3 DRY DITCHES IN GROUNDWATER AQUIFER AREAS	NOT APPROVABLE; DRY OPTION WITH STAGING RECOMMENDED	NOT APPROVABLE; SEE OPTIONS 5 & 7	POSSIBLE WITH SPDES PERMIT, ROUTINE TREATMENT, AND SPECIAL SAFEGUARDS	NYSDEC CANNOT APPROVE
#4 PERENNIAL STREAMS	POSSIBLE WITH SPDES PERMIT; DRY OPTION WITH STAGING RECOMMENDED	POSSIBLE WITH SPDES PERMIT AND EXTENSIVE TREATMENT	APPROVABLE WITH SPDES PERMIT AND ROUTINE TREATMENT	NYSDEC WILL STRONGLY DISCOURAGE
#5 MUNICIPAL SANITARY SEWERS WITH LOCAL APPROVAL	APPROVABLE; DRY OPTION WITH STAGING RECOMMENDED	NYSDEC ENCOURAGES	NOT NECESSARY; DETERGENT WASH & DRY STORAGE OPTIONS BETTER	NYSDEC WILL STRONGLY DISCOURAGE
#6 STORM SEWERS WITH LOCAL APPROVAL	POSSIBLE WITH SPDES PERMIT; DRY OPTION WITH STAGING RECOMMENDED	POSSIBLE WITH SPDES PERMIT AND EXTENSIVE TREATMENT	APPROVABLE WITH SPDES PERMIT AND ROUTINE TREATMENT	NYSDEC WILL STRONGLY DISCOURAGE
#7 HOLD AND HAUL STORAGE TANK	APPROVABLE; DRY OPTION WITH STAGING RECOMMENDED	APPROVABLE; MAY REQUIRE RECYCLE TO BE ECONOMIC	APPROVABLE; OPTIONS 2, 4, 5, OR 6 ARE BETTER	NYSDEC WILL STRONGLY DISCOURAGE

## **WATER CONSERVATION ‡**

As facilities examine their chemical raw material use and where these materials go, they generally find that much of it ends up in wastewater. Water used in production processes can pick up many pollutants along the way, especially in rinses, which must be removed before the wastewater is sewered. And removing these contaminants can be expensive.

Now that more facilities are switching from chlorinated hydrocarbon cleaners to water-based cleaners, it is important for companies to minimize their water use in order to keep their water purchase and treatment cost low.

### **Incentives for Conserving Water:**

- Water purchase and treatment costs are continuously increasing.
- Environmental protection regulations on water use and wastewater are continuously increasing, thereby increasing the cost of compliance.

### **Benefits of Water Conservation:**

Water conservation can yield direct water cost savings as well as other economic and environmental benefits by reducing demands for processing and treating water. Examples of these benefits include:

- Reduced loading of in-house wastewater treatment equipment, resulting in lower operating costs.
- Reduced hydraulic loading of pretreatment systems, allowing for optimized design at a lower cost.
- Reduced sludge volume and disposal costs because of less water and mineral contaminants (calcium and magnesium) passing through the pretreatment system.
- Reduced regulatory requirements due to lower water use and contaminant levels.

### **Suggestions for Reducing Water Use:**

Many opportunities exist for agencies to reduce their water use. These include:

- Repair leaking faucets, valves and water lines.
- Install flow restrictors or flow control valves to reduce water flow.
- Use timers or foot pedals to run water only when needed.
- Eliminate hoses and other water lines with no flow-control mechanisms.

- Institute an aggressive preventive maintenance program.

### **Examples from Industry:**

Many companies are using the following equipment or methods to reduce water use:

- Conductivity controllers: activate water flow only when needed.
- Countercurrent rinses: circulate rinse-water through a series of two or three rinse tanks, using the same water to rinse parts more than once.
- Agitated rinses: ensure that water is well-mixed and consistent throughout the tank.
- Static or dead rinses: concentrate process chemicals, that can be reused as makeup in the process tank.

One plating company reduce copper losses in a plating tank by slowing withdrawal rates of parts from the tank, extending drip times over the plating tank and using agitated rinses. This reduced copper loading to the wastewater treatment system by 40 percent, and reduced water use by 50 percent while still maintaining product quality.

### **Getting Started:**

Each facility must determine its own plan to reduce water use. The following are general guidelines for getting started with water conservation:

- Benchmark your current incoming water rates by reviewing water utility records for the past year. This will give you data on water volume used and its cost.
- Observe how water is used in production for at least one week (preferably one month).
- Obtain ideas from production employees on how water may be used more efficiently.
- Obtain water conservation information from vendors, trade associations, consultants and NYS-NYSDEC.
- Form a team to evaluate water conservation ideas, methods and equipment and how they can be implemented.
- Train personnel on the benefits of water conservation practices, and new operating techniques designed to conserve water.
- Monitor the results of your conservation efforts to measure success and help identify other opportunities to conserve water.

‡ By Cindy McComas and Bob Lundquist, Minnesota Technical Assistance Program, University of Minnesota, 1313 5th Street SE, Suite 207, Minneapolis, Minnesota 55414-4504

**WATER**

**REGULATION 58B QUESTIONS: STORM WATER GENERAL STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) PERMITS**

**NOTE: If your facility, project or operation is subject to this regulation, it is also subject to Regulation 58A.**

- (A) Does your facility, project or operation discharge stormwater from one or more of the following activities: construction, hazardous waste management or storage, solid waste management (including landfills), steam electric power generation, transportation, sewage or wastewater treatment, or any of the Standard Industrial Classifications as specified in 40 CFR 122.26(b)(14) from a point source to the surface waters of the State? [Also see , Regulation 58]

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave “**RANK**” box 58B blank, then proceed to Regulation 58C.

- (B) If YES, is each stormwater discharge at your facility, project or operation covered under a General SPDES Permit for stormwater or an individual SPDES Permit? [There are NO Exemptions]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in “**RANK**” box 58B and place a check in “Approval” Box 58B on the Compliance Status Report Form, then proceed to Regulation 58C.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in “**RANK**” box 58B and leave the “Approval” Box 58B blank on the Compliance Status Report Form, complete a new “Non-Compliance Report & Remedial Plan” form, then proceed to Regulation 58C.

## WATER

### **REGULATION 58B: STORM WATER GENERAL STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) PERMITS**

LEGAL CITATION: ECL Article 17, Titles 3, 7 & 8 and 6NYCRR Parts 652, 750 - 758 in accordance with 40 CFR 122.26.

#### ABSTRACT OF LAW/REGULATIONS:

New York State has an approved stormwater SPDES permit program in accordance with the requirements of 40 CFR 122.26 concerning stormwater discharges to surface waters of the State from any one or more of these activities: construction, hazardous waste management or storage, solid waste management (including landfills), steam electric power generation, transportation, sewage or wastewater treatment, or any of the Standard Industrial Classifications listed below.

#### REQUIRED APPROVAL:

A General SPDES Permit may be required for a stormwater discharge to surface waters from any facility, project or operation involving any of these activities: construction on five or more acres (including clearing, grading and/or excavation); hazardous waste treatment, storage or disposal; solid waste management (including landfills); steam electric power generation; transportation (including highway rights-of-way), bus terminals & garages, railroads (including track rights-of-way and train depots, repair shops, and other structures), car and truck garages & repair shops, etc.; sewage and/or wastewater treatment; and industries with one of these Standard Industrial Classifications: 10 thru 14, 24 (except 2434), 26 (except 265 & 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373, 40, 41, 42 (except 4221 thru 4225), 43, 44, 45 and 5171 (see definitions of description of classifications).

The three requisites that need to be met in order for a facility, project or operation to require a General SPDES Permit for a storm water discharge are:

- a. the type of facility, project or operation must be specifically identified in the federal storm water (NPDES) regulations;
- b. storm water run-off is collected through some sort of conveyance system such as a pipe, ditch, swale, culvert, etc.; and
- c. the conveyance discharges to surface waters.

If all three conditions are met, the stormwater run-off is defined as a discharge associated with industrial activity and requires a SPDES permit.

#### REQUIRED APPROVAL:

SPDES permit coverage can be obtained in several ways. First, if there is an existing SPDES Permit for a discharge other than storm water from your facility, project or operation, the existing SPDES Permit may be modified to extend coverage to storm water. Second, if there is no other existing SPDES permit, an application for an

individual SPDES permit for existing storm water run-off may be made; but more preferably, coverage under a General SPDES Permit may be obtained by submitting a "Notice of Intent, Transfer, or Termination" (NOITT).

SPDES permit coverage for new facilities, projects or operations requiring other NYSDEC approvals or authorizations under 6NYCRR Part 621 (Uniform Procedures) however, may require the submission of an application for an individual SPDES permit in order to obtain interim permit coverage. It is the intent of the NYSDEC to eventually cover as many storm waster discharges as possible under a General SPDES Permit.

Annual regulatory fees are required pursuant to ECL Section 72-0601.

#### DEFINITIONS:

Erosion control is restricting soils and sediments from entering the stormwater system. On construction sites, where soils are disturbed, erosion control is critical to keep soils and sediments from entering site runoff. control measures include:

- timing construction activities to coincide with the dry season;
- soil stabilization or covers;
- early establishment of vegetative cover; and
- controlling the amount of area exposed at any given time.

Soil stabilization can be accomplished with mulches and mats of varying materials. Mulching critical areas and slopes with straw, hay, wood chips, or other organic materials can prevent soil erosion until permanent vegetation is established.

On-site sediment control measure can also be used to stabilize soils. Their primary use is to limit soil movement during the period when in-place erosion control is not possible. These measures include filter berms, slit fences, brush and bales, and sediment traps.

Inappropriate connections are direct connections of non-stormwater discharges to the storm drainage system. These can include sanitary sewers, septic tanks, industrial washwater drains, and cooling water discharges. Some of these connections may be the result of incorrect plumbing, illegal connections, or connections that were approved in the past but are no longer accepted practice. Eliminating these connections directly excludes these pollutants from the storm drainage system.

Industrial/Commercial controls In addition to eliminating any inappropriate connections to the storm drainage system, commercial and industrial business can control rainfall from contacting any potential pollutants used or stored at their facilities. These include:

- covering chemical storage areas at warehouses, loading docks, and retail outlets, and any chemical stock piles, such as deicing chemicals;
- providing adequate spill control and containment measures;
- collecting and recycling waste products such as used motor oil solvents, and photographic chemicals;
- materials such as fertilizers and top soil stored outdoors should be in a paved area that is permanently covered or temporarily covered with firmly affixed plastic sheeting;
- signs should be painted on all storm drain inlets to indicate that they are not to receive liquid or solid wastes; and
- parking lots should be swept at appropriate intervals to remove debris.



Land use controls such as appropriate zoning ordinances, may be used to limit development immediately adjacent to sensitive receiving waters. Such land use controls may include:

- limiting land use and development density to control the amount of on-site pollutants generated and minimize runoff amounts by restricting the amount of impervious surface created;
- restricting development adjacent to streams and establishing vegetated buffer strips along stream banks;
- restricting development on sites with soils and slopes that are susceptible to significant erosion; and
- implementing planning requirements to minimize the amount of directly connected impervious areas and to incorporate buffer strips, open space, and structural best management practices to control runoff from new developments.

Residential properties contribute stormwater runoff to the street and the storm sewer system, and they convey these common pollutants: pesticides and fertilizers; household cleaners and chemicals; oil and grease; paints and solvents; and pet wastes. Practices encouraged for residential sites include:

- proper disposal of household wastes such as paint, solvents, chemicals, oil, and cleaners so that they are not poured down a street drain;
- minimizing and controlling application of pesticides, herbicides, and fertilizers and, where possible, substituting biological and soap-based alternatives to chemical pesticides;
- routine cleaning and sweeping to keep yard wastes out of the storm sewer system, as well as immediate cleanup of any spills on paved surfaces;
- diverting downspouts and garden hoses from paved surfaces to grassed areas to allow infiltration;
- recycling used motor oil and anti-freeze; and
- substituting porous materials (mulch, gravel, stones, or bricks) for concrete wherever possible to reduce runoff.

Source controls are practices that prevent or minimize contact between pollutants and stormwater runoff. According to the USEPA, source controls include any practice that:

- excludes inappropriate discharges to storm drains;
- reduces the amounts of accumulated pollutants on the land surface available for wash-off by rainfall; and
- regulates the amount of impervious area to reduce runoff amounts.

NYSDEC CONTACT PERSON:

Kenneth Stevens/Warren T. Lavery, Division of Water

TELEPHONE NUMBER:

518/402-8098  
518/402-8110

**TABLE 58B-1**  
**STANDARD INDUSTRIAL CLASSIFICATIONS AND CODES**

10	<u>Metal Mining</u>	14	<u>Mining and Quarrying of</u>
1011	Iron ores		<u>Non-Metallic minerals, except fuels</u>
1021	Copper ores	1411	Dimension stone
1031	Lead and Zinc ores	1422	Crushed & broken limestone
1041	Gold ores	1423	Crushed & broken granite
1044	Silver ores	1429	Crushed & broken stone, not elsewhere classified
1061	Ferroalloy ores, excluding Vanadium	1442	Construction sand & gravel
1081	Metal mining services	1446	Industrial sand
1094	Uranium-Radium-Vanadium ores	1455	Kaolin & ball clay
1099	Metal Ores not elsewhere classified	1459	Clay, ceramic & refrac materials, not elsewhere classified
12	<u>Coal Mining</u>	1474	Potash, soda & borate minerals
1221	Bituminous coal & Lig, Surface	1475	Phosphate rock
1222	Bituminous coal & Lig, Underground	1479	Chem & fert mineral mining, not elsewhere classified
1231	Anthracite mining	1481	Nonmetallic mineral (except fuels)
1241	Coal mining service	1499	Miscellaneous nonmetal minerals, not elsewhere classified
13	<u>Oil and Gas Extraction</u>		
1311	Crude petroleum & Natural gas		
1321	Natural gas liquids		
1381	Drilling oil & gas wells		
1382	Oil & gas field exploration		
1389	Oil & gas field services		
24	<u>Lumber &amp; Wood Products, Except Furniture</u>	28	<u>Chemical &amp; Allied Products</u>
2411	Logging camps/logging contract	2812	Alkalies & chlorine
2421	Sawmills & planing mills, general	2813	Industrial gases
2426	Hardwood demin & flooring mill	2816	Inorganic pigments
2429	Special product sawmills, not elsewhere classified	2819	Industrial inorganic chemicals
2431	Millwork	2821	Plastic materials/synthetic resins/NV elastics
2435	Hardwood veneer & plywood	2822	Synthetic rubber (Vulcan elastomers)
2436	Softwood veneer & plywood	2823	Cellulosic man-made fibers
2439	Structural wood members, not elsewhere classified	2824	Synthetic organic fibers, except cellulose
2441	Nailed/lock corner wood boxes	2841	Soap/detergent, excluding special cleaners
2448	Wood pallets & skids	2842	Specialty cleaning, polishing
2449	Wood containers, not elsewhere classified	2843	Surfactant active agents, Finishing agents
2451	Mobile homes	2844	Perfumes, cosmetics, toilet prep
2452	Prefab wood buildings & components	2851	Paints/varnish/lacquers/enamel
2491	Wood preserving	2861	Gum & wood chemicals
2493	Reconstituted wood products	2865	Cyclic crudes interm., dyes
2499	Wood products, not elsewhere classified	2873	Nitrogen fertilizers
26	<u>Paper &amp; Allied Products</u>	2874	Phosphatic fertilizers
2611	Pulp mills	2875	Fertilizers, mixing only
2621	Paper mills	2879	Pesticides & agricultural chemicals
2631	Paperboard mills	2891	Adhesives & sealants
		2892	Explosives
		2893	Printing ink
		2895	Carbon black
		2899	Chemicals & chemical preparation, not elsewhere classified
29	<u>Petroleum Refining &amp; Related Industries</u>	33	<u>Primary Metal Industries</u>
2911	Petroleum refining	3312	Blast furnace/steel works/rolling
2951	Paving mixtures & blocks	3313	Electrometallurgical products
2952	Asphalt felt & coatings	3315	Steel wire draw & steel nails
2992	Lubricating oils & greases	3316	Cold rolled steel sheet/strip
2999	Petroleum products & coal, not elsewhere classified	3317	Steel pipe & tubes
		3321	Gray iron foundries
		3322	Malleable iron foundries
31	<u>Leather &amp; Leather Products</u>	3324	Steel investment foundries
3111	Leather tanning & finishing	3325	Steel foundries,

32	<u>Stone, Clay, Glass &amp; concrete products</u>	3331	not elsewhere classified
3211	Flat glass	3334	Primary smelting & copper refining
3221	Glass containers	3339	Primary production of aluminum
3229	Pressed & blown glass & glassware	3341	Primary smelt/nonferrous metals
3241	Cement, hydraulic	3351	Secondary smelt/nonferrous metals
3251	Brick & structural clay tile	3353	Roll/draw/extruded products
3253	Ceramic wall & floor tile	3354	Aluminum sheet, plate & foil
3255	Clay refractories	3355	Aluminum extruded products
3259	Structural clay products, not elsewhere classified	3355	Aluminum rolling & drawing, not elsewhere classified
3261	Vitreous china plumbing fixtures	3356	Roll/draw & extruded nonferrous
3262	Vitreous china table & kitchen articles	3357	Draw/insulation of nonferrous wire
3263	Fine earthenware	3363	Aluminum die casting
3264	Porcelain electrical supplies	3364	Nonferrous die casting, excluding aluminum
3269	Pottery Products, not elsewhere classified	3365	Aluminum foundries
3271	Concrete block & brick	3366	Copper foundries
3272	Concrete products excluding blocks & bricks	3369	Nonferrous foundries, not elsewhere classified
3273	Ready-mixed concrete	3399	Primary metal products, not elsewhere classified
3274	Lime		
3275	Gypsum products	34	<u>Fabricated Metal Products, Except</u>
3281	Cut stone & stone products		<u>Machinery Transportation Equipment</u>
3291	Abrasive products	3441	Fabricated structural metal
3292	Asbestos products		
3295	Mine & earths, ground or treated	37	<u>Transportation Equipment</u>
3296	Mineral wool	3731	Ship building & repairing
3297	Nonclay refractories	3732	Boat building & repairing
3299	Nonmetallic mineral products, not elsewhere classified		
		40	<u>Railroad Transportation</u>
		4011	Railroads, line haul operating
		4013	Railroad switching & terminal establishments
41	<u>Local &amp; Suburban Transit &amp; Interurban</u>	44	<u>Water Transportation</u>
	<u>Highway Passenger Transportation</u>	4412	Deep sea foreign transportation of freight
4111	Local & suburban transit	4424	Deep sea domes transportation of freight
4119	Local passenger transforation	4432	Freight transportation on the Great Lakes
4121	Taxicabs	4449	Water transportation of freight, not elsewhere classified
4131	Intercity & rural bus transportation	4481	Deep sea passenger transportation, excluding ferry
4141	Local bus charter service	4482	Ferries
4142	Bus charter service, except local	4489	Water passenger transportation
4151	School buses	4491	Marine cargo handling
4173	Bus terminal & service facilities	4492	Towing & tugboat service
		4493	Marinas
		4499	Water transportation services
42	<u>Motor Freight Transportation</u>		
	<u>&amp; Warehousing</u>	45	<u>Transportation by Air</u>
4212	Local trucking without storage	4512	Air transportation, scheduled
4213	Trucking, except local	4513	Air courier services
4214	Local trucking with storage	4522	Air transportation, nonscheduled
4215	Courier services, except air	4581	Airports, flying fields & services
4226	Special warehousing & storage	51	<u>Wholesale Trades -- Nondurable Good</u>
4231	Trucking terminal facilities	5171	Petroleum bulk stations & terminals
43	<u>United States Post Office</u>		
4311	United States Postal Service		

## WATER

### **REGULATION 58C QUESTIONS: SPDES DISCHARGE NOTIFICATION ACT SIGN POSTING AND PUBLIC NOTIFICATION**

**NOTE:** If your facility, project or operation is subject to this regulation, it may also be subject to Regulation 58, 58A and 58B. "This regulation will only apply upon permit renewal or modification."

- (A) Does your facility, project or operation discharge wastewater (excluding discharges consisting of only uncontaminated stormwater) to the surface waters of the State? [Also see , Regulation 58]

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 58C blank, then proceed to Regulation 59.

- (B) If YES, does your facility, project or operation have a sign posted at the outfall and are your facility's monitoring reports available for public inspection during normal business hours?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 58C on the Compliance Status Report Form, then proceed to Regulation 59.

If NO, then proceed to Question (C).

- (C) If NO, have you applied for a waiver from requirements for posting a sign and maintaining monitoring data?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 58C on the Compliance Status Report Form, then proceed to Regulation 59.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 58C, then proceed to Regulation 59.

## WATER

### **REGULATION 58C:            SPDES DISCHARGE NOTIFICATION ACT SIGN POSTING AND PUBLIC NOTIFICATION**

LEGAL CITATION: ECL Section 17-0815-a

#### ABSTRACT OF LAW/REGULATIONS:

Any person who discharges wastewater, which does not consist exclusively of uncontaminated stormwater, to surface water, under a SPDES permit, must post a sign at all discharge points (outfalls) "or receive a waiver from the NYSDEC Division of Water from all Discharge Notification Act requirements." The sign must have minimum dimensions of eighteen inches by twenty four inches with white lettering on a green background, and must contain information on the SPDES permit number, and NYSDEC Regional contact information. The permittee must also provide a public repository for review of copies of all Discharge Monitoring Reports. These requirements do not apply to discharges comprised exclusively of storm water. Waivers may be requested in certain situations.

#### NYSDEC REGIONAL CONTACT PERSONS:

#### TELEPHONE NUMBERS

Robert Schneck - Region 1	631/444-0405
Tom Lang - Region 2	718/482-4930
Cesare Manfredi - Region 3	914/332-1835
Fred Sievers - Region 4	518/357-2045
Bill Wasilauski -Region 5	518/623-3671
Clarence Shoemaker - Region 6	315/793-2554
Steve Eidt - Region 7	315/426-7500
Tom Pearson - Region 8	716/226-2466
Peter Buechi - Region 9	716/851-7220
Bill Mirabile - Central Office	518/402-8122

## WATER

### REGULATION 58D QUESTIONS: GENERAL SPDES PERMIT - NO. GP-99-01 FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOs)

- (A) Does your facility, project or operation (f/p/o), house or confine livestock or poultry for 45 days in any 12 consecutive month period?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, you are not required to file a Notice of Intent (NOI) for coverage under General SPDES Permit No. GP-99-01, proceed to Regulation 59.

- (B) If YES, does your f/p/o house or confine more than 1000 animal units?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to question (E).

- (C) If NO, does your f/p/o house or confine between 301 and 1000 animal units?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, you are not required to file a NOI for coverage under General SPDES Permit No. GP-99-01, proceed to Regulation 59.

- (D) If YES, do any of the following conditions exist at your f/p/o?

Rainwater from less than a 25 year - 24 hour storm (typically 4-5 inches in 24 hours) in contact with feed, silage, manure, barnyards or other organic materials, leaves the farmstead and enters a stream, river, swamp, or road ditch; or

Waste wash water generated (i.e. egg wash water, milk equipment wash water) does not go directly to a designated treatment facility; or

Manure application to your cropland does not meet the USDA Natural Resources Conservation Service's Nutrient Management Standard (NYS 590).

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, you are not required to file a NOI for coverage under General SPDES Permit No. GP-99-01, proceed to Regulation 59.

- (E) If YES, your facility is a CAFO as defined in General SPDES Permit No. GP-99-01. Have you filed a NOI to obtain coverage under GP-99-01?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "Rank" box 58D and leave the "Approval" box 58D blank on the "Compliance Status Report", complete a new "Non-Compliance Report & Remedial Plan", and proceed to Regulation 59.

- (F) If YES, has your f/p/o submitted an "Appendix B Agricultural Waste Management Plan (AWMP) Certification" to the Department?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "Rank" box 58D and place a check in the "Approval" box on the "Compliance Status Report", then proceed to Regulation 59.

- (G) If NO, and you are a medium CAFO, has your f/p/o submitted an "Appendix E - Time Extension Request for Medium Concentrated Animal Feeding Operations (CAFOs)" to the Department?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "Rank" box 58D and leave the "Approval" box blank on the "Compliance Status Report", then proceed to Regulation 59.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "Rank" box 58D, leave the "Approval" box 58D blank on the "Compliance Status Report", complete a new "Non-Compliance Report & Remedial Plan", then proceed to Regulation 59.

## WATER

### **REGULATION 58D: GENERAL SPDES PERMIT - NO. GP-99-01 FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFOs)**

Legal Citation: ECL Article 17, Titles 3, 7 & 8, and 6NYCRR Parts 750-758, and 40 CFR Parts 122 and 412.

#### Abstract of Law/Regulations:

New York State issued General SPDES Permit for Concentrated Animal Feeding Operations (CAFOs) - GP-99-01 on July 1, 1999. The GP-99-01 requires "large" and "medium" CAFOs to apply for coverage by submitting a Notice of Intent (NOI). The second modification of the permit, issued on October 12, 2002, allows "medium" CAFOs to apply for an extension to the compliance date to June 30, 2004 for submittal of the "Appendix B - Agricultural Waste Management Plan (AWMP) Certification". Copies of the permit, application forms, and other information can be found on the CAFO Home Page on the NYSDEC website at [www.dec.state.ny.us/website/dow/cafohome](http://www.dec.state.ny.us/website/dow/cafohome).

NYSDEC CONTACT PERSON:

Joe DiMura, Division of Water

TELEPHONE NUMBER

518/402-8117



## WATER

### **REGULATION 59 QUESTIONS: WASTEWATER TREATMENT PLANT OPERATOR CERTIFICATION**

**NOTE: If your facility, project or operation is subject to Regulation 58, it may also be subject to this regulation.**

(A) Does your facility, project or operation have only storm water discharges?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 59 on the Compliance Status Report Form, then proceed to Regulation 60.

(B) If NO, does your facility, project or operation have a wastewater treatment system consisting of a subsurface septic tank and leaching system that discharges to the ground?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 59 on the Compliance Status Report Form, then proceed to Regulation 60.

(C) If NO, does your facility, project or operation have a wastewater treatment system consisting of a septic tank and open or covered intermittent sand filters, with a design capacity of less than 50,000 gallons per day?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 59 on the Compliance Status Report Form, then proceed to Regulation 60.

(D) If NO, does your facility, project or operation have a wastewater treatment plant that treats industrial wastes exclusively?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 59 on the Compliance Status Report Form, then proceed to Regulation 60.

(E) If NO, are the chief operator and assistant/shift operator(s) at your facility, project or operation certified by NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 59 and place a check in the "Approval" Box 59 on the Compliance Status Report Form, then proceed to Regulation 60.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 59 and place an "N (for NO Approval) in the "Approval" Box 59 on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 60.

## WATER

### **REGULATION 59: WASTEWATER TREATMENT PLANT OPERATOR CERTIFICATION**

LEGAL CITATION: \*ECL Section 3-0301(1)(bb), 3-0301(2)9m), 17-0303 and 6NYCRR Part 650.

#### ABSTRACT OF LAW/REGULATIONS:

A wastewater treatment plant must be under the responsible supervision of an approved operator at all times. No person shall be employed as operator or assistant operator unless he/she possesses certification from NYSDEC.

#### REQUIRED APPROVAL:

Certified wastewater treatment plant operators are required for all wastewater treatment plants.

#### EXEMPTIONS:

Wastewater treatment plants consisting solely of the following treatment schemes are exempt from the requirement of having a certified chief operator or assistant/shift operator:

1. septic tanks followed by subsurface leaching systems with eventual discharge to the ground waters, regardless of design capacity;
2. septic tank followed by open or covered intermittent sand filter systems, with a designed capacity of less than 50,000 gallons per day; and
3. wastewater treatment plants that treat industrial wastes exclusively.

#### DEFINITIONS:

Assistant/Shift operator means an individual who is employed or appointed by any county, city, village, town, district, or by any State department, agency or authority, or by any sewer company, corporation, person or group of persons, or by any industry or institution, and who is designated by the appointing officials as a person who, under the direction of the chief operator, is responsible for the actual operation of a wastewater treatment plant during a shift or in the absence of the chief operator.

Chief operator means an individual who is employed or appointed by any county, city, village, town, district, or by any State department, agency or authority, or by any sewer company, corporation, person or group of persons, or by any industry or institution, and who is designated by the appointing officials as the person in responsible charge of the complete and actual operation of any wastewater treatment plant. It is not intended to include city managers, superintendents of public works or municipal or other officials unless their duties include the actual operation of a wastewater treatment plant.

Industrial waste means any liquid, gaseous, solid or waste substance or a combination thereof resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resources, which may cause or might reasonably be expected to cause pollution of the waters of the State in contravention of the standards adopted as provided herein.

Responsible supervision means the accountability for and performance of active, daily, on-site operation of the wastewater treatment plant.

Septic tank means an underground vessel for treating wastewater by combination of settling and anaerobic digestion.

Wastewater treatment plant means any plant or facility owned or maintained by any county, city, village, town, district, or by any State department, agency or authority, or by any sewer company, corporation, person or group of persons, or by any industry or institution, that subjects wastewater to a process for removing or altering the objectionable constituents of wastewater for the purpose of meeting the requirements of its State Pollutant Discharge Elimination System (SPDES) Permit and making it less offensive or dangerous.

NYSDEC CONTACT PERSON:

Phil Smith, Division of Water

TELEPHONE NUMBER

518/402-8092

## WATER

### REGULATION 60 QUESTIONS: GREAT LAKES WATER WITHDRAWAL REGISTRATION

- (A) Is your facility, project or operation located in the Great Lakes drainage basin?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 60 blank on the Compliance Status Report Form, then proceed to Regulation 51, page Q-51.1.

- (B) If YES, are you planning to withdraw surface or ground water or are you withdrawing water for an agricultural purpose?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (L).

- (C) If NO, are you making a water withdrawal or are you planning a water withdrawal of over 5 million gallons per day averaged over any consecutive 30 days?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (H).

- (D) If NO, are you making a water withdrawal or planning a water withdrawal that results in a water loss of over 2 million gallons per day averaged over any consecutive 30 days?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (G).

- (E) If NO, are you making a water withdrawal or planning a water withdrawal greater than 100,000 gallons per day averaged over any consecutive 30 days?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 60 blank, then proceed to Regulation 51, page Q-51.1.

- (F) If YES, did you register the water withdrawal 45 days before the withdrawal was to begin? [See , Regulation 60 for Exemptions]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a check in the "Approval" Box 60 on the Compliance Status Report Form, then proceed to Question (I).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 60 and leave the "Approval" Box 60 blank on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (I).

- (G) Have you registered the water withdrawal and resulting loss 45 days before exceeding the threshold of 2 million gallons per day averaged over 30 consecutive days? [See , Regulation 60 for Exemptions]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a check in the "Approval" Box 60 on the Compliance Status Report Form, then proceed to Question (I).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 60 and leave the "Approval" Box 60 blank on the Compliance Status Report Form, update the (or complete a new) "Non-Compliance Report & Remedial Plan" form, then proceed to Question (I).

- (H) Have you registered the water withdrawal or the planned water withdrawal and water loss 45 days prior to exceeding the threshold of 5 million gallons per day averaged over 30 consecutive days? [See , Regulation 60 for Exemptions]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a check in the "Approval" Box 60 on the Compliance Status Report Form, then proceed to Question (I).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 60 and leave the "Approval" Box blank on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (I).

- (I) Does your water withdrawal or will your proposed water withdrawal result in an interbasin diversion of the water out of the Great Lakes Drainage Basin?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (M).

- (J) If YES, was this interbasin diversion begun on or after November 17, 1986?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 60 blank, then proceed to Regulation 51.

- (K) If YES, did you obtain approval, in advance of making the water withdrawal, from all the Great Lakes States Governors and the NYS Legislature (for guidance, please call NYSDEC 518/402-8099)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (L).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 60 on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (L).

- (L) Did you register the agricultural purposes water withdrawal by December 31 of the year in which the water withdrawal occurred?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" **box** 60 on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, than proceed to Question (M).

(M) If YES, did you submit the required water withdrawal fee to the NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" **box** 60 on the Compliance Status Report Form, than proceed to Regulation 51, Page Q-51.1.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" **box** 60 on the Compliance Status Report Form, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 51 Page Q-51.1.

## WATER

### **REGULATION 60:                    GREAT LAKES WATER WITHDRAWAL REGISTRATION**

LEGAL CITATION: ECL Section 15-1601 and 6NYCRR Part 675.

#### ABSTRACT OF LAW/REGULATIONS:

Part 675 requires that persons in the Great Lakes drainage basin register water withdrawals of over 100,000 gallons per day averaged over any consecutive 30 days. Proposed water withdrawals and water losses must be registered 45 days in advance. Water registrations are for non-agricultural users. Renewals must be made every two year thereafter. There is a \$200.00 registration fee.

Agricultural withdrawals can be registered annually and after the withdrawal has occurred. All agricultural registrations are to be completed by December 31 in the year in which the withdrawal has occurred. The registration fee for agricultural users is \$100.00.

Registration forms are available at the NYSDEC Regional offices and from the Cornell Cooperative Extension and the County Soil and Water Conservation District offices. The registration forms together with the registration fee are to be sent to the NYS Department of Environmental Conservation, Division of Water, Bureau of Water Permits, 625 Broadway, 4<sup>th</sup> Floor, Albany, New York 12233-3505.

#### EXEMPTIONS:

Registrations do not apply to withdrawals by municipalities that have a valid water supply permit, and to withdrawals by persons with a valid water lifting permit. Also, registrations are not required for hydroelectric generation at a facility certified, licensed, or permitted by the Federal Energy Regulatory Commission.

#### REQUIRED APPROVAL:

Registration of water withdrawal or losses, in the amounts indicated above, is required.

In addition, all interbasin diversions from the Great Lakes originating in New York State are prohibited unless approved by the New York State Legislature and the Governor. A legislative hearing is required to consider proposed interbasin diversions. The Governor is required to approve or disapprove the proposal within 60 days after the close of the hearing record.

#### DEFINITIONS:

Great Lakes Basin: is the watershed of the Great Lakes and the St. Lawrence River, upstream from Trois Rivieres, Quebec, consisting in New York State of these drainage basins, including all tributaries within these basins:



<u>Drainage Basin</u>	<u>Counties</u>
Lake Erie	Erie, Cattaragus, Chautauqua, Wyoming
Niagara River	Erie, Genesee, Niagara, Wyoming.
Lake Ontario	Cayuga, Genesee, Jefferson, Lewis, Monroe, Niagara, Ontario, Orleans, Oswego, Wayne.
Genesee River	Allegany, Genesee, Livingston, Monroe, Ontario, Steuben, Wyoming. Seneca-Oneida-Oswego Rivers
	Cayuga, Cortland, Madison, Oneida, Onondaga, Ontario, Oswego, Schuyler, Seneca, Tompkins, Wayne, Yates.
Black River	Hamilton, Herkimer, Jefferson, Lewis, Oneida.
St. Lawrence River	Clinton, Essex, Franklin, Hamilton, Herkimer, Lewis, Jefferson, St. Lawrence.
Lake Champlain	Clinton, Essex, Franklin, Warren, Washington.

Interbasin Diversion: means a transfer of water out of the Great Lakes basin through any mechanism, including but not limited to, pumps, pipes, conduits, ditches, canals, vessels, vehicles, or rolling stock. An interbasin diversion includes changes in groundwater flow caused by pumping that would divert groundwater naturally destined to discharge to the Great Lakes basin.

Water Withdrawal: means any removal of surface or ground water in the Great Lakes basin from its source for any purpose, except for withdrawals for hydroelectric generation at sites certified, licensed or permitted by the Federal Energy Regulatory Commission.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Mike Holt, Division of Water

518/402-8099

## ENVIRONMENTAL REMEDIATION SCREENING QUESTIONS

(ER-1) Do you store any chemicals that are listed as a hazardous substance?  
*NOTE: See Regulation 51, Table 51-1 for list of hazardous substances.*

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulations 51 and 51C may apply. Proceed to Question (ER-2).

If NO, proceed to Question (ER-2).

(ER-2) Were there any releases (leaks or spills) of hazardous substances or chemicals in excess of reportable quantities from a storage tank at your facility, project or operation?

*NOTE: See Regulation 51, Table 51-1 for list of reportable quantities.*

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulation 51A may apply. Proceed to Question (ER-3).

If NO, proceed to Question (ER-3).

(ER-3) Do you have any petroleum storage tanks, either in service or out of service?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulations 56 and 56C may apply. Proceed to Question (ER-4).

If NO, proceed to Question (ER-4).

(ER-4) Have you had any oil or other petroleum spills or leaks?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulation 56A applies. Proceed to Question (ER-5).

If NO, proceed to Question (ER-5).

(ER-5) Do you own or operate a major onshore petroleum facility (400,000 gallons or more total capacity) at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Regulation 56B may apply. Proceed to Question (W-1).

If NO, proceed to Question (W-1).

## ENVIRONMENTAL REMEDIATION

### REGULATION 51 QUESTIONS:

### CHEMICAL BULK STORAGE

**NOTE:** If your facility, project or operation is subject to this regulation, it is also subject to Regulation 51C.

- (A) Do you store any chemicals indicated on the list of hazardous substances (See Table 51 in ), in an above ground stationary tank greater than 185 gallons, or in an underground tank of any size?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 51 blank on the Compliance Status Report, proceed to Regulation 51A.

- (B) If YES, are your tanks registered with NYSDEC? [See Regulation 51 for exemptions.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a check in the "Approval" Box 51 on the Compliance Status Report Form, then proceed to Question "C".

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 51 and leave the Approval box 51 blank on the Compliance Status Report, complete a Non-Compliance Report and Remedial Plan form, then proceed to Regulation 51A.

- (C) Did you follow the handling, storage and reporting requirements as stated in Regulation 51?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 51 on the Compliance Status Report form, proceed to Question "D".

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 51 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Regulation 51A.

- (D) Have you prepared a spill prevention report pursuant to section 598.1(k) of the Chemical Bulk Storage Regulations?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 51 on the Compliance Status Report form, then proceed to Question "E".

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 51 on the Compliance Status Report form, complete a Non-Compliance Report & Remedial Plan form, then proceed to Regulation 51A.

- (E) Does the compliance audit in the spill prevention report show a violation of the regulations?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 51 on the Compliance Status Report form, complete a Non-Compliance Report & Remedial Plan form, then proceed to Regulation 51A.

If NO, place a "C" in "**RANK**" box 51 on the Compliance Status Report form, then proceed to Regulation 51A.

## ENVIRONMENTAL REMEDIATION

### REGULATION 51:

### CHEMICAL BULK STORAGE

LEGAL CITATION: ECL Articles 37 & 40, and 6 NYCRR Parts 595 - 599.

#### ABSTRACT OF LAW/REGULATIONS:

In 1986, the legislature passed two State laws for protecting public health, safety and the environment from releases of hazardous substances stored in bulk. The first law, ECL Article 37, requires NYSDEC to develop a list of hazardous substances to be regulated based on federal lists such as CERCLA and the Extremely Hazardous Substances List, and other chemicals known to be hazardous (see Table 51-1) A second law, ECL Article 40, entitled the "Hazardous Substance Bulk Storage Act" requires NYSDEC to promulgate regulations that regulate the sale, bulk storage and handling of hazardous substances and chemicals. Article 40 also requires the NYSDEC to:

- register tanks storing hazardous chemicals;
- establish registration fees;
- develop standards for tank construction, operation, maintenance, inspection and closure;
- identify quantities of substances that if released to the environment, must be reported to the NYSDEC; and
- restrict the sale of hazardous substances where the sale is to an unregistered facility or where the manufacturer/distributor fails to provide buyers with recommended practices and guidance on proper methods for storage and handling of such substances.

Regulations (6NYCRR) became effective on July 15, 1988 and were amended August 11, 1994. The regulations are structured as follows:

Part 595: Releases of Hazardous Substances;  
Part 596: Hazardous Substances Bulk Storage Regulations;  
Part 597: List of Hazardous Substances;  
Part 598: Handling and Storage of Hazardous Substances; and  
Part 599: Standards for New and Substantially Modified Hazardous Substance Storage Facilities.

These regulations:

- list over 1,000 hazardous and acutely hazardous substances. Over 10,000 tanks in New York used to store such chemicals as cleaning solvents, pesticides, and hazardous industrial chemicals are regulated under this program;

- identify requirements for release reporting, response and corrective action. Releases of hazardous substances in an amount greater than established reportable quantities must be reported to NYSDEC. Suspected releases must be investigated and reported. Corrective action (cleanup and removal) in response to a release is also required;
- set forth rules for the registration of chemical storage tanks that exceed 185 gallons in capacity; and
- require chemical manufacturers/distributors to supply their buyers with guidance on proper storage and handling of chemicals and to file the guidance with the NYSDEC.

The regulations also set forth rules for the handling and storage of hazardous substances to protect the public health, safety, welfare, and the environment. They contain technical standards for new underground storage tanks, aboveground tanks, secondary containment systems, leak detection, installation, transfer stations, piping, overfill prevention equipment, and monitoring of pressure vessels.

#### REQUIREMENTS:

- a Spill Prevention Report (SPR) must be prepared by August 11, 1996;
- the Spill Prevention Report must be updated annually or whenever a significant release occurs or a substantial change is made;
- underground storage tanks (UST) must meet the EPA UST requirements;
- upgrading of underground tanks is required by December 22, 1998;
- upgrading of aboveground tanks is required by December 22, 1999;
- aboveground tanks must be structurally inspected every five years;
- programs for preventing leaks from pumps and valves and maintaining equipment must be in place;
- standards for permanently closing a chemical tank, cleaning the tank and disconnecting all lines must be followed; and
- site assessments must be performed at the time of closure of any underground tank or when directed to do so by the NYSDEC.
- uniform State standards must be followed beginning February 11, 1995 for any new storage system that is installed and any additions or replacements made to an existing storage tank.

## REQUIRED APPROVAL:

Registration of existing storage facilities is required and is for a period of two years. Registration is accomplished by completing the application form, paying a fee based on the facility's storage capacity (see Table 51C-1), and sending the completed application form with the fee to NYSDEC's central office in Albany. Registration is required for any aboveground stationary tank storing 185 gallons of a regulated substance or any size underground storage tank storing a regulated substance or mixture.

## EXEMPTIONS:

1. Process tanks;
2. assembly line tanks and accessory equipment whose volume is more than 90% above the surface of the ground;
3. a non-stationary tank, barrel, drum, or other holding vessel unless it is used to store 1,000 kilograms (2,200 lbs.) or more for a period of 90 consecutive days or more;
4. a septic tank, storm water or wastewater collection system;
5. capacitors or transformers;
6. any aboveground storage tank on an operating farm used solely to store or contain a hazardous substance that will be used for agricultural purposes;
7. storage tanks related to liquid petroleum pipeline corporations; and
8. storage tanks regulated under:
  - a. Title 7 of Article 27 (see Regulation 34);
  - b. Title 9 of Article 27 (see Regulation 31, 32, 33 and 34);
  - c. Title 10 of Article 17 (see Regulation 56);
  - d. Article 12 of the Navigation Law;
  - e. Title 11 of Article 27 (Industrial Siting of Hazardous Waste Facilities);
  - f. Title 17 of Article 23 (Liquified Natural and Petroleum Gas Act);
  - g. the Natural Gas Pipeline Safety Act of 1968;
  - h. the Hazardous Liquid Pipeline Safety Act of 1979;
  - i. the Natural Gas Act; or
  - j. the Atomic Energy Act of 1954.

## DEFINITIONS:

Aboveground tank means any stationary tank with a capacity of 185 gallons or more that is not entirely covered with earth or other backfill material, or a stationary tank with a capacity of 185 gallons or more that can be inspected in a subterranean vault.

Assembly line tank means a tank used for the production of a manufactured product.

Non-stationary tank means any tank, barrel, drum or other holding vessel that is mobile in design or practice and that is used to store 1,000 kilograms (2,200 lbs) or more of a hazardous substance, or mixture thereof, for a period of 90 consecutive days or more. This includes tanks on wheels, trolleys, skids, pallets and rollers.

Permanently closed means an out-of-service tank that has been emptied of all product and residual materials, cleaned, rendered free of any hazardous or flammable vapors, disconnected from any process or dispensing units and closed or converted to another purpose consistent with standards for closure.

Process tank is a vessel or other equipment used to mix or physically, chemically or biologically change a hazardous substance. It does not include tanks used to store hazardous substances prior to their introduction into the process, or tanks used to store substances as intermediaries, by-products or finished products of the process.

Stationary tank means any underground tank and any aboveground tank that is stationary in either practice or design.

Substantially modified means an existing storage facility that is modified in one or more of the following ways: a new stationary tank is added to the site; an existing stationary tank is replaced, reconditioned or permanently closed; or a leaking tank is replaced, repaired, or permanently closed.

Transfer station refers to an area where pipes or hoses are connected and disconnected for the purpose of emptying and filling a storage tank.

Underground storage tank means any tank or other vessel used for the storage of hazardous substance that is completely covered with earth or other backfill material. Tanks in subterranean vaults accessible for visual inspection are considered aboveground tanks.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Morris Leno, Division of Environmental Remediation

518/402-9549



**TABLE 51-1  
HAZARDOUS SUBSTANCES**

CAS #	SUBSTANCE	REPORTABLE QUANTITY		NOTE <sup>2</sup>
		(pounds) AIR	LAND/ WATER	
83-32-9	Acenaphthene	1	1	
208-96-8	Acenaphthylene	1	1	
75-07-0	Acetaldehyde	1000	1	
75-87-6	Acetaldehyde, trichloro-	5000	1	
60-35-5	Acetamide	1	1	
93-71-0	Acetamide, 2-chloro-n,n-diallyl-	1	1	
640-19-7	Acetamide, 2-fluoro-	100	1	A
591-08-2	Acetamide, n-(aminothioxomethyl)	1000	1	
62-44-2	Acetamide, n-(4-ethoxyphenyl)	100	1	
53-96-3	Acetamide, n-9h-fluoren-2-yl-	1	1	
62-55-5	Acetamide, thio-	10	1	
64-19-7	Acetic acid	5000	100	
93-79-8	Acetic acid, (2,4,5-trichlorophenoxy)-, butyl ester	1000	100	
94-11-1	Acetic acid, (2,4-dichlorophenoxy)-, isopropyl ester	100	100	
108-24-7	Acetic anhydride	5000	100	
67-64-1	Acetone	5000	1	
75-86-5	Acetone cyanohydrin	10	1	A
1752-30-3	Acetone, thiosemicarbazide	1	1	
75-05-8	Acetonitrile	5000	1	
62-44-2	p-Acetophenetidide	100	1	
98-86-2	Acetophenone	5000	1	
506-96-7	Acetyl bromide	5000	1	
75-36-5	Acetyl chloride	5000	1	
359-06-8	Acetyl chloride, fluoro-	1	1	
591-08-2	1-Acetyl-2-thiourea	1000	1	
53-96-3	2-Acetylaminofluorene	1	1	
107-02-8	Acrolein	1	1	A
79-06-1	Acrylamide	5000	100	
79-10-7	Acrylic acid	5000	10	
80-63-7	Acrylic acid, 2-chloro-, methyl ester	1	1	A
140-88-5	Acrylic acid, ethyl ester	1000	1	
107-13-1	Acrylonitrile	100	1	
814-68-6	Acryloyl chloride	1	1	
50-76-0	Actinomycin D	1	1	
124-04-9	Adipic acid	5000	100	
111-69-3	Adiponitrile	1	1	A
23214-92-8	Adriamycin	1	1	
148-82-3	Alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-, l	1	1	
116-06-3	Aldicarb	1	1	
309-00-2	Aldrin	1	1	A
93-71-0	Allidochlor	1	1	
107-18-6	Allyl alcohol	100	100	A
107-05-1	Allyl chloride	1000	1	
107-11-9	Allylamine	1	1	A
20859-73-8	Aluminum phosphide	100	100	
10043-01-3	Aluminum sulfate	5000	100	
92-67-1	4-Aminobiphenyl	1	1	
54-62-6	Aminopterin	1	1	
78-53-5	Amiton	1	1	A
3734-97-2	Amiton oxalate	1	1	A
61-82-5	Amitrole	10	1	
7664-41-7	Ammonia	100	100	
631-61-8	Ammonium acetate	5000	100	
1863-63-4	Ammonium benzoate	5000	100	
1066-33-7	Ammonium bicarbonate	5000	100	
7789-09-5	Ammonium bichromate	10	10	
1341-49-7	Ammonium bifluoride	5000	100	
10192-30-0	Ammonium bisulfite	5000	100	
1111-78-0	Ammonium carbamate	5000	100	
506-87-6	Ammonium carbonate	5000	100	
12125-02-9	Ammonium chloride	5000	100	
7788-98-9	Ammonium chromate	10	10	
3012-65-5	Ammonium citrate, dibasic	5000	100	
12125-01-8	Ammonium fluoride	100	100	
13826-83-0	Ammonium fluoroborate	5000	100	

CAS #	SUBSTANCE	REPORTABLE QUANTITY		NOTE <sup>2</sup>
		(pounds)	LAND/	
		AIR	WATER	
1336-21-6	Ammonium hydroxide	1000	100	
7803-55-6	Ammonium metavanadate	1000	100	A
6009-70-7	Ammonium oxalate	5000	100	
5972-73-6	Ammonium oxalate	5000	100	
14258-49-2	Ammonium oxalate	5000	100	
131-74-8	Ammonium picrate, wet	10	1	
16919-19-0	Ammonium silicofluoride	1000	100	
7773-06-0	Ammonium sulfamate	5000	100	
12135-76-1	Ammonium sulfide	5000	100	
10196-04-0	Ammonium sulfite	5000	100	
14307-43-8	Ammonium tartrate	5000	100	
3164-29-2	Ammonium tartrate	5000	100	
1762-95-4	Ammonium thiocyanate	5000	1	
999-81-5	Ammonium, (2-chloroethyl)trimethyl-chloride	1	1	
300-62-9	Amphetamine	1	1	
628-63-7	Amyl acetate	5000	1	
123-92-2	iso-Amyl acetate	5000	1	
626-38-0	sec-Amyl acetate	5000	1	
625-16-1	tert-Amyl acetate	5000	100	
62-53-3	Aniline	5000	1	
88-05-1	Aniline, 2,4,6-trimethyl-	1	1	
106-47-8	Aniline, p-chloro-	1000	1	
60-11-7	Aniline, n,n-dimethyl-4-phenylazo-	10	1	
90-04-0	o-Anisidine	1	1	
120-12-7	Anthracene	1	1	
7440-36-0	Antimony (see footnote #1)	5000	100	
7647-18-9	Antimony chloride	1000	100	
7647-18-9	Antimony pentachloride	1000	100	
7783-70-2	Antimony pentafluoride	1	1	
28300-74-5	Antimony potassium tartrate	100	100	
7789-61-9	Antimony tribromide	1000	100	
10025-91-9	Antimony trichloride	1000	100	
7783-56-4	Antimony trifluoride	1000	100	
1309-64-4	Antimony trioxide	1000	100	
1397-94-0	Antimycin A	1	1	
86-88-4	Antu	100	1	A
12674-11-2	Aroclor 1016	1	1	
11104-28-2	Aroclor 1221	1	1	
1141-16-52	Aroclor 1232	1	1	
53469-21-9	Aroclor 1242	1	1	
12672-29-6	Aroclor 1248	1	1	
11097-69-1	Aroclor 1254	1	1	
11096-82-5	Aroclor 1260	1	1	
7440-38-2	Arsenic (see footnote #1)	1	1	
1327-52-2	Arsenic acid	1	1	
7778-39-4	Arsenic acid	1	1	A
7784-34-1	Arsenic chloride	1	1	
1303-32-8	Arsenic disulfide	1	1	
1303-28-2	Arsenic pentoxide	1	1	A
7784-34-1	Arsenic trichloride	1	1	
1327-53-3	Arsenic trioxide	1	1	A
1303-33-9	Arsenic trisulfide	1	1	
1327-53-3	Arsenic(III) oxide	1	1	A
1303-28-2	Arsenic(V) oxide	1	1	A
7784-42-1	Arsine	1	1	
541-25-3	Arsine, dichloro(2-chlorovinyl)-	1	1	A
1332-21-4	Asbestos	1	1	
492-80-8	Auramine	100	1	
115-02-6	Azaserine	1	1	
446-86-6	Azathioprine	1	1	
2642-71-9	Azinphos-ethyl	1	1	A
86-50-0	Azinphos-methyl	1	1	A
319-84-6	alpha-BHC	10	1	
319-85-7	beta-BHC	1	1	

CAS #	SUBSTANCE	REPORTABLE QUANTITY		NOTE <sup>2</sup>
		(pounds) AIR	LAND/ WATER	
319-86-8	delta-BHC	1	1	
542-62-1	Barium cyanide	10	10	
56-55-3	Benz(a)anthracene	10	1	
225-51-4	Benz(c)acridine	100	1	
98-87-3	Benzal chloride	5000	1	
98-16-8	Benzenamine, 3-(trifluoromethyl)-	1	1	A
636-21-5	Benzenamine,2-methyl-,hydrochloride	100	1	
106-47-8	Benzenamine,4-chloro-	1000	1	
3165-93-3	Benzenamine,4-chloro-2-methyl-,hydrochloride	100	1	
71-43-2	Benzene	10	1	
108-90-7	Benzene chloro-	100	1	
100-44-7	Benzene chloromethyl-	100	1	A
541-73-1	Benzene, 1,3-dichloro-	100	1	
100-14-1	Benzene, 1-(chloromethyl)-4-nitro-	1	1	
91-08-7	Benzene, 2,6-diisocyanato-1-methyl-	100	1	
101-55-3	Benzene, 1-bromo-4-phenoxy-	100	100	
606-20-2	Benzene, 1-methyl-2,6-dinitro-	100	1	
98-82-8	Benzene, 1-methylethyl-	5000	1	
110-82-7	Benzene, hexahydro-	1000	1	
98-07-7	Benzene, trichloromethyl-	10	1	
98-05-5	Benzeneearsonic acid	1	1	
84-74-2	1,2-Benzenedicorboxylic acid, dibutyl ester	10	1	
98-09-9	Benzenesulfonyl chloride	100	1	A
92-87-5	Benziane	1	1	
3878-19-1	Benzimidazole, 2-(2-furyl)-	1	1	
3615-21-2	Benzimidazole, 4,5-dichloro- 2-(trifluoromethyl)	1	1	
81-07-2	1,2-benzisothiazol-3-one,1,1-dioxide, and salts	100	100	
50-32-8	Benzo(a)pyrene	1	1	
205-99-2	Benzo(b)fluoranthene	1	1	
207-08-9	Benzo(k)fluoranthene	5000	1	
191-24-2	Benzo(ghi)perylene	1	1	
189-55-9	Benzo(rst)pentaphene	10	1	
65-85-0	Benzoic acid	5000	100	
100-47-0	Benzonitrile	5000	1	
106-51-4	p-Benzoquinone	1	1	
514-73-8	Benzothiazolium, 3-ethyl-2-(5-(3-ethyl-2-benzothiazolinylidene)-1,3-pentadienyl)-, iodide	1	1	
98-07-7	Benzotrichloride	10	1	
98-88-4	Benzoyl chloride 1000	1		
218-01-9	1,2-Benzphenanthrene	100	1	
100-44-7	Benzyl chloride	100	1	A
140-29-4	Benzyl cyanide	1	1	A
98-87-4	Benzylidene chloride	5000	1	
7440-41-7	Beryllium (see footnote #1)	10	10	
7787-47-5	Beryllium chloride	1	1	
7787-49-7	Beryllium fluoride	1	1	
7787-55-5	Beryllium nitrate	1	1	
13597-99-4	Beryllium nitrate	1	1	
15271-41-7	Bicyclo[2.2.1]heptane-2-carbonitrile, 5 chloro...	1	1	A
1464-53-5	2,2'-Bioxirane	10	1	A
92-52-4	Biphenyl	1	1	
4301-50-2	4-Biphenylacetic acid, 2-fluorethyl ester	1	1	A
2074-50-2	4,4'-Bipyridinium, 1,1'-dimethyl-, bis(methyl sulfate)	1	1	
1910-42-5	4,4'-Bipyridium, 1,1'-dimethyl-, dichloride	1	1	
111-91-1	Bis(2-chloroethoxy)methane	1000	1	
66-75-1	5-(Bis(2-chloroethyl)amino)uracil	10	10	A
111-44-4	Bis(2-chlorethyl)ether	10	1	
505-60-2	Bis(2-chloroethyl)sulfide	1	1	A
108-60-1	Bis(2-chloroisopropyl)ether	1000	100	
117-81-7	Bis(2-ethylhexyl)phthalate	100	1	
51-75-2	Bis(beta-chloroethyl)methylamine	1	1	
534-07-6	Bis(chloromethyl) ketone	1	1	
542-88-1	Bis(choromethyl)ether	10	1	A
137-26-8	Bis(dimethylthiocarbamoyl)disulfide	10	10	

REPORTABLE QUANTITY  
(pounds)LAND/

CAS #	SUBSTANCE	REPORTABLE QUANTITY		NOTE <sup>2</sup>
		AIR	WATER	
154-93-8	Bischloroethyl mitrosourea (BCNU)	1	1	
4044-65-9	Bitoscanate	1	1	A
122-10-1	Bomyl	1	1	A
10294-34-5	Boron trichloride	1	1	
7637-07-2	Boron trifluoride	1	1	
353-42-4	Boron trifluoride compound with methyl ether (1:1)	1	1	
353-42-4	Boron trifluoride-dimethyl ether	1	1	
28772-56-7	Bromadiolone	1	1	
7726-95-6	Bromine	1	1	
506-68-3	Bromine cyanide	1000	1	
598-31-2	Bromoacetone	1000	100	
353-59-3	Bromochlorodifluoromethane	1	1	
74-97-5	Bromochloromethane	1	1	
75-25-2	Bromoform	100	1	
101-55-3	4-Bromophenyl phenyl ether	100	100	
3861-41-4	Bromoxynil butyrate	1	1	
357-57-3	Brucine	10	1	A
924-16-3	1-Butanamine,n-butyl-n-nitroso-	10	1	
305-03-3	Butanoic acid, 4-[bis(2-chloroethyl)amino]benzene	10	1	
71-36-3	1-Butanol	5000	1	
78-93-3	2-Butanone	5000	1	
1338-23-4	2-Butanone peroxide	10	1	A
123-73-9	2-Butenal	100	1	
4170-30-3	2-Butenal	100	1	
110-57-6	2-Butene, 1,4-dichloro-, (e)-	1	1	A
112-56-1	b-Butoxy-b'-thiocyano diethyl ether	1	1	A
123-86-4	Butyl acetate	5000	100	
110-19-0	iso-Butyl acetate	5000	1	
105-46-4	sec-Butyl acetate	5000	1	
540-88-5	tert-Butyl acetate	5000	1	
71-36-3	Butyl alcohol	5000	1	
85-68-7	Butyl benzyl phthalate	100	1	
109-73-9	Butylamine	1000	100	
78-81-9	iso-Butylamine	1000	1	
3952-84-6	sec-Butylamine	1000	1	
513-49-5	sec-Butylamine	1000	100	
75-64-9	tert-Butylamine	1000	1	
3037-72-7	Butylamine, 4-(diethoxymethylsilyl)-	1	1	A
107-92-6	Butyric acid	5000	100	
79-31-2	iso-Butyric acid	5000	100	
189-55-9	Butyrene	10	1	
75-60-5	Cacodylic acid	1	1	
7740-43-9	Cadmium (plus compounds)	1	1	
7440-43-9	Cadmium (see footnote #1)	10	10	
543-90-8	Cadmium acetate	10	10	
7789-42-6	Cadmium bromide	10	10	
10108-64-2	Cadmium chloride	10	10	
1306-19-0	Cadmium oxide	1	1	A
2223-93-0	Cadmium stearate	1	1	A
7778-44-1	Calcium arsenate	1	1	A
52740-16-6	Calcium arsenite	1	1	
75-20-7	Calcium carbide	10	10	
13765-19-0	Calcium chromate	100	100	
592-01-8	Calcium cyanide	10	10	A
156-62-7	Calcium cyanimide	1	1	
26264-06-2	Calcium dodecylbenzene sulfonate	1000	100	
7778-54-3	Calcium hypochlorite	10	10	
8001-35-2	Camphene, octachloro-	1	1	A
56-25-7	Cantharidin	1	1	
105-60-2	Caprolactam	1	1	
2939-80-2	Captafol	1	1	

REPORTABLE QUANTITY

(pounds)LAND/

CAS #	SUBSTANCE	REPORTABLE QUANTITY		NOTE <sup>2</sup>
		AIR	WATER	
133-06-2	Captan	10	10	
51-83-2	Carbachol chloride	1	1	A
26419-73-8	Carbamic acid	1	1	A
644-64-4	Carbamic acid, dimethyl-, 1-((dimethylamino)carbonyl)-5-methyl-1h-pyrazol-3-yl ester	1	1	A
119-38-0	Carbamic acid, dimethyl-, 1-isopropyl-3-methylpyrazol-5-yl ester	1	1	A
23422-53-9	Carbamic acid, methyl- ester with n'-(m-hydroxyphenyl)-n,n-dimethylformamidine, hydrochloride	1	1	A
17702-57-7	Carbamic acid, methyl-, 4-(((dimethylamino)methylene)amino)-m-tolyl ester	1	1	A
2631-37-0	Carbamic acid, methyl-, m-cym-5-yl ester	1	1	
1129-41-5	Carbamic acid, methyl-, m-tolyl ester	1	1	
26419-73-8	Carbamic acid, methyl-, o-[[2,4-dimethyl...	1	1	A
615-53-2	Carbamic acid, methylnitroso-, ethylester	1	1	
63-25-2	Carbaryl	100	1	
1563-66-2	Carbofuran	10	1	A
2231-57-4	Carbohydrazide, thio-	1	1	
108-95-2	Carbolic acid	1000	1	
75-15-0	Carbon disulfide	100	100	
353-50-4	Carbon oxyfluoride	1000	100	A
56-23-5	Carbon tetrachloride	10	1	
353-50-4	Carbonyl fluoride	1000	100	A
463-58-1	Carbonyl sulfide	1	1	
786-19-6	Carbophenothion	1	1	A
120-80-9	Catechol	1	1	
75-87-6	Chloral	5000	1	
133-90-4	Chloramben	1	1	
305-03-3	Chlorambucil	10	1	
56-75-7	Chloramphenicol	1	1	
118-75-2	Chloranil	1	1	
57-74-9	Chlordane	1	1	
6164-98-3	Chlordimeform	1	1	
470-90-6	Chlorfenvinfos	1	1	A
7782-50-5	Chlorine	10	10	A
506-77-4	Chlorine cyanide	10	10	
10049-04-4	Chlorine dioxide	1	1	
24934-91-6	Chlormephos	1	1	A
999-81-5	Chlormequat chloride	1	1	
494-03-1	Chlornaphazine	100	1	
532-27-4	Chloroacetophone	1	1	
106-89-8	1-Chloro-2,3-epoxypropane	100	1	
59-50-7	p-Chloro-m-cresol	5000	100	
3165-93-3	4-Chloro-o-toluidine hydrochloride	100	1	
107-20-0	Chloroacetaldehyde	1000	1	A
79-11-8	Chloroacetic acid	1	1	
106-47-8	p-Chloroaniline	1000	1	
108-90-7	Chlorobenzene	100	1	
74-97-5	Chlorobromomethane	1	1	
59-50-7	Chlorocresol	5000	100	
124-48-1	Chlorodibromomethane	100	1	
353-59-3	Chlorodifluorobromomethane	1	1	
75-45-6	Chlorodifluoromethane	1	1	
53469-21-9	Chlorodiphenyl	1	1	
75-00-3	Cloroethane	1	1	
107-07-3	Chloroethanol	1	1	A
627-11-2	Chloroethyl chloroformate	1	1	
110-75-8	2-Chloroethyl vinyl ether	1000	1	
13010-47-4	1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea	1	1	
67-66-3	Chloroform	10	1	
107-30-2	Chloromethyl methyl ether	10	1	A
91-58-7	2-Chloronaphthalene	5000	100	

76-15-3	Chloropentafluoroethane	1	1	
3691-35-8	Chlorophacinone	1	1	A
95-57-8	2-Chlorophenol	100	1	
108-43-0	3-Chlorophenyl	1	1	
106-48-9	4-Chlorophenyl	1	1	
7005-72-3	4-Chlorophenyl phenyl ether	5000	100	
76-06-2	Chloropicrin	1	1	
126-99-8	Chloroprene	1	1	
7790-94-5	Chlorosulfonic acid	1000	100	
75-72-9	Chlorotrifluoromethane	1	1	
1982-47-4	Chloroxuron	1	1	
2921-88-2	Chlorpyrifos	1	1	
21923-23-9	Chlorthiophos	1	1	A
67-97-0	Cholcalciferol	1	1	A
1066-30-4	Chromic acetate	1000	100	
11115-74-5	Chromic acid	10	10	
7738-94-5	Chromic acid	10	10	
10025-73-7	Chromic chloride	1	1	
10101-53-8	Chromic sulfate	1000	100	
7440-47-3	Chromium (see footnote #1)	5000	100	
10025-73-7	Chromium(III) chloride (1:3)	1	1	
10049-05-5	Chromous chloride	1000	100	
218-01-9	Chrysene	100	1	
15663-27-1	Cisplatin	1	1	
8007-45-2	Coal tar pitch volatiles	1	1	
8021-39-4	Coal tar pitch volatiles	1	1	
62207-76-5	Cobalt	1	1	A
10210-68-1	Cobalt carbonyl	1	1	
62207-76-5	Cobalt, [[2,2'-[1,2-ethanediy]bis(nitrilomethy...	1	1	A
10210-68-1	Cobalt, di-mu-carbonylhexacarbonyldi-, (Co-Co)	1	1	
14167-18-1	Cobalt, n,n'-ethylenebis(salicylideneiminato)-	1	1	
7789-43-7	Cobaltous bromide	1000	100	
544-18-3	Cobaltous formate	1000	100	
14017-41-5	Cobaltous sulfamate	1000	100	
124-87-8	Cocculin	1	1	
64-86-8	Colchicine	1	1	
7440-50-8	Copper (see footnote #1)	5000	100	
- -0	Copper arsenate (basic)	1	1	
544-92-3	Copper Cyanide	10	10	
12002-03-8	Copper, bis(acetato)hexametaarsenitetetra-	1	1	A
56-72-4	Coumaphos	10	10	A
28772-56-7	Coumarin, 3-(3-(4'-bromo-1,1'-biphenyl-4-yl) 3-hydroxy-1-phenylpropyl)-4-hydroxy-	1	1	
5836-29-3	Coumarin, 4-hydroxy-3-(1,2,3,4-tetrahydro-1-naphthyl)	1	1	A
5836-29-3	Coumatetralyl	1	1	A
8001-58-9	Creosote	1	1	
95-48-7	Cresol	1000	1	
1319-77-3	Cresol(s)	1000	1	
108-39-4	m-Cresol(s)	1000	1	
95-48-7	o-Cresol(s)	1000	1	
106-44-5	p-Cresol(s)	1000	1	
4418-66-0	o-Cresol, 6,6'-thiobis(4-chloro-	1	1	A
1319-77-3	Cresylic acid	1000	1	
106-44-5	p-Cresylic acid	1000	1	
535-89-7	Crimidine	1	1	A
4170-30-3	Crotonaldehyde	100	1	
123-73-9	Crotonaldehyde	100	1	
98-82-8	Cumene	5000	1	
80-15-9	Cumene hydroperoxide, technical pure	10	10	
142-71-2	Cupric acetate	100	100	
12002-03-8	Cupric acetoarsenite	1	1	A
7447-39-4	Cupric chloride	10	10	
3251-23-8	Cupric nitrate	100	100	
5893-66-3	Cupric oxalate	100	100	
7758-98-7	Cupric sulfate	10	10	
10380-29-7	Cupric sulfate, ammoniated	100	100	
815-82-7	Cupric Tartrate	100	100	
57-12-5	Cyanides(soluble cyanide salts), not elsewhere specified	10	10	
460-19-5	Cyanogen	100	100	A
506-68-3	Cyanogen bromide	1000	1	

506-77-4	Cyanogen chloride	10	10	
506-78-5	Cyanogen iodide	1	1	
2636-26-2	Cyanophos	1	1	A
675-1-9	Cyanuric fluoride	1	1	A
110-82-7	Cyclohexane	1000	1	
108-94-1	Cyclohexanone	5000	1	
66-81-9	Cycloheximide	1	1	A
131-89-5	2-Cyclohexyl-4,6-dinitrophenol	100	100	
108-91-8	Cyclohexylamine	1	1	
77-47-4	1,3-Cyclopentadiene,1,2,3,4,5,5-hexachloro-	10	1	
50-18-0	Cyclophosphamide	10	1	
13121-70-5	Cyhexatin	1	1	
94-75-7	2,4-D Acid	100	1	
25168-26-7	2,4-D-Esters	100	100	
94-79-1	2,4-D-Esters	100	100	
1928-38-7	2,4-D-Esters	100	100	
2971-38-2	2,4-D-Esters	100	100	
94-80-4	2,4-D-Esters	100	1	
1928-61-6	2,4-D-Esters	100	100	
94-11-1	2,4-D-Esters	100	100	
1320-18-9	2,4-D-Esters	100	100	
53467-11-1	2,4-D-Esters	100	100	
1929-73-3	2,4-D-Esters	100	100	
72-54-8	DDD	1	1	
72-55-9	DDE	1	1	
3547-04-4	DDE	1	1	
50-29-3	DDT	1	1	
4342-03-4	Dacarbazine	1	1	
1596-84-5	Daminozide	1	1	
20830-81-3	Daunomycin	10	1	
17702-41-9	Decaborane	1	1	A
8065-48-3	Demeton	1	1	A
919-86-8	Demeton-s-methyl	1	1	A
334-86-3	Diazomethne	1	1	
84-74-2	Di-n-butyl phthalate	10	1	
117-81-7	Di-n-octyl phthalate	100	1	
621-64-7	Di-n-propylNitrosamine	10	1	
10311-84-9	Dialifos	1	1	A
2303-16-4	Diallate	100	1	
302-01-2	Diamine	1	1	A
119-90-4	o-Dianisidine	100	1	
333-41-5	Diazinon	1	1	
53-70-3	Dibenz[a,h]anthracene	1	1	
189-55-9	Dibenzo[a,i]pyrene	10	1	
132-64-9	Dibenzofuran	1	1	
19287-45-7	Diborane	1	1	A
96-12-8	1,2-Dibromo-3-chloropropane	1	1	A
106-93-4	Dibromoethane	1	1	
74-95-3	Dibromomethane	1000	1	
1918-00-9	Dicamba	1000	100	
117-80-6	Dichlone	1	1	
76-14-2	1,2-Dichloro-1,1,2,2-tetrafluoroethane	1	1	
764-41-0	1,4-Dichloro-2-butene	1	1	
1194-65-6	Dichlorobenil	100	1	
95-50-1	1,2-Dichlorobenzene	100	1	
541-73-1	1,3-Dichlorobenzene	100	1	
106-46-7	1,4-Dichlorobenzene	100	1	
95-50-1	o-Dichlorobenzene	100	1	
106-46-7	p-Dichlorobenzene	100	1	
25321-22-6	Dichlorobenzene (mixed)	100	100	
91-94-1	3,3'-Dichlorobenzidine	1	1	
75-27-4	Dichlorobromomethane	5000	1	
110-57-6	trans-1,4-Dichlorobutene	1	1	A
111-44-4	Dichlorodiethyl ether	10	1	
75-71-8	Dichlorodifluoromethane	5000	100	
542-88-1	Dichlorodimethyl ether	10	1	A
50-29-3	Dichlorodiphenyl trichloroethane	1	1	
75-34-3	1,1-Dichloroethane	1000	1	
107-06-2	1,2-Dichloroethane	100	1	
111-44-4	Dichloroethyl ether	10	1	
156-60-5	Dichloroethylene	1000	1	
75-35-4	1,1-Dichloroethylene	100	1	
108-60-1	Dichloroisopropyl ether	1000	100	
75-09-2	Dichloromethane	1000	1	
149-74-6	Dichloromethylphenylsilane	1	1	
120-83-2	2,4-Dichlorophenol	100	1	

87-65-0	2,6-Dichlorophenol	100	100	
94-75-7	2,4-Dichlorophenoxyacetic acid, salts and esters	100	1	
27137-85-5	Dichlorophenyl trichlorosilane	1	1	
26638-19-7	Dichloropropane	1000	1	
78-99-9	1,1-Dichloropropane	1000	1	
78-87-5	1,2-Dichloropropane	1000	1	
142-28-9	1,3-Dichloropropane	1000	1	
8003-19-8	Dichloropropane-dichloropropene (mixture)	5000	100	
534-07-6	Dichloropropanone	1	1	
26952-23-8	Dichloropropene	10	10	
542-75-6	1,3-Dichloropropene	5000	1	
75-99-0	2,2-Dichloropropionic acid	5000	1	
1320-37-2	Dichlorotetrafluoroethane	1	1	
78-88-6	2,3-Dichloropropene	5000	100	
62-73-7	Dichlorvos	10	1	A
115-32-2	Dicofol	10	1	
141-66-2	Dicrotophos	1	1	A
60-57-1	Dieldrin	1	1	A
1464-53-5	1,2:3,4-Diepoxybutane	10	1	A
111-42-2	Diethanolamine	1	1	
814-49-3	Diethyl chlorophosphate	1	1	A
60-29-7	Diethyl ether	100	100	
84-66-2	Diethyl phthalate	1000	1	
64-67-5	Diethyl sulfate	1	1	
109-89-7	Diethylamine	1000	1	
51-75-2	Diethylamine, 2,2'-dichloro-n-methyl	1	1	
121-69-7	n,n-Diethylaniline	1	1	
692-42-2	Diethylarsine	1	1	
1642-54-2	Diethylcarbamazine citrate	1	1	A
56-53-1	Diethylstilbestrol	1	1	
71-63-6	Digitoxin	1	1	
2238-07-5	Diglycidyl ether	1	1	
20830-75-5	Digoxin	1	1	
94-58-6	Dihydrosafrole	10	1	
115-26-4	Dimefox	1	1	A
60-51-5	Dimethoate	10	1	
119-90-4	3,3'-Dimethoxybenzidine	100	1	
79-44-7	Dimethyl carbamoyl chloride	1	1	
2524-03-0	Dimethyl chlorothiophosphate	1	1	
2524-03-0	Dimethyl phosphorochloridothioate	1	1	
131-11-3	Dimethyl phthalate	5000	1	
77-78-1	Dimethyl sulfate	100	100	
300-76-5	Dimethyl-1,2-dibromo-2,2-dichloroethyl phosphate	10	10	
99-98-9	Dimethyl-p-phenylenediamine	1	1	
124-40-3	Dimethylamine	1000	1	
60-11-7	Dimethylaminoazobenzene	10	1	
57-97-6	7,12-Dimethylbenz(a)anthracene	1	1	
119-93-7	3,3'-Dimethylbenzidine	10	1	
75-78-5	Dimethyldichlorosilane	1	1	
68-12-2	Dimethyl formamide	1	1	
57-14-7	1,1-Dimethylhydrazine	10	1	A
57-14-7	Dimethylhydrazine unsymmetrical	10	1	A
540-73-8	Dimethylhydrazine, symmetrical	1	1	
62-75-9	Dimethylnitrosamine	10	1	A
122-09-8	alpha, alpha-Dimethylphenethylamine	5000	100	
105-67-9	2,4-Dimethylphenol	100	1	
644-64-4	Dimetilan	1	1	A
534-52-1	4,6-Dinitro-o-cresol	10	1	A
25154-54-5	Dinitrobenzene (mixed)	100	100	
99-65-0	m-Dinitrobenzene (mixed)	100	1	
528-29-0	o-Dinitrobenzene (mixed)	100	100	
100-25-4	p-Dinitrobenzene (mixed)	100	100	
131-89-5	Dinitrocyclohexylphenol	100	100	
25550-58-7	Dinitrophenol	10	10	
329-71-5	2,5-Dinitrophenol	10	1	
573-56-8	2,6-Dinitrophenol	10	1	
25321-14-6	Dinitrotoluene	10	1	
121-14-2	2,4-Dinitrotoluene	10	1	
606-20-2	2,6-Dinitrotoluene	100	1	
610-39-9	3,4-Dinitrotoluene	10	1	
4097-36-3	Dinoseb	1	1	A
1420-07-1	Dinoterb	1	1	
117-84-0	Diocetyl phthalate	5000	1	
123-91-1	1,4-Dioxane	100	1	
78-34-2	Dioxathion	1	1	A
1746-01-6	Dioxin	1	1	A



82-66-6	Diphacinone	1	1	A
578-94-9	Diphenylaminechloroaraine	1	1	
142-84-7	Dipropylamine	5000	1	
85-00-7	Diquat	1000	100	
2764-72-9	Diquat	1000	100	
1937-37-7	Direct Black 38 (technical grade)	1	1	
2602-46-2	Direct Blue 6 (technical grade)	1	1	
16071-86-6	Direct Brown 95 (technical grade)	1	1	
298-04-4	Disulfoton	1	1	A
514-73-8	Dithiazanine Iodide	1	1	
950-10-7	1,3-Dithiolane, 2-(diethoxyphosphinylimino)-4-methyl-	1	1	A
330-54-1	Diuron	100	1	
25155-30-0	Dodecylbenzene sulfonate	1000	100	
27176-87-0	Dodecylbenzenesulfonic acid	1000	100	
2104-64-5	EPN	1	1	A
316-42-7	Emetine, dihydrochloride	1	1	
959-98-8	alpha-Endosulfan	1	1	
33213-65-9	beta-Endosulfan	1	1	
1031-07-8	Endosulfan sulfate	1	1	
115-29-7	Endosulfan(all isomers)	1	1	A
2778-04-3	Endothion	1	1	A
72-20-8	Endrin	1	1	A
7421-93-4	Endrin aldehyde	1	1	
106-89-8	Epichlorohydrin	100	1	
51-43-4	Epinephrine	1000	100	
106-88-7	1,2 Epoxybutane	1	1	
50-14-6	Egrocalfiferol	1	1	
379-79-3	Ergotamine tartrate	1	1	
75-07-0	Ethanal	1000	1	
111-91-1	Ethane, 1,1'-[methylenebis(oxy)]bis(2-chloro-	1000	1	
111-44-4	Ethane, 1,1'-oxybis(2-chloro-	10	1	
111-54-6	1,2-Ethanediylbiscarbamodithioic acid	5000	100	
75-05-8	Ethanenitrile	5000	1	
1622-32-8	Ethanesulfonyl chloride, 2-chloro-	1	1	
62-55-5	Ethanethioamide	10	1	
10140-87-1	Ethanol, 1,2-dichloro-, acetate	1	1	
1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-	1	1	
371-62-0	Ethanol, 2-fluoro-	1	1	
98-86-2	Ethanone, 1-phenyl-	5000	1	
75-36-5	Ethanoyl chloride	5000	1	
110-75-8	Ethene, 2-chloroethoxy	1000	1	
156-60-5	Ethene, trans- 1,2-dichloro	1000	1	
60-29-7	Ether	100	100	
1836-75-5	Ether, 2,4-dichlorophenyl p-nitrophenyl	1	1	
563-12-2	Ethion	10	1	A
13194-48-4	Ethoprophos	1	1	A
110-80-5	2-Ethoxyethanol	1000	1	
510-15-6	Ethyl 4,4'-dichlorobenzilate	10	1	
141-78-6	Ethyl acetate	5000	1	
140-88-5	Ethyl acrylate, inhibited	1000	1	
51-79-6	Ethyl carbamate (urethan)	100	1	
75-00-3	Ethyl chloride	1	1	
60-29-7	Ethyl ether	100	100	
97-63-2	Ethyl methacrylate	1000	1	
62-50-0	Ethyl methanesulfonate	1	1	
542-90-5	Ethyl thiocyanate	1	1	
75-04-7	Ethylamine	1000	1	
100-41-4	Ethylbenzene	1000	1	
538-07-8	Ethylbis(2-chloroethyl)amine	1	1	A
107-07-3	Ethylene chlorohydrin	1	1	A
106-93-4	Ethylene dibromide	1	1	
107-06-2	Ethylene dichloride	100	1	
371-62-0	Ethylene fluorohydrin	1	1	
107-21-1	Ethylene glycol	1	1	
76-21-8	Ethylene oxide	10	1	
127-18-4	Ethylene, tetrachloro-	100	1	
111-54-6	Ethylenebis(dithiocarbamic acid)	5000	100	
107-15-3	Ethylenediamine	5000	1	
60-00-4	Ethylenediamine tetraacetic acid	5000	1	
151-56-4	Ethyleneimine	1	1	
75-34-3	Ethylidene dichloride	1000	1	
115-21-9	Ethyltrichlorosilane	1	1	
22224-92-6	Fenamiphos	1	1	A
122-14-5	Fenitrothion	1	1	A
115-90-2	Fensulfothion	1	1	A
55-38-9	Fenthion	1	1	

1185-57-5	Ferric ammonium citrate	1000	100	
2944-67-4	Ferric ammonium oxalate	1000	100	
55488-87-4	Ferric ammonium oxalate	1000	100	
7705-08-0	Ferric chloride	1000	100	
7783-50-8	Ferric fluoride	100	100	
10421-48-4	Ferric nitrate	1000	100	
10028-22-5	Ferric sulfate	1000	100	
10045-89-3	Ferrous ammonium sulfate	1000	100	
7758-94-3	Ferrous chloride	100	100	
7720-78-7	Ferrous sulfate	1000	100	
7782-63-0	Ferrous sulfate	1000	100	
4301-50-2	Fluenetil	1	1	A
206-44-0	Fluoranthene	1	1	
86-73-7	Fluorene	1	1	
7664-39-3	Fluoric acid	100	100	A
7782-41-4	Fluorine	10	10	A
640-19-7	Fluoroacetamide	100	1	A
144-49-0	Fluoroacetic acid	1	1	A
62-74-8	Fluoroacetic acid, sodium salt	10	1	A
359-06-8	Fluoroacetyl chloride	1	1	
75-69-4	Fluorotrchloromethane	5000	1	
51-21-8	Fluorouracil	1	1	
944-22-9	Fonofos	1	1	A
50-00-0	Formaldehyde	100	1	
107-16-4	Formaldehyde cyanohydrin	1	1	A
23422-53-9	Formetanate	1	1	A
64-18-6	Formic acid	5000	100	
627-11-2	Formic acid, chloro-, 2-chloroethyl ester	1	1	
109-61-5	Formic acid, chloro-, propyl ester	1	1	
2540-82-1	Formothion	1	1	
17702-57-7	Formparanate	1	1	A
21458-32-3	Fosthietan	1	1	A
3878-19-1	Fuberidazole	1	1	
110-17-8	Fumaric acid	5000	100	
110-00-9	Furan	100	100	
98-01-1	2-Furancarboxaldehyde	5000	1	
98-01-1	Furfural	5000	1	
13450-90-3	Gallium trichloride	1	1	
54-62-6	Clutamic acid, n-(p-(((2,4-diamino-6-pteridinyl)methyl)amino)benzoyl)-, 1-	1	1	
66-81-9	Glutarimide, 3-(2-(3,5-dimethyl-2-oxocyclohexyl)-2-hydroxyethyl)-	1	1	A
765-34-4	Glycidaldehyde	10	1	
86-50-0	Guthion	1	1	A
76-44-8	Heptachlor	1	1	A
1024-57-3	Heptachlor epoxide	1	1	
309-00-2	1,2,3,4,10,10-Hexachloro- 1,4,4a,5,8,8a-hexahydro-1,4,5,8-endo, exo-dimethanonaphthalene	1	1	A
72-20-8	1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4,5,8-dimethanonaphthal	1	1	A
60-57-1	1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo-exo-1,4,5,8-dimethanonaphthale	1	1	A
118-74-1	Hexachlorobenzene	10	1	
87-68-3	Hexachlorobutadiene	1	1	
608-73-1	Hexachlorocyclohexane (all isomers)	1	1	
77-47-4	Hexachlorocyclopentadiene	10	1	
67-72-1	Hexachloroethane	100	1	
465-73-6	Hexachlorohexahydro-endo,endo-dimethanonaphthalene	1	1	A
70-30-4	Hexachlorophene	1	1	
757-58-4	Hexaethyl tetraphosphate	100	1	A
822-06-0	Hexamethylene-1, 6-disocyanate	1	1	
4835-11-4	Hexamethylenediamine	1	1	A
4835-11-4	Hexamethylenediamine, n,n'-dibutyl	1	1	A
110-54-3	Hexane	1	1	
108-10-1	Hexone	5000	1	
302-01-2	Hydrazine	1	1	A
57-14-7	Hydrazine, 1,1-dimethyl	10	1	A
1615-80-1	Hydrazine, 1,2-diethyl-	10	1	
540-73-8	Hydrazine, 1,2-dimethyl	1	1	
122-66-7	Hydrazine, 1,2-diphenyl-	10	1	
122-66-7	Hydrazobenzene	10	1	

7647-01-0	Hydrochloric acid	5000	100	
74-90-8	Hydrocyanic acid	10	10	A
7664-39-3	Hydrofluoric acid	100	100	A
7722-84-1	Hydrogen peroxide	1	1	
7783-07-5	Hydrogen selenide	1	1	
7783-06-4	Hydrogen sulfide	100	100	
80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl-	10	10	
123-31-9	Hydroquinone	1	1	
7783-06-4	Hydrosulfuric acid	100	100	
75-60-5	Hydroxydimethylarsine oxide	1	1	
96-45-7	2-Imidazolidinethione	10	1	
947-02-4	Imidocarbonic acid, phosphonodithio-, cyclic ethylene p,p-diethyl ester	1	1	A
21548-32-3	Imidocarbonic acid, phosphonodithio-, cyclic methylene p,p-diethyl ester	1	1	A
3691-35-8	1,3-Indandione, 2-(p--chlorophenyl)phenylacetyl)	1	1	A
82-66-6	1,3-Indandione, 2-diphenylacetyl-	1	1	A
193-39-5	Indeno(1,2,3-cd) pyrene	100	1	
53-86-1	Indomethacin	1	1	A
506-78-5	Iodine cyanide	1	1	
10025-97-5	Iridium tetrachloride	1	1	A
13463-40-6	Iron carbonyl	1	1	A
9004-66-4	Iron dextran	1	1	
13463-40-6	Iron, pentacarbonyl-	1	1	A
297-78-9	Isobenzan	1	1	A
78-83-1	Isobutanol	5000	1	
78-82-0	Isobutyronitrile	1	1	
102-36-3	Isocyanic acid, 3,4-dichlorophenyl ester methylene(3,5,5-trimethyl-3,1-cyclohexylene) ester	1	1	
4098-71-9	Isocyanic acid, methylene(3,5,5-trimethyl-3,1 cyclohexylene) ester	1	1	
25168-26-7	Isooctyl ester of 2,4-dichlorophenoxyacetic acid	100	100	
25311-71-1	Isophenphos	1	1	
78-59-1	Isophorone	5000	1	
4098-71-9	Isophorone diisocyanate	1	1	A
78-79-5	Isoprene	1000	1	
42504-46-1	Isopropanolamine dodecylbenzenesulfonate	1000	100	
119-38-0	Isopropylmethylpyrazolyl dimethylcarbamate	1	1	A
120-58-1	Isosafrole	100	1	
4044-65-9	Isothiocyanic acid, 1,4-phenylenedi-	1	1	A
62-56-6	Isothiourea	10	10	
2763-96-4	3(2h)-Isoxazolone, 5-(aminomethyl)-	1000	1	A
143-50-0	Kepone	1	1	
78-97-7	Lactonitrile	1	1	
303-34-4	Lasiocarpine	10	1	
7439-92-1	Lead (see footnote #1)	10	10	
301-04-2	Lead acetate	10	10	
7784-40-9	Lead arsenate	5000	100	
7645-25-2	Lead arsenate	5000	100	
10102-48-4	Lead arsenate	5000	100	
7758-95-4	Lead chloride	10	10	
13814-96-5	Lead fluoborate	10	10	
7783-46-2	Lead fluoride	10	10	
10101-63-0	Lead iodide	10	10	
10099-74-8	Lead nitrate	10	10	
7446-27-7	Lead phosphate	10	10	
56189-09-4	Lead stearate	10	10	
7428-48-0	Lead stearate	10	10	
52652-59-2	Lead stearate	10	10	
1072-35-1	Lead stearate	10	10	
1335-32-6	Lead subacetate	100	100	
15739-80-7	Lead sulfate	10	10	
7446-14-2	Lead sulfate	10	10	
1314-87-0	Lead sulfide	10	10	
75-74-1	Lead tetramethyl	1	1	
592-87-0	Lead thiocyanate	10	10	
21609-90-5	Leptophos	1	1	A

541-25-3	Lewisite	1	1	A
58-89-9	Lindane	1	1	A
14307-35-8	Lithium chromate	10	10	
7580-67-8	Lithium hydride	1	1	
632-99-5	Magenta	1	1	
12057-74-8	Magnesium phosphide	1	1	
121-75-5	Malathion	100	1	
110-16-7	Maleic acid	5000	100	
108-31-6	Maleic anhydride	5000	100	
123-33-1	Maleic hydrazide	5000	1	
2757-18-8	Malonic acid, thallium salt (1:2)	1	1	A
109-77-3	Malonic dinitrile	1000	1	
109-77-3	Malononitrile	1000	1	
12108-13-3	Manganese, tricarbonyl methylcyclopentadienyl	1	1	A
51-75-2	Mechlorethamine	1	1	
148-82-3	Melphalan	1	1	
950-10-7	Mephosfolan	1	1	A
2032-65-7	Mercaptodimethur	10	10	A
1600-27-7	Mercuric acetate	1	1	
7487-94-7	Mercuric chloride	1	1	A
592-04-1	Mercuric cyanide	1	1	
10045-94-0	Mercuric nitrate	10	10	
21908-53-2	Mercuric oxide	1	1	A
7783-35-9	Mercuric sulfate	10	10	
592-85-8	Mercuric thiocyanate	10	1	
7782-86-7	Mercurous nitrate	10	10	
10415-75-5	Mercurous nitrate	10	10	
7439-97-6	Mercury	1	1	
628-86-4	Mercury fulminate	10	10	
502-39-6	Mercury, (3-cyanoguanidino)methyl-	1	1	A
151-38-2	Mercury, (acetato)(2-methoxyethyl)-	1	1	A
10476-95-6	Methacrolein diacetate	1	1	A
760-93-0	Methacrylic anhydride	1	1	
920-46-7	Methacryloyl chloride	1	1	A
30674-80-7	Methacryloyloxyethyl isocyanate	1	1	A
10265-92-6	Methamidophos	1	1	A
107-30-2	Methane, chloromethoxy-	10	1	
75-71-8	Methane, dichlorodifluoro-	5000	100	
56-23-5	Methane, tetrachloro-	10	100	
75-25-2	Methane, tribromo-	100	1	
67-66-3	Methane, trichloro-	10	1	
62-50-0	Methanesulfonic acid, ethyl ester	1	1	
558-25-8	Methanesulfonyl fluoride	1	1	
76-44-8	4,7-Methano-1h-indene, 1,4,5,6,7,8,8-heptachloro-3a,3,7,7a-tetrahydro-	1	1	A
64-18-6	Methanoic acid	5000	100	
57-74-9	4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro-	1	1	
297-78-9	4,7-Methanoisobenzofuran, 1,3,4,5,6,7,8,8-octachloro-1,3,3a,4,7,7a-hexahydro-	1	1	A
67-56-1	Methanol	5000	1	
30674-80-7	Metharcylic acid, 2-isocyanatoethyl ester	1	1	A
2385-85-5	1,3,4-Metheno-1h-cyclobuta(cd)pentalene, 1,1a,2,2,3,3a,4,5,5,5a,5b,6-dodecachlorooctahydro-	1	1	
950-37-8	Methidathion	1	1	A
16752-77-5	Methomyl	100	1	A
72-43-5	Methoxychlor	1	1	
151-38-2	Methoxyethylmercuric acetate	1	1	A
80-63-7	Methyl 2-chloroacrylate	1	1	A
78-93-3	Methyl acetone	5000	1	
74-83-9	Methyl bromide	1000	1	
74-87-3	Methyl chloride	100	1	
79-22-1	Methyl chlorocarbonate	1000	1	A
71-55-6	Methyl chloroform	1000	1	
79-22-1	Methyl chloroformate	1000	1	A

107-30-2	Methyl chloromethyl ether	10	1	A
75-05-8	Methyl cyanide	5000	1	
78-93-3	Methyl ethyl ketone	5000	1	
1338-23-4	Methyl ethyl ketone peroxide	10	1	A
60-34-4	Methyl hydrazine	10	1	A
74-88-4	Methyl iodide	100	1	
108-10-1	Methyl isobutyl ketone	5000	1	
624-83-9	Methyl isocyanate	10	1	A
556-61-6	Methyl isothiocyanate	1	1	A
74-93-1	Methyl mercaptan	100	100	
80-62-6	Methyl methacrylate	1000	1	
298-00-0	Methyl parathion	100	1	A
3735-23-7	Methyl phenkapton	1	1	
676-97-1	Methyl phosphonic dichloride	1	1	A
77-87-1	Methyl sulfate	100	100	
75-18-3	Methyl sulfide	1	1	
556-64-9	Methyl thiocyanate	1	1	
75-79-6	Methyl trichlorosilane	1	1	
78-94-4	Methyl vinyl ketone	1	1	A
70-25-7	n-Methyl-n'-nitro-n-nitrosoguanidine	10	1	
126-98-7	Methylacrylonitrile	1	1	A
119-93-7	Methylaniline	10	1	
56-49-5	3-Methylchloranthrene	10	1	
12108-13-3	Methylcyclopentadienyl manganese tricarbonyl	1	1	A
74-95-3	Methylene bromide	1000	1	
75-09-2	Methylene chloride	1000	1	
101-14-4	4,4'-Methylenebis(2-chloroaniline)	10	1	
70-30-4	2,2'-Methylenebis(3,4,6-trichlorophenol)	1	1	
101-77-9	4,4'-Methylenedianiline	1	1	
101-68-8	Methylene diphenyl diisocyanate	1	1	
502-39-6	Methylmercuric dicyanamide	1	1	A
49-74-6	Methylphenyldichlorosilane	1	1	
1634-04-4	Methyl tert-butyl ether	1	1	
1129-41-5	Metolcarb	1	1	
443-48-1	Metronidazole	1	1	
7786-34-7	Mevinphos	10	1	A
315-18-4	Mexacarbate	1000	1	A
2385-85-5	Mirex	1	1	
50-07-7	Mitomycin C	10	1	A
75-01-4	Monochloroethylene	1	1	
75-72-9	Monochlorotrifluoromethane	1	1	
6923-22-4	Monocrotophos	1	1	A
75-04-7	Monoethylamine	1000	1	
60-34-4	Monomethyl hydrazine	10	1	A
74-89-5	Monomethylamine	100	1	
505-60-2	Mustard gas	1	1	A
300-76-5	Naled	10	10	
91-20-3	Naphthalene	100	1	
91-58-7	Naphthalene, 2-chloro-	5000	100	
130-15-4	1,4-Naphthalenedione	5000	100	
1338-24-5	Naphthenic acid	100	100	
134-32-7	1-Naphthylamine	100	1	
91-59-8	2-Naphthylamine	10	1	
134-31-7	alpha-Naphthylamine	100	1	
91-59-8	beta-Naphthylamine	10	1	
494-03-1	2-Naphthylamine, n,n-bis(2-chloroethyl)-	100	1	
86-88-4	Naphthylthiourea	100	1	A
130-15-4	1,4-Napthoquinone	5000	100	
7440-02-0	Nickel (see footnote #1)	100	100	
15699-18-0	Nickel ammonium sulfate	100	100	
13463-39-3	Nickel carbonyl	10	10	A
37211-05-5	Nickel chloride	10	100	
7718-5-9	Nickel chloride	10	10	
557-19-7	Nickel cyanide	10	1	
12054-48-7	Nickel hydroxide	10	10	

14216-75-2	Nickel nitrate	100	100	
7786-81-4	Nickel sulfate	100	100	
54-11-5	Nicotine and salts	100	1	A
65-30-5	Nicotine sulfate	1	1	
7697-37-2	Nitric acid	1000	100	
10102-43-9	Nitric oxide	10	10	
99-5--8	5-Nitro-o-toluidine	100	1	
100-01-6	p-Nitroaniline	5000	1	
98-95-3	Nitrobenzene	1000	1	
92-93-3	4-Nitrobyphenyl	1	1	
1122-60-7	Nitrocyclohexane	1	1	A
1836-75-5	Nitrofen	1	1	
10544-72-6	Nitrogen dioxide	10	10	
10102-44-0	Nitrogen dioxide	10	10	A
10544-72-6	Nitrogen tetroxide	10	10	
55-63-0	Nitroglycerin	10	10	
88-75-5	2-Nitrophenol	100	1	
100-02-7	4-Nitrophenol	100	1	
25154-55-6	Nitrophenol (mixed)	100	100	
554-84-7	m-Nitrophenol (mixed)	100	1	
88-75-5	o-Nitrophenol (mixed)	100	1	
79-46-9	2-Nitropropane	10	1	
59-89-2	n-nitrosomorpholine	1	1	
759-73-9	n-Nitroso-n-ethylurea	1	1	
684-93-5	n-Nitroso-n-methylurea	1	1	
615-53-2	n-Nitroso-n-methylurethane	1	1	
924-16-3	n-Nitrosodi-n-butylamine	10	1	
621-64-7	n-Nitrosodi-n-propylamine	10	1	
1116-54-7	n-Nitrosodiethanolamine	1	1	
55-18-5	n-Nitrosodiethylamine	1	1	
62-75-9	n-Nitrosodimethylamine	10	1	A
86-30-6	n-Nitrosodiphenylamine	100	100	
4549-40-0	n-Nitrosomethylvinylamine	10	1	A
100-75-4	n-Nitrosopiperidine	10	10	
930-55-2	n-Nitrosopyrrolidine	1	1	
99-08-1	Nitrotoluene	1000	100	
1321-12-6	Nitrotoluene	1000	100	
99-08-1	m-Nitrotoluene	1000	100	
88-72-2	o-Nitrotoluene	1000	100	
99-99-0	p-Nitrotoluene	1000	1	
991-42-4	Norbormide	1	1	A
15271-41-7	2-Norbornanone, endo-3-chloro-exo-6-cyano 0-(methylcarbamoyl)oxime	1	1	A
991-42-4	5-Norbornene-2,3-dicarboximide,5-(alpha-hydroxy-alpha- 2-pyridylbenzyl)-7-(alpha-2-pyridylbenzyliden	1	1	A
115-29-7	5-Norbornene-2,3-dimethanol,1,4,5,6,7,7-hexachloro cyclic sulfite	1	1	A
2223-93-0	Octadecanoic acid, cadmium salt	1	1	A
152-16-9	Octamethylpyrophosphoramidate	100	100	A
-0	Organorhodium complex (PMN82147)11			
20816-12-0	Osmium tetroxide	1000	100	A
56-25-7	7-Oxabicyclo(2.2.1)heptane-2,3-dicarboxylic anhydride, 2,3-dimethyl-	1	1	
145-73-3	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid	1000	100	A
23135-22-0	Oxamidic acid, n',n'-dimethyl-n-(methylcarbamoyloxy)-1-methylthio-	1	1	A
23135-22-0	Oxamyl	1	1	A
50-18-0	2h-1,3,2-Oxazaphosphorine,2-[bis(2-chloroethyl)amino] tetrahydro-2-oxide	10	1	
78-71-7	Oxetane, 3,3-(chloromethyl)-	1	1	
75-21-8	Oxirane	10	10	
106-89-8	Oxirane, 2-(chloromethyl)-	100	1	
2497-07-6	Oxydisulfoton	1	1	A
434-07-1	Oxmetholene	1	1	

10028-15-6	Ozone	1	1	A
12674-11-2	PCB-Aroclor 1016	1	1	
153469-21-9	PCB-Aroclor 1242	1	1	
12672-29-6	PCB-Aroclor 1248	1	1	
37324-23-5	PCB-Aroclor 1262	1	1	
11100-14-4	PCB-Aroclor 1268	1	1	
37324-24-6	PCB-Aroclor 2565	1	1	
11120-29-9	PCB-Aroclor 4465	1	1	
37353-63-2	PCB-Kanechlor 300	1	1	
12737-87-0	PCB-Kanechlor 400	1	1	
37317-41-2	PCB-Kanechlor 500	1	1	
30525-89-4	Paraformaldehyde	1000	100	
123-63-7	Paraldehyde	1000	100	
1910-42-5	Paraquat	1	1	
2074-50-2	Paraquat methosulfate	1	1	
56-38-2	Parathion	10	1	A
19624-22-7	Pentaborane	1	1	A
608-93-5	Pentachlorobenzene	1	1	
76-01-7	Pentachloroethane	10	1	
82-68-8	Pentachloronitrobenzene	100	1	
87-86-5	Pentachlorophenol	10	1	
2570-26-5	Pentadecylamine	1	1	A
504-60-9	1,3-Pentadiene	100	100	
79-21-0	Peracetic acid	1	1	
127-18-4	Perchloroethylene	100	1	
594-42-3	Perchloromethylmercaptan	100	1	
79-21-0	Peroxyacetic acid	1	1	
85-01-8	Phenanthrene	1	1	
578-94-9	Phenazine chloride	1	1	
94-78-0	Phenazopyridene	1	1	
300-62-9	Phenethylamine, alpha-methyl, (+-)	1	1	
108-95-2	Phenol	1000	1	
4418-66-0	Phenol, 2,2'-thiobis(4-chloro-6-methyl-	1	1	A
131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt	10	1	
120-83-2	Phenol, 2,4-dichloro	100	1	
105-67-9	Phenol, 2,4-dimethyl-	100	1	
51-28-5	Phenol, 2,4-dinitro-	10	10	A
88-85-7	Phenol, 2,4-dinitro-6-(1-methylpropyl)	1000	1	A
534-52-1	Phenol, 2,4-dinitro-6-methyl-, and salts	10	1	A
87-65-0	Phenol, 2,6-dichloro-	100	100	
95-57-8	Phenol, 2-chloro	100	1	
131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro	100	100	
64-00-6	Phenol, 3-(1-methylethyl)-, methylcarbamate	1	1	A
59-50-7	Phenol, 4-chloro-3-methyl	5000	100	
100-02-7	Phenol, 4-nitro-	100	1	
1420-07-1	Phenol, o-t-butyl-4,6-dinitro-	1	1	
58-36-6	Phenoxarsine, 10,10'-oxydi-	1	1	
696-28-6	Phenyl dichloroarsine	1	1	A
98-13-5	Phenyl trichlorosilane	1	1	
140-29-4	Phenylacetonitrile	1	1	A
193-39-5	1,10-(1,2-Phenylene)pyrene	100	1	
106-50-3	p-Phenylenediamine	1	1	
99-98-9	p-Phenylenediamine, n,n-dimethyl	1	1	
59-88-1	Phenylhydrazine hydrochloride	1	1	
108-98-5	Phenylmercaptan	100	100	A
62-38-4	Phenylmercuric acetate	100	1	A
2097-19-0	Phenylsilatrane	1	1	
57-41-0	Phenytol (plus sodium salt)	1	1	
298-02-2	Phorate	10	10	A
4104-14-7	Phosacetim	1	1	A
7786-34-7	Phosdrin	10	1	A
947-02-4	Phosfolan	1	1	A
75-44-5	Phosgene	10	10	A
732-11-6	Phosmet	1	1	A
13171-21-6	Phosphamidon	1	1	A
7803-51-2	Phosphine	100	100	A

52-68-6	Phosphonic acid, (2,2,2-trichloro-1-hydroxyethyl)-, dimethyl ester	100	100	
1031-47-6	Phosphonic diamide, p-(5-amino-3-phenyl-1h-1,2,4-triazol-1-yl)n,n,n','-tetramethyl-	1	1	A
676-97-1	Phosphonic dichloride, methyl-	1	1	A
107-44-8	Phosphonofluoridic acid, methyl-, isopropyl ester	1	1	A
327-98-0	Phosphonothioic acid, ethyl-, 0-ethyl o-(2,4,5-trichlorophenyl)ester	1	1	A
2665-30-7	Phosphonothioic acid, methyl-, o-(p-nitrophenyl) o-phenyl ester	1	1	A
2703-13-1	Phosphonothioic acid, methyl-, o-ethyl o-(4-(methylthio)phenyl) ester	1	1	
50782-69-9	Phosphonothioic acid, methyl-, s-[2-[bis...	1	1	
21609-90-5	Phosphonothioic acid, phenyl-, o-(4-bromo-2,5-dichlorophenyl)o-methyl ester	1	1	A
22224-92-6	Phosphoramidic acid, isopropyl-, 4-(methylthio)-m-tolyl ethyl ester	1	1	A
77-81-6	Phosphoramidocyanidic acid, dimethyl-, ethyl ester	1	1	A
4104-14-7	Phosphoramidothioic acid, acetimidoyl-, o,o-bis(p-chlorophenyl) ester	1	1	A
10265-92-6	Phosphoramidothioic acid,o,s-dimethyl ester	1	1	A
7664-38-2	Phosphoric acid	5000	100	
470-90-6	Phosphoric acid, 2-chloro-1-(2,4-dichlorophenyl)vinyl diethyl ester	1	1	A
311-45-5	Phosphoric acid, diethyl p-nitrophenyl ester	100	100	A
3254-63-5	Phosphoric acid, dimethyl p-(methylthio)phenyl ester	1	1	A
13171-21-6	Phosphoric acid, dimethylester, ester with 2-chloro-n,n-diethyl-3-hydroxycrotonamide	1	1	A
7446-27-7	Phosphoric acid, lead salt	1	1	
1314-56-3	Phosphoric anhydride	1	1	A
814-49-3	Phosphorochloridic acid, diethyl ester	1	1	A
2524-03-0	Phosphorochloridothioic acid, o,o-dimethyl ester	1	1	
115-26-4	Phosphorodiamidic fluoride, tetramethyl-	1	1	A
2275-18-5	Phosphorodithioic acid, o,o-diethyl ester, s-ester with n-iospropyl-2-mercaptoacetamide	1	1	A
2497-07-6	Phosphorodithioic acid, o,o-diethyl s-((ethylsulfinyl)ethyl) ester	1	1	A
3288-58-2	Phosphorodithioic acid, o,o-diethyl s-methyl ester	5000	100	
13071-79-9	Phosphorodithioic acid, o,0-diethyl-s-(((1,1-dimethylethyl)thio)methyl)-ester	1	1	A
732-11-6	Phosphorodithioic acid, o,o-dimethyl s-ester with n-(mercaptomethyl)phthalimide	1	1	A
2540-82-1	Phosphorodlthioic acid, o,0-dimethyl ester, s-ester with n-formyl-2-mercapto-n-methyl-acetamide	1	1	
60-51-5	Phosphorodithioic acid, o,o-dimethyl s-[2methylamino)-2-oxoethyl] ester	10	1	
13194-48-4	Phosphorodithioic acid, o-ethyl s,s-dipropyl ester	1	1	A
3735-23-7	Phosphorodithioic acid, s(((2,5-dichlorophenyl)thio)methyl)o,o-dimethyl ester	1	1	
786-19-6	Phosphorodithioic acid, s-(((p-chlorophenyl)thio)methyl) o,o-diethyl ester	1	1	A
55-91-4	Phosphorofluoridic acid, bls(1-methylethyl) ester	100	1	A
21923-23-9	Phosphorothioic acid, o,o-diethyl o-((2,5-dichloro-4-methylthio)phenyl) ester	1	1	A
23505-41-1	Phosphorothioic acid, o,o-diethyl 0-(2-(diethylamino)-6-methyl-4-pyrimidinyl) ester	1	1	
297-97-2	Phosphorothioic acid, o,o-diethyl o-pyrazinyl ester	100	1	A
2587-90-8	Phosphorothioic acid, o,o-dimethyl	1	1	
2636-26-2	Phosphorothioic acid, o,o-dimethyl ester, o-ester with p-hydroxybenzotrile	1	1	A
122-14-5	Phosphorothioic kacid, o,o-dimethyl o-(4-nitro-m-tolyl) ester	1	1	A
52-85-7	Phosphorothioic acid, o,o-dimethyl	1000	1	A
919-86-8	Phosphorothioic acid, s-(2-(ethylthio)ethyl) o,o-dimethyl ester	1	1	A
3734-97-2	Phosphorothioic acid, s-(2-diethylamino)ethyl			



	o,o-diethyl ester, oxalate (1:1)	1	1	A
7723-14-0	Phosphorus	1	1	A
10025-87-3	Phosphorus oxychloride	1000	100	A
10026-13-8	Phosphorus pentachloride	1	1	
1314-80-3	Phosphorus pentasulfide	100	100	
1314-56-3	Phosphorus pentoxide	1	1	A
7719-12-2	Phosphorus trichloride	1000	100	A
10025-87-3	Phosphoryl chloride	1000	100	A
85-44-9	Phthalic anhydride	5000	1	
57-47-6	Physostigmine	1	1	
57-64-7	Physostigmine, salicylate (1:1)	1	1	
109-06-8	Picoline	5000	100	
124-87-8	Picrotoxin	1	1	
83-26-1	Pindone	1	1	
110-89-4	Piperidine	1	1	A
23505-41-1	Pirimifos-ethyl	1	1	
83-26-1	Pival	1	1	
12737-87-0	Polychlorinated biphenyl (Kanechlor 400)	1	1	
11097-69-1	Polychlorinated biphenyls (PCB)	1	1	
11104-28-2	Polychlorinated biphenyls (PCB)	1	1	
1336-36-3	Polychlorinated biphenyls (PCB)	10	1	
11141-16-5	Polychlorinated biphenyls (PCB)	10	1	
11096-82-5	Polychlorinated biphenyls (PCB)	10	1	
6788-33-8	Polychlorinated terphenyls	1	1	
7784-41-0	Potassium arsenate	1	1	
10124-50-2	Potassium arsenite	1	1	A
7778-50-9	Potassium bichromate	10	10	
7789-00-6	Potassium chromate	10	10	
151-50-8	Potassium cyanide	10	1	A
1310-58-3	Potassium hydroxide	1000	100	
7722-64-7	Potassium permanganate	100	100	
506-61-6	Potassium silver cyanide	1	1	A
671-16-9	Procarbazine	1	1	
2631-37-0	Promecarb	1	1	
23950-58-5	Pronamide	5000	1	
765-34-4	1-Propanal, 2,3 -epoxy-	10	1	
142-84-7	1-Propanamine, n-propyl-	5000	1	
1120-71-4	Propane sultone	10	10	
1120-71-4	1,3 Propane sultone	10	10	
96-12-8	Propane, 1,2-dibromo-3-chloro	1	1	A
79-46-9	Propane, 2-nitro-	10	1	
108-60-1	Propane, 2,2'-oxybis(2-chloro-	1000	100	
109-77-3	Propanedinitrile	1000	1	
824-11-3	1,3-Propanediol, 2-ethyl-2-(hydroxymethyl)-, cyclic phosphite (1:1)	1	1	A
107-12-0	Propanenitrile	10	1	A
75-86-5	Propanenitrile, 2-hydroxy-2-methyl-	10	1	A
542-76-7	Propanenitrile, 3-chloro-	1000	1	
55-63-0	1,2,3-Propanetriol, trinitrate-	10	10	
97-63-2	2-Propanoic acid, 2-methyl-,ethyl ester	1000	1	
788-83-1	1-Propanol, 2-methyl	5000	1	
67-64-1	2-Propanone	5000	1	
598-31-2	2-Propanone, 1-bromo-	1000	100	
2312-35-8	Propargite	10	10	
107-19-7	Propargyl alcohol	1000	100	A
106-96-7	Propargyl bromide	1	1	
107-18-6	2-Propen-1-ol	100	100	A
107-02-8	2-Propenal	1	1	A
79-06-1	2-Propenamamide	5000	100	
1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-	1000	100	
542-75-6	Propene, 1,3-dichloro	5000	1	
10476-95-6	2-Propene-1,1-diol, 2-methyl-, diacetate	1	1	A
107-13-1	2-Propenenitrile	100	1	

126-98-7	2-Propenenitrile, 2-methyl-	1	1	A
79-10-7	2-Propenoic acid	5000	100	
80-62-6	2-Propenoic acid, 2-methyl-, methyl ester	1000	1	
140-88-5	2-Propenoic acid, ethyl ester	1000	1	
57-57-8	Propiolactone, beta-	1	1	
123-36-6	Propionaldehyde	1	1	
79-09-4	Propionic acid	5000	100	
123-62-6	Propionic anhydride	5000	100	
70-69-9	Propiophenone, 4'-amino	1	1	
114-26-1	Propoxur	1	1	
109-61-5	Propyl chloroformate	1	1	
107-10-8	n-Propylamine	5000	1	
78-87-5	Propylene dichloride	1000	1	
75-55-8	Propylene imine	1	1	A
75-56-9	Propylene oxide	100	100	
75-55-8	1,2-Propylenimine	1	1	A
51-52-5	Propylthiouracil	1	1	
107-19-7	2-Propyn-1-ol	1000	100	A
106-96-7	Propyne, 3-bromo-	1	1	
2275-18-5	Prothoate	1	1	A
129-00-0	Pyrene	5000	1	
8003-34-7	Pyrethrins	1	1	
121-21-1	Pyrethrins	1	1	
121-29-9	Pyrethrins	1	1	
504-24-5	4-Pyridinamine	1000	1	A
110-86-1	Pyridine	1	1	
140-76-1	Pyridine, 2-methyl-5-vinyl-	1	1	
1124-33-0	Pyridine, 4-nitro-, 1-oxide	1	1	
140-76-1	Pyridine, 5-ethenyl-2-methyl-	1	1	
100-75-4	Pyridine, hexahydro-n-nitroso-	10	1	
91-80-5	Pyridine,2-[(2-(dimethylamino)ethyl)-2-thenylamino]-	5000	100	
109-06-8	Pyridine,2-methyl-	5000	100	
535-89-7	Pyrimidine, 2-chloro-4-(dimethylamino)-6-methyl-	1	1	A
56-04-2	4(1h)-Pyrimidinone,2,3-dihydro-6-methyl-2-thioxo-	10	1	
53558-25-1	Pyriminil	1	1	A
8014-95-7	Pyrosulfuric acid	1000	100	
930-55-2	Pyrrrole, tetrahydro-n-nitroso-	1	1	
630-60-4	Quabain	1	1	
91-22-5	Quinoline	5000	1	
106-51-4	Quinone	1	1	
50-55-5	Reserpine	5000	1	
108-46-3	Resorcinol	5000	1	
81-07-2	Saccharin and salts	100	100	
94-59-7	Safrole	100	1	
14167-18-1	Salcomine	1	1	
107-44-8	Sarin	1	1	A
7791-23-3	Seleninyl chloride	1	1	
7783-00-8	Selenious acid	10	10	
7782-49-2	Selenium (see footnote #1)	100	100	
7446-08-4	Selenium dioxide	10	10	
7488-56-4	Selenium disulfide	10	10	
7446-08-4	Selenium oxide	10	10	
7791-23-3	Selenium oxychloride	1	1	
630-10-4	Selenourea	1000	100	
563-41-7	Semicarbazide hydrochloride	1	1	
115-02-6	l-Serine, diazoacetate (ester)	1	1	
3037-72-7	Silane, (4-aminobutyl)diethoxymethyl-	1	1	A
27137-85-5	Silane, (dichlorophenyl)trichloro-	1	1	
149-74-6	Silane, dichloromethylphenyl-	1	1	
998-30-1	Silane, triethoxy-	1	1	
7440-22-4	Silver (see footnote #1)	1000	100	
506-64-9	Silver cyanide	1	1	
7761-88-8	Silver nitrate	1	1	
7440-23-5	Sodium	10	10	
7631-89-2	Sodium arsenate	1	1	
7784-46-5	Sodium arsenite	1	1	A

26628-22-8	Sodium azide	1000	100	A
10588-01-9	Sodium bichromate	10	10	
1333-83-1	Sodium bifluoride	5000	100	
7631-90-5	Sodium bisulfite	5000	100	
124-65-2	Sodium cacodylate	1	1	
7775-11-3	Sodium chromate	10	10	
143-33-9	Sodium cyanide	10	1	A
25155-30-0	Sodium dodecylbenzene sulfonate	1000	100	
7681-49-4	Sodium fluoride	1000	100	
62-74-8	Sodium fluoroacetate	10	1	A
1333-83-1	Sodium hydrogen fluoride	5000	100	
16721-80-5	Sodium hydrosulfide	5000	100	
7631-90-5	Sodium hydrosulfite	5000	100	
1310-73-2	Sodium hydroxide	1000	100	
7681-52-9	Sodium hypochlorite	100	100	
10022-70-5	Sodium hypochlorite	100	100	
124-41-4	Sodium methylate	1000	100	
7632-00-0	Sodium nitrite	100	100	
10140-65-5	Sodium phosphate, dibasic	5000	100	
10039-32-4	Sodium phosphate, dibasic	5000	100	
7558-79-4	Sodium phosphate, dibasic	5000	100	
7758-29-4	Sodium phosphate, tribasic	5000	100	
10361-89-4	Sodium phosphate, tribasic	5000	100	
10101-89-0	Sodium phosphate, tribasic	5000	100	
10124-56-8	Sodium phosphate, tribasic	5000	100	
7601-54-9	Sodium phosphate, tribasic	5000	100	
7785-84-4	Sodium phosphate, tribasic	5000	100	
13410-01-0	Sodium selenate	1	1	A
7782-82-3	Sodium selenite	1000	100	
10102-18-8	Sodium selenite	100	100	A
10102-20-2	Sodium tellurite	1	1	
900-95-8	Stannane, acetoxyltriphenyl	1	1	
1066-45-1	Stannane, chlorotrimethyl-	1	1	
639-58-7	Stannane, chlorotriphenyl-	1	1	
597-64-8	Stannane, tetraethyl-	1	1	A
56-53-1	4,4'-Stilbenediol, alpha,alpha'-diethyl-	10	1	
18883-66-4	Streptozotacin	1	1	
8001-50-1	Strobane	1	1	
7789-06-2	Strontium chromate	10	10	
357-57-3	Strychnidin-10-one, 2,3-dimethoxy-	10	1	A
57-24-9	Strychnine and salts	10	1	A
60-41-3	Strychnine, sulfate	1	1	A
100-42-5	Styrene	1000	1	
505-60-2	Sulfide, bis(2-chloroethyl)	1	1	A
3569-57-1	Sulfoxide, 3-chloropropyl octyl	1	1	A
7446-09-5	Sulfur dioxide	1	1	
12771-08-3	Sulfur monochloride	1000	100	
1314-80-3	Sulfur phosphide	100	100	
7783-60-0	Sulfur tetrafluoride	1	1	
7446-11-9	Sulfur trioxide	1	1	
7664-93-9	Sulfuric acid	1000	100	
8014-95-7	Sulfuric acid	1000	100	
77-78-1	Sulfuric acid, dimethyl ester	100	100	
7446-11-9	Sulfuric anhydride	1	1	
2699-79-8	Sulfuryl fluoride	1	1	
93-76-5	2,4,5-T Acid	1000	1	
6369-96-6	2,4,5-T Amines	5000	100	
6369-97-7	2,4,5-T Amines	5000	100	
1319-72-8	2,4,5-T Amines	5000	100	
2008-46-0	2,4,5-T Amines	5000	100	
3813-14-7	2,4,5-T Amines	5000	100	
2545-59-7	2,4,5-T Esters	1000	100	
93-79-8	2,4,5-T Esters	1000	100	
25168-15-4	2,4,5-T Esters	1000	1	
61792-07-2	2,4,5-T Esters	1000	100	
1928-47-8	2,4,5-T Esters	1000	100	

13560-99-1	2,4,5-T Salts	1000	100	
72-54-8	TDE	1	1	
72-54-8	TDE (1,1-dichloro-2,2-bis-(p-chlorophenyl)ether	1	1	
3689-24-5	TEDP	100	1	A
107-49-3	TEPP	10	10	A
1836-75-5	TDK	1	1	
93-72-1	2,4,5-TP Acid	100	100	
32534-95-5	2,4,5-TP Acid esters	100	100	
77-81-6	Tabun	1	1	A
10102-20-2	Telluric acid, disodium salt	1	1	
13494-80-9	Tellurium	1	1	
7783-80-4	Tellurium hexafluoride	1	1	
13071-79-9	Terbufos	1	1	A
76-11-9	1,1,1,2-Tetrachloro-2,2-difluoroethane	1	1	
95-94-3	Tetrachlorobenzene	5000	100	
95-94-3	1,2,4,5-Tetrachlorobenzene	5000	100	
1746-01-6	2,3,7,8-Tetrachlorodibenzo-p-dioxin(TCDD)	1	1	A
630-20-6	1,1,1,2-Tetrachloroethane	100	1	
79-34-5	1,1,2,2-Tetrachloroethane	100	1	
127-18-4	Tetrachloroethylene	100	1	
58-90-2	2,3,4,6-Tetrachlorophenol	10	10	
78-00-2	Tetraethyl lead	10	10	A
107-49-3	Tetraethyl pyrophosphate	10	10	A
3689-24-5	Tetraethyldithiopyrophosphate	100	1	A
597-64-8	Tetraethyltin	1	1	A
109-99-9	Tetrahydrofuran	1000	100	
75-74-1	Tetramethyl lead	1	1	
509-14-8	Tetranitromethane	10	1	A
757-58-4	Tetraphosphoric acid, hexaethylester	100	1	A
1314-32-5	Thallic oxide	100	100	A
563-68-8	Thallium(I) acetate	1	1	
12039-52-0	Thallium(I) selenite	1000	100	
7446-18-6	Thallium(I) sulfate	100	100	A
7440-28-0	Thallium (see footnote #1)	1000	100	
6533-73-9	Thallium(I) carbonate	100	100	
7791-12-0	Thallium(I) chloride	100	100	
10102-45-1	Thallium(I) nitrate	100	100	
10031-59-1	Thallium(I) sulfate	100	100	A
2757-18-8	Thallos malonate	1	1	A
2231-57-4	Thiocarbazide	1	1	
542-90-5	Thiocyanic acid, ethyl ester	1	1	
556-64-9	Thiocyanic acid, methyl ester	1	1	
39196-18-4	Thiofanox	100	1	A
541-53-7	Thioimidodicarbonic diamide	100	100	A
74-93-1	Thiomethanol	100	100	
108-98-5	Thiophenol	100	100	A
79-19-6	Thiosemicarbazide	100	1	A
52-24-4	Thiotepa	1	1	
62-56-6	Thiourea	10	10	
5344-82-1	Thiourea, (2-chlorophenyl)-	100	100	A
614-78-8	Thiourea, (2-methylphenyl)-	1	1	
86-88-4	Thiourea, 1-naphthalenyl	100	1	A
103-85-5	Thiourea, phenyl-	100	1	A
137-26-8	Thiram	10	10	
7550-45-0	Titanium tetrachloride	1	1	A
108-88-3	Toluene	1000	1	
26471-62-5	Toluene diisocyanite	100	100	
584-84-9	Toluene diisocyanite	100	1	
91-08-7	Toluene diisocyanite	100	1	
100-14-1	Toluene, alpha-chloro-p-nitro-	1	1	
88-72-2	Toluene, o-nitro-	1000	100	
95-80-7	Toluene-2,4-diamine	10	1	
496-72-0	Toluenediamine	10	1	
823-40-5	Toluenediamine	10	1	
25376-45-8	Toluenediamine	10	1	
95-53-4	O-Toluidine	100	1	

106-49-0	p-Toluidine	100	1	
636-21-5	o-Toluidine hydrochloride	100	1	
98-16-8	m-Toluidine, alpha,alpha,alpha-trifluoro-	1	1	A
8001-35-2	Toxaphene	1	1	A
299-75-2	Treosulphan	1	1	
688-73-3	Tri-n-butyltin hydride	1	1	
56-33-9	Tri-n-butyltin oxide	1	1	
1031-47-6	Triamiphos	1	1	A
675-14-9	a-Triazine, 2,4,6-trifluoro-	1	1	A
68-76-8	Triaziquone	1	1	
24017-47-8	Triazofos	1	1	
61-82-5	1h-1,2,4-Triazol-3-amine	10	1	
52-68-6	Trichlorfon	100	100	
1558-25-4	Trichloro(chloromethyl)silane	1	1	
27137-85-5	Trichloro(dichlorophenyl)silane	1	1	
76-13-1	1,1,2-Trichloro-1,2,2-trifluoroethane	1	1	
76-02-8	Trichloroacetyl chloride	1	1	
120-82-1	1,2,4-Trichlorobenzene	100	100	
71-55-6	1,1,1-Trichloroethane	1000	1	
79-00-5	1,1,2-Trichloroethane	100	1	
79-01-6	Trichloroethylene	100	1	
115-21-9	Trichloroethylsilane	1	1	
594-42-3	Trichloromethanesulfonyl chloride	100	1	
75-69-4	Trichloromonofluoromethane	5000	1	
327-98-0	Trichloronate	1	1	A
25167-82-2	Trichlorophenol	10	10	
15950-66-0	2,3,4-Trichlorophenol	10	1	
933-78-8	2,3,5-Trichlorophenol	10	1	
95-95-4	2,4,5-Trichlorophenol	10	1	
88-06-2	2,4,6-Trichlorophenol	10	1	
609-19-8	3,4,5-Trichlorophenol	10	1	
93-76-5	2,4,5-Trichlorophenoxyacetic acid	1000	1	
933-75-5	2,3,6-Trichlorophenyl	10	1	
98-13-5	Trichlorophenylsilane	1	1	
27323-41-7	Triethanolamine dodecylbenzenesulfonate	1000	1	
998-30-1	Triethoxysilane	1	1	
121-44-8	Triethylamine	5000	1	
555-77-1	Triethylamine, 2,2',2''-trichloro-	1	1	A
538-07-8	Triethylamine, 2,2'-dichloro-	1	1	A
75-50-3	Trimethylamine	100	1	
75-77-4	Trimethylchlorosilane	1	1	
824-11-3	Trimethylolpropane phosphite	1	1	A
540-84-1	2,2,4-Trimethylpentane	1	1	
1066-45-1	Trimethyltin chloride	1	1	
99-35-4	1,3,5-Trinitrobenzene	1	1	
99-35-4	sym-Trinitrobenzene	1	1	
20979-19-0	2,8,9-Trioxa-5-aza-1-silabicyclo(3.3.3)undecane,phenyl	1	1	
123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-	1000	100	
639-58-7	Triphenyltin chloride	1	1	
1582-09-8	Tripluralin	1	1	
126-72-7	Tris(2,3-dibromopropyl) phosphate	10	10	
555-77-1	Tris(2-chloroethyl)amine	1	1	A
72-57-1	Trypan Blue	10	10	
66-75-1	Uracil mustard	10	10	A
66-75-1	Uracil, 5-[bis(2-chloroethyl)amino]-	10	10	A
51-21-8	Uracil, 5-fluoro	1	1	
541-09-3	Uranyl acetate	5000	100	
36478-76-9	Uranyl nitrate	5000	100	
10102-06-4	Uranyl nitrate	5000	100	
614-78-8	Urea,2-thio-1-o-tolyl	1	1	
1982-47-4	Urea, 3-(p-(p-chlorophenoxy)phenyl)-1,1-dimethyl	1	1	
2001-95-8	Valinomycin	1	1	
83-28-3	Valone	1	1	
7803-55-6	Vanadic acid, ammonium salt	1000	100	
1314-62-1	Vanadium pentoxide	1000	100	
1314-62-1	Vanadium(V) oxide	1000	100	A

27774-13-6	Vanadyl sulfate	1000	100	
108-05-4	Vinyl acetate	5000	1	
75-01-4	Vinyl chloride	1	1	
75-35-4	Vinylidene chloride	1	1	
81-81-2	Warfarin	100	100	
129-06-6	Warfarin sodium	1	1	A
108-38-3	m-Xylene	1000	100	
95-47-6	o-Xylene	1000	1	
106-42-3	p-Xylene	1000	100	
1330-20-7	Xylene (mixed)	1000	1	
1300-71-6	Xylenol	1000	100	
105-67-9	Xylenol	100	1	
28347-13-9	Xylylene dichloride	1	1	A
50-55-5	Yohimban-16-carboxylic acid,11,17-dimethoxy-18- [(3,4,5-trimethoxybenzoyl)oxy]-,methylester	5000	1	
7440-66-6	Zinc (see footnote #1)	1000	100	
557-34-6	Zinc acetate	1000	100	
52628-25-8	Zinc ammonium chloride	5000	100	
14639-97-5	Zinc ammonium chloride	5000	100	
14639-98-6	Zinc ammonium chloride	5000	100	
1332-07-6	Zinc borate	1000	100	
7699-45-8	Zinc bromide	5000	100	
3486-35-9	Zinc carbonate	1000	100	
7646-85-7	Zinc chloride	5000	100	
557-21-1	Zinc cyanide	10	10	
7783-49-5	Zinc fluoride	1000	100	
557-41-5	Zinc formate	1000	100	
7779-86-4	Zinc hydrosulfite	1000	100	
7779-88-6	Zinc nitrate	5000	100	
127-82-2	Zinc phenolsulfonate	5000	100	
1314-87-4	Zinc phosphide	100	100	
6871-71-9	Zinc silicofluoride	5000	100	
7733-02-0	Zinc sulfate	1000	100	
58270-08-9	Zinc, dichloro(4,4-dimethyl-5((((methylamino) carbonyl)oxy)imino)pentanenitrile)-,(t-4)-	1	1	A
13746-89-9	Zirconium nitrate	5000	100	
16923-95-8	Zirconium potassium fluoride	1000	100	
14644-61-2	Zirconium sulfate	5000	100	
10026-11-6	Zirconium tetrachloride	5000	100	

#### Footnotes

- (1) Notification of the release of an RQ (Reportable Quantity) of solid particles of antimony, arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, silver, thallium or zinc is not required if the mean diameter of the particles released is larger than 100 micrometers (0.004 inches).
- (2) Substances noted "A" are acutely hazardous substances.

## ENVIRONMENTAL REMEDIATION

### **REGULATION 51A QUESTIONS: CHEMICAL AND HAZARDOUS SUBSTANCE SPILLS**

- (A) Please be sure to answer each of the Questions (B), (C), (D) and (F) below.
- (B) Did your facility, project or operation (f/p/o), have any releases (leaks or spills) of any hazardous or toxic chemicals or substances, in excess of the reportable quantities specified in Regulation 51, Table 51-1?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, then proceed to Regulation 51C.

- (C) If YES, was the release (leak or spill) reported within two hours after the release to NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "Rank" box 51A on the Compliance Status Report form, update the (or complete a new) "Non-Compliance Report & Remedial Plan" form, then proceed to Question (D).

- (D) Did your f/p/o have any releases (leaks or spills) of any hazardous or toxic chemicals or substances, where such releases result, or may be reasonably expected to result or cause one of the following [Section 595.3(a)(2)]: (i) in a fire with potential off-site impacts; (ii) an explosion; (iii) a contravention of air quality standards; (iv) in vapors, dust and/or gases that may cause illness or injury to persons, not including persons in a building at the facility where a release originates; or runoff from fire control or dilution water may cause or contribute to a contravention of water quality standards?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (E).

If NO, proceed to Question (F) .

- (E) If YES, was the release reported within two hours after the release to NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "Rank" box 51A on the Compliance Status Report form, update (or complete a new) "Non-Compliance Report & Remedial Plan" form, then proceed to Question (F).

- (F) Did your f/p/o have any suspected or probable releases [Section 595.3(b)] resulting from one of the following conditions: (i) test, sampling or monitoring result from a release detection method that indicate a release may have occurred; (ii) unusual operating conditions; (iii) impacts in the surrounding area; (iv) or any other conditions or indications of a suspected release.

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place a "C" in "Rank" box 51A on the Compliance Status Report form, proceed to Regulation 51C.

- (G) If YES, was the suspected or probable release reported within 24 hours to NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "Rank" box 51A on the Compliance Status Report form, update (or complete a new) "Non-Compliance Report & Remedial Plan" form, then proceed to Question (H).

- (H) If YES to (B), (C), (D) or (G) above, was each release (leak or spill) cleaned up in accordance with NYSDEC instructions?

YES \_\_\_\_\_ NO \_\_\_\_\_

If Yes, place a "C" in "Rank" box 51A on the Compliance Status Report form, proceed to Regulation 51C.

If NO to any of the above, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "Rank" box 51A on the Compliance Status Report form, update (or complete a new) "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 51C.



## ENVIRONMENTAL REMEDIATION

### **REGULATION 51A:                      CHEMICAL & HAZARDOUS SUBSTANCE SPILLS**

LEGAL CITATION: ECL Article 40 and 6 NYCRR Part 595 & 596.

#### ABSTRACT OF LAW/REGULATIONS:

This regulation covers releases from a variety of sources, not just bulk storage facilities. The reporting requirements apply to:

1. one time reporting of continuous and stable releases;
2. reporting of releases exceeding the reportable quantities listed in Regulation 51 (Table 51-1);
3. reporting of releases even if the release is less than the reportable quantity if the release could pose a health risk to adjacent parties.

NYSDEC must be notified within two hours after a reportable quantity (see Regulation 51, Table 51-1) of a hazardous substance has been released into the environment.

Corrective action requirements for regulated chemical bulk storage tanks include these requirements for investigation and remediation:

1. removal and proper disposal of contaminated soil;
2. removal and recovery of free-floating and dissolved hazardous substances in ground and surface waters;
3. removal, venting, dispersing or recovery of vapors from the soil or air;
4. repair or replacement of leaking equipment and improvement of storage and handling practices;
5. installation of temporary or permanent water supply systems;
6. relocation of residents; and
7. other actions that NYSDEC may require to remediate the site in order to protect the public health, safety or environment.

It is unlawful to continue operating any tank where a continuing release to the environment is occurring. The contents of such leaking tank must be taken to a secure storage location.

Where a release of a listed hazardous substance is suspected or appears probable, NYSDEC may order the owner to inspect any storage facility, location and/or associated equipment suspected to be the source of the release and to test for tightness and structural soundness. If the owner does not conduct these tests within 10 days of being ordered to do so by the NYSDEC, then the NYSDEC may conduct such tests with expenses paid by the owner.

The NYSDEC may require a Best Management Practices (BMP) plan if a series of minor releases or a single release causes an adverse environmental impact at a facility. The (BMP) plan shall contain risk assessments and identify preventive maintenance practices and other measures to be followed by the owner or operator to reduce the occurrence of similar releases.

**DEFINITIONS:**

Continuous means a release that occurs without interruption or abatement or that is routine, anticipated, and intermittent and incidental to normal operations.

Release is any unauthorized pumping, pouring, emitting, emptying, leaching or disposing, directly or indirectly of a hazardous substance so that such a substance or one of its components may enter the environment.

**NYSDEC CONTACT PERSON:**

**TELEPHONE NUMBER**

Morris Leno, Division of Environmental Remediation

518/402-9549

**SPILL HOTLINE:**

1-800-457-7362

**ENVIRONMENTAL REMEDIATION**

**REGULATION 51C QUESTIONS:**

**CHEMICAL BULK STORAGE FEE**

**NOTE: If your facility, project or operation is subject to Regulation 51, it is also subject to this regulation.**

(A) Did you answer YES to Questions (A) and (B) in Regulation 51?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 51C blank on the Compliance Status Report form, proceed to Regulation 56.

(B) If YES, did you pay the required registration fees to NYSDEC (see Table 51C-1)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 51C on the Compliance Status Report form, proceed to Regulation 56.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 51C on the Compliance Status Report form, update the (or complete a new) Non-Compliance Report & Remedial Plan form, then proceed to Regulation 56.

## ENVIRONMENTAL REMEDIATION

### REGULATION 51C:

### CHEMICAL BULK STORAGE FEE

LEGAL CITATION: ECL Articles 37 & 40, and 6NYCRR Parts 595 - 597.

#### ABSTRACT OF LAW/REGULATIONS:

A fee must be paid in accordance with Table 51C-1 for all chemical bulk storage tanks that are registered. Registration fees are paid when a tank is registered, re-registered upon transfer of ownership, or when registration is renewed. There is no fee for substantial modification of a facility. The fees are based on the number of tanks at a site and the size of the tanks. In no case shall the registration fee for all the tanks at one site exceed fifty thousand dollars (\$50,000.00). The fee schedules are as follows:

#### TABLE 51C-1 REGISTRATION FEES

##### FIRST 250 TANKS

<u>TOTAL CAPACITY PER TANK</u>	<u>2 YEAR FEE</u>
Less than or equal to 550 gallons	\$50.00 per storage tank
551 - 1,100 gallons	\$100.00 per storage tank
Greater than 1,100 gallons	\$125.00 per storage tank

The above fees apply to the largest 250 tanks at the site. For each additional tank at the site, the fee is as follows:

##### OVER 250 TANKS

<u>TOTAL CAPACITY PER TANK</u>	<u>2 YEAR FEE</u>
Less than or equal to 550 gallons	\$50.00 per storage tank
551 - 1,100 gallons	\$75.00 per storage tank
Greater than 1,100 gallons	\$75.00 per storage tank

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Ed Califano, Division of Environmental Remediation

518/402-9549

## ENVIRONMENTAL REMEDIATION

### REGULATION 56 QUESTIONS:

### PETROLEUM BULK STORAGE

**NOTE: If your facility, project or operation is subject to this regulation, it is also subject to Regulation 56C.**

- (A) Does your facility, project or operation presently have, or did it have during the past year, any petroleum storage tanks, either in service or out of service?  
YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 56 blank on the Compliance Status Report form, proceed to Regulation 56A.

- (B) If YES, is the combined capacity of all your storage tanks greater than 1,100 gallons?\*

\* With respect to heating oil tanks, in the following circumstances, all heating oil tanks at a facility are regulated:

- One or more heating oil tanks are located at a facility and at least one tank has a capacity of more than 1,100 gallons;
- Two or more small heating oil tanks are piped together (manifolded), and the resulting combined capacity is greater than 1,100 gallons; or
- The combined storage capacity of other petroleum products (gasoline, diesel fuel, lubricating oil) is over 1,100 gallons.

If none of the above circumstances are met, small heating oil tanks (those less than 1,100 gallons) are not regulated.

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (C).

If NO, leave "**RANK**" box 56 blank on the Compliance Status Report form, proceed to Regulation 56A.

### **THIS PART APPLIES TO TANK REGISTRATION**

- (C) Are all storage tanks registered as required by State regulations (this includes tanks in-service and out-of-service)? [There are NO exemptions.]  
YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a check in the "Approval" Box 56 on the Compliance Status Report form, then proceed to Question (D).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 and leave the "Approval" Box 56 blank on the Compliance Status Report form, then proceed to Question (D).

(D) Is the State registration certificate posted at your facility, project or operation?

YES \_\_\_\_\_ NO \_\_\_\_\_

(E) Is all registration information current and correct?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered NO to Questions (D) and/or (E), place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 and leave the "Approval" Box 56 blank on the Compliance Status Report form, complete a new Non-Compliance & Remedial Plan form, then proceed to Question (G).

If you answered YES to BOTH Questions (D) and (E), proceed to Question (G).

**THIS PART APPLIES TO ALL TANKS**

(G) Do you have any storage tanks in-service or temporarily out-of-service?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (H).

If NO, proceed to Question (K).

(H) Have the temporarily out-of-service tanks been out-of-service for thirty (30) days or more?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (K).

If YES, proceed to Question (J).

(J) Have the temporarily out-of-service tanks been properly closed (see Regulation 56 for proper closure procedures)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (K).

If YES, proceed to Question (K).

- (K) Does your facility, project or operation have any tanks that are permanently out-of-service?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Question (M).

- (L) If YES, have the permanently out-of-service tanks been properly closed (see Regulation 56 for proper closure procedures)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (M).

If YES, proceed to Question (M).

- (M) Are all fill ports on each tank color coded and labeled?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (N).

If YES, proceed to Question (N).

- (N) Have you installed any new tanks or piping on or after December 27, 1986?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (O).

If NO, proceed to Question (P).

- (O) Have all new tanks and pipes been installed in accordance with NYSDEC regulations?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (P).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (P).

- (P) Have any repairs or reconditions been made to any tank or piping on or after December 27, 1986?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (R).

If NO, proceed to Question (S).

- (R) Have all repairs and reconditions been done in accordance with NYSDEC regulations?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (S).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (S).

- (S) Do you have pressurized motor fuel dispensers?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (T).

If NO, proceed to Question (U).

- (T) Are your pressurized motor fuel dispensers equipped with shear valves?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (U).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (U).



**THIS PART APPLIES TO UNDERGROUND TANKS**

(U) Do you have any underground tanks?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (V).

If NO, proceed to Question (JJ).

(V) Do you keep a daily inventory record or another method that is acceptable to NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (X).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (X).

(X) Have you had any inventory loss?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (Y).

If NO, proceed to Question (Z).

(Y) Was NYSDEC notified of the inventory loss?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (Z).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan, then proceed to Question (Z).

(Z) Have all underground tanks and connecting piping been tested for tightness as required (see Regulation 56)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (AA).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (AA).

(AA) Have all completed tightness test results been sent to NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (BB).

If YES, proceed to Question (BB).

(BB) Have any underground tanks been installed, replaced, repaired or reconditioned on or after December 27, 1986?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (CC).

If NO, Proceed to Question (JJ).

(CC) Was any secondary containment on your underground tanks installed, replaced, repaired or reconditioned on or after December 27, 1986?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (DD).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (DD).

(DD) Was a leak detection or monitoring system on your underground tanks installed, replaced, repaired or reconditioned on or after December 27, 1986?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (EE).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (FF).

(EE) Do you monitor the leak detection or monitoring system at least weekly?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (FF).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (FF).

(FF) Do you have an overfill prevention device, such as, an automatic shut-off device, overfill alarm, or float vent valve on underground tanks that was installed, replaced, repaired or reconditioned on or after December 27, 1986?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, Proceed to Question (GG).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (GG).

(GG) Do you have a cathodic protection system on underground steel tanks that was installed, replaced, repaired or reconditioned on or after December 27, 1986?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (HH).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (JJ).

(HH) Is this cathodic protection system monitored annually? [Fiberglass or fiberglass coated steel tanks do not require monitoring of the cathodic protection system.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (JJ).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (JJ).

**THIS PART APPLIES TO ABOVEGROUND TANKS**

(JJ) Do you have any above ground tanks?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (KK).

If NO, and your underground tanks are in Compliance, place a "C" in "**RANK**" box 56 on the Compliance Status Report form, then proceed to Regulation 56A.

(KK) Do you conduct and document monthly visual inspections of your above ground tanks?

YES \_\_\_\_\_ NO \_\_\_\_\_

(LL) Are all of your above ground tanks fitted with a gauge or high level alarm or overflow detection device?

YES \_\_\_\_\_ NO \_\_\_\_\_

(MM) Is secondary containment in place for all above ground tanks that are 10,000 gallons or over in capacity or located such that it could reasonably be expected that they could discharge petroleum into the waters of the State?

YES \_\_\_\_\_ NO \_\_\_\_\_

If you answered "NO" to any of Questions (KK), (LL), or (MM), place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (NN).

If you answered "YES" to all three Questions (KK), (LL), and (MM), proceed to Question (NN).

(NN) Have you inspected your above ground tanks as required (see Regulation 56 for inspection requirements and exemptions)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (OO).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (PP).

(OO) Has an inspection of your above ground tanks been documented?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (PP).

If YES, proceed to Question (PP).

(PP) Do you have any tanks that are filled by pumping product into the tank?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (RR).

If NO, proceed to Question (SS).

(RR) Have check valves been installed on all pump filled tanks?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (SS).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (SS).

(SS) Do you have any tanks with a gravity head on a motor fuel dispenser?

YES \_\_\_\_\_ NO \_\_\_\_\_

If Yes, proceed to Question (TT).

If NO, proceed to Question (UU).

(TT) Are these tanks equipped with a solenoid valve?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (UU).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (UU).

(UU) Do you have any tanks that are equipped with connections that can be drained by gravity?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (VV).

If NO, and if you have not placed an "N1", "N2", "N3" or "N4" in "**RANK**" box 56, place a "C" in "**RANK**" box 56 on the Compliance Status Report form, then proceed to Regulation 56A.

If NO, and if you have placed an "N1", "N2", "N3" or "N4" in "**RANK**" box 56, leave the "N1", "N2", "N3" or "N4" in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Regulation 56A.

(VV) Are these tanks equipped with operating valves on the gravity drain connections?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, and you have not placed an "N1", "N2", "N3" or "N4" in "**RANK**" box 56, place a "C" in "**RANK**" box 56 on the Compliance Status Report form, then proceed to Regulation 56A.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56 on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Regulation 56A.

## ENVIRONMENTAL REMEDIATION

### REGULATION 56:

### PETROLEUM BULK STORAGE

LEGAL CITATION: ECL Article 17, Title 10, and 6NYCRR Parts 610, 612 - 614.

#### ABSTRACT OF LAW/REGULATIONS:

In 1983, the Legislature enacted the Petroleum Bulk Storage (PBS) Control Act which requires the Commissioner of Environmental Conservation to regulate the storage and handling of petroleum. The Law applies both to underground storage tanks (UST's) and aboveground storage tanks (AST's), or groupings of such tanks, with a combined storage capacity of more than 1,100 gallons. Tanks containing less than 1,100 gallons of heating oil are regulated and should be added to the tank inventory if one of the following circumstances exists: 1) one or more heating oil tanks located at a facility has a capacity of more than 1,100 gallons; 2) two or more small heating oil tanks are piped together (manifolded), and the resulting combined capacity is greater than 1,100 gallons; or 3) the combined storage capacity of other petroleum products (gasoline, diesel fuel, lubricating oil) is over 1,100 gallons. If one of these conditions is not met, the heating oil tank(s) are exempt and should not be added to the tank inventory. This resulted in the Petroleum Bulk Storage (PBS) Regulation which has been in effect since December 27, 1985, requiring existing facilities be registered with NYSDEC by December 27, 1986, and must renew their registration every five years and that all new facilities be registered before being placed into service. The NYSDEC must be notified within 30 days prior to substantial modifications. Registration fees vary from \$50.00 to \$250.00 per facility, depending on facility capacity (see Regulation 56C). Some 132,000 tanks, holding a total of nearly 4.4 billion gallons, have been registered in New York State.

Nassau, Suffolk, Rockland, Westchester and Cortland Counties have their own programs, pursuant to delegation from NYSDEC, with their own special requirements. These counties generally administer their own programs, however, for the purposes of the State Agency Environmental Audit, compliance to not only state regulations, but also compliance to county regulations is required.

All facilities registered under the PBS regulations must meet certain handling and storage requirements established by the NYSDEC. As of December 27, 1990, existing UST's and AST's must observe rules for color coding of fill ports, shutoff valves, gauges and check valves (see Tables 56-2A and 56-2B), and AST's must be provided with secondary containment (i.e., berms or other devices to contain a spill from a tank).

Operators of UST's subject to these regulations must keep daily inventory records (and maintain them for five years) and notify the NYSDEC and the tank owner within 48 hours of unexplained inventory losses. They must also conduct periodic tightness testing and monitoring (see Table 56-3).

Operators of AST's must conduct monthly visual inspections, and every 10 years they must clean out the tanks, remove the sludge from the bottom, inspect for structural integrity and test for tightness.

Tanks that are temporarily out-of-service (30 days or more) must be drained of product to the lowest draw-off point, and fill lines and gauge openings must be capped or plugged (see Table 56-4A). Inspection and registration must continue. Those tanks that are permanently out-of-service must be emptied of liquid, sludge and vapors and must either be removed or filled with solid inert material such as sand or concrete slurry (see Table 56-4B). The NYSDEC must be notified 30 days prior to filling or removal.

Another set of regulations applies to all new and modified facilities. New UST's must either be made of fiberglass reinforced plastic; cathodically protected steel (to protect against the corrosion caused by contact between steel and soil); or steel clad with fiberglass reinforced plastic. Secondary containment must be provided -- either a double-walled tank, a vault, a cut-off wall of impervious underlayment. For monitoring purposes, the tanks must be equipped with provisions for monitoring of the interstitial space of double wall tanks; in-tank monitoring systems; or observation wells.

New AST's must be constructed of steel and, if their bottom rests on or in the ground, must have cathodic protection. An impermeable barrier must be installed under the tank bottom, with monitoring between the barrier and the bottom.

New piping systems must be made of steel or iron with cathodic protection; fiberglass-reinforced plastic; or other equivalent non-corrodible materials.

Violators of this statute and these regulations may be subjected to civil penalties of up to \$25,000 per day for each violation. Violators with the requisite mental state may be imprisoned for up to one year (two years for a second offense).

Part 613, Handling and Storage of Petroleum, contains standards for retro-fitting, operation and closure of facilities. Retro-fitting requirements include the color coding of fill ports, and installing tank gauges or overfill prevention devices on aboveground tanks. Secondary containment systems (diking) is required around aboveground tanks. Operating requirements include:

1. the keeping of inventory records for underground tanks;
2. inspections for aboveground tanks; and
3. reporting of leaks and spills of petroleum on the telephone hotline (1-800-457-7362).

Under the PBS regulations, tanks can no longer be abandoned, but must be properly closed as follows:

1. Permanently closed tanks must be emptied, cleaned out and rendered vapor free;
2. underground tanks must be removed or filled with sand or concrete;
3. aboveground tanks must be secured and allowed to breathe.



Part 614, Standards for New and Substantially Modified Facilities, prescribes the standards for new aboveground and underground petroleum facilities, and for those that are substantially modified. Substantial modification is when a tank is added to a facility, when a tank is replaced, or when a leaking tank is repaired or permanently closed. This Part includes sections on reconditioning underground and aboveground tanks. New underground facilities must have:

1. tanks made of fiberglass, cathodically protected steel, or steel clad with fiberglass;
2. secondary containment;
3. a leak detection system; and
4. acceptable piping and installation procedures.

New aboveground facilities must have:

1. tanks constructed of steel;
2. tanks underlain by an impermeable barrier;
3. a leak monitoring system; and
4. proper installation procedures must be followed.

#### REQUIRED APPROVAL:

Part 612, Registration of Facilities, requires that petroleum storage sites having a storage capacity (aboveground and underground) of over 1,100 gallons in stationary tanks be registered with NYSDEC. Registration is accomplished by completing the registration application and sending it along with the registration fee to the regional office for the NYSDEC region in which the facility is located. Facilities must be registered before being placed into service and re-registered if the ownership changes. The five-year registration fee is dependent on the size of the facility.

#### EXEMPTIONS:

Exempted from this law, because they are regulated under other programs, are oil production facilities; facilities licensed under the Navigation Law and facilities regulated under the Natural Gas Act.

#### DEFINITIONS:

Above ground tank inspections includes monthly inspections and ten-year inspections:

Monthly inspections consist of inspecting exterior surfaces of tanks, pipes, valves and other equipment for leaks and maintenance deficiencies; identifying cracks, areas of wear, corrosion, and thinning, poor maintenance and operating practices, excessive

settlement, separation or swelling of insulation, malfunctioning equipment and structural and/or foundation weakness; and inspecting and monitoring all leak detection or warning systems.

Ten-year inspections consist of a tightness test of each tank and connecting underground pipes or an inspection that consists of cleaning the tank including difficult to reach areas within the tank; removal, transportation and disposal of sludge in a manner consistent with all applicable laws and regulations; checking the tank for soundness and testing all welds and seams on the tank bottom for porosity and tightness; visual inspection of the internal surfaces; inspection of internal coatings; and a tightness test of any connecting underground pipes.

Exemptions to ten-year inspection are for tanks that are entirely aboveground, such as tanks on racks, cradles or stilts; tanks storing No. 5 or No. 6 fuel oil; or tanks installed in conformance with standards for new construction (see 6NYCRR Parts 614.8 thru 614.11).

Inspection reports for each monthly inspection and ten-year inspection must be maintained and made available to NYSDEC upon request for a period of ten (10) years. The reports must include: facility registration number, tank identification number, inspection date, inspection results including needed repairs, certification by the inspector, and the address and signature of the inspector.

Bulk storage in flood plains means that each tank must be safeguarded against buoyancy and lateral movement by flood waters.

Closure of out-of-service tanks means that all tanks out-of-service for more than 30 days must be closed in accordance with the requirements indicated in Tables 56-4A and 56-4B. NYSDEC must be notified within 30 days prior to permanent closure of a tank.

Color coding of fill ports means that all fill ports must be permanently marked to identify the product inside the tank. See Table 56-2A for required colors and Table 56-2B for required symbols.

Retro-fitting requirements include the color coding of fill ports, and tank gauges or overflow prevention devices on aboveground tanks.

Operating requirements include the keeping of inventory records for underground tanks; periodic precision tightness testing for older, substandard underground tanks; inspections for aboveground tanks; and reporting of leaks and spills of petroleum.

\*Pressurized motor fuel dispenser is one with a pressure head on the inlet pipe. Such dispensers must be equipped with a shear valve (impact valve) located in the supply line at the dispenser inlet.

Spill prevention equipment must be maintained and kept in good working order.

Underground tank inspections must be made in accordance with the schedule indicated in Table 56-3. No periodic tightness test is required on a tank and piping system that: stores No. 5 or No. 6 fuel oil; has a capacity of 1,100 gallons or less, is corrosion resistant and

has a leak monitoring system; is installed in conformance with the standards for new construction (see 6 NYCRR Part 614). If the tank capacity is in excess of 50,000 gallons or where it is technically impossible to perform a meaningful tightness test, an alternative test or inspection acceptable to the Department must be performed.

Used tanks that do not meet new tank standards cannot be reinstalled for the purpose of petroleum storage.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Russ Brauksieck, Division of Environmental Remediation

518/402-9549

**TABLE 56-2A  
FILL PORT COLOR CODES**

<u>Product inside the tank</u>	<u>Color</u>
High gasoline	Red
Middle gasoline	Blue
Lower gasoline	White
Higher unleaded gasoline	Red w/ White Cross
Middle unleaded gasoline	Blue w/ White Cross
Lower unleaded gasoline	White w/ Black Cross
Vapor recovery	Orange
Diesel	Yellow
#1 fuel oil	Purple w/ Yellow Bar
#2 fuel oil	Green
Kerosene	Brown

**TABLE 56-2B  
FILL PORT SYMBOLS**

<u>Product inside tank</u>	<u>Symbol</u>
Gasoline products	Circle
Vapor recovery lines	Circle
Other distillates	Hexagon
Fuel products containing extenders such as alcohol	Black border around White symbols White border around all other colors

**TABLE 56-3  
UNDERGROUND TANK TESTING SCHEDULE**

<u>Tank Category</u>	<u>Testing Schedule</u>
<b>A</b> Unprotected tank:	Initial test when tank is 10 years old Retested every 5 years
<b>B</b> Corrosion resistant tank:	Initial test when tank is 10 years old Retested every 5 years
<b>C</b> Corrosion resistant tank & pipe that has leak monitoring system:	No periodic testing required
<b>C</b> New tank and pipe installed in accordance to standards:	No periodic testing required

**TABLE 56-4A**

**CLOSURE OF TANKS TEMPORARILY OUT-OF-SERVICE FOR 30 DAYS OR MORE**

1. All products must be removed.
2. Any waste product removed must be disposed properly.
3. All tanks must be protected from flotation.
4. All manways must be locked or bolted securely.
5. All fill lines, gauge openings and pump lines must be capped or plugged.
6. All tanks are subject to all regulatory requirements including periodic tightness testing, inspections, registration and reporting.

**TABLE 56-4B**

**CLOSURE OF TANKS PERMANENTLY OUT-OF-SERVICE**

1. Liquid and sludge must be removed.
2. Any waste products removed must be disposed of properly.
3. Tank must be rendered free of petroleum vapors.
4. All connecting lines must be disconnected and removed or securely capped or plugged.
5. Manways must be securely fastened in place.
6. Aboveground tanks must be stenciled with the date of permanent closure.
7. Aboveground tanks must be protected from floatation.
8. Underground tanks must either be removed or filled to capacity with a solid inert material (such as sand or concrete slurry).

**SUMMARY OF APPLICABILITY OF STATE AND FEDERAL REGULATIONS**

Because of some of the differences between the NYSDEC PBS Regulations and the Federal EPA UST Regulations the following is provided. For the purposes of the State Agency Environmental Audit, the agency is required to audit for compliance only against state statutes and regulation. However, state agencies are also required to comply with all federal statutes and regulations.

**DEFINITION**

**NYSDEC PBS Regs**

**Federal EPA UST Regs**

Definition of Petroleum

Petroleum that is used to generate heat and power or in the operation and maintenance of an engine; used oil that has been reprocessed for re-use or that is burned on site.

Petroleum that is crude oil or any fraction thereof that is liquid at standard temperature and pressure.

Definition of Underground Storage Tank

Any tank that is entirely covered with earth or other material. Tanks in subterranean vaults accessible for inspections are considered aboveground.

Any one or combination of tanks (including underground pipes connected thereto) containing regulated substances (petroleum or chemicals) that has 10% or more of its volume beneath the surface of the ground.

Regulated Facility and/or Tanks

All tanks with a capacity over 1,100 gallons in underground and/or aboveground tanks.

All underground storage tanks greater than 110 gallons regardless of facility capacity.

Exemptions

Tank testing is not required for underground tanks 1,100 gallons or less, tanks storing No. 5 or No. 6 fuel oil, corrosion-resistant tanks and piping with leak detection and those constructed in accordance with Part 614.

- Tanks storing heating oil for consumptive use on the premises.
- Farm and residential non-commercial motor fuel tanks less than 1,100 gallons.

## ENVIRONMENTAL REMEDIATION

### REGULATION 56A QUESTIONS:

### OIL & PETROLEUM SPILLS

- (A) Have you had any oil or petroleum spills or leaks or discovered any petroleum contamination during the reporting period?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 56A blank on the Compliance Status Report form, proceed to Regulation 56B.

If YES, proceed to Question (B).

- (B) Have all oil and petroleum spills and leaks, except spills where the quantity is known to be less than five gallons; and the spill was contained and under control; and the spill had not reached the State's water or land; and the spill was cleaned up within two hours of discovery, been reported to NYSDEC within 2 hours of such leak or spill?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56A on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Question (C).

If YES, proceed to Question (C).

- (C) Was each spill cleaned up in accordance with NYSDEC instructions?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in BOX 56A on the Compliance Status Report form, proceed to Regulation 56B.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56A on the Compliance Status Report form, complete a new Non-Compliance Report & Remedial Plan form, then proceed to Regulation 56B.

## ENVIRONMENTAL REMEDIATION

### **REGULATION 56A:**

### **OIL & PETROLEUM SPILLS**

LEGAL CITATION: Navigation Law, Article 12 and 6 NYCRR Part 611 & 17 NYCRR Part 32.

#### ABSTRACT OF LAW/REGULATIONS:

The discharge of petroleum into the environment is prohibited. Any person responsible for causing a discharge shall immediately notify the NYSDEC no later than two hours after the discharge.

Any person discharging petroleum into the environment shall immediately undertake to contain and clean up such discharge according to the priorities and procedures established by the NYSDEC. If containment and/or clean-up are not undertaken, the NYSDEC may undertake the removal of such discharge and may retain agents and contractors who shall operate under the direction of NYSDEC. Any person who has discharged petroleum shall be strictly liable, without regard to fault, for all cleanup and removal costs and all direct and indirect damages, no matter by whom sustained.

In the course of cleanup and removal, no person shall discharge any detergent into the waters of the state without prior authorization from NYSDEC. In addition, no person shall supervise, aid or participate in any use of dispersants, burning agents, sinking agents, biological additives, surface collecting agents or other chemical additives without prior authorization from NYSDEC.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Matt Darcangelo, Division of Environmental Remediation

518/402-9546

SPILL HOTLINE:

1-800-457-7362

## ENVIRONMENTAL REMEDIATION

### REGULATION 56B QUESTIONS:

### MAJOR ONSHORE PETROLEUM FACILITY

- (A) Do you have a major onshore petroleum facility (400,000 gallons or more total capacity)? [See Regulation 56B for definition]

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 56B blank on the Compliance Status Report Form then proceed to Regulation 70.

If YES, proceed to Question (B).

- (B) Is your facility in compliance with the Petroleum Bulk Storage Regulations? [See Regulation 56]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (C).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56B on the Compliance Status Report Form, complete a new NON-Compliance and Remedial Plan Form, then proceed to Question (C).

- (C) Do you have a license to operate the facility?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56B and leave the "Approval" Box 56B blank on the Compliance Status Report Form, complete a new NON-Compliance and Remedial Plan Form, then proceed to Question (G).

If YES, place a check in the "Approval" Box 56B on the Compliance Status Report, then proceed to Question (D).

- (D) Have you complied with all license conditions including having a certified spill prevention control and countermeasure plan?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, proceed to Question (E).

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56B on the Compliance Status Report Form, complete a new NON-Compliance and Remedial Plan Form, then proceed to Question (E).



- (E) Have you submitted a monthly license fee report for each month during the Environmental Audit reporting period that your facility was in operation, to NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56B on the Compliance Status Report Sheet, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (F).

If YES, proceed to Question (F).

- (F) Have you paid all required license fees?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56B on the Compliance Status Report Sheet, complete a new NON-Compliance Report and Remedial Plan Sheet, then proceed to Question (G).

If YES, proceed to Question (G).

- (G) Have you had any discharges or spills of petroleum at your facility?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place a "C" in Box 56B on the Compliance Status Report Form then proceed to Regulation 70.

If YES, proceed to Question (H).

- (H) Did you report each discharge or spill to NYSDEC within 2 hours after such discharge or spill occurred?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56B on the Compliance Status Report Sheet, complete a new "Non-Compliance Report & Remedial Plan" form, then proceed to Question (I).

If YES, proceed to Question (I).

- (I) Have you remediated (cleaned up) each discharge or spill in accordance with NYSDEC directions and/or instructions?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in Box 56B on the Compliance Status Report Form, then proceed to Regulation 56C.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56B on the Compliance Status Report Form, complete a new NON-Compliance and Remedial Plan Form, then proceed to Regulation 56C.

## ENVIRONMENTAL REMEDIATION

### **REGULATION 56B:**

### **MAJOR ONSHORE PETROLEUM FACILITY**

LEGAL CITATION: Navigation Law, Article 12, and 6 NYCRR Part 610 and 17 NYCRR Part 30.

#### ABSTRACT OF LAW/REGULATIONS:

This law regulates all oil terminals and vessels used for the commercial transportation of petroleum operating in the waters of the state that have a storage capacity of 400,000 gallons or more [commonly referred to as major oil storage facilities (MOSF's)]. The express purpose of the law is to ensure a clean environment and healthy economy for the State by preventing the unregulated discharge of petroleum that may result in damage to lands, waters or natural resources of the State and to effect prompt cleanup and removal of such discharges.

Under the law and regulations, owners or operators of MOSF's must:

- a. pay a monthly license fee of 8¼ cents per barrel of throughput at the facility;
- b. submit data to the NYSDEC on operating activities of the facility, such as average daily throughput, storage capacity, etc.;
- c. implement a spill prevention plan;
- d. comply with NYSDEC's license conditions and petroleum bulk storage regulations;
- e. report discharges to the NYSDEC;
- f. prepare and implement a spill prevention control and countermeasure plan;
- g. submit a monthly report to the NYSDEC that contains: the total number of barrels of petroleum transferred to the MOSF during the previous month, the total number of barrels of petroleum transferred to the MOSF during the previous month that had previously been transferred and subject to fee imposition, any other information required by NYSDEC to be submitted concerning each specific major facility, a sworn statement of the owner or operator that the facts stated in the monthly report are true to the best of the person's knowledge and belief, and the license fee for the previous month; and
- h. keep adequate records in accordance with accepted accounting practices to substantiate the monthly petroleum transfers to the MOSF and the source of such amount of transferred petroleum as is claimed not to be subject to fee imposition.

## REQUIRED APPROVAL:

A license from NYSDEC is required to operate an major onshore petroleum facility.

Certification of the Spill Prevention Control and Countermeasure Plan is required.

## LICENSE FEES:

The licensee shall pay a monthly license fee of four cents (4¢) on every barrel of petroleum transferred to the licensee's major facility. However, no fee shall be imposed on petroleum that has previously been transferred and subject to fee imposition.

A surcharge on the license fee of four and one-quarter cents (4¼¢) per barrel transferred is also required.

An additional fee, assessed at a rate of 1% of the amount due per month, shall be due for the late payment of the monthly licensee fee.

## DEFINITIONS:

Barrel means forty-two (42) United State gallons, or 159.9 liters, at sixty degrees Fahrenheit.

Cleanup and removal means the:

- (a) containment or attempted containment of a discharge,
- (b) removal or attempted removal of a discharge or,
- (c) taking of reasonable measures to prevent or mitigate damages to public health, safety, or welfare, including but not limited to, public and private property, shorelines, beaches, surface waters, water columns and bottom sediments, soils and other affected property, including wildlife and other natural resources.

Discharge means any intentional or unintentional action or omission resulting in the releasing, spilling, leaking, pumping, pouring, emitting, emptying or dumping of petroleum into the waters of the state or onto lands from which it might flow or drain into said waters, or into waters outside the jurisdiction of the state when damage may result to the lands, waters or natural resources within the jurisdiction of the state.

License fee period means every calendar month on the basis of which the licensee is required to report.

Major facility includes, but is not limited to, any refinery, storage or transfer terminal, pipeline, deep water port, drilling platform or any appurtenance related to any of the preceding that is used or is capable of being used to refine, produce, store, handle, transfer, process or transport petroleum. A vessel shall be considered a major facility only when petroleum is transferred between vessels in the waters of the state of New York. Fueling operations and the like, between vessels, shall not be considered petroleum transfers between vessels for the purposes of the definition. Facilities with a total combined aboveground or buried storage capacity of less than 400,000 gallons are not major facilities for the purposes of the regulation.

Onshore major facility means a major facility which is not a vessel or a drilling platform, which is located on or under any land within the state of New York and which, if partially or totally located on submerged land, is physically connected to the shore by permanent structures located above the mean high water level.

Owner or operator means:

- (a) with respect to a vessel, any person owning, operating or chartering by demise such vessel;
- (b) with respect to any major facility, any person owning such facility, or operating it by lease, contract or other form of agreement; and
- (c) with respect to abandoned or derelict major facilities, the person who owned or operated such facility immediately prior to such abandonment, or the owner at the time of discharge.

Person means public or private corporations, companies, associations, societies, firms, partnerships, joint stock companies, individuals, the United States, the State of New York and any of its political subdivisions or agents.

Petroleum means oil or petroleum of any kind and in any form including, but not limited to, oil, petroleum, fuel oil, oil sludge, oil refuse, oil mixed with other wastes and crude oils, gasoline and kerosene.

The Spill Prevention Control and Countermeasure Plan or Coast Guard plan is a plan for the control of petroleum discharges and the containment and removal of the spilled product when a discharge occurs. The plan must demonstrate that the necessary equipment to prevent, contain and remove discharges of petroleum is available on short notice. The S.P.C.C. Plan must meet the requirements specified in 33 Code of Federal Regulations Part 154.300 or 40 Code of Federal Regulations Part 112 (i.e. ground water protection), and include:

- (a) a site plan that describes the physical layout of the facility, including bulk storage tanks with their respective secondary containment areas, transfer stations, areas of potential discharges, locations of any equipment, supplies and materials used for containment and cleanup, location of all observation, monitoring and recovery wells;
- (b) list of oil spill recovery items, including but not limited to, heavy equipment, boats, booms, absorbent pads, and where these items are stored or located;
- (c) procedures that are to be followed by facility personnel when responding to discharges of petroleum including telephone numbers of cleanup contractors and/or other persons that can provide equipment, supplies and materials for containment and cleanup on a short notice; and
- (d) must also include any special conditions required by NYSDEC.

To contain or containment means all actions to limit or prevent the spread of a petroleum discharge.

Transfer means on-loading or off-loading between major facilities and vessels or vessels and major facilities, and from vessel to vessel or major facility to major facility.

Vessel means every description, of watercraft or other contrivance that is practically capable of being used as a means of commercial transportation or petroleum upon the water, whether or not self-propelled.

Waters means the ocean and its estuaries to the seaward limit of the state's jurisdiction, and all lakes, springs, streams and bodies of surface or groundwater, whether natural or artificial, within the boundaries of New York State.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Ed Califano, Division of Environmental Remediation

518/402-9549

SPILL HOTLINE:

1-800-457-7362

**ENVIRONMENTAL REMEDIATION**

**REGULATION 56C QUESTIONS:**

**PETROLEUM BULK STORAGE FEE**

**NOTE:**      **If your facility, project or operation is subject to Regulation 56, it is also subject to this Regulation.**

(A)    Did you answer YES to Question (A) and (B) in Regulation 56?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 56C blank on the Compliance Status Report Form, then proceed to Regulation 08A.

(B)    If YES, did you pay the registration fee (see Table 56, in ) at the time of registering your storage tanks?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 56C on the Compliance Status Report Form, complete a new NON-Compliance and Remedial Plan Form, then proceed to Regulation 08A.

If YES, proceed to Regulation 08A.

**ENVIRONMENTAL REMEDIATION**

**REGULATION 56C:**

**PETROLEUM BULK STORAGE FEE**

LEGAL CITATION: ECL Article 17, Title 10, and 6 NYCRR Parts 612.

ABSTRACT OF LAW/REGULATIONS:

A registration fee is required to be paid for each petroleum bulk storage tank registered. This does not apply to major onshore petroleum facilities.

**TABLE 56C-1  
REGISTRATION FEES**

<u>Combined Storage Capacity at Facility</u>	<u>Five Year Fee</u>
Greater than 1,100 gallons to equal to 2,000 gallons	\$50.00 per facility
Greater than 2,000 gallons to less than 5,000 gallons	150.00 per facility
Equal to and greater than 5,000 gallons	250.00 per facility

(NYSDEC and the LIRR facilities are exempt from paying this fee.)

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Morris Leno, Division of Environmental Remediation

518/402-9549



**REGULATORY FEES**

**REGULATION 08A QUESTIONS:**

**AIR QUALITY CONTROL PROGRAM FEES**

- (A) Do you have an air contaminant source(s) of the type(s) identified by Regulations 03, 03A, 03B, 04A, 05, 06, 09, 10, 12, 14, 15, 16 and/or 17, and that are not subject to fees under the Operating Permit Program (see Regulation 08B)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, Proceed to Regulation 29.

- (B) If YES, have you paid the Air Quality Control Program Fee to the NYSDEC?  
[There are NO exemptions to paying this fee]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 08A on the Compliance Status Report Form, then proceed to Regulation 29.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 08A on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 08B.

## REGULATORY FEES

### REGULATION 08A:

### AIR QUALITY CONTROL PROGRAM FEES

LEGAL CITATION: ECL Sections 3-0301, 72-0201, 72-0302 and 6 NYCRR Parts 480, 481 & 482

#### ABSTRACT OF LAW/REGULATION:

Each person\* required to obtain a Permit to Construct, a Certificate to Operate, an Air Facility Registration, a State Facility Permit or approval pursuant to the State air quality control program must annually submit to NYSDEC a program fee for each air quality control permit, certificate, registration or approval obtained, in amounts indicated in Table 08A-1. If a facility/project/operation can be classified into one or more categories because of multiple types of discharges, the category with the higher fee applies to all discharges.

\*Those required to pay Operating Permit Program fees are exempted from paying fees under this section (see Regulation 08B).

#### DEFINITIONS:

Incinerator means, for the purposes of determining the air quality control program fee, any structure or furnace in which combustion takes place and in which refuse is used as a fuel, alone or in conjunction with fossil fuel.

For additional definitions, see Regulation 06 regarding permits and registrations.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Bonnie M. DeCerce, Bureau of Revenue Accounting

518/402-9343

**TABLE 08A-1**

**AIR CONTAMINATION SOURCES:**

**ANNUAL FEE**

Stationary Combustion Installations (Includes permits, certificates, registrations or approval

obtained for Regulation 16):

Statewide: Heat Input less than 50 million Btu's per hour \$100.00

Statewide: Heat Input equal to or greater than 50 million Btu's per hour \$2,000.00

Process Sources:

Emissions of specific contaminant (Includes permits, certificates, registrations or approval

obtained for Regulations 04A, 06, 11, 12, 15 & 17)

Statewide: Less than 25 tons per year of SO<sub>2</sub>, NO<sub>x</sub>, PM, CO, Voc, other \$160.00

Statewide: Equal to or greater than 25 tons per year of SO<sub>2</sub>, NO<sub>x</sub>, PM, CO, Voc, other \$2,000.00

Incinerators (Includes permits, certificates, registrations or approval obtained for Regulation 10):

Statewide: Less than 2,000 lbs. of refuse per hour \$160.00

Statewide: Equal to or greater than 2,000 lbs. of refuse per hour \$2,000.00

## REGULATORY FEES

### REGULATION 08B QUESTIONS: OPERATING PERMIT PROGRAM FEES FOR STATIONARY AIR CONTAMINATION SOURCES

- (A) Is your facility, project or operation required to submit an Emissions Statement annually to the NYSDEC? (see Regulation 06A)

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Regulation 29.

- (B) If YES, has your facility, project or operation paid the Operating Permit Program Fees based on air contamination/pollution emissions resulting from its operations?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 08B on the Compliance Status Report Form, then proceed to Regulation 29.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 08B on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 29.

## REGULATORY FEES

### **REGULATION 08B: OPERATING PERMIT PROGRAM FEES FOR STATIONARY AIR CONTAMINATION SOURCES**

LEGAL CITATION: ECL 3-0301, 72-0303, 72-0201(12), 19-0311 and 6 NYCRR Part 482.2.

#### ABSTRACT OF LAW/REGULATION:

Part 482.2 establishes the assessment of Operating Permit Program Fees for facilities, projects or operations with major stationary air contamination/pollution sources that are required to report emissions annually, as a result of their operations (see Regulation 06A).

Facilities that meet the requirement for reporting emissions under Part 482.2, must pay a fee which may not exceed \$45.00 per ton, up to 6,000 tons for each regulated air contaminant/pollutant. The fee per ton is calculated annually and published in the Environmental Notice Bulletin pursuant to Section 72-0303 of the ECL. Effective January 1, 1999, the formula for calculating the Operating Permit Program Fees is as follows:

$$(A - L - (S \text{ or } +D)) \div (T \times CR) \leq 45$$

A	=	appropriation for funds allocated to NYSDEC for the Operating Permit Program
L	=	loan/transfer from the Operating Permit Program Account to the Mobile Source Account of the Clean Air Fund
S or D	=	surplus or deficit from previous fiscal year
T	=	total tons of emissions, up to 6,000 tons of each regulated air contaminant, from all affected Title V sources
CR	=	Collection rate for the prior year's fees.

#### APPLICABILITY:

Beginning in 1994, and each year thereafter, fees for the Operating Permit Program will be based on one of the following:

- (1) The facility's, project's or operation's actual emissions during the previous calendar year as demonstrated to NYSDEC's satisfaction (in emission statements - see Regulation 06A); or
- (2) if actual emissions have not been demonstrated to NYSDEC's satisfaction, the facility's, project's or operation's permitted emissions; or
- (3) if there is no permit, the facility's, project's or operation's potential to emit.

#### EXEMPTIONS:

- (1) Operating Permit Program Fees shall not be assessed on emissions of carbon monoxide or any Class I and II substances (see Regulation 06A, Tables 06A-4 and 06A-5).

- (2) Any regulated air contaminant/pollutant that qualifies as, both, a volatile organic compound (VOC) and a hazardous air pollutant (see Regulation 06A, Table 06A-3) shall not be counted under both categories, for the purposes of assessing fees.
- Any regulated air contaminant/pollutant that qualifies as both a particulate and a hazardous air pollutant (see Regulation 06A, Table 06A-3) shall not be counted under both categories for the purpose of assessing fees.

#### DEFINITIONS:

Actual Emissions: The emissions which are emitted to the outside atmosphere, including fugitive emissions (see Definition), if these are considered in determining whether a source is a major air contamination/pollution source.

Air Contamination/Pollution Source: All sources required to obtain a permit, certificate to operate, registration or approval from NYSDEC.

Fugitive Emissions: Releases of air contaminants/pollutants to the outdoor atmosphere that are not emitted through an emission point.

Major Stationary Air Contamination Source: Any stationary source or group of stationary sources (building, structure, facility or installation) within a bordering area, under common control or belonging to a single major industrial facility, that emits or has the potential to emit (considering controls) any of the following:

- (1) 50 tons per year (TPY) of volatile organic compounds or 25 TPY of volatile organic compounds if located in the severe nonattainment area for ozone (New York City Metropolitan Area);
- (2) 100 TPY of nitrogen oxides or 25 TPY of nitrogen oxides if located in the severe nonattainment area for ozone; (see Regulation 06A for Definition)
- (3) 100 TPY of sulfur dioxide, carbon monoxide, particulates, or any other regulated air contaminant; (see Regulation 06A for Definition)
- (4) 10 TPY of any hazardous air contaminant, or 25 TPY of any combination of hazardous air contaminants. (see Regulation 06A for Table)

Operating Permit Program Fees : The establishment of an annual fee charged to major stationary air contamination/pollution sources in compliance with Clean Air Act Amendments of 1990. (See Section 72-0303 ECL)

Permitted Emissions: Those emissions of regulated air contaminants/pollutants, that are authorized, by permit from NYSDEC, to be emitted.

Potential to emit: The maximum ability of an air contamination/pollution source to emit any air contaminant/pollutant by its physical and operation design. Any physical or operational limitation on the ability of the facility or air contamination source to emit any air contaminant (including restrictions on air pollution control equipment, hours of operation, or the type or amount of material combusted, stored or processed) shall be treated as part of the design, only if the limitation is stated in the permit. Fugitive

emissions, to the extent that they are able to be measured, are included in determining the potential to emit.

Regulated Air Contaminant/Pollutants For Purposes of Assessing the OPP Fee:

- (1) oxides of nitrogen (NO<sub>x</sub>);
- (2) volatile organic compounds (VOC); (see Regulation 06, Definitions)
- (3) sulfur dioxide (SO<sub>2</sub>);
- (4) particulates (PM);
- (5) hazardous air pollutants (see Regulation 06A-3).

NYSDEC CONTACT PERSON:

CathyJo Rogers

TELEPHONE NUMBER:

518/402-8451

## REGULATORY FEES

### REGULATION 29 QUESTIONS: WASTE TRANSPORTER PERMIT: REGULATORY FEES

- (A) Did you answer YES to Regulation 28, Question (A) or to Regulation 36, Question (E)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Regulation 31B.

- (B) If YES, did you pay the required fees for the vehicles used to transport regulated waste requiring a permit, as defined in Regulation 28 or Regulation 36?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 29 on the Compliance Status Sheet, then proceed to Regulation 31B.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 29 on the Compliance Status Sheet, update the (or complete a new) NON-Compliance Reporting Sheet, complete a Remedial Plan Form, then proceed to Regulation 31B.



## REGULATORY FEES

### REGULATION 29:                    WASTE TRANSPORTER PERMIT: REGULATORY FEES

LEGAL CITATION: ECL Article 27, Title 3; Title 5; 72-0502 and 6 NYCRR Parts 480, 481 & 484.

#### ABSTRACT OF LAW/REGULATIONS:

The Environmental Regulatory Program requires that annual fees be paid by all transporters required to have a waste transporter permit, in the amount as indicated in Table 29-1.

**TABLE 29-1**

#### **WASTE TRANSPORTER FEES**

<u>Type of Transporter</u>	<u>Annual Fee</u>
<u>Industrial/Commercial Regulated Medical or Low Level Radioactive Waste</u>	
First Vehicle	\$500.00
Each Additional Vehicle	200.00
<u>Septage/Residential Raw Sewage</u>	
First Vehicle	\$250.00
Each Additional Vehicle	100.00

#### Fee Calculation

The permit year is used to calculate the waste transporter fee. Fees to obtain the permit are assessed on an annual basis. If a permit is discontinued during the permit year, the entire annual fee is still due. If modifying a permit by adding an additional vehicle during the permit year, additional fees are calculated by multiplying the annual fee by the number of days remaining in the permit year from the date of issuance, divided by 365.

#### NYSDEC CONTACT PERSON:

#### TELEPHONE NUMBER

Bonnie M. DeCerce, Bureau of Revenue Accounting

518/402-9343

Household Hazardous Waste Information Hotline

1-800/462-6553

Waste Transporter Permit Information:

Dave Vitale, Division of Solid & Hazardous Materials

518/402-8705

## REGULATORY FEES

### REGULATION 31B QUES HAZARDOUS WASTE GENERATOR: REGULATORY FEES

- (A) Did your facility, project or operation generate 15 tons or more of any hazardous waste (See , Regulation 31, Table 31-1 for list of commonly generated hazardous wastes)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 31B blank on the Compliance Status Report Form, then proceed to Regulation 34A.

- (B) If YES, did you pay the required fee(s) during the reporting period? [See Regulation 31B for the fee amounts for each type of facility and/or unit.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 82, then proceed to Regulation 34A.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 31B on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 34A.

## REGULATORY FEES

### **REGULATION 31B: HAZARDOUS WASTE GENERATOR: REGULATORY FEES**

LEGAL CITATION: ECL 27-0923, 72-0402 and 6 NYCRR Parts 480, 481 and 483.

#### ABSTRACT OF LAW/REGULATIONS:

These regulations identify liability for hazardous waste generator program fees, including who must pay and how much, what date is used to determine the fees, how the generator can request a redetermination of the fees, fees related to cleanup, remediation, or corrective action, and fee liability for desired waste. Fees are assessed at the point of generation of the hazardous wastes, and include those hazardous wastes that are to be recycled or treated.

**TABLE 31B-1  
HAZARDOUS WASTE GENERATOR FEE**

<u>ACTIVITY TYPE</u>	<u>ANNUAL FEE</u>
1. For all generators of hazardous waste, per year: (Total quantity of hazardous waste generated)	
From 15 tons to 100 tons	\$1,000.00
From greater than 100 tons to 500 tons	6,000.00
From greater than 500 tons to 1,000 tons	20,000.00
From greater than 1,000 tons	40,000.00
2. For all generators of hazardous wastewater, per year: (In addition to the hazardous waste fee required in Item 1 above)	
Equal to or greater than 15 tons	\$3,000.00

#### EXEMPTIONS:

With certain limitations, no fees are owed for generation of waste during remediation [ECL § 72-0403(1)(f)].

Hazardous wastes used in a closed loop recovery system are exempted towards calculating these hazardous waste fees, however, the hazardous waste special assessment fee may apply.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Bonnie M. DeCerco, Bureau of Revenue Accounting

518/402-9343

## REGULATORY FEES

### REGULATION 34A QUESTIONS: HAZARDOUS WASTE MANAGEMENT FACILITY: REGULATORY FEE

- (A) Did your facility, project or operation construct and/or operate a hazardous waste management treatment, storage or disposal (TSD) facility [see , Regulation 31, Table 31-1 for list of commonly generated hazardous wastes)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "**RANK**" box 34A blank on the Compliance Status Report Form, then proceed to Regulation 44A.

- (B) If YES, did you pay the required fee(s) during the reporting period? [See Regulation 34A for the fee amounts for each type of facility and/or unit.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 34A, then proceed to Regulation 44A.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 34A on the Compliance Status Report Form, complete a "Non-Compliance Report & Remedial Plan" form, then proceed to Regulation 44A.

## REGULATORY FEES

### **REGULATION 34A: HAZARDOUS WASTE MANAGEMENT FACILITY: REGULATORY FEE**

LEGAL CITATION: ECL 27-0923, 72-0402 and 6 NYCRR Part 483

#### ABSTRACT OF LAW/REGULATIONS:

This regulation establishes that Hazardous Waste Treatment, Storage or Disposal (TSD) Facilities and Hazardous Waste Generators are subject to regulatory fees. The fee rates are:

**TABLE 34A-1**

<u>FACILITY OR UNIT</u>	<u>FEE</u>
Facilities, projects or operations that handle less than or equal to 1,000 tons per year.	\$12,000
Facilities, projects or operations that handle greater than 1,000 tons per year.	\$30,000
Surface Impoundments (one or more).	\$24,000
Each Incinerator or Energy Recovery Unit that burns listed hazardous waste.	\$10,000
Non-commercial Hazardous Waste Landfill (one or more).	\$100,000
Commercial Hazardous Waste Landfill (one or more).	\$200,000
Facility, project or operation post-closure care period.	\$3,000
Facility, project or operation clean-closure.	\$12,000
Facility, project or operation that does not receive any waste in a particular year.	\$12,000

NOTE: If certification of closure has not been accepted by the NYSDEC for a given facility, project or operation, the facility, project or operation will be assessed a fee regardless of the lack of any TSD activity.

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

Bonnie M. DeCerce, Bureau of Revenue Accounting

518/402-9343

**REGULATORY FEES**

**REGULATION 44A QUESTIONS:      MINED LAND RECLAMATION: PROGRAM FEE**

(A) Did you answer "YES" to Regulation 44, Question (A)?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, proceed to Regulation 58A.

(B) If YES, have you paid the required mined land reclamation program fee(s) to NYSDEC?

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "**RANK**" box 44A on the Compliance Status Sheet, then proceed to Regulation 58A.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "**RANK**" box 44A on the Compliance Status Sheet, update the (or complete a new) NON-Compliance Reporting Sheet, complete a Remedial Plan Form, then proceed to Regulation 58A.

## REGULATORY FEES

### REGULATION 44A:

### MINED LAND RECLAMATION: PROGRAM FEE

LEGAL CITATION: ECL Section 72-1003.

#### ABSTRACT OF LAW/REGULATION:

All persons required to obtain a permit or approval are subject to this law and/or regulation to mine and must submit to NYSDEC a fee for affected lands as indicated in Table 44A-1.

#### DEFINITIONS:

Persons: Means any individual, public or private corporation, industry, partnership, association, firm, trust, estate or any other legal entity whatsoever.

#### EXEMPTIONS:

County and local governments are not subject to the mined land reclamation program fees. However, all state agencies, public authorities and public benefit corporations are not exempt from paying the fees.

**TABLE 44A-1**

#### AFFECTED LAND

#### ANNUAL FEE

"Minor" Projects **MUST MEET ALL** of the following criteria:

1. Total acreage affected by mining for the entire mining site is less than 5 acres (regardless of the length of the mining period).
2. Total depth of the mine from the floor to the top of the mine face is less than 20 feet.
3. There is no on-site processing of mining products (eg. washing, crushing).
4. There is no mining within 100 feet of any surface waters.
5. There is no mining of consolidated minerals (eg. hard rock, limestone or sandstone).
6. There is no mining within 500 feet of any dwelling.
7. There is no mining below the site's seasonal high water table at the mine site.

\$400.00

Mines greater than 0 acres and up to 5 acres	700.00
Mines greater than 5 acres and up to 10 acres	900.00
Mines greater than 10 acres and up to 20 acres	1,200.00
Mines greater than 20 acres and up to 30 acres	1,500.00
Mines greater than 30 acres	2,000.00

NYSDEC CONTACT PERSON:

TELEPHONE NUMBER

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518/402-9343

## REGULATORY FEES

### **REGULATION 58A QUESTIONS: WASTEWATER DISCHARGE (SPDES): REGULATORY FEE**

- (A) Did you answer "YES" to Question (H) in Regulation 58 or to Question (B) in Regulation 58B?

YES \_\_\_\_\_ NO \_\_\_\_\_

If NO, leave "Rank" box 58A blank. This completes the "Compliance Status Report" form for this facility, project, or operation (f/p/o). All "Non-Compliance Report & Remedial Plan" forms for this f/p/o and the Compliance Status Report form should be forwarded to your agency's contact person.

- (B) Did you pay the required SPDES Program Fees to NYSDEC? [There are NO Exemptions.]

YES \_\_\_\_\_ NO \_\_\_\_\_

If YES, place a "C" in "Rank" box 58A on the "Compliance Status Report" form. This completes the "Compliance Status Report" form for this f/p/o. All "Non-Compliance Report & Remedial Plan" forms for this f/p/o and the "Compliance Status Report" form should be forwarded to your agency's contact person.

If NO, place an "N1", "N2", "N3" or "N4" (according to the priority rank of the violation) in "Rank" box 58A on the "Compliance Status Report" form, complete a "Non-Compliance Report & Remedial Plan" form. This completes the "Compliance Status Report" form for this f/p/o. All "Non-Compliance Report & Remedial Plan" forms for this f/p/o and the "Compliance Status Report" form should be forwarded to your agency's contact person.



## REGULATORY FEES

### **REGULATION 58A: WASTEWATER DISCHARGE (SPDES): REGULATORY FEE**

LEGAL CITATION: ECL Sections 3-0301, 72-0201 & 72-0601, and 6 NYCRR Parts 480, 481 & 485

#### ABSTRACT OF LAW/REGULATIONS:

Each person required to obtain a permit or certificate pursuant to the SPDES program will be annually billed and must submit to the NYSDEC a SPDES permit fee determined as indicated in Table 58A-1. Anyone possessing a SPDES permit to discharge is subject to the fee regardless of whether or not they are discharging. By finding the "Discharge Class Code" on the upper left corner of the first page of the SPDES permit and referencing that code in TABLE 58A-2, you will be able to determine your "Discharge Type."

#### DEFINITIONS:

Municipal facility includes a facility which:

1. is owned by a county, city, town, village, district corporation, improvement district, or designated agency thereof or the NYS-EFC acting pursuant to Subdivision 3 of Section 1285 of the Public Authorities Law;
2. provides wastewater collection and/or treatment to taxable service area(s);
3. treats sewage as defined by ECL Section 17-0105, including raw discharges and combined sewer overflows; or a publicly owned drinking water treatment plant; and
4. is not otherwise defined as an "industrial facility."

P/C/I means a private, commercial or institutional facility which primarily discharges sewage and is not otherwise defined as an industrial facility, a publicly owned treatment works, a power plant, or ballast discharge.

Power plant means any facility which generates electricity using a steam turbine and generator, which may be fueled by coal, oil, natural gas, nuclear energy or other fuel source.

Industrial facility includes a facility whose discharge results primarily from any process of industry, manufacturing, trade or business, or from the development or recovery of any natural resources discharging industrial waste as defined by ECL Section 17-0105.

Person means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association or a State or Federal government and any of its agencies, municipality, commission, political subdivision of a state or any interstate body.

NYSDEC CONTACT PERSONS:

TELEPHONE NUMBER

Bonnie M. DeCerce, Bureau of Revenue Accounting

518/402-9343

**TABLE 58A-1**

<u><b>DISCHARGE TYPE</b></u>	<u><b>ANNUAL FEE</b></u>
<b><u>Private/Commercial/Institutional (P/C/I)</u></b>	
Less than 100,000 gallons per day	\$100.00
Equal to or greater than 100,000 gallons per day	200.00
<b><u>Industrial</u></b>	
Less than 10,000 gallons per day	\$375.00
From 10,000 to 99,999 gallons per day	1,250.00
From 100,00 to 499,999 gallons per day	3,750.00
From 500,000 to 999,999 gallons per day	12,500.00
From 1,000,000 to 9,999,999 gallons per day	18,750.00
Equal to or greater than 10,000,000 gallons per day	37,500.00
<b><u>Power Plants</u></b>	40,000.00
<b><u>Municipal</u></b>	
Less than 200,000 gallons per day	\$375.00
From 200,000 to 999,999 gallons per day	1,875.00
From 1,000,000 to 4,999,999 gallons per day	7,500.00
From 5,000,000 to 39,999,999 gallons per day	15,000.00
Equal to or greater than 40,000,000 gallons per day	37,500.00
<b><u>Ballast</u></b>	
No more than 1,000,000 gallons in a 24 hour period	\$100.00
Excess of 1,000,000 gallons in a 24 hour period	\$500.00
<b><u>SPDES General Permit</u></b>	
Any discharge volume	\$50.00
<b><u>Remedial</u></b>	
Fee not required	\$0.00

**TABLE 58A-2**

<u><b>DISCHARGE CLASS CODE</b></u>	<u><b>DISCHARGE TYPE</b></u>
01	Industrial
02	P/C/I
03	Industrial
04	Industrial
05	Municipal
06	P/C/I
07	Municipal
09	P/C/I
10	Remedial