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NY-CRR
OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK
TITLE 6. DEPARTMENT OF ENVIRONMENTAL CONSERVATION
CHAPTER IV. QUALITY SERVICES
SUBCHAPTER B. SOLID WASTES
PART 362. COMBUSTION, THERMAL TREATMENT, TRANSFER, AND COLLECTION FACILITIES

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(Statutory authority: Environmental Conservation Law, §§ 1-0101, 3-0301, art. 17, titles 3, 5, 7, 8, §§ 19-0301, 19-0303, 19-0306, art. 70, title 1, art. 71, titles 27, 35, 40)

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362-1.1 Applicability.

(a) This Subpart applies to facilities that use combustion to treat solid waste. Facilities regulated by this Subpart include, but are not limited to: mass burn, modular, and fluidized bed combustors; thermal treatment facilities that utilize plasma arc, pyrolysis and gasification; low-temperature thermal desorption units such as thermal strippers and soil roasters; and facilities that combust refuse-derived fuel. The requirements contained in Part 360 of this Title also apply to this Subpart.

(b) This Subpart does not apply to a facility, or a portion of a facility, that receives organic wastes for anaerobic digestion. That type of facility, or portion of one, is regulated under Subpart 361-3 of this Title.

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6 CRR-NY 362-1.2

6 CRR-NY 362-1.2

362-1.2 Exempt facilities.

The following facilities are exempt from this Subpart:

(a) A combustion facility located at and operated by staff of a hospital, residential health care facility, diagnostic treatment center, or clinical laboratory regulated under 10 NYCRR Part 70 that treats regulated medical waste generated on-site. The facility can also accept regulated medical waste from a small quantity generator as defined in Public Health Law, if:

(1) the small quantity generator self-transports to the facility in accordance with Parts 364 and 365 of this Title; and

(2) the combustion facility and the small quantity generator enter into a written agreement prior to receipt of waste, copies of which are submitted to the department.

(b) Animal crematories, except those that accept regulated medical waste, regulated pursuant to Part 219 of this Title.

(c) A facility that combusts an alternative fuel authorized by the department pursuant to 6 NYCRR Part 212 or 227.

6 CRR-NY 362-1.2

6 CRR-NY 362-1.3

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362-1.3 Registered facilities.

Unless otherwise exempt, facilities of the following types are subject to the registration provision of section 360.15 of this Title. Each facility identified in this section must obtain a registration from the department and comply with Part 360 of this Title and the following operational requirements:

(a) a facility that combusts or thermally treats waste tires, where:

(1) the process feedrate does not exceed ten tons per day;

(2) the amount of waste tires stored at the facility does not exceed 100 tons at any time;

(3) waste tires are stored in an enclosed building, enclosed trailers, or other enclosed portable containers;

(4) sufficient water is available on-site to provide moisture to the piles or douse fires;

(5) documentation is available at the facility that demonstrates that storage configuration and fire prevention and protection systems comply with State and local building and fire codes; and

(6) the facility maintains financial assurance in an amount sufficient to cover the costs of closure of the facility in compliance with sections 360.21 and 360.22 of this Title;

(b) a facility that combusts or thermally treats uncontaminated, unadulterated wood, where:

(1) the process feedrate does not exceed 1,400 tons per day;

(2) the amount of uncontaminated, unadulterated wood stored at the facility does not exceed 8,400 tons at any time;

(3) material does not remain on-site unprocessed for more than 12 months;

(4) all piles of material that contain unprocessed material or material that has gone through a primary rough grind (4 to 6 inch pieces) do not exceed 25 feet high and 30 feet wide at the base and piles are triangular in cross section. Primary grind material is not stored for more than 180 days;

(5) for all piles of material that contain only unprocessed material or material that has gone through a primary rough grind (4 to 6 inch pieces) the temperature in the piles is monitored in any areas that appear to be vents, areas of fungal growth, or any other areas that appear to be heating rapidly. Probing is done cautiously to avoid introducing air into a hot spot and causing a flash fire. If the temperature is above 140° F or a portion of the pile shows an increasing trend in temperature, the affected material is immediately broken down and cooled;

(6) all piles of material, both unprocessed and processed, are separated by at least 10 feet;

(7) piles of processed wood are restacked as necessary to avoid temperatures above 140° F, piles, other than those for double or finely ground wood, are restacked at least once every 180 days;

(8) restacking of piles occurs when winds are blowing away from sensitive receptors;

(9) piles of processed material are piled loosely and not compacted in any manner;

(10) if a fire occurs, the affected portion of the pile is dismantled and watered to douse the fire or managed in a manner recommended by a local fire department;

(11) standing water on the storage area is minimized;

(12) the following buffer areas from processing and storage are followed:

200 feet to a potable water well or surface water body;

25 feet to a property line;

200 feet to a residence;

(c) a facility that combusts or thermally treats used cooking oil or yellow grease, where:

(1) the process feedrate does not exceed 1,000 gallons per day;

(2) on-site storage of used cooking oil and yellow grease does not exceed 500,000 gallons;

(3) a secondary containment system is in place for all storage of unprocessed and processed used cooking oil and yellow grease. The secondary containment system must be at least 110 percent of the volume of the largest tank or the total volume of all interconnected tanks, whichever is greater. All storage devices must have an overfill prevention system;

(4) documentation is available at the facility that fire prevention and protection systems comply with State and local building and fire codes; and

(5) the facility maintains and follows an operation and maintenance plan that includes at a minimum:

(i) procedures to ensure that no unauthorized waste, including brown grease, is received at the facility or, if received, is removed for appropriate treatment and disposal within five days of receipt, unless otherwise authorized by the department in writing;

(ii) inventory procedures to ensure that no unprocessed oil or grease is stored at the facility for more than 30 days, no processed oil or grease is stored longer than 12 months, and no residue is stored longer than 7 days;

(iii) monthly vector inspection and appropriate mitigation;

(iv) procedures for spill prevention and for appropriate management of spills that may occur; and

(v) procedures for the appropriate disposition of wastewater and any waste generated by processing;

(d) a facility that stores, prior to combustion, an alternative fuel authorized by the department pursuant to 6 NYCRR Part 212 or 227, where the alternative fuel is stored in an enclosed building, enclosed trailers, or other enclosed portable containers.

6 CRR-NY 362-1.3

6 CRR-NY 362-1.4

6 CRR-NY 362-1.4

362-1.4 Permit application requirements.

A combustion or other thermal treatment facility that is not an exempt facility or subject to the registration provisions of section 362-1.3 of this Subpart must obtain a permit and must submit

an application that includes the requirements identified in section 360.16 of this Title, a description of how the facility will comply with the operating requirements in Part 360 of this Title, sections 362-1.5 and 362-1.6 of this Subpart, and the following:

(a) An engineering report that includes:

(1) a summary of utility requirements, including estimates of:

(i) the type, quantity, and method of storage of fuels or other process materials stored on-site;

(ii) the pressure, temperature, and pounds per hour of all steam to be generated and used at the facility;

(iii) the total electric power to be consumed and generated at the facility in kilowatt-hours; and

(iv) the total water to be used for cooling, quench, sanitary and processing needs, including the amount which is, or can be, recycled or treated.

(b) A waste control plan that must include, in addition to the requirements of section 360.16(d)(4) of this Title, the following:

(1) a program for detecting and preventing the receipt of hazardous wastes at the facility. This program must include, but not be limited to:

(i) random inspections of incoming loads;

(ii) inspections of suspicious loads;

(iii) records of inspections;

(iv) procedures for notifying the proper authorities if a regulated hazardous waste is discovered in a load; and

(v) procedures for proper management of discovered regulated hazardous waste; and

(2) identification of each receiving facility to be used for the disposal of bypass waste.

(c) A residue management plan that includes:

(1) a description of the generation, handling, storage, transportation, treatment, and disposal or use of residue as described in section 362-1.5(d) of this Subpart;

(2) a description of the methods, equipment, and structures necessary to prevent the uncontrolled dispersion of residue, considering potential pathways of human or environmental exposure including, but not limited to, inhalation, direct contact, and potential for groundwater and surface water contamination;

(3) an estimate of the quantity of residues including, but not limited to, bottom ash, fly ash, and slag, generated from the facility on a daily basis. This estimate must identify and quantify the potential of each residue stream to be segregated for beneficial use in accordance with section 360.12 of this Title. Market arrangements for beneficial use of residues must also be included, if any;

(4) a residue sampling and analysis plan. This plan must identify both the sample collection protocol that will be used to obtain a representative sample of the residue and the analytical protocols to be used. The sampling and analysis plan must include procedures and techniques for:

(i) sample collection;

(ii) sample preservation and shipment;

(iii) determining if the residue exhibits a toxic characteristic for arsenic, barium, cadmium, chromium, lead, mercury, selenium, and silver upon exposure to acid liquids;

(iv) analysis of the total content of arsenic, barium, beryllium, cadmium, chromium (total and hexavalent), copper, lead, mercury, nickel, silver, zinc, calcium, iron, aluminum, chloride, sulfate, and any other parameters determined by the department to be necessary;

(v) chain of custody control; and

(vi) assuring consistency and quality in laboratory procedures and results.

(d) A radioactive waste detection plan.

The plan must include procedures for detecting radioactive material; operation and maintenance plans for radiation detectors including investigation alarm setpoint settings and calibration methods; and response procedures to be implemented when radioactive waste is detected as required by section 362-1.5(b)(7) of this Subpart.

6 CRR-NY 362-1.4

6 CRR-NY 362-1.5

6 CRR-NY 362-1.5

362-1.5 Design and operating requirements.

A facility required to obtain a permit under this Subpart must, in addition to the requirements identified in section 360.19 of this Title, design, construct, maintain, and operate the facility in compliance with the following:

(a) Combustors that treat municipal solid waste must include power generation equipment, such as steam turbines, or other energy recovery equipment which must be installed and must be operated while the facility is in operation, except during routine maintenance and unexpected downtime events.

(b) Waste receipt and storage.

(1) The facility must only receive and treat waste in accordance with the facility's approved waste control plan submitted in accordance with section 360.16(c)(4) of this Title.

(2) A minimum of one random inspection of a waste delivery vehicle per operating day for unauthorized waste must be performed. A daily log of these inspections must be maintained.

(3) All waste delivered to the facility must be processed and contained within a completely enclosed structure. All waste stored must be contained within a completely enclosed structure or building that provides a minimum of three days storage capacity. In no case can the waste stored at the facility exceed the capacity of the waste storage bunker or the department-approved storage area of the tipping floor.

(4) External storage of putrescible waste is prohibited. Nonputrescible recyclables or oversized, bulky, or excluded waste can be temporarily stored outside the facility in covered containers for a period not to exceed 10 calendar days.

(5) Except for facilities that process only nonputrescible waste, the waste storage area and tipping area must maintain a negative air pressure, compared to atmospheric conditions, when the facility is in operation.

(6) All rejected, oversized, bulky, excluded, untreatable, or bypass waste that is not recyclable must be disposed of at an authorized facility.

(7) Radioactive waste detection procedures and requirements. A facility that accepts wastes other than source-separated recyclables must meet the following requirements:

(i) A fixed radiation detection unit must be installed and operated at a location appropriate for the monitoring of all incoming waste.

(ii) The concentration of radium-226 in any waste treated at the facility cannot exceed 25 pCi/g however waste which triggers the radiation detector can be accepted and evaluated according to the facility's waste control plan in order to determine whether or not the waste may be accepted at the facility.

(iii) The investigation alarm setpoint of the radiation detector must be set at least two times, but no greater than five times, site background radiation levels.

(iv) Background radiation readings at the facility must be measured and recorded at least daily.

(v) Field checks of the radiation detector utilizing a known radiation source must be performed and recorded at least weekly.

(vi) The radiation detector must be calibrated at least annually or more often as recommended by the manufacturer, and documentation describing the calibration must be maintained at the facility.

(vii) Each instance in which the radiation detector is triggered by a waste load must be documented and reported to the department within 24 hours. Recorded information must include the date the waste was received, transporter name, origin of the waste, truck number or other identifying marking, detector reading, disposition of the waste, and date of disposition.

(8) Source-separated recyclables, source-separated household hazardous waste, source-separated electronic wastes, source-separated rechargeable batteries, source-separated mercury-containing products, and other source-separated items that are subject to legislatively enacted product stewardship programs in New York State must not be accepted for treatment, except at facilities that are approved by the department to accept only source-separated recyclables as feedstocks. Facilities must not accept source-separated recyclables as feedstock unless, at the time of permitting, that feedstock has no recycling market as determined by the department. Viability of recycling markets will be evaluated at the time of each permit renewal.

(9) Regulated medical waste or source-separated pharmaceutical waste can only be accepted if it is:

(i) handled separately from other waste received;

(ii) handled in a manner that ensures that the integrity of the container in which the waste is received is maintained until combustion;

(iii) identified in the facility's waste control plan; and

(iv) unloaded directly into the combustion or other thermal treatment unit, except source-separated pharmaceutical wastes which can be mixed with other wastes on the tipping floor.

(c) Residue sampling and analysis.

(1) The owner or operator of the facility must separately test individual residue streams unless the residue streams are combined for disposal.

(2) Toxicity characteristic testing requirements.

(i) Residue must be tested for toxicity characteristic using the toxic characteristic leaching procedure found in *EPA Method 1311 of Test Methods for Evaluating Solid Waste, Physical/Chemical Methods*, as incorporated by reference in section 360.3 of this Title. The details of the sample collection, analytical parameters, and data deliverables must be described in a site-specific sampling and analysis plan as described in section 362-1.4(c)(4) of this Subpart.

(ii) Testing must begin within one month after the commencement of operation and must be conducted biannually. Tests much be conducted at least four, but no more than eight, months apart.

(iii) After a minimum of four sampling rounds, a facility can petition the department to reduce the frequency of testing required under this paragraph. Frequency of testing will not be reduced to less than one sampling round every five years.

(3) Total metals testing requirements.

(i) Residue must be tested for the total content of arsenic, barium, beryllium, cadmium, chromium (total and hexavalent), copper, lead, mercury, nickel, silver, zinc, calcium, iron, aluminum, chloride, sulfate, and any other parameters determined by the department to be necessary. The details of the sample collection, analytical parameters, and data deliverables must be described in a site-specific sampling and analysis plan as described in section 362-1.4(c)(4) of this Subpart.

(ii) Testing must begin within one month following the commencement of operation, and must continue at six-month intervals.

(iii) After a minimum of four sampling rounds, a facility can petition the department to reduce the frequency of testing required under this paragraph. Frequency of testing will not be reduced to less than one sampling round every five years.

(d) Residue management.

(1) Sufficient residue storage capacity must be provided at the facility to ensure facility operations continue during short-term interruptions of residue transportation and/or disposal.

(2) Residue stored at the facility must not exceed the equivalent of seven times the daily design output.

(3) Residue stored in a pile must be placed within an enclosed building on an impermeable base. A run off management system must be provided to collect and control the free liquid that drains from the residue.

(4) Containers storing residue can only be stored outside of a building or enclosed structure if the container is covered.

(5) Residue must be drained of free liquid prior to transport.

(6) Residues must not cause dust to be generated during storage, loading, transport, and unloading.

(7) Transport vehicles must be enclosed or covered when leaving the facility.

(8) Any use of residues in landfill applications such as alternative operating cover, temporary or permanent roads, final cover, final grading, or for use as a building or construction material must comply with section 363-6.21 of this Title.

(9) Petitions for the proposed beneficial use of residue must be submitted in accordance with section 360.12 of this Title.

(e) Training and operator certification.

(1) The operation of a combustor subject to the requirements of this Subpart, which treats municipal solid waste, must be directed by a person certified through a certification program acceptable to the department.

(2) Staff training related to radiation detection system operating procedures and radiation investigation alarm response procedures must be conducted at least annually.

(f) The facility must maintain financial assurance in an amount sufficient to cover the cost of closure of the facility as specified by sections 360.21 and 360.22 of this Title.

6 CRR-NY 362-1.5

6 CRR-NY 362-1.6

6 CRR-NY 362-1.6

362-1.6 Recordkeeping and reporting requirements.

(a) In addition to the recordkeeping requirements of section 360.19(k) of this Title, combustors and thermal treatment facility records must include records associated with the radioactive waste detection plan required by section 362-1.5(b)(7) of this Subpart.

(b) The facility must submit an annual report as required by section 360.19(k)(3) of this Title.

6 CRR-NY 362-1.6

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SUBCHAPTER B. SOLID WASTES

PART 362. COMBUSTION, THERMAL TREATMENT, TRANSFER, AND COLLECTION FACILITIES

SUBPART 362-2. MUNICIPAL SOLID WASTE PROCESSING FACILITIES

6 CRR-NY IV B 362 362-2 Notes

6 CRR-NY IV B 362 362-2 Notes

6 CRR-NY 362-2.1

6 CRR-NY 362-2.1

362-2.1 Applicability.

In addition to Part 360 of this Title, this Subpart applies to facilities that perform post-collection separation and/or processing of municipal solid waste to recover recyclables or to produce a refuse-derived fuel. Post-collection separation does not satisfy the source-separation requirements of General Municipal Law section 120-aa or local recycling laws or ordinances.

6 CRR-NY 362-2.1

6 CRR-NY 362-2.2

6 CRR-NY 362-2.2

362-2.2 Permit application requirements.

Any facility that performs post-collection separation and/or processing of municipal solid waste (MSW) to recover recyclables or to produce a refuse-derived fuel must obtain a permit from the department and must submit an application that includes the requirements identified in section 360.16 of this Title, a description of how the facility will comply with the operating requirements of section 360.19 of this Title, sections 362-2.3 and 362-2.4 of this Subpart, and the following:

(a) A waste control plan that includes:

(1) a program for detecting and preventing the receipt of hazardous wastes at the facility. This program must include, but not be limited to:

(i) random inspections of incoming loads;

(ii) inspections of suspicious loads;

(iii) records of inspections;

(iv) procedures for notifying department staff if a hazardous waste is discovered in a load; and

(v) procedures for proper management of discovered hazardous waste.

(b) A radioactive waste detection plan.

The plan must include procedures for detecting radioactive material; operation and maintenance documents for radiation detectors, including investigation alarm setpoint settings and calibration methods; and response procedures to be implemented when radioactive waste is detected as required by section 362-2.3(d) of this Subpart.

(c) A description of market arrangements for the final disposition of materials generated from the facility, including refuse-derived fuel or other products.

6 CRR-NY 362-2.2

6 CRR-NY 362-2.3

6 CRR-NY 362-2.3

362-2.3 Design and operating requirements.

A facility required to obtain a permit under this Subpart must, in addition to the requirements identified in Part 360 of this Title, design, construct, maintain, and operate the facility in compliance with the following criteria:

(a) The facility must accept and process only MSW.

(b) Source-separated recyclables, source-separated household hazardous waste, source-separated electronic waste, source-separated rechargeable batteries, source-separated mercury-containing products, and other source-separated items that are subject to legislatively enacted stewardship programs in the State must not be accepted for treatment, except at facilities that are approved by the department to accept only source-separated recyclables as feedstocks. Facilities must not accept source-separated recyclables as feedstock unless, at the time of permitting, that feedstock has no recycling market as determined by the department. Viability of recycling markets will be evaluated at the time of each permit renewal.

(c) Friable asbestos-containing waste must not be accepted at the facility.

(d) Radioactive waste detection procedures and requirements.

(1) A fixed radiation detection unit must be installed and operated at a location appropriate for the monitoring of all incoming waste.

(2) The concentration of radium-226 in any waste treated at the facility must not exceed 25 pCi/g however waste which triggers the radiation detector can be accepted and evaluated according to

the facility's waste control plan in order to determine whether or not the waste may be accepted at the facility.

(3) The investigation alarm setpoint of the radiation detector must be set at least two times, but no greater than five times, site background radiation levels.

(4) Background radiation readings at the facility must be measured and recorded at least daily.

(5) Field checks of the radiation detector utilizing a known radiation source must be performed and recorded at least weekly.

(6) The radiation detector must be calibrated at least annually or more often as recommended by the manufacturer, and documentation describing the calibration must be maintained at the facility.

(7) Each instance in which the radiation detector is triggered by a waste load must be documented and reported to the department within 24 hours. Recorded information must include the date the waste was received, transporter name, origin of the waste, truck number or other identifying marking, detector reading, disposition of the waste, and date of disposition.

(8) Staff training related to radiation detection system operating procedures and radiation investigation alarm response procedures must be conducted at least annually.

(e) All tipping, sorting, processing, compaction, storage, and related activities must be conducted in an enclosed building with adequate odor controls, provided, however, that nonputrescible waste or processed recyclables can be stored in outdoor areas in closed containers or covered trailers in accordance with subdivisions (h)-(j) of this section.

(f) The processing, storage, loading, and unloading areas must be constructed of concrete or asphalt paving material and equipped with adequate drainage structures that are directed to enclosed tanks that meet the requirements of section 360.19(n) of this Title or a sanitary sewer system.

(g) The area designated for unloading of all incoming loads (tipping floor) must be cleaned at the end of each operating day unless otherwise approved by the department.

(h) Refuse-derived fuels and processed recyclables must be stored separately and maintained in a manner that ensures marketability is not adversely affected.

(i) No waste can be stored unprocessed for more than three calendar days. All residue or refuse-derived fuel must be removed from the facility whenever storage capacity is reached or within three calendar days of processing, whichever comes first.

(j) Processed recyclables can be stored for a maximum of 60 calendar days unless the following criteria are satisfied to justify a longer storage period, though in no case can the storage period exceed 180 calendar days:

(1) there is a demonstrated need to store for a longer period, such as a market agreement with terms of receipt based on greater than 60-day intervals or volumes that can take longer than 60 days to acquire;

(2) the facility has sufficient storage area to accommodate the amount of waste that will accumulate during the extended storage period;

(3) the facility implements an inventory control system, including daily logs, to ensure that the processed recyclables do not remain at the facility for longer than the period approved; and

(4) the facility notifies the department of their proposal to store processed recyclables for greater than 60 days and includes justification based on the requirements of this subdivision and obtains approval from the department.

(k) The facility maintains financial assurance in an amount sufficient to cover the cost of closure of the facility as specified by sections 360.21 and 360.22 of this Title.

6 CRR-NY 362-2.3

6 CRR-NY 362-2.4

6 CRR-NY 362-2.4

362-2.4 Recordkeeping and reporting requirements.

(a) In addition to the recordkeeping requirements of section 360.19(k) of this Title, municipal solid waste processing facilities must maintain records of its radioactive waste detection procedures required by section 362-2.3(d) of this Subpart.

(b) Facilities regulated under this Subpart must submit an annual report in conformance with section 360.19(k)(3) of this Title.

6 CRR-NY 362-2.4

6 CRR-NY IV B 362 362-3 Notes

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SUBPART 362-3. TRANSFER FACILITIES

6 CRR-NY IV B 362 362-3 Notes

6 CRR-NY IV B 362 362-3 Notes

6 CRR-NY 362-3.1

6 CRR-NY 362-3.1

362-3.1 Applicability.

In addition to Part 360 of this Title, this Subpart applies to facilities that receive solid waste for the purpose of subsequent transfer to another facility for further processing, treatment, transfer, or disposal. In addition to Part 360 of this Title, and this Subpart, facilities that process and separate construction and demolition debris are also regulated by Subpart 361-5 of this Title.

6 CRR-NY 362-3.1

6 CRR-NY 362-3.2

6 CRR-NY 362-3.2

362-3.2 Exempt facilities.

The following facilities are exempt from this Subpart. Nothing in this section exempts facilities that are subject to permit or registration requirements under another Subpart of this Title.

(a) A facility where waste is transferred from vehicle to vehicle, including truck to train and truck to barge, for shipment to another authorized facility, provided the following criteria are met:

(1) the transfer facility only accepts waste from transporters that are under its ownership or control;

(2) the waste is in rigid, leak-proof, closed containers;

(3) the containers are not placed on the ground at any time during transfer; and

(4) the contents of each container remain in the closed container during all operations.

(b) A transfer facility that is owned or operated by a municipality, or contracted by or on behalf of a municipality that accepts no more than 20 cubic yards of waste per day, for the purpose of shipment to another authorized facility, provided the following criteria are met:

(1) only residential waste is accepted at the facility;

(2) the transfer location and all vehicles are owned or leased by the municipality or a contractor working on behalf of the municipality;

(3) the waste is not placed on the ground at any time during the transfer;

(4) all putrescible waste is removed from the facility once a container is full or at least once every seven days, whichever occurs first;

(5) the waste is stored in rigid leak-proof containers and covered at the end of the operating day;

(6) the municipality provides for the collection of source-separated recyclables at the facility;

(7) waste received separately for recycling must be stored separately by waste type. Nonputrescible recyclables can be stored for up to 90 calendar days;

(8) all waste is transferred manually from incoming vehicles to the waste containers; and

(9) the facility accepts waste only when an attendant is on duty.

(c) A transfer facility that accepts no more than five cubic yards of source-separated organic waste per day for shipment to an authorized transfer or treatment facility, provided the following criteria are met:

(1) the organic waste is not placed on the ground at any time during the transfer;

(2) all organic waste is removed from the facility on the day accepted or by the end of the next business day; and

(3) the organic waste is stored in rigid, leak-proof containers and covered at the end of the operating day.

(d) Take back sites, which for purposes of this Subpart, means sites at retail or wholesale locations that are used for collection of materials similar in nature to those sold or distributed by the retailer or wholesaler.

6 CRR-NY 362-3.2

6 CRR-NY 362-3.3

6 CRR-NY 362-3.3

362-3.3 Registered facilities.

The following facilities that are not otherwise exempt from this Subpart, are subject to the registration provisions of section 360.15 of this Title. Each facility must comply with the operational criteria provided in Part 360 of this Title, section 362-3.5(a) of this Subpart and the operational requirements identified below.

(a) A transfer facility that is owned or operated by a municipality, or contracted by or on behalf of a municipality, and receives less than 50 tons of waste per day, provided the following conditions are satisfied:

(1) a maximum of 250 tons or 1,000 cubic yards of waste, excluding source-separated recyclables, is located at the facility at any given time;

(2) all putrescible waste is removed from the facility once a container is full or at least once every seven days, whichever occurs first, and all nonputrescible non-recyclable waste is removed within 30 calendar days of receipt;

(3) the facility accepts waste only when an attendant is on duty; and

(4) the municipality provides for the collection of source-separated recyclables at the facility and is authorized as a recyclables handling and recovery facility to accept source-separated recyclables under Subpart 361-1 of this Title. Waste received separately for recycling must be stored separately by type. Nonputrescible recyclables can be stored for up to 180 calendar days.

6 CRR-NY 362-3.3

6 CRR-NY 362-3.4

6 CRR-NY 362-3.4

362-3.4 Permit application requirements.

A transfer facility that is not an exempt facility or subject to the registration provisions of section 362-3.3 of this Subpart must obtain a permit, and must submit an application that includes the requirements identified in section 360.16 of this Title and a description of how the facility will comply with the operating requirements of section 360.19 of this Title, sections 362-3.5 and 362-3.6 of this Subpart, and the following:

(a) A radioactive waste detection plan.

If a radiation detection unit is required at the facility pursuant to section 362-3.5(e) of this Subpart, a radioactive waste detection plan must be provided that describes the procedures and equipment that will be used to demonstrate compliance with requirements for detecting radioactive material; operation and maintenance documents for radiation detectors including investigation alarm setpoint settings and calibration methods; and response procedures to be

implemented when radioactive waste is detected as required by section 362-3.5(e) of this Subpart.

(b) A program for detecting and preventing the receipt of hazardous wastes at the facility.

This program must include, but not be limited to:

(1) random inspections of incoming loads;

(2) inspections of suspicious loads;

(3) records of inspections;

(4) procedures for notifying the proper authorities if a hazardous waste is discovered in a load; and

(5) procedures for proper management of discovered hazardous waste.

6 CRR-NY 362-3.4

6 CRR-NY 362-3.5

6 CRR-NY 362-3.5

362-3.5 Design and operating requirements.

A facility required to obtain a permit under this Subpart must, in addition to the requirements identified in Part 360 of this Title, design, construct, maintain, and operate the facility in compliance with the following criteria:

(a) Source-separated recyclables, source-separated household hazardous waste, source-separated electronic wastes, source-separated rechargeable batteries, source-separated mercury-containing products, and other source-separated items that are subject to legislatively enacted product stewardship programs in New York State must not be accepted by the facility. Source-separated recyclables must only be accepted if the facility is also authorized as a recyclables handling and recovery facility under Subpart 361-1 of this Title.

(b) All tipping, sorting, processing, compaction, storage, loading, and related activities, which the exception of those at residential drop-off locations for non-commercial customers, must be conducted in an enclosed building with adequate odor controls to effectively control off-site nuisances. Nonputrescible waste may be stored in outdoor areas if it is stored in closed containers or covered trailers.

(c) The processing, storage, loading, and unloading areas must be constructed of concrete or asphalt paving material and must be equipped with adequate drainage structures that are directed

to enclosed tanks that meet the requirements of section 360.19(n) of this Title or a sanitary sewer system.

(d) The tipping floor must be cleaned at the end of each operating day unless otherwise determined by the department.

(e) Radioactive waste detection procedures and requirements.

Permitted transfer facilities from which MSW or drilling and production waste is transported out of state must meet the following requirements:

(1) A fixed radiation detection unit must be installed and operated at a location appropriate for the monitoring of all incoming waste.

(2) The investigation alarm set point of the radiation detector must be set at least two times, but no greater than five times, facility background radiation levels.

(3) Background radiation readings at the facility must be measured and recorded at least daily.

(4) Field checks of the radiation detector utilizing a known radiation source must be performed and recorded at least weekly.

(5) The radiation detector must be calibrated at least annually or more often as recommended by the manufacturer, and documentation describing the calibration must be maintained at the facility.

(6) Each instance in which the radiation detector is triggered by a waste load must be documented and reported to the department within 24 hours. Recorded information must include the date the waste was received, transporter name, origin of the waste, truck number or other identifying marking, detector reading, disposition of the waste, and date of disposition.

(7) Training related to radiation detection system operating procedures and radiation investigation alarm response procedures must be conducted at least annually.

(f) All putrescible waste must be removed from the transfer facility by the end of the next business day after the transfer container becomes full or within seven calendar days of receipt, whichever comes first.

(g) Any friable asbestos-containing waste accepted at the facility must be managed in accordance with the facility’s waste control plan. At a minimum, the following procedures must be satisfied:

(1) friable asbestos-containing waste accepted at the facility must be labeled in accordance with 40 CFR part 61, subparts A and M, as incorporated by reference in section 360.3 of this Title;

(2) all transfer of friable asbestos-containing waste must be conducted in an enclosed structure equipped with systems to minimize the discharge of asbestos to the environment using the best available control technology (BACT) as defined in section 200.1(i) of this Title; and

(3) no compaction of friable asbestos-containing waste at a facility is allowed.

(h) All waste delivered to and leaving the facility, with the exception of wastes delivered by non-commercial vehicles to residential drop-off areas, must be weighed and recorded in tons.

(i) A permitted facility must maintain financial assurance in an amount sufficient to cover the cost of closure of the facility as specified by section 360.22 of this Title.

6 CRR-NY 362-3.5

6 CRR-NY 362-3.6

6 CRR-NY 362-3.6

362-3.6 Recordkeeping and reporting requirements.

(a) In addition to the recordkeeping requirements of section 360.19(k) of this Title, transfer facility records must include records associated with the radioactive waste detection procedures required by section 362-3.5(e) of this Subpart, if applicable.

(b) Transfer facilities registered or permitted pursuant to this Subpart must submit an annual report in conformance with section 360.19(k)(3) of this Title.

6 CRR-NY 362-3.6

6 CRR-NY IV B 362 362-4 Notes

NY-CRR

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK

TITLE 6. DEPARTMENT OF ENVIRONMENTAL CONSERVATION

CHAPTER IV. QUALITY SERVICES

SUBCHAPTER B. SOLID WASTES

PART 362. COMBUSTION, THERMAL TREATMENT, TRANSFER, AND COLLECTION FACILITIES

SUBPART 362-4. HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITIES AND EVENTS

6 CRR-NY IV B 362 362-4 Notes

6 CRR-NY IV B 362 362-4 Notes

6 CRR-NY 362-4.1

6 CRR-NY 362-4.1

362-4.1 Applicability.

This Subpart applies to the collection, storage and disposal of household hazardous waste (HHW) and hazardous wastes from conditionally exempt small quantity generators (CESQGs) as defined in Part 371 of this Title, managed at HHW collection facilities or HHW collection events. The requirements contained in Part 360 of this Title also apply to this Subpart.

6 CRR-NY 362-4.1

6 CRR-NY 362-4.2

6 CRR-NY 362-4.2

362-4.2 Registered HHW events.

The following events are subject to the registration provisions of section 360.15 of this Title. Each facility or collection event must comply with the criteria outlined in this section, section 360.19 of this Title and section 362-4.5 of this Subpart. For purposes of this Subpart, registrations are valid for no more than one year.

(a) HHW collection events.

All HHW collection events must obtain a registration pursuant to section 360.15 of this Title and must comply with section 362-4.5 of this Subpart and the following criteria:

(1) events must be held for no more than 24 days within a calendar year and for no more than 2 consecutive days;

(2) the program sponsor must notify the regional office in the region in which the collection event will take place at least 30 days before collection is initiated;

(3) the program sponsor must complete a collection event plan, which must be available while the collection event takes place. The collection event plan must include:

(i) the procedures that will be used to ensure that all collected waste comes from households or CESQGs only;

(ii) waste determination, handling, and packaging procedures, including segregation of wastes based on their chemical and physical properties, proper packaging, labeling, manifesting, and preparation of the waste for shipment;

(iii) identification of the individuals who will be present during collection hours to implement the procedures identified in subparagraph (ii) of this paragraph and their qualifications;

(iv) a spill prevention and control plan;

(v) a collection event-specific emergency response plan;

(vi) a security plan; and

(vii) the identification of the waste transporter and the facility or facilities that will receive the waste;

(4) for HHW and CESQG waste:

(i) all waste must be removed from the collection site within three calendar days of collection, and the collection event location must be returned to its original condition at the end of the collection event;

(ii) all waste must be transported from the collection site by a transporter permitted to transport hazardous waste under Part 364 of this Title;

(iii) all wastes must be properly packaged to prevent reactions, spills or leaks and must be labeled as “Household Hazardous Waste” or “CESQG Waste”, as applicable;

(iv) the transportation of collection event waste must be accompanied by shipping documents or manifests. The identity of the program sponsor, the date(s) of collection, the intended receiving facility, the volume, the waste type, and the hazard class of the waste must be listed on the shipping document; and

(v) all HHW and CESQG waste from the collection event must either be reused or be managed as hazardous waste at a facility properly permitted or authorized to accept hazardous waste.

(b) Registrations issued pursuant to this Subpart are valid for one year from the date of issuance.

6 CRR-NY 362-4.2

6 CRR-NY 362-4.3

6 CRR-NY 362-4.3

362-4.3 Permit application requirements.

A HHW collection facility, which does not qualify for a registration under section 362-4.2 of this Subpart, must obtain a permit, and must submit an application that includes the application requirements identified in section 360.16 of this Title, and a description of how the facility will comply with the operating requirements in section 360.19 of this Title and sections 362-4.4 and 362-4.5 of this Subpart, and must include the following:

(a) A description of the HHW collection facility's operation and, if applicable, satellite collection events, including:

(1) the days and hours of operation;

(2) a projection of the volume, by waste type, expected at the facility;

(3) the location of all satellite collection events associated with the facility; and

(4) a description of the waste containment system.

(b) A site plan that provides:

(1) the proposed traffic flow into and exiting the facility and the location of all satellite collection events;

(2) the location of waste handling and storage areas, identifying the specific waste types to be managed in each area; and

(3) the location of all emergency and spill cleanup equipment.

(c) A waste control plan that identifies the measures used to restrict receipt of the waste from ineligible generators and unacceptable waste types, as well as actions taken if these generators or materials are identified.

(d) A security plan that identifies all entrances and exits and the means to control access to the portions of the facility where HHW is managed and the location of all satellite collection events.

(e) An emergency response plan as described in section 360.16(c)(4)(iv) of this Title that is designed to minimize the risk from spills, fires, explosions, or any unplanned release of waste or hazardous materials to the air, soil or surface water.

6 CRR-NY 362-4.3

6 CRR-NY 362-4.4

6 CRR-NY 362-4.4

362-4.4 Design and operating requirements.

A facility required to obtain a permit under this Subpart must, in addition to the requirements identified in Part 360.19 of this Title, design, construct, maintain, and operate the facility in compliance with the following criteria for HHW and CESQG waste. HHW collected that does not qualify as either type of waste must be disposed as solid waste.

(a) The facility must be equipped with the following:

(1) an internal communication or alarm system;

(2) a communication device capable of summoning emergency assistance or emergency response;

(3) decontamination equipment; and

(4) fire suppression equipment.

(b) The following container criteria must be complied with:

(1) only containers of suitable structural integrity can be used to store waste;

(2) only containers constructed of compatible material can be used to store waste;

(3) all containers must be:

(i) closed during storage;

(ii) handled, opened, and stored in a manner that prevents rupture of the container and prevents leaking;

(iii) marked with words identifying its contents, and the date waste is first placed in the container; and

(iv) stored in areas that have secondary containment systems adequate to contain the quantity of all containers stored in that storage area. Leaked waste and spills must be removed immediately upon detection, and accumulated precipitation must be removed in a timely manner.

(c) Waste storage of more than two days must occur in an enclosed structure. Waste stored in an enclosed structure at the facility must be kept on-site for a period not to exceed 180 days, provided the storage capacity of the structure and facility are not exceeded.

(d) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. Incompatible waste must be stored separately. Incompatible, ignitable, and reactive wastes must be stored at least 50 feet from the property boundary.

(e) Inspections, including evaluation of leaks, container integrity, and condition of secondary containment systems, must be conducted at least weekly.

(f) Aisle space must be maintained to allow the unobstructed movement of personnel, fire protection equipment, and decontamination equipment to any area of facility operation.

(g) All HHW or CESQG wastes must be transported from the collection facility by a transporter permitted to transport hazardous waste under Part 364 of this Title. HHW collected at satellite collection events can be transported by the program sponsor to the permitted facility without need for a waste transporter permit issued under Part 364 of this Title.

(h) The transportation of HHW or CESQG waste, or both, must be accompanied by shipping documents or manifests. The identity of the program sponsor and date(s) of collection, the intended receiving facility, the volume, the waste type, and the hazard class of the waste must be listed on the shipping document.

(i) All HHW and CESQG waste must either be reused or managed as hazardous waste at a facility properly permitted or authorized to accept hazardous waste.

(j) A copy of the emergency response plan required by section 362-4.3(e) of this Subpart must be kept at the facility.

(k) Any satellite collection event held in association with a permit issued under this Subpart must meet the following criteria:

(1) the program sponsor must complete a collection event plan that must be available while the collection event takes place. The collection event plan must include:

(i) the procedures that will be used to ensure that all collected waste comes from households or CESQGs;

(ii) waste determination, handling, and packaging procedures, including segregation of wastes based on their chemical and physical properties and proper packaging, labeling, manifesting, and preparation of the waste for shipment;

(iii) identification of the individuals who will be present during collection hours to implement the procedures identified in subparagraph (ii) of this paragraph and their qualifications;

(iv) a spill prevention and control plan;

(v) a collection event-specific emergency response plan; and

(vi) a security plan;

(2) all wastes must be removed from the satellite collection event site within three days of collection, and the site must be returned to its original condition after the collection event is complete;

(3) all wastes must be properly packaged to prevent reactions, spills or leaks and labeled as “Household Hazardous Waste” or “CESQG Waste”, as applicable;

(4) the transportation of HHW and CESQG waste from a satellite collection event must be accompanied by shipping documents or manifests. The identity of the program sponsor, the date(s) of collection, the intended receiving facility, the volume, the waste type and the hazard class of the waste must be listed on the shipping document;

(5) all HHW and CESQG waste must either be reused or be managed as hazardous waste at a facility properly permitted or authorized to accept hazardous waste.

6 CRR-NY 362-4.4

6 CRR-NY 362-4.5

6 CRR-NY 362-4.5

362-4.5 Recordkeeping and reporting requirements.

The following criteria apply to both registered events and permitted facilities:

(a) The facility or collection event must keep records as required by section 360.19(k) of this Title. In addition, the following records must be kept:

(1) for each container into which other containers of HHW or CESQG waste are placed, a log must be kept that notes the beginning date of accumulation and the date the container became full;

(2) for each container into which consolidated HHW or CESQG waste is placed, a log must be kept that notes the beginning date of accumulation and the date the container became full;

(3) a log that lists each container stored at the facility or collection event, and includes waste type, hazard class, beginning and ending accumulation dates, and location; and

(4) copies of shipping documents or manifests.

(b) A facility or collection event regulated under this Subpart must submit an annual report in conformance with section 360.19(k)(3) of this Title.

6 CRR-NY 362-4.5