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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 364. WASTE TRANSPORTERS

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(Statutory authority: Environmental Conservation Law, §§ 1-0101, 3-0301, art. 17, titles 3, 5, 7, 8, art. 27, titles 1, 3, 7, 9, 10, 13, 15, 27-1901, art. 70, title 1, art. 71, titles 27, 35, 40, 72-0502)

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TITLE 6. DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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PART 364. WASTE TRANSPORTERS

SUBPART 364-1. GENERAL

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364-1.1 Purpose.

It is the purpose of this Part to protect the environment from mishandling and mismanagement of all regulated wastes transported from the site of generation to the site of ultimate treatment, storage or disposal and to prevent a discharge of wastes into the environment, whether accidental or intentional, except at a site approved for the treatment, storage or disposal of the wastes.

6 CRR-NY 364-1.1

6 CRR-NY 364-1.2

6 CRR-NY 364-1.2

364-1.2 Applicability.

This Part governs the transport of regulated waste originating or terminating at a location in New York State. Definitions applicable to this Part are found in Part 360 of this Title. For the purposes of this Part, *regulated waste* means any of the following types of waste:

- (a) Raw sewage, which includes portable toilet waste.
- (b) Septage.
- (c) Materials contaminated by raw or partially-treated sewage or septage.
- (d) Sludge from a wastewater or water supply treatment plant.
- (e) Industrial-commercial waste that originates at, is generated by, or occurs as a result of any industrial or commercial activity. *Industrial-commercial waste* includes, but is not limited to:
 - (1) liquids such as acids, alkalis, caustics, leachate, petroleum (and its derivatives), and process or treatment wastewaters;
 - (2) sludges that are semi-solid substances resulting from process or treatment operations, or residues from storage or use of liquids;
 - (3) solidified chemicals, paints, or pigments;
 - (4) the end-products or by-products of incineration or other forms of combustion, including ash;
 - (5) foundry sand;
 - (6) drilling and production waste;
 - (7) navigational dredged material;

- (8) contained gaseous materials;
 - (9) waste from commercial operations such as stores, offices, restaurants, etc.;
 - (10) construction and demolition (C&D) debris generated or transported by an industrial or commercial business;
 - (11) fill material generated by commercial or industrial activities; and
 - (12) friable asbestos-containing waste.
- (f) Waste tires.
 - (g) Waste oil.
 - (h) Regulated medical waste (RMW), and wastes regulated under Subpart 365-3 of this Title.
 - (i) Source-separated household hazardous waste (HHW) transported from a collection event or site or by a commercial business.
 - (j) Infectious waste subject to Subpart 365-3 of this Title.
 - (k) Hazardous waste as defined in Part 371 of this Title.

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SUBPART 364-2. EXEMPTIONS

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6 CRR-NY 364-2.1

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364-2.1 Exempt transport.

In addition to the exemptions provided in section 360.14 of this Title, the following are exempt from this Part:

- (a) Transport of waste by rail, water and air carriers.
- (b) Transport of the following wastes, provided no other regulated waste is intermixed, contained in or otherwise included with the waste:
 - (1) Residential and institutional waste except raw sewage or septage.
 - (2) Source-separated HHW self-transported from a household to a HHW collection event or permitted HHW collection facility.
 - (3) Waste generated from agricultural operations provided any waste pesticides are transported by the farmer to a department-approved HHW or pesticide collection event site.
 - (4) Waste transported by farm vehicles for use on a farm.
 - (5) Regulated waste in quantities less than or equal to 2,000 pounds in any single shipment, (other than wastes identified in paragraphs [7]-[9] of this subdivision), except hazardous waste or source-separated HHW, RMW, C&D debris including restricted-use fill, limited-use fill, and contaminated fill material, general fill generated in the City of New York, and non-exempt drilling and production waste.
 - (6) C&D debris in quantities less than or equal to 10 cubic yards in any single shipment leaving a construction and demolition debris handling and recovery facility except for fill material, residues, and material which does not meet the requirements of a beneficial use determination (BUD) specified in section 360.12 of this Title.
 - (7) Universal waste as defined in Part 370 of this Title in quantities less than 500 pounds in any single shipment, unless otherwise specified in this Part.
 - (8) Waste generated and transported by a conditionally exempt small-quantity generator pursuant to section 371.1(f) of this Title, provided that no more than a total of 220 pounds (100 kilograms) of hazardous waste and no more than 2.2 pounds (one kilogram) of acute hazardous waste are transported during any calendar month.
 - (9) Elemental mercury and dental amalgam waste regulated pursuant to Subpart 374-4 of this Title, generated at dental facilities and destined for mercury recovery.

- (10) Electronic waste directed for scrap metal recycling under section 371.1(g)(1)(iii)(b) or (e)(1)(xiii) of this Title.
- (11) Lead-acid and rechargeable batteries destined for recycling as defined in Part 370 of this Title.
- (12) Consumer products in transit that have been determined by an appropriate State or Federal official or agency to be unsuitable for their intended use and for which the official or agency has directed the immediate transport of those products for management at an authorized facility.
- (13) Material that has an approved BUD in accordance with sections 360.12 and 360.13 of this Title, at the point that the BUD approval indicates that the material is no longer a solid waste.
- (14) Oil, gas, solution mining, stratigraphic, brine disposal and geothermal well cuttings that are rock chips, fragments and/or fines generated during drilling which are uncontaminated by drilling and completion fluids including any additives.
- (15) Non-hazardous bottom and fly ash from municipal solid waste combustors.
- (16) RMW transported by emergency rescue vehicles, a blood service collection vehicle or a vehicle operated by a public health nurse or veterinarian in the conduct of routine business, where the transportation of the waste is incidental to the primary function of the vehicle. The RMW must be transported to a RMW management facility regulated by the department or the Department of Health.
- (17) RMW in quantities less than 50 pounds in a single vehicle by private parcel delivery systems or by the United States Postal Service, provided the transporting entities comply with the packaging, labeling, tracking document and other transport requirements of the USDOT for the waste.
- (18) RMW in quantities less than 50 pounds in a single vehicle, contaminated with a radioisotope and transported by an employee or courier of a radiopharmacy registered in accordance with Part 365 of this Title, provided that the RMW is returned to the dispensing radiopharmacy.
- (19) Medical devices intended to be reprocessed or remanufactured provided the transportation complies with USDOT regulations.
- (20) Household sharps in quantities less than 50 pounds in a single vehicle, provided the vehicle is owned and operated by a participant in the Department of Health Safe Sharps Collection Program.
- (21) Regulated waste transported by a law enforcement agency to an authorized facility.
- (22) Regulated wastes transported during an explosives or munitions emergency response as defined in section 370.2(b) of this Title conducted in accordance with section 373-1.1(d)(1)(xiii)(a)(4) of this Title.

(23) Regulated waste transported by a public utility, public railroad service, or public transportation agency when the transportation of the waste is incidental to the primary function of the transport vehicle. This exemption extends to entities contracted to conduct work for a public utility, public railroad service or public transportation agency when the work is conducted in accordance with that agency's contract documents and specifications.

(24) Waste transported wholly on-site at the point of origination, generation, or occurrence of the waste.

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PART 364. WASTE TRANSPORTERS

SUBPART 364-3. REGISTRATIONS

6 CRR-NY IV B 364 364-3 Notes

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6 CRR-NY 364-3.1

6 CRR-NY 364-3.1

364-3.1 Applicability.

This Subpart applies to the following persons, who are not otherwise exempt from this Part.

(a) A transporter of less than 50 pounds of RMW per month, provided:

(1) the transporter is the generator of the RMW;

(2) the waste is packaged and marked in accordance with Part 365 of this Title; and

(3) the waste is transported to a facility authorized to accept the waste.

(b) A transporter of source-separated HHW in single shipments of 50 pounds or less.

(c) A transporter of commercial solid waste, other than C&D debris including restricted-use fill, limited-use fill and contaminated fill material and general fill generated in the City of New York in quantities greater than 2,000 pounds in a single shipment.

(d) A transporter of C&D debris in quantities greater than 10 cubic yards in a single shipment.

(e) A transporter of sharps from a household medical waste sharps collection facility.

6 CRR-NY 364-3.1

6 CRR-NY 364-3.2

6 CRR-NY 364-3.2

364-3.2 Registration requirements and standards.

The requirements contained in Part 360.15 of this Title do not apply to this Subpart.

(a) Registrations are ministerial actions for the purposes of Part 617 of this Title and are not subject to Part 621 of this Title.

(b) Except as otherwise exempt by this Part and Part 360, any person identified in section 364-3.1 of this Subpart must not engage in the transportation of waste without a registration issued pursuant to this Part.

(c) Transporters subject to registration under this section must submit an application for registration on forms prescribed by the department.

(d) A transporter must furnish to the department any information requested by the department to determine compliance with the registration requirements.

(e) Registrations issued pursuant to this Subpart, except those registrations issued pursuant to section 364-4.1(b) of this Part, are valid for one year from the effective date of the registration. Registrations issued pursuant to section 364-4.1(b) of this Part shall run concurrently with the term of the associated permit.

(f) Registrations are not transferable.

A registration issued pursuant to this Subpart is only valid for the registrant identified on the registration application submitted to the department. A change of ownership of the registrant invalidates the registration.

(g) A transporter subject to registration under this Subpart who also transports waste subject to permitting under Subpart 364-4 of this Part must still obtain a permit for the transport of those types of waste.

(h) Registered transporters are not subject to the payment of environmental regulatory fees, as defined by ECL article 72, for waste transported subject to a registration issued pursuant to this Subpart.

(i) A registration may be denied, revoked, or suspended based upon the unsuitability of the applicant as provided in section 360.15(b) of this Title.

(j) A registration may be denied, revoked, or suspended, or the processing of a registration application may be suspended, if the transporter has been determined to have violated any terms of the registration, the ECL, or any regulation or standard promulgated pursuant thereto.

6 CRR-NY 364-3.2

6 CRR-NY 364-3.3

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364-3.3 Operating requirements for registered transporters.

In lieu of the operating requirements identified in section 360.19 of this Title, a waste transporter required to obtain a registration must operate in compliance with the following criteria:

(a) The transporter must carry in the transport vehicle a legible paper copy, or other format approved by the department, of the most recent registration issued pursuant to this Part. The transporter must present the registration and any required waste tracking documentation relating to the waste being transported to authorized representatives of the department or to any law enforcement officer upon request.

(b) Each transport vehicle used by a registered transporter for activities regulated under this Part, must display the name of the registered transporter on both sides of the transport vehicle and the registration number of the transporter on both sides and the rear of the transport vehicle in numbers and letters at least three inches high and in a color that contrasts with the vehicle's background color.

(c) The department may require or conduct inspections of transport vehicles as a condition of application approval or during the life of the registration.

(d) All wastes must be properly contained during transport to prevent any type of discharge to the environment.

(e) Each receiving facility must be a facility authorized to accept the waste pursuant to the requirements of the ECL and applicable regulations or a facility outside the jurisdiction of New

York State authorized to operate within the state or jurisdiction where the facility is located or otherwise exempt within that State or jurisdiction.

(f) The transporter of RMW, C&D debris including, restricted-use fill, limited-use fill, and contaminated fill material, and general fill generated in the City of New York, and non-exempt drilling and production waste must comply with the tracking documentation requirements in Subpart 364-5 of this Part.

(g) A certificate of treatment form must accompany treated RMW.

Treated RMW is considered commercial waste for the purposes of this Part.

(h) The transporter must comply with the recordkeeping and reporting requirements in Subpart 364-5 of this Part.

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SUBPART 364-4. PERMITS

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6 CRR-NY 364-4.1

6 CRR-NY 364-4.1

364-4.1 General.

(a) In lieu of the permit provisions provided in section 360.16 of this Title, with the exception of section 360.16(e)(5) of this Title which remains applicable to this section, all persons who

transport regulated waste originating or terminating at a location in New York State, except those otherwise exempt or subject to the registration provisions of this Part, must obtain a permit before transporting regulated waste under the provisions of this Subpart.

(b) A transporter required to obtain a permit under this Part who also conducts transport activities subject to registration under Subpart 364-3 of this Part must also obtain a registration for those transport activities eligible for registration. Registrations obtained simultaneously with new permits or in addition to existing permits will be a rider to the associated permit. A registration rider obtained in conjunction with a permit will expire on the same date as the expiration date of the permit.

(c) All applications for permits must be submitted on forms prescribed by the department and in either an electronic format acceptable to the department or print.

(d) Applications for new permits must be signed as required in subdivision 364-4.2(a) of this Subpart.

(e) Applications for permit renewal or permit modification must be signed by a person duly authorized by the permittee.

(f) Permit applications must contain sufficient detail for the department to determine:

(1) eligibility of the applicant for permitting; and

(2) suitability of the receiving facilities for the waste types requested.

(g) An environmental regulatory fee is required for permit applications, pursuant to ECL article 72, title 5.

6 CRR-NY 364-4.1

6 CRR-NY 364-4.2

6 CRR-NY 364-4.2

364-4.2 Application procedures for new permits.

(a) Permit applications must be signed by the applicant as follows:

(1) corporations: by a duly authorized principal executive officer of at least the level of vice president;

(2) partnership or limited partnership: by a general partner;

(3) sole proprietorship: by the proprietor; or

(4) a municipal, State, or other governmental entity: by a duly authorized principal executive officer or elected official.

(b) Permit applications must include, at a minimum, the following information:

(1) the name and date of birth of the applicant's signatory;

(2) full contact information for the applicant;

(3) as appropriate, proof of incorporation, doing business as (DBA) filing, or other appropriate documentation identifying the name under which the applicant may legally conduct business;

(4) a description of the types of waste to be transported;

(5) the license plate number and state or province of registration for each transport vehicle that will be used to transport regulated waste;

(6) the address of the primary physical location where the applicant will store the transport vehicles when not in use;

(7) the name, address, and other contact information deemed relevant by the department for all receiving facilities that will be used;

(8) documentation necessary to demonstrate that the proposed receiving facilities are authorized as identified in subdivision 364-4.6(e) of this Subpart;

(9) for hazardous waste or waste oil, documentation of the transporter's EPA identification number;

(10) proofs of insurance from an authorized insurance company including automobile and general liability insurance and additional environmental liability insurance, if required;

(11) the addresses and descriptions of transfer facilities or on-vehicle storage facilities owned or operated by the transporter; and

(12) any other information required by the department to demonstrate compliance with article 27, title 3 of the ECL.

(c) The department may require or conduct inspections of transport vehicles as a condition of application approval or during the life of the permit.

6 CRR-NY 364-4.2

6 CRR-NY 364-4.3

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364-4.3 Application procedures for permit renewals.

- (a) Applications for permit renewals must be received by the department at least 30 days in advance of the expiration date of the existing permit.
- (b) If the complete permit renewal application is not received at least 30 days prior to permit expiration, the department may treat the application as a new permit application.
- (c) Annual reports must be submitted in accordance with Subpart 364-5 of this Part.
- (d) A renewal of a permit may be denied by the department for failure of the permittee to submit an annual report, as required by Subpart 364-5 of this Part.

6 CRR-NY 364-4.3

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364-4.4 Application procedures for permit modifications.

Applications for permit modifications must identify all proposed changes to the permit including changes in vehicle license plate numbers, additions or deletions of transport vehicles, changes in waste types, and identification of new or deleted receiving facilities.

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6 CRR-NY 364-4.5

6 CRR-NY 364-4.5

364-4.5 Emergency waste transporter permits.

- (a) Prior to issuing an emergency waste transporter permit, the department must:
 - (1) make a finding of emergency stating that the action is a natural, accidental, or intentional human caused-event or circumstance which presents an immediate threat to life, health, property, general welfare or natural resources, why the immediate action is needed and the consequences to life, health, general welfare, property or natural resources if the action is not immediately taken; and
 - (2) determine from the available information that the action will be carried out in a manner that will cause the least change, modification or adverse impact to life, health, property or natural resources.

(b) Only transporters that are able to comply with this Subpart may be issued emergency waste transporter permits or emergency waste transporter permit modifications.

(c) Any transporter requesting an emergency waste transporter permit must submit to the department the following:

(1) a description of the location and nature of the emergency, including why the situation is an emergency based on the immediate protection of life, health, general welfare, property or natural resources;

(2) the transporter's name, address and other relevant contact information;

(3) where applicable, a transporter's EPA identification number and evidence of appropriate training;

(4) the transport vehicle license number, state of vehicle registration, and proofs of insurance;

(5) the waste type and estimated quantity of waste to be transported;

(6) the anticipated dates transportation will occur;

(7) all anticipated receiving facilities' names and contact information, and in the case of hazardous waste transportation, the receiving facilities' EPA identification numbers;

(8) actions to be taken to minimize environmental impacts; and

(9) any additional information the department deems necessary to make a finding of an emergency.

(d) Emergency waste transporter permits may include additional requirements with respect to waste handling, training, transport, storage and final disposal of the waste. The department may attach conditions to emergency waste transporter permits and enforce them to assure compliance with the authorization and other regulatory standards that would apply to such actions absent an emergency. These requirements will be determined by the department on a case-by-case basis prior to issuance of the permit.

(e) An emergency permit may be issued for a term not to exceed 30 days and may be renewed for one term not to exceed 30 days.

(f) Tracking documents required under this Part must be filed with the department within 30 days of the completion of waste transport.

(g) The department may waive one or more specific requirements contained in this section if, on the basis of the specific circumstances of the emergency:

(1) the requirement will unduly burden the department's protection of life, health, general welfare, property or natural resources or the department's response to the emergency; and

(2) the waiver of the requirement would have no significant impact on the public health, the environment or natural resources.

6 CRR-NY 364-4.5

6 CRR-NY 364-4.6

6 CRR-NY 364-4.6

364-4.6 Permitting requirements and standards.

(a) Permits issued pursuant to this Subpart are valid for one year from the effective date of the permit.

(b) Permits are not transferable.

A permit issued pursuant to this Subpart is only valid for the permittee identified on the permit application submitted to the department. A change of ownership of the permittee invalidates the permit.

(c) All applicable environmental regulatory fees must be paid annually or whenever a modification to the permit is made that increases the number of transport vehicles or the number of vehicles authorized to transport industrial-commercial waste. Failure to pay the required environmental regulatory fees annually, submit copies of current insurance certificates, permit modifications, annual reports, or a timely permit renewal, is sufficient cause for the department to suspend or revoke the permit.

(d) Failure to request a permit modification to add additional vehicles, change vehicle storage locations, or change receiving facilities is sufficient cause for the department to suspend or revoke the permit.

(e) Each receiving facility must be a facility authorized to accept the waste pursuant to the requirements of the ECL and applicable regulations or a facility outside the jurisdiction of New York State authorized to operate within the state or jurisdiction where the facility is located or otherwise exempt within that state or jurisdiction.

(f) A permit application may be denied, revoked, suspended or modified if a receiving facility has been determined to have violated any law, rule or regulation or permit condition related to the operation of its treatment, storage or disposal facility or if the receiving facility is not authorized to receive the types of waste listed on the application.

(g) A permit application may be denied, revoked, suspended or modified based upon the unsuitability of the applicant under the provisions of ECL sections 27-0305 and 27-0913.

(h) A permit application may be denied, revoked, suspended or modified, or the processing of a permit application may be suspended, if the transporter has been determined to have violated any terms of the permit, the ECL, or any regulation or standard promulgated pursuant thereto.

6 CRR-NY 364-4.6

6 CRR-NY 364-4.7

6 CRR-NY 364-4.7

364-4.7 Insurance requirements.

(a) Evidence of insurance coverage as set forth in 49 CFR part 387, as incorporated by reference in section 360.3 of this Title, must be provided to the department.

(b) Automobile insurance must be maintained.

(c) All insurance must be endorsed by an insurer authorized to do business in New York State.

(d) Policies of insurance and endorsements required under this section must remain in effect continuously throughout the term of the permittee's waste transporter permit.

(e) Policies of insurance required under this section may be replaced by insurance from another provider during the term of the permit, provided proof of insurance is provided to the department. A change of insurance provider does not require a modification of the permit.

6 CRR-NY 364-4.7

6 CRR-NY 364-4.8

6 CRR-NY 364-4.8

364-4.8 Operating requirements for permitted transporters.

The following operating requirements apply to transporters subject to the permitting requirements of this Part:

(a) Transport vehicles for regulated waste must include a cargo-carrying portion that is enclosed and secured except when loading or unloading regulated waste.

(b) Except for self-transport described in section 364-2.1(b)(2) of this Part, source-separated HHW must be transported by a transporter permitted to transport hazardous waste.

(c) Regulated waste must only be delivered to a receiving facility authorized to accept the waste and such receiving facility must be designated on the transporter permit.

(d) Transporters must only deliver waste to the receiving facility identified on the waste tracking document, if a waste tracking document is required. In cases where the receiving facility specified on the waste tracking document is unable to accept the waste, the transporter may elect, upon notification to the generator, to either deliver the waste to an alternate receiving facility for that waste type listed on the transporter's permit or to return the shipment to the generator.

(e) Waste requiring a tracking document must be kept separate from waste not requiring a tracking document.

(f) The operator of any transport vehicle used for activities covered by this Part must carry a legible paper copy, or other format approved by the department, of the most recent permit issued in the transport vehicle. The operator must present the permit, together with associated waste tracking documents, to authorized representatives of the department or to any law enforcement officer upon request.

(g) Each transport vehicle used by a permitted transporter for activities regulated under this Part, must display the name of the permitted transporter in a prominent position on both sides of the permitted transport vehicle and the permit number of the transporter in prominent position on both sides and the rear of the transport vehicle in numbers and letters at least three inches high and in a color which contrasts with the background color.

(h) A permittee must conspicuously mark or placard every transport vehicle, in a manner consistent with article 2, section 14-f of the New York State Transportation Law and any rules and regulations promulgated thereunder and any related Federal requirements, related to the transportation of the regulated waste and its principal hazard.

(i) All wastes must be properly contained during transport so as to prevent any type of discharge to the environment.

(j) All waste must be properly secured within the transport vehicle during transport to prevent movement or leakage within the transport vehicle during transport.

(k) All waste containers must be oriented in an appropriate manner, as marked on any container, to ensure proper transportation and to avoid spillage or leakage during transport.

(l) The operator of any transport vehicle used for activities covered by this Part must remain with the transport vehicle while it is being loaded or unloaded unless otherwise approved by the department.

(m) Permitted transport vehicles, other than the driver's compartment, are restricted to the transportation of materials not intended for human or animal consumption or for other use by the general public except when properly cleaned or disinfected in accordance with all applicable Federal and State regulations governing decontamination.

(n) Any transporter of hazardous waste must also comply with all applicable requirements of Part 372 of this Title. Prior to transport of hazardous waste from a hazardous waste generator, the

transporter must provide in writing, to the generator, a statement or proof that the transporter is authorized to deliver the hazardous waste to the designated treatment, storage, or disposal facility. Any transporters who provide a pre-printed manifest to a generator, shipper, or offeror of regulated waste must ensure that all information is correct and clearly legible on all copies of the manifest.

(o) All transport vehicles, including bulk packages and containers used in transporting regulated waste must be kept in a sanitary condition.

(p) Each transporter must also comply with applicable USDOT hazardous materials requirements set forth in 49 CFR 173.196 and 173.197, and 173.199, as incorporated by reference in section 360.3 of this Title, including but not limited to, packaging, labeling, marking and use of appropriate tracking documents pertaining to the regulated waste authorized for transport.

(q) The transporter must comply with the tracking documentation requirements in section 364-5.1 of this Part.

(r) The transporter must comply with the recordkeeping and reporting requirements in section 364-5.2 of this Part.

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6 CRR-NY 364-4.9

364-4.9 Additional operating requirements for transporters of RMW.

In addition to the operating requirements of section 364-4.8 of this Subpart, all transporters of RMW must comply with the following requirements:

(a) Any employee of a transporter who transports these wastes must be trained a minimum of every three years in the proper handling of hazardous materials in accordance with the requirements set forth in 49 CFR 172.602 and 172.704, and 29 CFR 1910.120 and 1910.1200 as incorporated by reference in section 360.3 of this Title, before handling the waste. Transporters are also required to maintain documentation on employee training, packaging instructions, emergency response procedures and copies of incident reports.

(b) Transporters must not accept for transport any waste unless the outer surface of the container is labeled and marked in accordance with the requirements of Part 365 of this Title and there is no visible sign of leakage or loss of package integrity. Packages that leak during transport must be reported to the department within 48 hours.

(c) The transport vehicle must:

(1) have a fully enclosed, lockable, cargo-carrying body that is locked at all times except during loading and unloading operations;

(2) not subject the waste to mechanical stress or compaction during loading, unloading, or transit;

(3) have cargo-carrying bodies in good sanitary condition; and

(4) have a secondary containment system sufficient in size to contain the volume of the largest container of liquid being transported.

(d) Transport vehicles that are removed from service must be decontaminated or disinfected and records of the decontamination or disinfection must be maintained for a period of three years.

(e) Each transporter using a bulk package for RMW must have written protocol and a system for tracking and inspecting each bulk container for its integrity, examination of door seals, disinfection and cleaning, and ensuring tight closures and seals on all access doors.

(f) Treated waste must be accompanied by a completed certificate of treatment form in accordance with Part 365 of this Title.

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SUBPART 364-5. RECORDKEEPING AND REPORTING REQUIREMENTS

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6 CRR-NY 364-5.1

6 CRR-NY 364-5.1

364-5.1 Waste tracking document applicability and requirements.

(a) Applicability.

The provisions of this section apply to the following:

(1) All transporters registered or permitted pursuant to this Part that transport RMW, restricted-use fill, limited-use fill, and contaminated fill material, and non-exempt drilling and production waste must comply with this Subpart.

(2) Transporters of C&D debris, including general fill, generated in the City of New York must comply with this Subpart.

(b) Requirements.

(1) A waste tracking document must be completed for each shipment of waste. The waste tracking document must be in a form prescribed or approved by the department.

(2) Transporters must not accept a shipment of waste from a generator unless accompanied by a properly completed waste tracking document. The waste tracking document must be legible and the document certification must be signed and dated by an authorized representative of the generator. The waste tracking document certification shall state:

I certify, under penalty of law, that the information provided in this waste tracking document has been prepared under my direction and supervision and further certify that the information contained herein is true and accurate. I am aware that any false statement made on this form is punishable pursuant section 210.45 of the Penal Law.

(3) Transporters must not accept a shipment of waste that does not match the quantity or type of waste listed on the waste tracking document. In cases where volume or weight of waste is unknown, waste tracking documents must reflect that the quantity of waste being shipped is estimated.

(4) Transporters must have the waste tracking document signed by the receiving location or facility upon delivery of the waste and provide a copy of the tracking document to the receiving location or facility.

(5) All transporters of restricted-use fill, limited-use fill, and contaminated fill material, and non-exempt drilling and production waste and those transporters subject to paragraph (a)(2) of this section must provide copies of waste tracking documents signed by the receiving location or facility to both the generator and the department within 15 days of waste delivery to the receiving location or facility.

(6) Transporters of RMW that consolidate or re-manifest shipments of waste from multiple generators in a new single tracking document must retain a copy of each generator's original tracking document and maintain a consolidation log indicating all shipments consolidated or re-manifested on the new waste tracking document. A copy of the generator's original tracking document and the log that includes the following information must accompany the new tracking document:

- (i) name, address and telephone number of each generator;
- (ii) quantity and date of shipment of RMW for each generator; and
- (iii) if applicable, the names and permit numbers of all previous transporters.

(7) Transporters of RMW must return a copy of each tracking document (including any consolidated or re-manifested documents) to the generator within 15 days of receipt of the document from the receiving facility.

(8) Tracking document discrepancies. Discrepancies including variations in the waste shipment, number of containers or volume, compromised packaging, or waste unaccompanied by a tracking document must be resolved as follows:

- (i) within 15 days of receiving the waste, a report must be filed with the department describing the discrepancy and the attempts the transporter has undertaken to reconcile it.

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364-5.2 Records retention and reporting.

All permitted and registered transporters must comply with this section.

(a) The transporter must keep records of all regulated waste transported for a period of not less than three years from the date the record was created. For each shipment of waste transported, the records must include, at a minimum:

- (1) the name, address and telephone number of the generator;
- (2) the location where the waste was picked up;
- (3) the name and physical location of the receiving facility;
- (4) a copy of the required waste tracking documents (if required);

(5) the quantity (by volume or weight) and specific type of waste shipped; and

(6) the date of shipment.

(b) Records of regulated wastes transported must be provided to the department within five business days of the department's request for the records. The refusal to provide any of the records or documents required to be maintained under this provision, established after an opportunity for a hearing, can result in revocation of any permits issued by the department or in revocation of the transporter's status as a registered or permitted transporter, as well as any other penalties as the law may provide.

(c) Transporters of regulated waste must submit an annual report to the department.

The annual reports must include, at a minimum, a complete listing of the amount of each category of regulated waste transported to each receiving facility. Annual reports must be submitted to the department:

(1) by March 1st of each year for the previous calendar year; and

(2) in any year in which a transporter's registration or permit expires, no later than 30 days after the date of permit or registration expiration.

(d) Transporters of regulated waste required to report to the department under this Part, or under the terms of any registration or permit issued under this Part, must make, sign, and submit with the report the following certification:

I certify, under penalty of law, that the data and other information identified in this report have been prepared under my direction and supervision in compliance with the system designed to ensure that qualified personnel properly and accurately gather and evaluate this information. I am aware that any false statement I make in such report is punishable pursuant to section 210.45 of the Penal Law.

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