



Department of
Environmental
Conservation

Revised Part 360 Series Solid Waste Management Facility Regulations

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NYSDEC

Part 360 Revised Series Structure

- **Regulations became effective on 11/4/17**

- Part 360 General Requirements
- Part 361 Material Recovery Facilities
- Part 362 Combustion, Thermal Treatment, Transfer, and Collection Facilities
- Part 363 Landfills
- Part 364 Waste Transporters
- Part 365 Regulated Medical Waste and Other Infectious Wastes
- Part 366 Local Solid Waste Management Planning
- Part 369 State Assistance Projects



Part 360

General Requirements

Part 360 – SWMF Program Structure

- **Exempt Facilities**
 - Established in regulation
 - No additional approval from DEC
- **Registered Facilities**
 - Facility types established in regulation
 - Operating requirements established in regulation
 - Ministerial Action: no SEQR or UPA
- **Permitted Facilities**
 - Permit application reviewed by DEC
 - Facility-specific special conditions can be applied
 - SEQR and UPA apply



Section 360.4

Transition

360.4 – Transition Requirements

- Existing registered facilities:
180 days to apply for a new registration, except for CDDHRFs which have 545 days (May 3, 2019)
- Existing permitted facilities:
Permit in effect continues until renewal or modification
- Existing exempt/registered facility now requiring permit:
Must have a complete application on file with the Department within 365 days, except for CDDHRFs which have 545 days (May 3, 2019)



Section 360.9

Prohibited Activities

360.9 – Prohibited Activities

- Construct or operate without an authorization
- Modify or expand an authorized facility without approval
- Allow management of waste in violation of ECL/360/Order
- Construct or operate a facility in violation of ECL/360/Order
- Dispose of or discard waste except at authorized facility
- Accept waste except at authorized facility
- **Broker or arrange for disposal of waste except at authorized facility**



Section 360.14

Exempt Facilities

360.14 – Exempt Facilities

- Management of waste (other than disposal) 1) at site of generation or 2) at another location **in the state** under the same ownership or control as the site of waste generation
 - For municipalities, applicable across agencies
 - Not available for 7 specific facilities (slaughterhouse waste composting, deconstructing manufactured homes, surface impoundments for coal ash, others)
- Non-putrescible waste storage on vehicle ≤ 10 days (with conditions)
- **Facility storing less than 1000 waste tires**
- Pharmaceutical waste collection (with conditions)

Section 360.15

Registered Facilities, Transporters and Collection Events

360.15 - Registered Facilities, Transporters and Collection Events

- Certain Facilities are eligible for registration instead of permitting
- Registrations are ministerial actions
- Required to submit a registration form **and declare the intended storage volumes and maximum throughput limits**
- **Registrations valid for 5 years** (except for waste transporters and HHW collection events)
- **Two or more registrations at the same site may require a permit if potential to cause significant adverse impacts exist**
- **Registered activity at a permitted facility may be required to be included facility's permit**
- Department may require financial assurance



Part 361

Material Recovery Facilities



Part 361 Material Recovery Facilities

Subpart 361-1 Recyclables Handling and Recovery Facilities

Subpart 361-2 Land Application and Associated Storage Facilities

Subpart 361-3 Composting and Other Organics Processing Facilities

Subpart 361-4 **Mulch Processing Facilities**

Subpart 361-5 Construction and Demolition Debris Handling and Recovery Facilities

Subpart 361-6 Waste Tire Handling and Recovery Facilities

Subpart 361-7 **Metal Processing and Vehicle Dismantling Facilities**

Subpart 361-8 **Used Cooking Oil and Yellow Grease Processing Facilities**

Subpart 361-9 **Navigational Dredge Material Handling and Recovery Facilities**



Subpart 361-1

Recyclables Handling and Recovery Facilities



361-1 – Recyclables Handling and Recovery Facilities – Exempt & Registered Facilities

Exempt Facilities

- Take-back sites operated by retailers or wholesalers for their products or similar of recycled
- Sites operated by government or not for profit organizations that take-back consumer goods for reuse or secondary marketing

Registered Facilities

- Facilities that accept 250 tons or less per day (weekly basis) of source-separated nonputrescible recyclables based on a weekly average and have a residue rate below 15%



361-1 – Recyclables Handling and Recovery Facilities

Operating Requirements:

- Only receive source-separated, nonputrescible recyclables
- Recyclables must be stored in a manner which maintains recyclability
- **BUD material can be stored without time restriction so long as storage volumes are not exceeded**
- **Storage of unprocessed/processed recyclables can be longer than 180 days with DEC approval**



Subpart 361-3

Composting and Other Organics Recycling Facilities

361-3 – Composting and Other Organics Recycling Facilities – Exempt Facilities

- On site of generation (no sanitary)
- < 1000 lbs per week SSO
- < 3000 cubic yards/yr Yard Trimmings
- Animal mortalities on a farm. No more than 10 per year if not on a CAFO
- Animal mortalities on property controlled by State or municipality
- Animal manure and bedding
- On a CAFO (no sanitary)



361-3 – Composting and Other Organics Recycling Facilities – Registered Facilities

- 3000 – 10,000 cubic yards/yr Yard Trimmings
- 5000 cubic yards of SSO per year
- Animal mortalities
- Digestate, if specified



Subpart 361-4

Mulch Processing Facilities

361-4 – Mulch Processing Facilities – Exempt Facilities

- On site of generation
- < 10,000 cubic yards provided the pile size criteria are followed and 10 feet is maintained between piles
- Storm debris from a disaster
- Quarantine materials related to invasive species



361-4 – Mulch Processing Facilities – Registered Facilities

- More than 10,000 cubic yards but less than 25,000 cubic yards, provided:
 - A program is in place to keep contaminated wood out
 - The facility does not accept C&D debris
 - Material is processed within 12 months
 - Pile sizes: Unprocessed/Rough Grind: 25' high x 30' wide
Double Grind/ Long Island: 15' high x 30' wide
 - Temperature monitoring, buffers, restacking to avoid temperatures above 140°F, runoff controls



Subpart 361-5

Construction & Demolition Debris Handling and Recovery Facilities

361-5 – C&D Debris Handling and Recovery Facilities – Registered Facilities

Facilities receiving **less than 500 tons/day** (weekly basis) of:

- Concrete, Brick, & Rock
- Asphalt Pavement or Millings
- Asphalt Roofing Shingles (no asbestos)
- Gypsum Wallboard
- Unadulterated, Uncontaminated Wood
- Uncontaminated Soil
- Restricted-Use Soil/Limited-Use Soil (cannot be combined with Uncontaminated Soil)
- Case-Specific BUD material derived from C&D Debris
- Combination of materials above



361-1 – C&D Debris Handling and Recovery Facilities

Operating Requirements:

- Throughput and storage volumes according to registration or permit
- Management of gypsum wallboard, mixed C&D Debris must be in an enclosed building (Existing facilities do not need to retrofit)
- Transportation from Registered and Permitted Facility requires Tracking Form - Fill material & non-BUD material
- Sampling of all residue and fill material leaving facility is required



Enforcement Discretion – March 1, 2018

Residue and fill material sampling:

Section 361-5.4(e) requires that all permitted construction and demolition facilities are required to perform certain sampling on any fill material or residue leaving the facility for reuse.

For existing facilities, the provision takes effect upon permit renewal or modification

The Department will utilize its enforcement discretion with respect to this provision to delay the enforcement of this sampling requirement until May 3, 2019 regardless of the timing of the permit issuance to the facility.



361-5 – C&D Debris Handling and Recovery Facilities

Operating Requirements:

- Storage of unprocessed/processed recyclables can be longer than 30 days/365 days with DEC approval
- 10 foot separation between storage piles (except concrete, asphalt, brick, rock) unless separated by bins or other structures
- Storage piles must not extend over property boundaries



Upcoming Part 360 Revisions

Clean-up rulemaking

- correct errors in 2017 revisions
- make adjustment based on implementation
- apply legislative changes since promulgation

Proposed rule expected later in 2018



Thank you