



**Department of
Environmental
Conservation**

Part 364 Waste Transporters

Effective November 4, 2017

Presented to:
Federation of New York Solid Waste Associations
Annual Conference - Lake George, NY

May 21, 2018

Michael A. Dauphinais, Jr.
Waste Transport & State Assistance Section
Bureau of Solid Waste Management
Division of Materials Management
625 Broadway, Albany NY 12233-7260

Part 364 Waste Transporters

Subpart 364-1 General

Subpart 364-2 Exemptions

Subpart 364-3 Registrations

Subpart 364-4 Permits

Subpart 364-5 Recordkeeping and Reporting



Subpart 364-1 General

Applicability:

- Raw Sewage, Septage, and Sludge (WWTP/PWTP)
- Industrial-Commercial Waste (includes C&D Debris)
- Waste Tires
- Waste Oil
- Regulated Medical Waste (RMW)
- Infectious Waste
- Household Hazardous Waste (HHW)
- Hazardous Waste



Subpart 364-1 General

Regulating Industrial-Commercial Waste

How Do The Regulations Define
Industrial, Commercial, Industrial-Commercial?



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As defined in Part 360:

Industrial waste means waste generated by manufacturing or industrial processes.

Commercial waste means waste that is not residential waste, institutional waste or industrial waste and is discarded from stores, offices, restaurants, warehouses and other nonmanufacturing activities.



Subpart 364-1 General

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As defined in Part 364:

“Definitions applicable to this Part are found in Part 360 of this Title.”



Subpart 364-1 General

Regulating Industrial-Commercial Waste

Question:

So why does Part 364 use the term “industrial-commercial waste”?



Subpart 364-1 General

Regulating Industrial-Commercial Waste

Question:

So why does Part 364 use the term “industrial-commercial waste”?

Answer:

Because the enabling legislation says so!

ECL Title 3 of Article 27

Section 27-0303. Definitions

“Industrial-commercial waste” means a waste which originates at, is generated by, or occurs as a result of any industrial or commercial activity.



Subpart 364-1 General

So What Is Industrial-Commercial Waste?

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

- liquids such as acids, alkalis, caustics, leachate, petroleum (and its derivatives), and process or treatment wastewaters
- sludges that are semi-solid substances resulting from process or treatment operations, or residues from storage or use of liquids
- **construction and demolition (C&D) debris generated or transported by an industrial or commercial business**
- waste from commercial operations such as stores, offices, restaurants, etc.
- the end-products or by-products of incineration or other forms of combustion, including ash
- **fill material generated by commercial or industrial activities**
- solidified chemicals, paints, or pigments
- navigational dredged material
- drilling and production waste
- friable asbestos-containing waste
- contained gaseous materials
- foundry sand



Subpart 364-2 Exemptions

- Transportation by rail, water or air
- Residential & industrial waste (exclusions apply)
- **HHW (source-separated & self-transported to authorized event/facility)**
- Non-hazardous bottom & fly ash
- Public utility, railroad and **transportation agency wastes (conditions apply)**
- RMW <50 lbs/shipment (criteria apply)
- Waste transported by farm vehicles for use on a farm
- **C&D debris ≤10 cubic yards/shipment**
- Regulated waste ≤2,000 lbs/shipment (exclusions apply)
- Uncontaminated well cuttings
- Approved BUD materials
- Ag waste



Subpart 364-3 Registration

Required for transportation of:

- RMW <50 lbs/month (must meet specific criteria)
- HHW ≤50 lbs/shipment (source-separated), not self-transported
- Sharps from a household medical waste sharps collection facility
- Commercial solid waste, other than C&D debris
>2,000 lbs/shipment
- C&D debris (incl. all fill categories except general fill o/s NYC)
>10 cubic yards/shipment



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Fee: None

Subpart 364-4 Permits

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 - **Non-haz industrial-commercial waste >2,000 lbs/shipment**
 - Sewage, septage, sludge, portable toilet waste
 - Hazardous industrial-commercial waste
 - Waste tires
 - Asbestos (friable)
 - Waste oil
 - Gas and oil well production wastes



Subpart 364-5 Reporting & Recordkeeping

Waste Tracking Documents

Statewide required for:

- RMW; restricted-use, limited-use & contaminated fill; and non-exempt drilling & production waste

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NYC required for:

- All of the above; and
- General fill, non-fill category C&D debris

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Waste Tracking Documents

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- Records must be retained by transporter for 3 years

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Reporting

- Annual reports due by March 1

Questions?

Waste Transporter Program
(518) 402-8792
transport@dec.ny.gov

Mike Dauphinais
(518) 402-8772
michael.dauphinais@dec.ny.gov



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